

Additional Zoning Tools

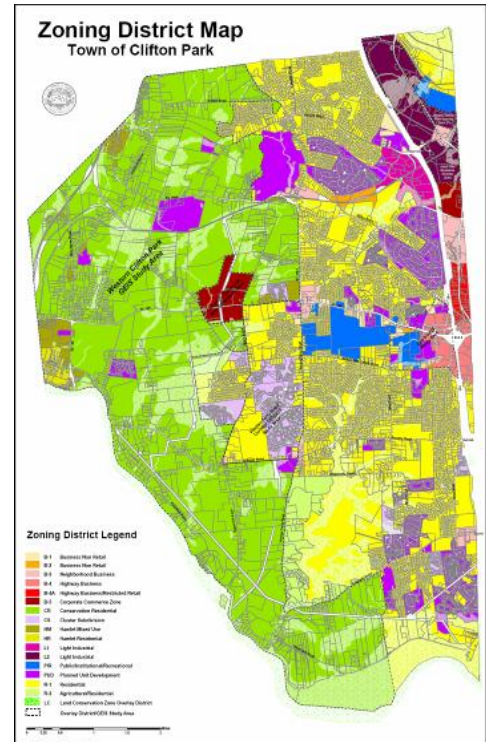
Incentive or Performance Zoning

Incentive zoning advances a municipality’s goals by having land developers provide community benefits in exchange for zoning incentives. The municipality leaves existing zoning code in place, while permitting more intensive development in exchange for various community benefits. Community benefits could include:

- providing open space or parks,
- developing brownfield sites or other distressed parcels,
- expanding existing structures or adaptive reuse of older buildings,
- providing cash payments in lieu of these types of benefits, or
- accomplishing other projects that meet community goals.

Incentives provided to developers include adjustments to the zoning, such as:

- density levels,
- building height,
- amount of open space,
- allowing mixed or non-confirming uses, or
- other zoning adjustments important to the developer.



Overlay Districts

Overlay districts provide an additional layer of protection that enhances existing zoning. As a result, the municipality maintains current zoning while addressing the special needs of the sensitive area. Municipalities use overlay districts as a flexible solution to a broad range of land use issues. Sensitive areas or resources that are protected through overlay districts include: wetlands, agricultural land, scenic or historic areas, wildlife corridors, shorelines, mountain ridges and other significant features. These overlay district protections ensure the present and future enjoyment of the resources by the community.

From the municipality’s perspective, overlay districts: are easily adopted; maintain municipal home rule, and offer the opportunity for consistent region-wide planning around critical features. Further, overlay districts are easy for a municipality to administer. Existing review processes are used, augmented by the review pertaining to the protected resource. Municipalities report the environmental measures built into the overlay district review process help to make SEQRA a quicker and less costly process. A few of the more frequently used overlay district are described in greater detail in the following sections.

Agricultural Overlay Districts permit agricultural uses and either prohibit or limit non-farm uses. Agricultural overlay districts are designated where soil and topographic conditions are best suited to agricultural uses. The intent of the district is to protect the local agricultural industry. Preventing other land uses not compatible with agricultural helps to increase the commercial viability of the agricultural operations. The Towns of Northumberland and Stillwater have Agricultural Protection Overlay Districts.



Historic Overlay Districts protect historic and architecturally valuable areas and neighborhoods by restricting or placing conditions on: exterior changes, building additions, and the demolition or relocation of structures. Several studies have shown preservation overlay districts protect not only the properties; they also protect the value of properties. The Town of Halfmoon has a Historic Overlay District protecting the Historic Church Hill Road neighborhood.

Scenic Overlay Districts encourage reasonable and appropriate development compatible with the aesthetic, environmental, historic or other scenic characteristics that a community wishes to preserve. Saratoga County is blessed with picturesque, scenic vistas, which give residents and visitors a unique sense of place. Sometimes it is a view associated the working landscape (e.g. farming, managed forests, the Erie and Champlain Canals) that a scenic district may be established to protect. Or the scenic district may protect the viewsheds of the Saratoga National Historical Park or other historic sites. Well planned and managed scenic districts can help increase tourism and its positive economic impact on the community. The City of Saratoga Springs has three corridor overlay districts intended to preserve rural character on entranceways to the community. The Town of Northumberland has a Rural Road Overlay and the Town of Clifton Park has Vischer Ferry Road Corridor Overlay Zone.

Planned Development Districts

Planned Development Districts (PDD) also known as Planned Unit Development Districts (PUD) rezone site-specific parcels of land. This rezoning provides flexibility for the developer while the municipality maintains a high degree of local control. The municipality passes legislation, which requires the developer to provide a community benefit such as infrastructure improvements, open space preservation or paying an impact fee. The legislation also commits the municipality to allowing mixed land uses, greater unit densities, design flexibility or other development features sought by the developer. A PDD also can combine the benefits of clustering and incentive zoning by providing a density bonus in exchange for the preservation of prime open space or agricultural lands.



Saratoga P.L.A.N. (preserving land and nature) is a nonprofit conservation organization working to protect our environment, economy and way of life for present and future generations in Saratoga County. As a land trust, Saratoga P.L.A.N. protects farmland, forestland, waters, natural areas, trail corridors, and historic sites. As a community partner, Saratoga P.L.A.N. provides technical assistance to municipalities to balance growth and conservation and to foster regional cooperation through community planning and implementation. This fact sheet is one of a series entitled "Tools for Community Planning and Conservation." Other titles from the series can be found on Saratoga P.L.A.N.'s website: www.saratogaplan.org.