

Proposed Hamlet Zoning Changes

Discussion at Town Board meeting August 7, 2008

Three years after adopting the Hamlet zoning district, what follows are items proposed for improvement to the Hamlet (H-1) zoning as a means of strengthening the intent of creating our mixed use, pedestrian scaled hamlets. I've been reviewing requests from Board members and staff to look at portions that may require re-working, and reviewing the overall intent and functioning of the hamlet district.

Hamlet concept of neighborhood centers or gathering places received strong support in the 21st Century Commission Plan. Zoning is one of the primary means to guide the implementation and ensure the compact, pedestrian scaled mixed use centers function as intended. Proposed changes are geared to ensure intent of zoning is carried out as we see development/ redevelopment occur and that it continues to create a place with a strong identity that will stand the test of time.

Helpful to looking at our own ordinance is understanding that communities around us and nationwide are (re)creating hamlet style development. To better understand our needs, we took the opportunity to also compare with surrounding communities and similar zoning districts, and visited sites within areas (pictures within) to understand how the regulations have translated into on the ground development. Malta, Saratoga Springs, Clifton Park, Milton, and Colonie's for example all have similar zones to our Hamlet that provided a good check-in for their zoning and examples of implementation and used as a comparison in some of our recommendations.

What follows is a summary of proposed improvements to the Hamlet zoning.

Amend bulk requirements to better fulfill intent of the Hamlet district.

The overall concern with the current zoning schedule for H-1 is that the setbacks, frontage and minimum lot size requirements will promote only more larger scaled, spread out manner of development instead of the compact, walkable environment envisioned in the 21st Century Commission Plan and discussed extensively. Recommendations include:

1. *Modify required front, side and rear setbacks to better fulfill intent of the H-1 zoning district.*

The front setback is currently 45-65 feet from the property line. With a typical 15' ROW, this means buildings are being placed as far back as 80' from the edge of pavement- too far a distance to really support the hamlet concept. Pedestrian scale, hamlet development requires closer proximity to street as one of the main ingredients for success. Buildings in appropriate scale frame the street and slow down traffic, providing an important safety measure and ensuring cars, pedestrians and bicyclists co-exist safely. From a review of Malta, Saratoga

Springs, Clifton Park, Milton and Colonie's different approaches with the average front setback ranging from 0'-25', and a combined side setback of 12-30 feet conclusion.

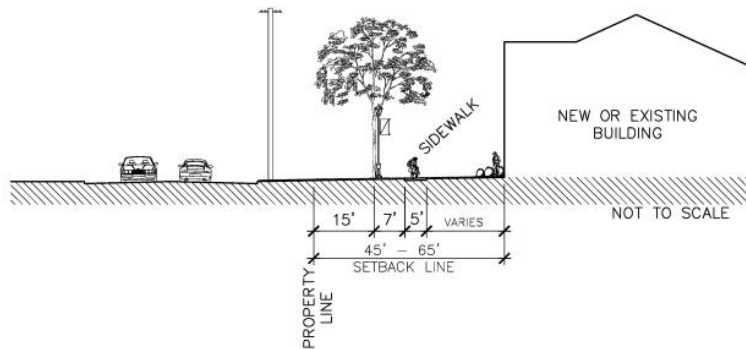
Initial Recommendation- front setback of 15-25 feet, side setback combined 20 feet, or side of 20 feet if a commercial use is adjacent to residential. A rear setback of 30 feet is recommended for consideration. The picture attached is of a site within Saratoga Springs that is an example of how the setbacks translate into real life.



Saratoga Springs development 30 feet off pavement, 15 foot setback. Parking is located on side and screened. Public art also displayed in front.

2. Requiring that the sidewalks, street trees and lighting all be located on private property is also pushing back the development overall. **Consider placement of streetlighting and street trees within the town ROW, with sidewalk on property line edge with a legal arrangement that the private property owner maintain the street trees and lighting within the ROW.** This approach is similar to the County allowing improvements to be made within the ROW with the understanding that the responsible entity will continue to care for the improvement over time.





What we currently have in our H-1 zoning with 45'-65' setback and street trees, lighting and sidewalk all on private property.



Public Street Sidewalk

Colonie's regulations place sidewalks, street trees and lighting within 10' of ROW off edge of pavement

3. *Minimum lot size*- reduce to amount conducive to some of compact commercial, residential and mixed use development intended by the hamlet district. Our current minimum lot size ranges from 20,000 to 120,000SF. Recommend we reduce the minimum lot size to 10,000- 18,000SF depending on the use.
4. *Frontage*- Frontage is also an area where we require 200 feet of frontage, where other comparable districts are around 50 feet. Recommend we reduce to 60- 70 feet.

Development that illustrates 25' front setback, and proposed placement of street trees, lighting and sidewalks.

There are other items that can enhance the overall creation of the hamlet and area and promote a place



where activities and where people are drawn to shop, meet and just be.

1. *Encourage and provide guidance for public spaces such as courtyards, outdoor seating areas, including public art, landscaped or otherwise passive green space within the Hamlet area.*
2. *Encourage and set process for outdoor dining and sidewalk retail- one visible means to increase outdoor activity and sense of place within the Hamlet area. Provide means with zoning to allow and provide review for within site plan review, and easy to manage means to allow outdoor dining to continue per site plan approval and/or annual permit (similar to temporary merchant permit).*



3. *Implement Architectural Guidelines as recommended within the Comprehensive Plan*



Strengthen current design standards for hamlet areas as a means to ensure consistent, long lasting quality development that fits in/ improves neighborhood character. This will continue to implement a recommendation of the 21st Century Commission Plan as a component of commercial and residential design standards.

Adding to existing site layout design standards we have within the H-1 district will:

- Guide architectural style and recommended materials
- Guide building massing and proportions
- Allow us to “set the bar” in terms of requiring quality development while still allowing for flexibility on the part of the developer. Seeing

the standards upfront also gives the developer a chance to incorporate this early on in the process saving time and money.

- Increase the appeal of a building's façade and neighborhood presence.
- Enhance consistent community identity and sense of place
- increase property values and improve safety through creating a well designed environment.

ARTICLE VIIC H-1 Hamlet District *Editor's Note: See Schedule G and Article XXIV for additional requirements.*
[Added 12-1-2005]

§ 129-49.4. Descriptive purpose; permitted uses.

- A. The Hamlet One District (H-1) is reserved to encourage increased pedestrian oriented residential, commercial and retail activity and create a location where greater flexibility is permitted and encouraged for the mixed use of retail, office and residential uses.
- B. Uses permitted in the Hamlet One District shall be as follows: See Schedule G.

§ 129-49.5. Special permit uses.

The following shall be allowed as special permit uses: see Schedule G.

§ 129-49.6. Additional requirements.

- A. Building location and setbacks.
 - (1) All buildings shall have a build-to line of between 15 and 25 feet as measured from the right-of-way. Existing buildings shall be exempt from this requirement. [See Figure 5 — Cross Section with Parking in the Rear for the Hamlet One (H-1) District. *Editor's Note: The diagram is included at the end of this section.*

[Amended 3-2-2006]

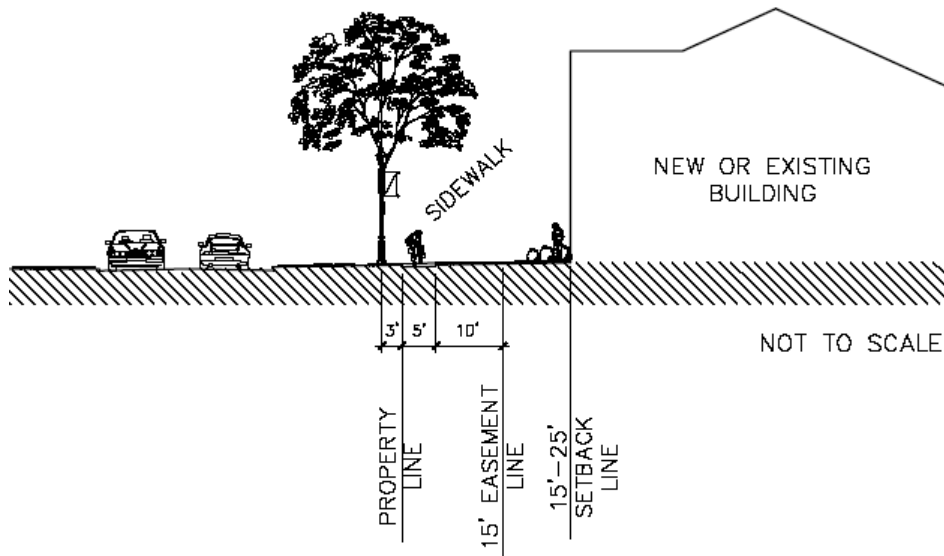


Figure 1- Cross Section with Parking in the Rear

- (2) The sum of the side setbacks shall be a minimum of 15 feet.
 - [(3) Road frontage requirements for nonresidential uses with frontage requirements of 200 feet shall be reduced to 100 feet, and combined side setbacks reduced to 30 feet, for projects providing municipal sewer and water.]
 - (4) All corner lots in the Hamlet districts may be treated as having one front and three side lot setbacks, in the opinion of the Planning Board it is consistent with the character of the immediate area. The Planning Board shall determine the lot line where the front yard setback needs to be met.
- B Site design.

- (1) The required front **28**~~15-25~~ feet shall be reserved as a municipal easement for amenities, including but not limited to a five-foot sidewalk, ornamental light poles, municipal sewer, water and utilities, and a level grass area planted with uniformly spaced street trees of mixed species. The grass area shall be properly graded and maintained to accommodate the above amenities. See Figure 2 — Greenbelt Plan View for the Hamlet One (H-1) District. [Editor's Note: The diagram is included at the end of this section.] The location of various easement amenities depicted in the following figures and those shown in section § 129-174 are guidelines only. The Planning Board has discretion as to the exact location of the amenities based on site plan issues discussed during the approval process. In cases where buildings, parking areas, pavement, and/or other obstructions already exist on a site, the Planning Board may waive or limit the street trees and lighting along a project's frontage. **[Amended 10-5-2006]**

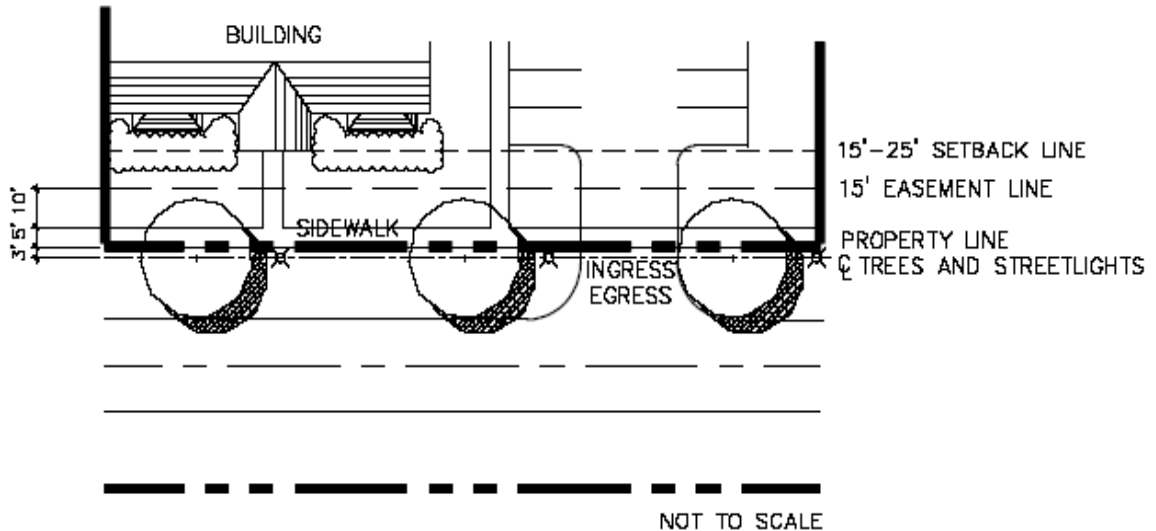


Figure 2- Greenbelt Plan View for the Hamlet One (H-1) District

- (2) A minimum of 35% green space shall be required. This green space shall include adequate screening for the rear and side yards, as determined by the Planning Board. It shall also include a minimum of a fifteen-foot buffer along the boundary line of abutting residential districts or properties currently used for residential uses. Such buffer shall contain screen plantings of trees, hedges, shrubs, etc. to provide an effective visual and sound buffer between districts.
- (3) Stormwater basins shall be at the rear or side of the parcel unless proven otherwise impractical.
- (4) Drive-through windows shall be in the side or rear yard only.
- (5) Storage, loading and docking areas, **dumpsters, utility boxes and other uses** shall be to the rear of the building and screened from the road and adjacent neighboring parcels. **Acceptable screening shall be landscaping, fencing and other design treatments compatible with the principal structure's finish.** The Planning Board may allow side or front yard loading, or side yard storage, based upon the following considerations: type of business; adjacent uses; traffic and pedestrian circulation; aesthetics and pedestrian accessibility.
- (6) Preserve existing vegetative buffers and promote a balance with the building and greenspace. **Landscape buffers between uses deemed non-complementary can be utilized to protect privacy and buffer noises, odors or other unwanted impacts. Acceptable means for screening and buffering include landscaping, berming, fencing (not including chain link) or a combination of these screening techniques.** [Trees and other landscaping should be used to reduce the impacts of parking lots on neighboring properties and pedestrians.]

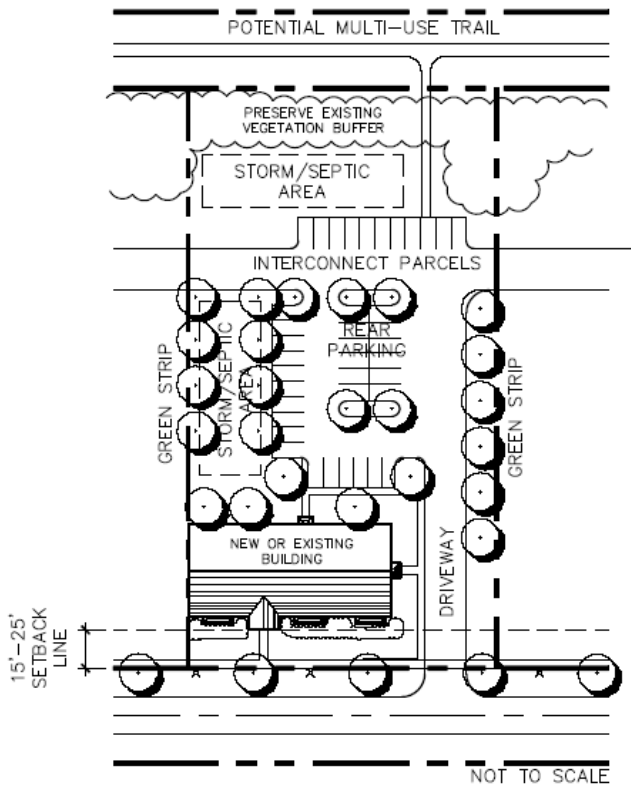


Figure 3- Building Site Design with Rear Parking

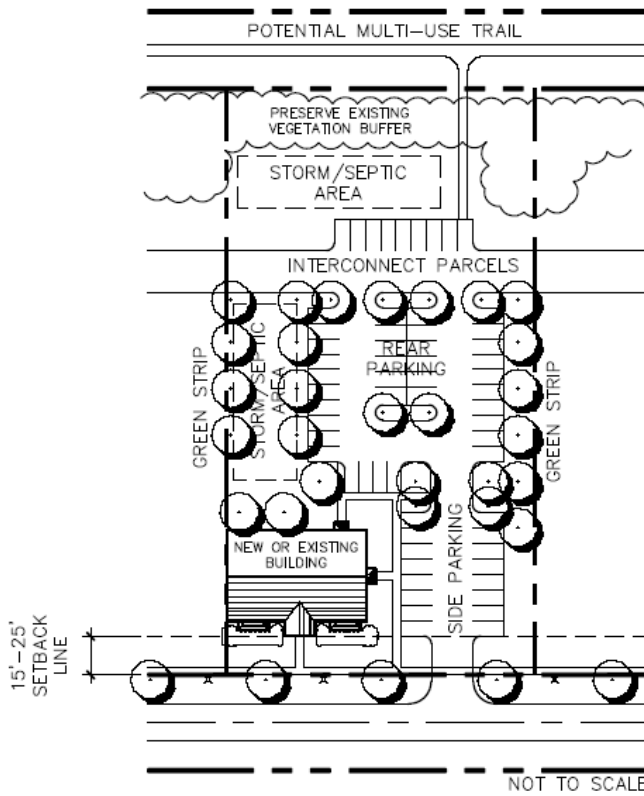


Figure 4-Building Site Design with Side and Rear Parking

- [(7) No merchandise, products, equipment, advertising or similar material or other objects, except for signs and approved display areas, are to be placed in front of the front line of the structure.]
- (8) No uses shall be permitted or conducted in any manner which would render it noxious or offensive by reason of dust, odor, refuse, smoke, fumes, noise, vibration or glare, as determined by the Town of Wilton or its agent.
- (9) For all permitted uses and special permitted uses, § 129-176 shall be reviewed for additional requirements.

C. [Building] **Architectural Design Standards** and amenities.

- (1) Façade Treatment and Fenestration- Fenestration refers to the fluctuations of depth (such as doorway) and openings (windows) on a façade.



Two story building illustrating appropriate site layout, treatment and fenestration. Includes vertical alignment of windows.

- a Buildings shall be oriented to front and relate to public streets to the greatest extent possible. The main entry shall be on the front of the building. **Entrances to the building should be architecturally defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porches, overhangs, railings, balustrades, and others where appropriate.**

- b. Buildings are encouraged to contain multistory, mixed-uses with commercial/retail uses on the ground level and apartments or offices on the upper levels. **Buildings shall generally relate in design features and scale to the adjacent buildings. As a general rule, a continuity of treatment should be made by subtly maintaining the building scale or by graduating changes, front yard setbacks at the build to line, by continuous use of front porches on residential buildings, by extending horizontal lines of fenestration, and by echoing architectural styles and details, design themes, building materials, and colors used in surrounding buildings.**



Pedestrian oriented scale, continuity of treatment including front porches, and roof design that adds visual interest, with integrated sidewalks and landscaping. Buildings overall contribute to surrounding area as a whole.

- c. **Buildings should be designed to enhance and contribute to the surrounding area, rather than detract from it. Utilizing similar building massing, scale, colors and architectural features will ensure**

compatibility with surroundings. An architectural treatment should continue from front façade to all visible sides of building.

- d. Overall façade composition should break the building down into distinct segments to communicate a pedestrian oriented scale. First floors shall be integrally designed with upper floors, including vertically aligning upper floor windows with windows and doors on the first floor. First floor uses shall have large pane display windows, 50 to 75 percent of the first floor should be of glass surface. Windows shall consist of at minimum 30 percent of façade of the upper floor.

Adaptive reuse of existing structures is encouraged. If a structure is on the local historic registry or listed as historically significant by the Town's Historic Preservation Board or National Registry, renovation of the structure is particularly encouraged.

2. Building Height and Massing: Building height shall be increased from the maximum 35 feet to a maximum of 55 feet for non-occupied spaces, such as awnings, spires and peaked rooflines.

- a. Buildings shall avoid long uninterrupted stretches of wall or roof plane. Building wall offsets including projections, recesses and changes in floor level shall be used in order to provide architectural interest and variety to the massing of the buildings.

3. Roof Design. Pitched hip and gable roofs are generally encouraged. Pitched roofs shall contain safety measures such as overhangs to ensure safety from falling ice, snow, or rain. Roof-line offsets shall be provided, in order to provide architectural interest and variety to the massing of the building, and to relieve the visual effect of a single long roof. Architectural embellishments such as dormers, cupolas, cupolas, masonry chimneys and clock towers are encouraged for visual interest. Flat roofs incorporating a parapet are encouraged for buildings two stories and higher. Mansard roofs are generally discouraged.

- a. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties utilizing walls, fencing, roof elements or landscaping.

(4) **Lighting.** All lights, whether pole or building mounted, shall be shielded such that light is adequately directed away from off-site areas. Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors, and details of the building. Facades shall be lit from the exterior, and as a general rule, lights should be concealed through shielding or recessed behind architectural features. The use of low pressure sodium, fluorescent, or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited. Mounting brackets and hardware should be inconspicuous.

(5) **Materials and Colors.** All materials, colors, and architectural details used on the exterior of a building



Building illustrating preferred higher quality façade materials and appropriate façade treatment.

shall be compatible with the building's style, and with each other. Exterior materials shall be of high quality that will assure long lasting durability and low maintenance.

a. Preferred façade materials:

Red Brick

Wood

Architectural masonry units

Natural stone, veneer, or cast stone

Siding of high quality (including cement board) that simulates well a natural material

Contemporary materials such as glass, concrete are permitted if overall color, texture and material reflects context of the surrounding area.

b. Strongly discouraged materials:

Plain vinyl or metal siding

Imitation stone, plastic, resin products of lower quality

Flourescent colors shall not be permitted

c. Trim materials should consist of finish-grade painted or stained wood. Bare, lumber grade wood is strongly discouraged. Windows should have anodized aluminum or a wood frame, not consist of a bare aluminum frame.

d. Awnings and canopies, fixed or retractable are encouraged at ground floor level if designed as an integral part of the façade. Canvas is the preferred material, although other water-proofed fabrics may be used. Metal or aluminum awnings are prohibited.

D. Parking and vehicle access.

- (1) Parking shall be in the side or rear yards of the building only. The Planning Board may allow front yard parking in certain situations such as larger lots, corner lots, or lots where more than one structure is proposed. The Planning Board may alleviate the parking standards set forth in § 129-161 based upon the following considerations: type of business; shared parking arrangements; adjacent uses; aesthetics; and pedestrian accessibility. **[Amended 3-2-2006]**
- (2) The ratio of parking distribution shall allow for up to 25% of the total parking in the side yard and the remainder in the rear yard. In cases where side yard capacity is available, the Planning Board may allow more than 25% of total parking in the side yard. See Figure 7 — Building Site Design with Side and Rear Parking for the Hamlet One (H-1) District. *Editor's Note: The diagrams are included at the end of this section.* **[Amended 3-2-2006]**
- (3) **Spillover parking areas with alternative pervious paving materials including pervious asphalt, concrete and grass pavers are strongly encouraged and can be included as a portion of the 35% required green space at the Planning Board's discretion.**
- (4) For the purpose of assuring safe and continuous movement of vehicles, interconnections between the rear yards of adjoining parcels shall be required. The design and location of the interconnections shall be determined during the site plan review process. **Cross easements should be used to formalize shared access arrangements between parcels.**
- (5) Shared driveways are strongly encouraged. Points of ingress and egress should be limited to one per parcel. Curb cuts are required to be consolidated to the greatest extent possible. **[Amended 3-2-2006]**

- (6) For the purpose of encouraging shared points of access, points of egress and ingress shall be at one side of the property.

E. Pedestrian and bicycle access.

- (1) [An area for sidewalks or a place for future installation of sidewalks shall be reserved within the twenty-eight-foot municipal easement.] Sidewalks shall be placed to safely separate pedestrians from vehicular traffic. See illustration Figure [6]. 2- Greenbelt Plan View for the Hamlet One (H-1) District.
- (2) Properties on the east side of Route 9 may be required to provide access to any planned future adjacent public multiuse trail.
- (3) **To accommodate pedestrian and bicycle access, pedestrian resting spots such as benches, low lying walls should be incorporated into a site's development. Bike racks should be provided within accessible, visible locations to serve bicyclist traffic within the hamlet areas.**

F. Public spaces. Public spaces provide a valuable contribution reflecting a sense of community and providing formal and informal gathering places for residents and visitors.

(1) Public space is strongly encouraged and can include plazas, courtyards, walkways, and other amenities such as seating, ornamental fountains, lighting and gardens. Landscaping should include trees, shrubs, perennials, and annuals. Public space should be constructed on the side of a building which receives the most sunlight. Benches should be placed under trees to provide shaded areas for those utilizing the space.

(2) Incorporation of works of art into the public spaces, exterior façade, or entrance lobbies is encouraged.



Illustration of an appropriate public space that reflects a sense of community and provides aesthetically pleasing gathering place for residents and visitors.

G. Outdoor dining. Outdoor dining is defined as a dining area with seating and tables located outside of a restaurant, coffee shop or other food service related facility where all food and beverages are prepared within the establishment.

(1) A restaurant shall be permitted to operate outdoor dining provided that pedestrian circulation and access to store entrances is not impeded. The number and location of tables shall be compliant with maximum occupancy and aisle width standards within the New York State Uniform Fire Prevention and Building Code.



Outdoor dining featuring a defined dining area.

(2) Planters, posts with ropes or other removeable enclosures are recommended and shall be used as a way of defining the occupied dining area. The operators of occupied dining area shall be responsible for a continuously maintained, litter free and well kept appearance.

H. Sidewalk displays. Sidewalk displays are permitted directly in front of a retail establishment provided that: display is associated with the retail operation, at least five feet of clearance is maintained at the storefront entrance, that the display is located against the building wall no more than three feet, and that less than 75 percent of the building storefront is occupied with any display. The display area shall maintain a clean, uncluttered look at all times. The display shall be allowed during normal business hours with removal at the end of each day.

PROPOSED H-1 SCHEDULE CHANGES

129 Attachment 13

Town of Wilton
Schedule G

H-1 Hamlet One District
[Added 8-4-2005; amended 12-1-2005; 3-2-2006; 6-7-2007]

Principal Permitted Use	Minimum Lot Size (square feet) ¹	Minimum Frontage (feet)	Minimum Green Space (percent)	Building Height (occupied space in feet) ²	Minimum Yard Dimensions (feet)		
					Front	Total Side	Rear ⁵
Dwelling, one-family	10,000	80	35	35	15-25	15	30
Dwelling, two-family	10,000	80	35	35	15-25	15	30
Veterinary Hospital*	10,000	80	35	35	15-25	15	30
Restaurants (sit down only)	10,000	80	35	35	15-25	15	30
Business office	10,000	80	35	35	15-25	15	30
Convenience store	10,000	80	35	35	15-25	15	30
Banks	10,000	80	35	35	15-25	15	30
Federal/state/local offices	10,000	80	35	35	15-25	15	30
Retail businesses	10,000	80	35	35	15-25	15	30
Public libraries	10,000	80	35	35	15-25	15	30
Boarding houses/ tourist homes/ bed and breakfast facilities	10,000	80	35	35	15-25	15	30
Health services	10,000	80	35	35	15-25	15	30
Laundromats/retail dry cleaning	10,000	80	35	35	15-25	15	30
Places of Worship	20,000	100	35	35	15-25	15	30
Public utilities	10,000	80	35	35	15-25	15	30
Day-care centers	10,000	80	35	35	15-25	15	30
Mixed use buildings:retail/ office w/residential uses	10,000	80	35	35	15-25	15	30
Special Permitted Uses	10,000	80	35	35	15-25	15	30
Senior living communities ³	20,000	80	35	35	15-25	15	30
Home occupations	10,000	80	35	35	15-25	15	30

* NOTE: The boarding of animals is specifically prohibited in the RB-1 and H-1 zones.

¹ On a corner lot the minimum lot size shall be 15,000 square feet

² Maximum height shall be 55 feet with 20 feet unoccupied space

³ Requires Town Board approval

⁴ Non-residential uses abutting residential uses shall have a combined setback of 20 feet, 60 feet if rear setback.