

SUMMARY OF DRAFT ZONING LAW TOWN OF PHILIPSTOWN AUGUST, 2009 DRAFT

The proposed Philipstown Zoning Law is intended to implement the goals in the 2006 Philipstown Comprehensive Plan. Accordingly, the main purposes of the Zoning Law revision are to:

- Protect the scenic, ecological, forest, agricultural, and open space resources of the Town
- Protect the Town's groundwater and surface water
- Concentrate development in hamlets
- Maintain a healthy and diverse business community
- Enable existing institutional uses to remain viable
- Provide an array of housing choices at different price levels
- Balance the Town's tax base
- Create a document that is easier to use than the current zoning, and
- Establish a development approval process that is predictable, efficient, and fair.

The draft zoning has been available for public review for over a year, but there is still an opportunity for public comment and revision before it is adopted. A hearing will be held in the fall of 2009 to receive additional comments. This summary highlights some of the key points in the proposed zoning law and explains how it is different from the existing Philipstown Zoning Law.

1. From Single-Use to More Flexible Mixed-Use Zoning

- The current zoning divides the Town into residential and business districts that limit the flexibility of landowners to use their land. This discourages the harmonious blending of uses within walking distance of each other.
- The proposed zoning allows for a more robust mixture of uses, including compact mixed-use hamlet zones, larger areas for office, research, and light industrial uses, as well as limited business uses in the residential and rural parts of the Town (see list of zoning districts beginning on page 3 of this summary).
- All business uses must meet appropriate permitting and design standards so that they fit into and are in scale with their surroundings. For example, within the more rural parts of the Town, businesses of up to 5,000 square feet may be permitted if they are located on state highways and meet required design standards. Parking areas must not be visually prominent.
- The requirements for home occupations are more flexible to encourage home-based businesses that do not impact their neighbors.
- The total area of the Town where business uses can locate is larger than under the current zoning, but the standards that such businesses must meet are tighter.
- The use regulations establish general categories, rather than listing highly specific uses, with definitions provided for all listed uses. This makes it easier to determine what is and is not permitted in a particular zoning district.
- Uses that are not listed and are not specifically prohibited may be allowed by special permit granted by the Town Board. This provides additional flexibility to allow new uses not foreseen when the document is adopted.

2. A More User-Friendly Document with Streamlined Procedures

- The document is organized in a more logical way that is easier to follow. There is an

- explanation of how to use it in Section 175-2 (pages 6 and 7).
- The approval process has been streamlined. Unlike the current zoning, most business development requires review by only one board, rather than two. This greatly simplifies the application process; smaller-scale development enjoys a streamlined review process.
- To make the document easier to use, all use regulations are summarized on a one-page Use Table (page 12), which refers to other sections that relate to specific uses.
- All dimensional regulations are summarized on a one-page Dimensional Table (page 16), which references other sections where necessary.
- There are more extensive and clearer standards to guide permitting decisions, which gives more guidance and less discretion to the Planning Board in making such decisions.

3. Protection of the Countryside, Natural Resources, and the Town’s Rural Character

The Philipstown Comprehensive Plan emphasizes protecting the Town’s rural, natural, scenic, and ecological qualities which are essential to its quality of life and economic attractiveness. The proposed zoning has numerous provisions designed to accomplish this goal, including the following:

- By concentrating development in hamlets, the land in outlying areas can be protected using a variety of zoning tools, including Open Development Area (ODA) subdivision, open space development, reduced development densities, and measures for the protection of scenic road corridors, aquifers, ridgelines, and areas identified in the Town’s Open Space Index.
- Site plan review is required for a variety of kinds of development not currently regulated, including land in scenic corridors and near ridgelines, and all residences with a footprint area exceeding 3,000 square feet.
- The predominant form of residential development, “Open Development Area” subdivisions of up to four lots on shared driveways, will continue.
- For larger developments, the zoning does not rely only on minimum lot sizes to determine how many houses can be built on a development parcel outside of the hamlets. Instead, it uses as an alternative to conventional subdivision a technique called “conservation subdivision” to encourage the preservation of open space and its productive use as farmland, forestland, or recreational land. This approach requires the set-aside of at least 60% of the land as open space. The Planning Board reviews a “conservation analysis” to determine which land should be the open space and how it is to be used to conserve its natural resource values.

4. Preservation of Institutional Uses

Because institutional uses on large acreages help maintain the Town’s rural open space character, provide employment to and purchase goods and services from town residents, attract visitors who spend money locally, and generate less traffic than residential or commercial development would likely generate on the same site, there are special provisions to encourage the continuation of existing non-profit institutional uses. (See Section 175-10J on page 14.)

5. Zoning Districts

There are nine land use districts and seven “overlay” districts proposed in the zoning. These are described in Articles II and III (Sections 175-7 through 175-12), summarized below, and shown on the zoning maps. *Nothing in these district provisions affects the rights of individual homeowners to use their existing homes and land as they always have for residential purposes.*

Land Use Districts

Rural Conservation District (RC)

The purpose of this district is to promote land conservation, forestry, recreation, agriculture, and the preservation of open space, as well as other compatible rural uses, by encouraging such activities and by discouraging large-scale residential development, while allowing low-density residential uses.

Institutional Conservation District (IC)

The purpose of this district is to preserve existing institutional uses of property that maintain significant amounts of contiguous open space and/or historic structures.

Rural Residential District (RR)

The purpose of this district is to allow residential uses in a rural setting at a lower density than is allowed in the hamlets.

Hamlet Mixed-Use District (HM)

The purpose of this district is to allow the creation and expansion of hamlets in the traditional scale, density, architectural style, and mixed-use character of the existing hamlets of Garrison and Garrison Landing and of the Villages of Cold Spring and Nelsonville.

Hamlet Residential District (HR)

The purpose of this district is to maintain the traditional scale, density, and character of residential hamlets such as Manitou and Continental Village, as well as residential neighborhoods surrounding designated hamlet mixed use areas.

Suburban Residential District (SR)

The purpose of this district is to maintain the character of existing suburban density residential developments and to allow a limited extension of suburban growth patterns.

Highway Commercial District (HC)

The purpose of this district is to allow commercial uses that rely heavily on automobile and truck access and that would not be compatible with a hamlet mixed-use area.

Office/Commercial/Industry Mixed-Use District (OC)

The purpose of this district is to allow areas for light industrial, service commercial, office, and research facilities. Such districts may also include, where compatible, housing and limited retail commercial development intended to support the primary uses or to provide adaptive reuses for existing commercial or industrial buildings.

Industrial/Manufacturing District (M)

The purpose of this district is to allow industrial and related uses that are not compatible with most commercial, office, or residential uses, in isolated and well-buffered locations.

Overlay Districts

An overlay district is designed to add additional restrictions for land that lies within its boundaries. It is called an “overlay” because it often “overlays” different land use districts. The underlying land use district zoning remains in place except to the extent that the overlay district provisions specifically change the regulations. ***These overlay districts do not prevent development, but rather require a more careful review process.***

Floodplain Overlay District (FPO)

The purpose of this Overlay District is to control development within the 100-year floodplain in order to minimize flood damage and protect water resources. This district also incorporates by reference the Town's existing Floodplain Protection Law, Chapter 90 of the Town Code. See §175-13.

Cold Spring Watershed Overlay District (WSO)

The purpose of this Overlay District is to protect the water supply of the Villages of Cold Spring and Nelsonville, which includes the entire watershed of Foundry Brook. See §175-14.

Scenic Protection Overlay District (SPO)

The purpose of this overlay district is to protect the character of scenic resources in the Town, including designated scenic road corridors and the Hudson River viewshed. See §175-15.

Aquifer Overlay District (AQO)

The purpose of this Overlay District is to protect groundwater resources that provide drinking water for private wells and that may be used in the future to provide public water supplies. See §175-16.

Open Space Conservation Overlay District (OSO)

The purpose of this Overlay District is to afford special protections to tracts of land that have been identified in the Town of Philipstown Open Space Index and that are 10 acres or more in size. See §175-18.

Overlay Districts for Specific Development Purposes

Soil Mining Overlay District (SMO)

The purpose of this Overlay District is to provide appropriate locations for soil mining to occur where landowners can achieve a reasonable return on their land from sand and gravel mining without adversely impacting their neighbors. See §175-17.

Mobile Home Park Overlay District (MHO)

The purpose of this Overlay District is to provide appropriate locations for mobile home parks, consistent with the requirements of §175-44.

6. Other Provisions

ARTICLE VI covers the “grandfathering” of existing uses and structures that precede enactment of this zoning law. §175-26 grandfathers most pre-existing residential lots so that their owners do not have to worry that the new zoning will take away their ability to use their land, while other sections control modification of non-conforming uses and structures.

ARTICLE VII has a number of important regulations of specific uses, resources, and land use practices, including setbacks of accessory structures, parking requirements, protection of steep terrain and ridgelines, home occupations, and signs. Of special note is the new provision for “workforce housing” (§175-42).

ARTICLES VIII – XII contain provisions for processing different types of permits and for amending the Zoning Law, as well as definitions of terms used in the Zoning Law.