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## **RECOMMENDATIONS FOR ZONING CODES FOR SUBDIVISIONS – APPLYING ENVIRONMENTAL AND CONSERVATION CONSIDERATIONS**

### **Executive Summary:**

The aim of this paper is to provide the Zoning Committee with advice about the character of subdivisions (recommendations for best practices and suggestions as to what to avoid) which employ best environmental and conservation practices.

The paper is organized as follows:

**Goal:** Following the Comprehensive Plan survey, the goal is to identify potential policies and practices to sustain or improve the environment of the Town.

Addressing attainment of the goal, we have provided recommendations to achieve each of the following objectives:

- A) Recommendations for zoning codes for subdivision design
- B) Relate zoning codes to the Comprehensive Plan
- C) Benefits of zoning codes for subdivision designs
- D) Recommended processes

In the Appendices, we have provided a description of the process for “Conservation Development” and have begun to list Objectives of Conservation and Environmental importance to be of assistance in compiling those sections of the Town’s Comprehensive Plan.

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### **Report Detail:**

**Goal:** To create pleasing and attractive living environments that preserve the rural nature of the town.

#### **A) Recommendations for zoning codes for subdivision design which address conservation and protect the Town’s environmental assets**

1. The zoning code should set a high standard for quantity, quality, and configuration by requiring substantial open space in new subdivisions (For developments of five or more homes/lots, 40%-50% of the land to be set aside as open space).
2. Where possible, a majority of lots should face open spaces, woodlands, wetlands,



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conserved wildflower meadows, or recreational facilities.

3. The zoning code should protect water quality in streams by prohibiting building along wetlands and stream buffers which filter stormwater and reduce soil erosion.
4. The zoning code regulates building on primary conservation areas such as: steep slopes, wetlands, and floodplains. And on secondary conservation areas, such as mature woodlands, wildlife habitat and travel corridors, prime farmland and scenic viewsheds. with a goal of minimizing the fragmentation of conservation areas.
5. The zoning code identifies the maximum number of dwellings for buildable acreage.
6. The zoning code determines regulations for placement of septic systems and wells. It ensures the development plan provides sufficient land to accommodate septic systems and wells.
7. It identifies minimum housing setbacks.
8. It defines regulations for tree cutting.

#### **B) Relate Zoning Codes to Comprehensive Plan**

1. The comprehensive plan identifies what is allowed where.
2. The comprehensive plan can specify the special features and land resources the town wants to protect; for example: floodplains and wetlands, mature woodlands, hedgerows, copses, large trees, farmland soils, threatened flora and fauna, historic or cultural features, including stone walls, cellar holes and unusual geologic formations.
3. The comprehensive plan defines how the zoning codes can be upheld.
4. The comprehensive plan illustrates a generalized map showing the most suitable locations for new development, and places that should be designed around to create a permanently protected network of interconnected open space.

#### **Town bodies communication about conservation and conservation codes regarding subdivision design.**

Communicating about the zoning codes is an important part of the adoption and implementation process. The Town can use the benefits listed below when communicating with Town residents and developers.

#### **C) Benefits of zoning codes for subdivision designs which ensure conservation of environmental assets:**

1. The zoning codes balance environmental conservation with housing development.
2. The Town exercises greater influence on the design of new subdivisions, rather than leaving the outcome purely to chance. (The Comprehensive Plan identifies the location of noteworthy resources.)



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3. The zoning codes give the Planning Board more authority and power enabling them to direct the nature of development.
  4. The zoning codes give the Planning Board more confidence in making land use decisions.
  5. The zoning codes identify what does and doesn't belong in parcels.
  6. The zoning codes provide a broad range of development options available to landowners and developers.
  7. The zoning codes can be written in a way that provides sufficient flexibility in lot dimensions, thus allowing and encouraging design alternatives which feature significant open space.
  8. This type of zoning code would be appealing to landowners, potential developers, and future residents.
  9. Zoning code will provide a broad range of development options available to landowners and developers. (This will help the town survive court challenges.)
  10. The zoning codes can lower the cost of development by reducing infrastructure engineering and construction costs, and by shortened utility runs into narrow lots.
  11. The zoning codes enable a smoother review process because the developer has anticipated and taken into account environmental concerns.
  12. The buyers of smaller lots are actually purchasing more than their individual lots because they will have pleasing views and access to adjacent conservation lands.
  13. Houses that are built with the environment in mind sell and appreciate faster than houses built in checkerboard, house-lot-street developments. (Amherst, MA. +17% in 1995)
  14. If open space areas are owned collectively by the residents of the housing development, the designation of the open land does not require public expenditure and does not depend on landowner charity.
  15. Environmentally sensitive zoning is not a "taking" – because developers can achieve the full density allowed on their properties under the zoning ordinance because land not converted into house lots remains privately owned, either by homeowners' associations or by donations to land trusts.

#### **D) Recommended processes**

1. In planning environment-protecting housing subdivisions – First, outline open space. Let its size and location become the organizing principle of the subdivision.
2. Require the developer to submit preliminary plans, including a detailed resource inventory of the site.
3. Identify existing resources using site analysis maps. Development plans should include base maps, showing site information, such as topography and the boundaries of floodplains and wetlands, are required as part of the subdivision review process. These



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can also include other noteworthy features such as mature, undegraded woodlands, hedgerows, copses, large trees, farmland soils, threatened flora and fauna, historic or cultural features, including stone walls, cellar holes and unusual geologic formations.

4. Hold a pre-sketch conference and site visit with developers and the Planning Board. Subdivision applicants are encouraged to meet with town officials prior to submission of a Preliminary Plan. To walk the land with existing resources / site analysis maps in hand. Developers learn what local officials are looking for in terms of conserving particular site features, and what they want to avoid in terms of impacts.
5. Developer submits Sketch plans. (Sketch plans are simple, inexpensive drawings that illustrate conceptual layouts of house lots, streets and conservation areas.)

#### **Appendix I: Four Step Approach to “Conservation Development” as that term is defined**

(Source: Growing Greener, Putting Conservation into Local Plans and Ordinances by Randall Arendt. Island Press. 1999)

1. Identify primary conservation areas: Unbuildable areas such as wetlands, slopes greater than 25%, and floodplains. Identify secondary conservation areas: Slopes between 15%-25%, woodlands, riparian buffers, agricultural areas and farmland soils, hedgerows, copses, large trees, , threatened flora and fauna, historic or cultural features, including stone walls, cellar holes and unusual geologic formations.
2. Locate house sites – to enjoy views of, and possibly direct access to protected open space, enhancing desirability and value.
3. Align streets and trails for vehicular and pedestrian access.
4. Draw lot lines, making boundaries midway between house locations.

When open space is included in subdivisions it eliminates the requirement of minimum lot size.

There are typical concerns about conservation zoning:

1. The value of smaller lot width and smaller houses.
2. The appearances of homes on smaller lots.
3. The need to provide sufficient land to accommodate septic.

Counterbalance these perceptions with: open space, attractive views, and recreational possibilities.



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## **Appendix II: Conservation and Environmental Elements for the Town's Comprehensive Plan**

Appendix II lists some of the considerations that the OCAC is working on as part of its submission to the Town Board relating to the forthcoming Comprehensive Plan. These draft and interim suggestions may be of value as background based on best practices adopted by other municipalities.

Objective 1: Embrace multiple, diverse strategies to protect, conserve, restore, or enhance the natural systems of the Town.

Objective 2: Establish environmental conservation and protection as a priority.

Objective 3: Establish, maintain, and use an information system for the natural resources and open space inventories and plans.

Objective 4: Establish and use conservation land use categories (such as but not necessarily limited to Critical Environmental Areas, or CEAs, or Conservation Overlay Districts, CODs).

Objective 5: Identify conservation and preservation areas, through the use of NRIs and OSPs, including CEAs or other mechanisms or CODs, on the land use maps used for decision making.

Objective 6: Increase public understanding of natural resources issues and provide access to the most current and reliable information so that the public may participate in informed decisions.

Objective 7: Manage natural resources at a scale appropriate to their protection, and facilitate consensus-building in the public participation process.

Objective 8: Protect natural resources during the land use planning and development review process from activities that would significantly damage the ecological integrity of these areas.

Objective 9: Strengthen measures to prevent groundwater contamination.

Objective 10: Develop standards to assure protection of surface waters.

Objective 11: Protect farmland within the Town for agricultural use.

Objective 12: Minimize intrusions on the decisions of individual land owners, while giving them information about ecological management of their property.

Objective 13: Focus on providing environmental guidance to developers so that the Town of Olive can retain its rural character.



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Objective 14: Improve the overall physical infrastructure of the Town of Olive as related to roads, culverts, ditches, bridges, parking lots, buildings, lighting, power distribution and other elements to minimize environmental impacts including polluted run-off, flood hazards, spreading of invasive species, habitat disruptions, harm to migrations of fishes and other animals, harm to pollinators and other harms to sustainable environmental considerations for the Town.

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This paper prepared: June 2023

## References

The following have served as resources for the recommendations above.

Alachua County (Florida) Comprehensive Plan.

<https://growth-management.alachuacounty.us/CompPlan/Conservation>

Arendt, Randall G. 2013. *Growing Greener. Putting Conservation into Local Plans and Ordinances*. Island Press. 261 pages

Arendt, Randall G. 2015. *Rural by Design: Planning for Town and Country*. Routledge Press

Hostetler, Mark. 2012. *The Green Leap: A Primer for Conserving Biodiversity in Subdivision Development*. University of California Press.

Tompkins County (New York) Comprehensive Plan.

<https://tompkinscountyny.gov/files2/planning/ComprehensivePlan/FINAL-March%2012-low%20res.pdf>

The Tompkins County Water Quality Strategy (2012)

<https://tompkinscountyny.gov/files2/planning/water-resources/WQS%202019-2021%20Final%2011-20-18.pdf>

Town of Rochester (New York) Comprehensive Plan.

[https://ecode360.com/RO1435/documents/Comprehensive\\_Plans](https://ecode360.com/RO1435/documents/Comprehensive_Plans)

Town of Woodstock (New York) Comprehensive Plan.

<https://ulstercountyny.gov/sites/default/files/WoodstockCompPlan.pdf>