

MEMORANDUM

FOR: Ancram Town Board
FROM: Hugh Clark, Chair, Zoning Revisions Committee
SUBJECT: Recommended Zoning Ordinance Amendments—*3d Package*
DATE: 20 June 2012

The ZRC was appointed to “bring the Town’s zoning and subdivision laws into alignment with the Comprehensive Plan.” Other points of guidance stated that “the Zoning Revisions Committee should review and revise zoning, subdivision, site plan and other land use laws to bring them into alignment with the new Comprehensive Plan” and “identify all town laws pertaining to land use and consolidate them in a single Land Use Laws document.”

As reported to the Town Board on 14 April 2010, the ZRC is revising the 1972 Zoning Ordinance section by section and, as appropriate, may submit several sections together as one package for Town Board action. After all sections have been revised and adopted as individual amendments to the current ordinance, the complete compendium of revisions will be organized and submitted for adoption as a single, coherent local law.

After extensive deliberation and consultation with advisor Nan Stolzenburg, the ZRC recommends that the Ancram Town Board adopt the attached amendments:

- Section II: Establishment of Districts, which includes new
 - Section II E: Floating Business District
- Section III: Use Regulations
- Section IV B: Area and Bulk Regulations: Density Control Schedule
- Section IV I: Density Bonuses
- Section V J: Special Use Permits
- Section VI: Non-Conforming Uses, Buildings and Lots

These revised sections constitute the third package of amendments completed by the ZRC.

The following summary highlights features of the original 1972 zoning ordinance, the recommended revisions, and how amendments correlate to the Comprehensive Plan:

Section II: Establishment of Districts

The current zoning ordinance establishes five general zoning districts (Rural Residence, Low Density Residence, Hamlet Residence, General Business, and Light Industrial) and two special districts (Mobile Home Park and Area of Flood Concern, plus the Scenic Corridor Overlay Zone per LL#1 of 2003), locates them on a zoning map, and explains how to interpret boundaries if uncertainty exists. There is no explanation of the purpose for which each district exists.

The recommended amendments designate nine zoning districts (a Residential District in each hamlet, a Business/Residential District in Ancram and Ancramdale hamlets, Agricultural District, Lower Rhoda Residential District, Carson Road Residential District, and a Light Industrial District) and two special districts (Floating Business District, Area of Flood Concern), plus the Scenic Corridor Overlay Zone per LL#1/2003. The amendment states the purpose for each type of district and provides an updated zoning map defining the location of each district. Subsections II C and D, explaining how to interpret boundaries, remain the same as the current ordinance.

Establishment of the Hamlet Districts, Ag District, Lower Rhoda and Carson Road Districts, and Floating Business District responds directly to Comp Plan guidance at Detailed Strategies 1.1, 6.3, 6.4, 6.5, 7.2, 7.10, 7.14, 8.6, 8.8, 8.14, 8.16 and elsewhere.

Section III: Use Regulations

Use regulations identify structures and activities that may or may not occur in each zoning district; or may occur subject to review, approval, or certain conditions.

The current use regulations identify 90 uses within five broad categories: residential, general, accessory, business, and industrial. Most are quite general and many require applicants and the Planning Board to interpret intent.

Recommended amendments designate 263 uses, many of which did not exist when the current ordinance was adopted in 1972. Those uses are grouped within seven categories: residential, residential accessory, residential-commercial, commercial agricultural, ag-related commercial, business, industrial, and public/civic. Most amended uses are quite precise, thereby aiding applicants and the Planning Board by reducing the need for interpretation. Consistent with Comp Plan guidance, the amended use table underscores the role of home occupations: those with low impact upon neighbors and the community are broadly permitted. Concurrently, it nudges business uses toward the hamlet business/residential districts as the hubs of commercial enterprise in the community. While protecting Ancram's precious water supplies and the town's agricultural priorities, the recommended use table also recognizes the value of small businesses that prosper and provides an outlet for such growth via the Floating Business District.

When deliberating about uses, the ZRC considered Comp Plan guidance at 1.13, 1.14, 2.1, 2.2, 2.6, 2.22, 6.1, 7.1, 7.2, 8.10, 8.11, 8.12, 8.13, 8.14, 9.16, 9.19 and elsewhere.

Section IV B: Area and Bulk Regulations: Density Control Schedule

The density control schedule in the current ordinance contains lot dimensions, setbacks, lot coverage, and building height for current zoning districts, but does not correlate with recommended districts. The revised tables implement the 3 ½ acre average density in the Ag District and allow ½ acre lots in the hamlet business/ residential districts subject to adequate water and septic. The revised tables also provide lot width dimensions,

setbacks, building height, and maximum lot coverage appropriate for the recommended districts. In most cases, setbacks decrease somewhat in the recommended table, maximum building heights generally remain the same, and maximum lot coverage increases. Comp Plan 1.11 and other detailed strategies guided revisions.

Section IV I: Density Bonuses

Guided by Comp Plan Detailed Strategy 8.4, this new subsection provides incentives for preserving more than 60% of a parcel as open space, providing public access to recreational lands or facilities, and for providing residential houses or lots to be used by qualified Ancram residents who meet Town Board criteria and procedures for affordable housing. The Town Board may approve up to a 20% aggregate increase to the total unit density for the proposed project. Included in the subsection are: an explanation of how to determine the total number of units or lots that may be approved, procedures and criteria for Town Board review of applications, information to be provided by the applicant, and actions by referral agencies.

Section V J: Special Use Permits

The current ordinance contains only brief, general guidance about applications for special use permits, no description of review procedures, and only four broad considerations before an SUP is issued.

The recommended revision authorizes the Planning Board to grant or deny special uses and establishes an application and review procedure, including decision criteria. Applications that require both site plan and special use approvals must be reviewed concurrently to facilitate coordination and avoid delays. The recommended revision also addresses fees, referrals, permit expiration, permit renewal, and other features. This amendment responds to Detailed Strategy 9.10.

Section VI: Non-Conforming Uses, Buildings, and Lots

Throughout Ancram's 200-year history, various configurations of land parcels, buildings, and uses have accumulated that do not conform to modern land use principles nor to the direction and protections charted by the Comprehensive Plan. The current ordinance generally allows non-conforming lots, buildings, and uses to continue in their current status. The recommended amendment retains most features of this section, but clarifies and expands these tenets. One update allows lots existing before the 3 ½ acre average density requirement and that are 3.5 to 7 acres to be subdivided into two lots. This provision complies with Comp Plan guidance at 8.9.

Legal Review: Because the form and content of these recommended revisions mainly reflect local policy decisions rather than guidance emanating from New York State or other law, most of these amendments have not been reviewed by John Lyons. Delaying any comprehensive legal review until referral comments have been received,

the public has been heard, and Town Board decisions have been made was adjudged to be both practical and economical.

Next Steps: My 11 May 2011 memo transmitting the first package of zoning amendments to the Town Board contains a sequence of 18 actions that Nan Stolzenburg and John Lyons recommend the Town Board should take to review, adopt, and post zoning ordinance amendments. Those steps also apply to this package of recommended amendments. Nan Stolzenburg is prepared to render technical assistance to the Town Board as needed.

To provide perspective about the zoning revisions project, following is a list of sections in the 1972 Zoning Ordinance annotated with the status of revisions for each section:

Section I: Title and Scope	Revised: Adopted 21 July 2011
Section II: Establishment of Districts	Revised: in 3d Package
Section II E: Floating Business District	New: in 3d Package
Section III: Use Regulations	Revised: in 3d Package
Section IV: Area and Bulk Regulations	Revised: in 3d Package
Section IV I: Density Bonuses	New: in 3d Package
Section V: Supplementary Regulations	Nearly complete: in 4 th Package
Subsection V (I): Residential Cluster Dev	Revised—now Open Space Cons Sub: Adopted 20 October 2011
Subsection V (J): Conditional Uses	Revised—SUP Procedures in 3d Pack; Selected standards revisions in 4 th Pack
Section VI: Non-Conforming Bldgs,Uses,Lots	Revised: in 3d Package
Section VII: Admin and Enforcement	Revised: Adopted 21 July 2011
Section VIII: Zoning Board of Appeals	Revised: Adopted 21 July 2011
Section IX: Amendments	New—IX now Planning Board: Adopted 21 July 2011
Section X: Interpretation and Application	Revised—X now Amendments: Adopted 21 July 2011
Section XI: Definitions	Revised—XI now Interpret and Applic: Adopted: 21 July 2011
Section XII: Definitions	Revisions already in each section: All final definitions in 4 th Package
Section XIII: Site Plan Review	New: Adopted 20 October 2011

As indicated above, the first package of zoning amendments—Sections I, VII, VIII, IX, X, and XI—was adopted on 21 July 2011. The second package—Sections XIII and V (I)—was adopted on 20 October 2011. This memo conveys to the Town Board the third package—Sections II, II E, III, IV, IV I, V (J), and VI. The ZRC expects to convey the fourth package of zoning amendments not later than August.

In addition to zoning ordinance revisions, the ZRC developed Local Law #5 of 2011, Non-Commercial Wind Power Facilities, which was adopted on 17 February 2011, and reviewed and revised LL#1 of 2011, Town of Ancram Telecommunications Towers.