

# Zoning Improvements – How They Work

(6/11/09)

The draft Comp Plan proposes six major improvements to zoning. This paper describes these proposed changes, and how they will work. These changes are intended to help protect open space and the environment, provide for more affordable building lots, encourage the revitalization of the hamlets and stimulate economic development and job growth in the Town.

To make it easier for individuals to understand the process of getting a building permit or developing a parcel in Ancram, the Comp Plan recommends the creation of a Handbook, e.g. "Everything You Need to Know About Building in Ancram". This booklet would outline the process, guidelines, and requirements needed to secure approvals for building permits and subdivisions. It should explain the roles of the Building Inspector and Zoning Enforcement Officer, the Planning Board, and the Zoning Board of Appeals as well as outline the areas that are determined by the state or county and give contact information.

The six proposed zoning improvements are:

**1) Open Space Development:** The Ancram Comprehensive Plan recommends that all major subdivisions be designed to protect open space, the environment, rural character, and scenic resources. The Plan recommends that 60% of a parcel being subdivided be kept in open space, and the building and development related to the subdivision be concentrated in 40% of the parcel. This 40% of a parcel allowed for development can either be clustered in 40% of the parcel, or can be distributed across the entire parcel as long as the building envelopes are sited such that after the parcel is fully developed there is a 60% contiguous area of open space.

The purpose of this open space development rule is to keep fields open for agriculture and recreation, to preserve rural character and long-term, to prevent Ancram from turning into a suburb over time.

There are three ways parcels can be developed in Ancram:

- "Minor subdivision" is when one parcel is split into two, three or four lots.
- "Major subdivision" is when one parcel is split into five or more lots.
- Vacant parcels can be developed without a subdivision for a single family home or other single use.

While the Plan recommends that all major subdivisions be designed with 60% open space, it also recommends minor subdivisions consider using the 60% open space guideline as well. To implement the open space guidelines, the Planning Board will review both the proposed lot layouts and the areas where new structures will be placed, to make sure the plan has created 60% of effective open space.

Individual lots will not be required to meet the 60% open space requirement.

For minor subdivisions, the Planning Board will recommend and work with the landowner to approve a subdivision that protects the most important assets of the parcel, and anticipates that a minor subdivision may become a major over time.

For a minor subdivision that becomes a major subdivision by going from under five lots to five or more lots over time, major subdivision rules will apply. If the minor subdivision has been working with the Planning board and voluntarily using the open space development guidelines, the transition from minor to major should not be difficult. The Planning Board has discretion to waive some requirements normally associated with a major subdivision if appropriate given the circumstances.

The Plan also recommends that the calculation of the number of lots for purposes of determining a major or minor subdivision be started when the revised zoning based on this Comprehensive Plan is adopted, and not be based on past history going back to 1972. This means that all parcels will start with no previous subdivisions for purposes of calculating when the major subdivision guidelines become required.

**2) Flexible Lot Sizes:** The Plan proposes using *average* lot sizes, not *minimum* lot sizes in laying out subdivisions, which will allow landowners the flexibility to subdivide into lots as small as ½ acre if water and septic are available and County Board of Health approvals can be obtained, as long as the required parcel average of 3.5 acres per lot is maintained outside the hamlets. This average lot size system will provide for flexibility in developing both major and minor subdivisions, and provide the landowner with the ability to meet the 60% open space guidelines. For families interested in providing lots for children and grandchildren, this flexibility will permit subdividing smaller, more affordable lots which will carry a smaller tax burden. For larger developers, the flexibility in lot size offers the ability to design subdivisions with a variety of smaller and larger lots to meet the needs of different potential buyers.

**3) Make Zoning More “Business Friendly”:** Home based businesses, standalone businesses and agricultural businesses are all equally important economic activities. Current zoning restricts the size of the commercial/business zones in the hamlets, and limits what kinds of businesses can be operated outside the hamlets. The Plan recommends expanding the size of the commercial/business zones in the hamlets, expanding commercial and mixed-use commercial-residential uses, and permitting agriculture-related businesses in the Agricultural Zoning District outside the hamlets. In addition, the Plan supports home-based businesses, and recommends establishing a “floating zone” process which would allow the Town to evaluate any business not envisioned in the zoning plan, and decide if it is suitable for the Community.

**4) Expand Affordable Housing:** The Plan allows accessory apartments in homes, barns and garages and multi-family homes in all parts of Town, which are not now permitted. In addition the Plan recommends establishing an expanded mixed-use business/residential zone in Ancram and Ancramdale with ½ acre lot sizes, water and septic permitting. Lot size flexibility also offers opportunities for smaller, more affordable lots outside the hamlets.

**5) Common Sense Design Standards:** The Plan recommends using design standards in the hamlets and for commercial and major subdivision development to insure that all new development and renovations meet certain minimum requirements to maintain a consistent, small town, rural look and feel.

The purpose of design standards is to make sure that all new development and renovations which require a building permit are done according to guidelines which will protect and enhance the look and feel of the community, protect neighboring properties from inappropriate development, enhance property values generally and encourage new investment in the Town. Design standards clarify for the developer the Town's expectations, and because they are disclosed up front, make it easy for a developer to comply without incremental cost.

Design standards will be determined by the Zoning Revisions Committee, and will be approved by the Town Board before they go into effect. Once the design standards are in place, the site plan review process is simply the method used by the Town Planning Board to make sure town zoning requirements are being met. Design standards should cover things in the hamlets such as:

- a. The front of buildings should face the road, so there are no blank back walls facing the street, and parking should be in the rear of the building, if possible;
- b. If a house is converted into a business, it should maintain a residential look;
- c. Building setbacks should be consistent with existing setbacks for houses and commercial structures;
- d. Buildings should be of a size and scale of consistent with existing structures. If a commercial building is longer than normal (say over 40 feet), its façade should be broken by façade breaks, roofline variations, etc. to create a feel of a smaller, hamlet-like building;
- e. All development should consider planting trees and incorporating sidewalks if appropriate;
- f. For all development, utilities should be buried or screened if possible and practical;
- g. Lighting should be defined as to height, type of fixture, location, and review process, all to prevent glare and "light pollution" which could harm neighbors. Lighting standards should apply to commercial development and also to multi-family dwellings that have lights in a parking area:
- h. No "trademark architecture" of commercial buildings in Town. If McDonalds or Starbucks wants to set up in Ancram, they should use an existing building, or build something consistent with the architecture in the Town:

- i. To eliminate the appearance of a uniform and standard suburban subdivision, lot sizes and widths should be varied;
- k. Multi-family buildings should be designed to look single-family in nature. Otherwise you get the 2 story brick apartment look.

Residential development design standards are usually looked at, reviewed, and included in the subdivision processes, and could include such things as:

- a. Site structures to avoid steep slopes, areas within 100' of streams, wetlands, water, vernal pools or environmentally sensitive areas;
- b. Preserve stone walls and existing hedgerows;
- c. Place buildings on edges of fields and not in middle of field;
- d. Use existing vegetation and topography to buffer and screen new buildings or group in clusters, situated behind tree lines or knolls;
- e. Retain existing vegetation at street edge;
- f. Site buildings below any ridgeline so the roof does not protrude above treetops;
- g. Lighting should be designed to reduce glare;
- h. Utilities should be underground and/or screened;
- i. Minimize placement of driveways that cut steep slopes or require large amount of cut/fill.

**6) Site Plan Review:** The Plan recommends using site plan review to insure that development is done in compliance with zoning regulations and design standards. Site plan reviews are the Town Planning Board's way to make sure any planned subdivision meets Town zoning guidelines. The site plan items listed below are based on the design standards outlined previously, and describe how the Planning Board may review a project's compliance with these standards. During the site plan review, the Planning Board may make suggestions for changing the developer's site plan if the Plan does not adhere to the Town's zoning and subdivision laws. Depending on what issues are at stake, some changes requested by the Planning Board will be mandatory, while others will be up to the developer to accept or not at his discretion. During Site Plan Review, the Planning Board will consider things such as:

- a. Location, arrangement, size, design and general compatibility of buildings, lighting and signs with community character as defined in the Town Comprehensive Plan and design standards set forth in this Zoning Law.

- b. Location of and adequacy of measures to protect environmentally sensitive areas.
- c. Compatibility with agricultural operations.
- d. Consistency with the Town of Ancram Highway Specifications and adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, sight distance and traffic controls.
- e. Location, arrangement, appearance and adequacy of off-street parking and loading, pedestrian access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- f. Location of all entrance and exit driveways with due consideration for traffic flow so as to afford maximum safety to traffic on public streets and shall be reviewed and approved by the appropriate state, county, or local authority prior to the granting of site plan approval.
- g. Provision for cross access between properties shall be provided, whenever possible, to reduce the number of curb cuts and limit the amount of traffic on any arterial or collector road. The Planning Board may require a site layout that facilitates future cross access in anticipation of future development.
- h. Provision, wherever practical, for "T" access to arterials or collector roads shall be provided to limit conflicting turning movements, reduce traffic congestion, reduce potential points of conflict between through and turning traffic, and facilitate the control and separation of vehicles and pedestrian movement. The Planning Board may require a site layout that facilitates future joint access in anticipation of future adjoining development.
- i. Adequacy of water supply, sewage disposal facilities and stormwater management.
- j. Adequacy, type and arrangement of existing or proposed trees, shrubs and other landscaping constituting a visual screen or noise buffer.
- k. Provision for planting of shrubs, ground cover, and shade trees, as well as perennials and annuals and other materials, such as rocks, water, sculpture, art, walls, fences, paving materials and street furniture, shall be encouraged to create pedestrian scale spaces and to maintain landscape continuity. All landscaping within the site shall be designed to facilitate conservation of the environment and preservation of community aesthetic character through the use of native plant material and the retention of existing natural vegetation.
- l. Provision for the preservation of mature plant species, hedgerows, wetlands, wildlife corridors, and woodlots shall be encouraged and included as a design element.

- m. Provision for landscaping to be used to create boundaries and transitions between areas of differing development intensities as well as to separate areas of incompatible land use.
- n. Screening of solid waste facilities and containers, outdoor service areas, and loading docks from public view and from adjacent residential properties.
- o. Adequacy of utilities. When feasible, newly installed utility service systems, and service revisions shall be installed underground, and existing aboveground utility service systems shall also be placed underground.
- p. Adequacy of site accessibility, fire lanes and other emergency zones and the provision of fire hydrants. All buildings shall be accessible to emergency vehicles.
- q. When projects involve the renovation/reuse of an existing building, the Planning Board may require that the historic character and architectural elements be maintained.
- r. Reasonable provision shall be made for extension of utilities to adjoining properties, including installation of water gates and manholes if necessary, and the granting and recording of easements as required.