

# **APPENDIX E**

## Implementation Tools

## IMPLEMENTATION TOOLS

The following narrative describes the various measures or “tools” that can be used to implement the recommendations set forth in this Plan Update. It supplements the Implementation section of the Plan Update.

### *A. Zoning Chapter*

Chapter 210, Zoning, of the Code of the Town of Poughkeepsie contains the rules that control the use, bulk, design, intensity, and location (by zoning district) of where uses may occur within the Town. The official Town zoning map, which is part of the Zoning chapter, delineates the Town’s zoning districts. As per Section 263 of the NYS Town Law:

- Such [zoning] regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor; to facilitate the practice of forestry; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

Zoning is specifically intended to guide the land use and development review process within the Town. Depending on the proposed use or improvement, the zoning regulations indicate the level of oversight that will be required, from the requirement to an administrative building permit to a discretionary zoning map amendment which must be adopted by the Town Board. The Town’s zoning regulations were last comprehensive reviewed and adopted after adoption of the last comprehensive plan in 2007, with additional text and map amendments having occurred over the past 13+ years. The Plan Update has been written to be flexible and give the Town Board the latitude to implement the recommendations based on further detailed review of the zoning regulations and over a period of time to allow thoughtful consideration and analysis of any zoning changes. To some extent, the zoning analysis that follows will consider what “worked” and what needs to be changed since implementation of the last Plan Update and associated zoning revisions.

### *B. Planned Unit Developments*

Planned unit developments are a zoning technique which allows property owners and developers the flexibility to develop a property with a mix of residential and nonresidential uses. A PUD can require a mix of housing types and commercial uses, require recreation, open space, and other common spaces for the benefit of the inhabitants of the PUD. PUDs can be allowed by special use permit and site plan/subdivision plan approval in particular zoning districts or can be allowed via zoning amendment

approved by the Town Board. The Hudson Heritage development is one which was approved as a type of Planned Unit Development. The Plan Update has recommended that the Town consider adoption of a PUD floating zone which could be tailored to apply to the redevelopment of underutilized commercial properties.

### *C. Economic Development Zones*

An Economic Development zone could be created as a type of “floating zone” which could be applied to a property upon approval of a zoning amendment by the Town Board. The zoning district would be regulated by standards that a project must meet, and which results in positive economic and fiscal benefits to the Town and will not result in any significant adverse environmental or community impacts.

### *D. Form Based Coding*

Where the form of buildings is more important, e.g., an infill development within a defined hamlet center such as Arlington, the Town could consider adopting a form-based code for specific zoning districts. A form-based code is a zoning regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

### *E. Transfer of Development Rights*

This Plan Update discusses a zoning technique referred to as a transfer of development rights program. Transfer of Development Rights can conserve land by redirecting development that would otherwise occur on a property (the sending area) to another property (in a receiving area) that is suitable for denser development because of the infrastructure that may already exist there. A property owner in the sending area can be compensated for the development rights that have been transferred to the receiving property. It is also common for the zoning to allow additional incentives, in the form of additional density, to encourage a transfer to occur. TDR programs can be set up as mandatory or optional programs. The Town could consider a voluntary program and work with stakeholders to find suitable properties that should be conserved, and properties to which development could be transferred.

### *F. Purchase of Development Rights*

A purchase of development rights program can allow a property owner to sell the development rights to the Town or a conservation entity to permanently protect certain lands, e.g., farm operations. This results in the land not being developed, even if the property owner sells the property in the future. It allows for the property to continue to be used for that purpose and has been successfully implemented in many communities throughout the region.

### *G. Placemaking Principles*

The Plan Update incorporates Placemaking Principles which are intended to guide the Town and developers when considering infill development opportunities. “Infill” is the process of developing vacant or underutilized parcels within existing developed areas that are already largely developed. These principles should be reviewed by the municipal boards when assessing infill development

applications but should also be reviewed by Town groups for the placemaking ideas which are not necessarily development-specific, e.g., having food truck locations, or allowing events in vacant commercial spaces or parking areas. In order to activate and energize the community, activities and events are just as important as the types of developments in the Town.

#### *H. Subdivision Regulations*

Subdivision regulations govern how land is divided into smaller lots, and ensure that the necessary public facilities, such as streets and water and sewage facilities are provided in accordance with municipal standards. Like the zoning, the Town Board adopted updated Subdivision regulations in 2007. These regulations should be reviewed for consistency with the recommendations of this Plan Update and any subsequent revisions to the Zoning chapter. The Plan Update specifically identifies certain areas that need to be considered and reviewed, as listed in the matrix below.

#### *I. Site Plan Regulations*

The Zoning chapter incorporates, under Articles XIII, the procedures and standards to obtain site plan approval. The Zoning chapter set forth the types of land use applications that are subject to site plan review by the Planning Board. The site plan review process provides the opportunity to assure that development is well-planned and that standards regarding landscaping, driveway or road design and placement, building placement and scale, signs, lighting, drainage, pedestrian access and many other detailed features have been properly interpreted and applied. Many of the Plan Update's policy recommendations, especially when integrated into a revised zoning law, can be specifically cited during the Planning Board's discretionary design decisions in the site plan review process. Public participation during the site plan review process will continue to ensure that concerns are addressed and should be strongly encouraged.

#### *J. Greenway Connections*

The Greenway Guides section of Greenway Connections continues to be a toolbox of strategies to address design issues during the land use application review process. As per Chapter 18, Greenway Connections, of the Town Code, the Town has adopted Greenway Connections as guidelines for review of actions in the Town. Whether the Town Board is considering a zoning amendment, the ZBA reviewing a special use permit, or the Planning Board reviewing a subdivision, these strategies that address open space protection, community development and redevelopment, environmental preservation, and site planning should be considered. The guides are concise and heavily illustrated, providing a clear vision of the community's preferences. These illustrated guides should be routinely used by the Town's review boards to assist with their reviews. They should also be provided to developers early in the process to make the Town's expectations known up front and avoid conflicts and costly redesigns later in the process. The new zoning law should be consistent with Greenway principles in terms of upgraded lighting, landscaping, signs, parking, and other standards.

#### *K. Historic Districts and Landmarks*

The Town Board enacted legislation establishing a Historic Preservation Commission and standards for the designation and modification of local landmarks. The Town Board and Historic Preservation

Commission should work together to continue the process of landmarking important historic places and buildings in the Town of Poughkeepsie, based on the Larson Report which documented the many historic features found throughout the Town.

#### *L. Cluster Subdivisions*

Cluster subdivisions are regulated in accordance with Section 177-14 of the Town's Subdivision regulations. A cluster subdivision allows the number of dwelling units that could conventionally be built on the site, following all the bulk standards regulating the creation of lots in the applicable zoning district, and allows them to be grouped together, or clustered, on a smaller portion of a site, allowing the remaining portions of the site to be preserved in open space, which is the primary objective of a cluster subdivision. The Plan Update recommends that the cluster subdivision regulations be reviewed, to address policies related to the granting of incentives to cluster subdivisions, considering smaller parcel size when considering what properties could allow cluster development and specifying a minimum percentage of the lot to be set aside as open space. It also recommends that the cluster subdivision regulations be revised so that recreational set asides are something apart from the open space to be preserved.

#### *M. Rights of First Refusal*

Some implementation measures are not regulatory in nature – they are agreements that can be made between the Town and property owner to carry out the objectives of the Plan Update. One such type of agreement is called a “right of first refusal”. It would be an agreement between a property owner and the Town, which would allow the Town to purchase a property prior to it being sold to another entity. If the Town declines to purchase the property, the property owner is free to entertain other offers. This can be accomplished for key properties that the Town may want to acquire, e.g., for waterfront parkland, open space, a historic property, or other key properties to carry out the recommendations of the Plan Update.

#### *N. Critical Environmental Areas*

The NYSDEC allows a municipality to adopt Critical Environmental Areas, or CEAs. CEAs recognize a specific geographical area with one or more of the following characteristics: a feature that is a benefit or threat to human health; an exceptional or unique natural setting; an exceptional or unique social, historic, archaeological, recreational, or educational value; or an inherent ecological, geological, or hydrological sensitivity to change that maybe adversely affected by any physical disturbance.

A CEA designation would show that the Town has heightened environmental concerns for the resources within a CEA. Once a CEA is designated and mapped, potential impacts must be specifically evaluated during the SEQRA process for Type I or Unlisted actions in the CEA. The Plan Update recommends that certain areas with sensitive environmental habitat in the Town be considered for CEA designation.

#### *O. Studies*

The Plan Update acknowledges that certain policy areas and recommendations require additional, detailed evaluation that are beyond the scope of a comprehensive planning process. To that end, the Plan Update does recommend that the Town consider pursuing funding for the following additional

studies which can help to further refine recommendations in this plan, and assist with implementation of the recommendations:

- Update the Town's existing Local Waterfront Revitalization Program
- Adopt an Open Space Plan (the process is underway)
- Prepare and adopt a Farmland Protection Plan
- Create a comprehensive Bike Plan for the Town
- Prepare a Parking Plan and Study which will allow the Town to streamline its current parking regulations regarding in the Zoning chapter and could also be used to identify areas with an undersupply or oversupply of parking which would further assist with the evaluation.

The studies could be adopted by the Town Board as addenda to the Plan Update.