

ISSUE PAPER SERIES

Low-Density Zoning

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NEW YORK STATE TUG HILL COMMISSION



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What is Low-Density Zoning?

Low-density zoning, sometimes referred to as large lot zoning, sets large minimum lot size requirements, typically ten to 40 acres, to manage development in very rural agricultural, forested, or environmentally sensitive areas. This land use approach allows local governments to minimize the potentially harmful effects of land fragmentation in previously undeveloped areas by limiting parcelization that could degrade wildlife habitats, agricultural lands, forest lands, and other natural landscapes.

Implementing low-density zoning usually includes large minimum lot sizes, cluster subdivision, and conservation subdivision provisions. Local governments establish large minimum lot sizes within certain zoning districts, typically the areas away from established villages or hamlets, where parcel sizes are already large. Cluster subdivision regulations provide a mechanism for landowners and developers to create lots that are smaller than the allowed minimum, as long as overall density remains the same. Conservation subdivision provisions take this concept a step further by mandating that important natural features are preserved when a lot is subdivided and developed. Through these measures, low-density zoning supports growth while preserving natural resources and working land uses.

How Low-Density Zoning is Being Used on Tug Hill

Several towns in the Tug Hill region have implemented low-density zoning, mostly in the core forest area. The Tug Hill core forest is an approximately 800 square mile expanse of mostly roadless, forested land that contains critical headwaters supporting the region's ecological integrity as well as its working lands economy. The core forest provides hunting, fishing and other outdoor recreation opportunities that are significant to the area, as well as important wildlife habitat corridors and bird habitats.

Benefits and Drawbacks of Low-Density Zoning

Many upstate New York towns have zoning laws with minimum lot sizes of one acre over most of the land within their municipal boundary. One of the main reasons for this is to provide enough land for the siting and performance of on-site septic systems, as most rural areas do not have public sewer. This approach works relatively well in areas with little development pressure, but in areas where there is development pressure, it can lead to

sprawl in the form of conventional suburban subdivisions. It can also limit the municipality's ability to handle future growth, as much of the land is consumed and prevented from further development. Conventional subdivisions disperse open space in small pieces to individual homeowners. While each landowner owns a small piece of open space, the conventional subdivision does not reserve enough open space to meet many important community objectives, such as maintaining rural character and reducing the visual impacts of residential development.

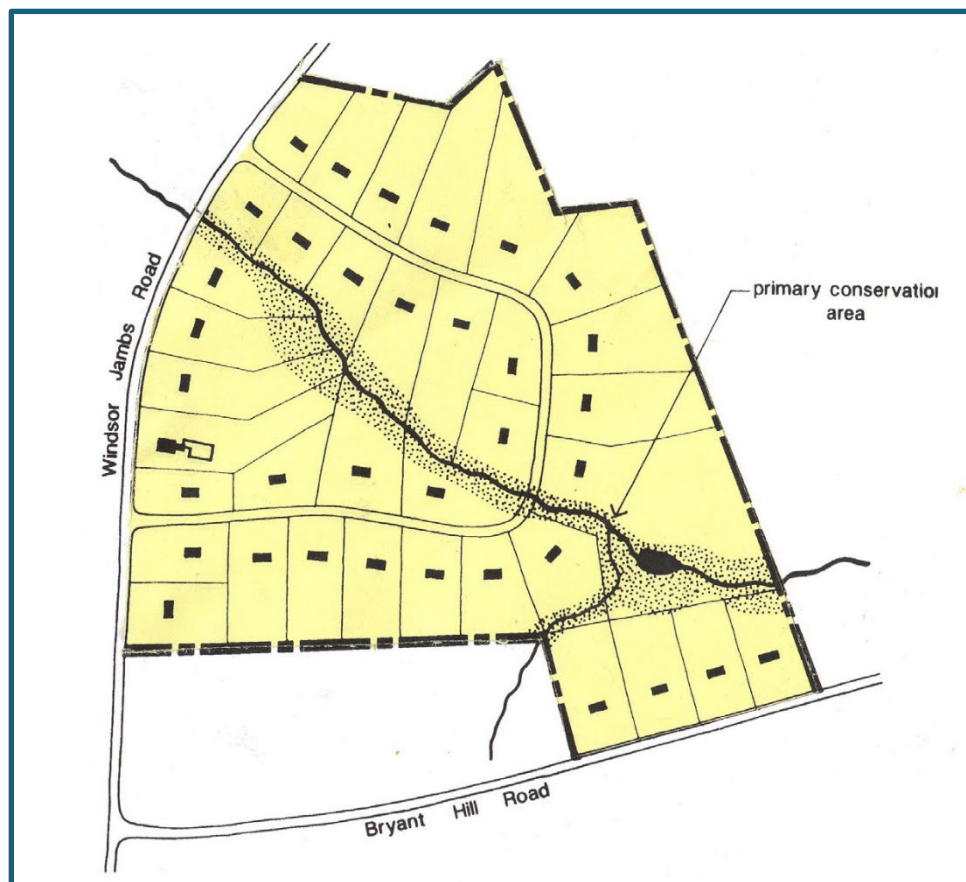


Figure 1. A conventional suburban subdivision with uniform lots. Source: Managing Change in Rural Manitoba - A Manual for Conservation Subdivision Design – Randall Arendt

Paired with cluster subdivision, low-density zoning can reduce fragmentation of wildlife habitat, allowing native species to thrive in a more continuous, undisturbed environment. It also better accommodates wildlife movement on the regional landscape, as larger lots are less likely to be cleared of native vegetation. Less disturbed land decreases soil

compaction, which helps manage stormwater runoff by increasing groundwater infiltration, filtering pollutants, and decreasing soil erosion. The absence or limited extent of impermeable surfaces such as driveways, parking lots and roads also supports those functions. Additionally, natural landscapes help increase carbon sequestration and reduce greenhouse gas emissions.

Beyond environmental benefits, low-density zoning also supports the preservation of rural character. It safeguards scenic landscapes and open space, and creates opportunities for outdoor recreation. Intact natural landscapes contribute to the visual appeal and natural aesthetics of the region. In addition, by limiting development, low-density zoning can aid in maintaining traditional rural identities by preserving important working land uses such as logging, farming, and forestry. In doing so, it balances growth with the need to protect the natural assets that often define rural communities.

While low-density zoning can provide environmental, cultural, and aesthetic benefits, it also faces on main criticism – it limits the number of residential properties that can be developed in an area and also requires the purchase of larger lots. This can drive up the cost of housing, reduce housing affordability, and limit access for lower-income families.

Cluster Subdivision

Cluster subdivision, sometimes referred to as density averaging, can help mitigate the potential negative effect on housing affordability. NYS Town Law Section 278 describes the procedure for this type of subdivision. The general concept behind clustering is that development density is separated from lot size. Typically, towns regulate density by having a minimum lot size for each zoning district. The minimum lot size in a low-density zoning district, for example, might be 20 acres. Under this zoning, a 100-acre parcel can be subdivided into five lots that are 20 acres each. Clustering would still allow only five lots to be created, but four of the lots could be much smaller (perhaps one acre) and one lot could be 96 acres. The four smaller lots would be “clustered” together and the density of development remains the same. In this way, the entire original lot is not completely and uniformly divided into building lots, and the new smaller lots can be sited in the most suitable portion of the original lot. The lots are then restricted from further subdivision. A notation is made on the zoning map that indicates the parcels cannot be further divided.

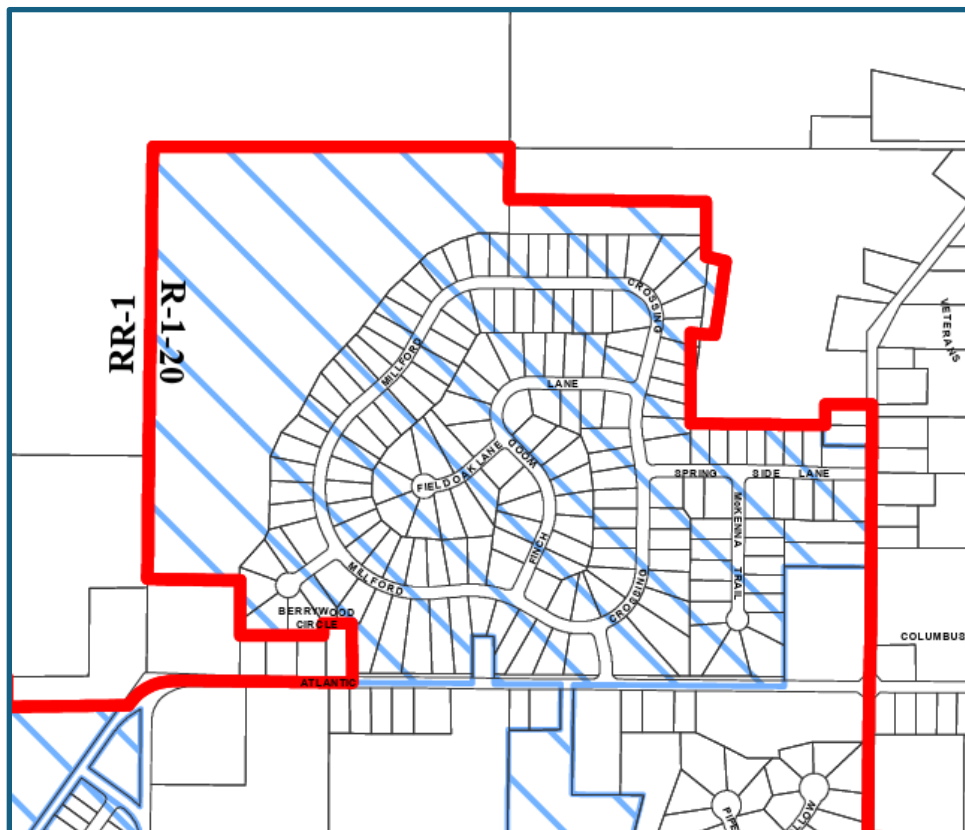


Figure 2. A cluster subdivision in the Town of Penfield, Monroe County. The blue hashing is placed on the zoning map to indicate this tract of land is developed to its maximum number of lots.

Conservation Subdivision

Conservation subdivision takes the clustering/density averaging concept a step further by requiring that the newly created smaller lots are laid out and designed such that all natural features of the original lot are preserved. These include, but are not limited to, wooded areas, farmland, wetlands, water features, hedgerows, and natural habitat areas. In some cases, a conservation easement may be placed over the open space portion of the subdivision.



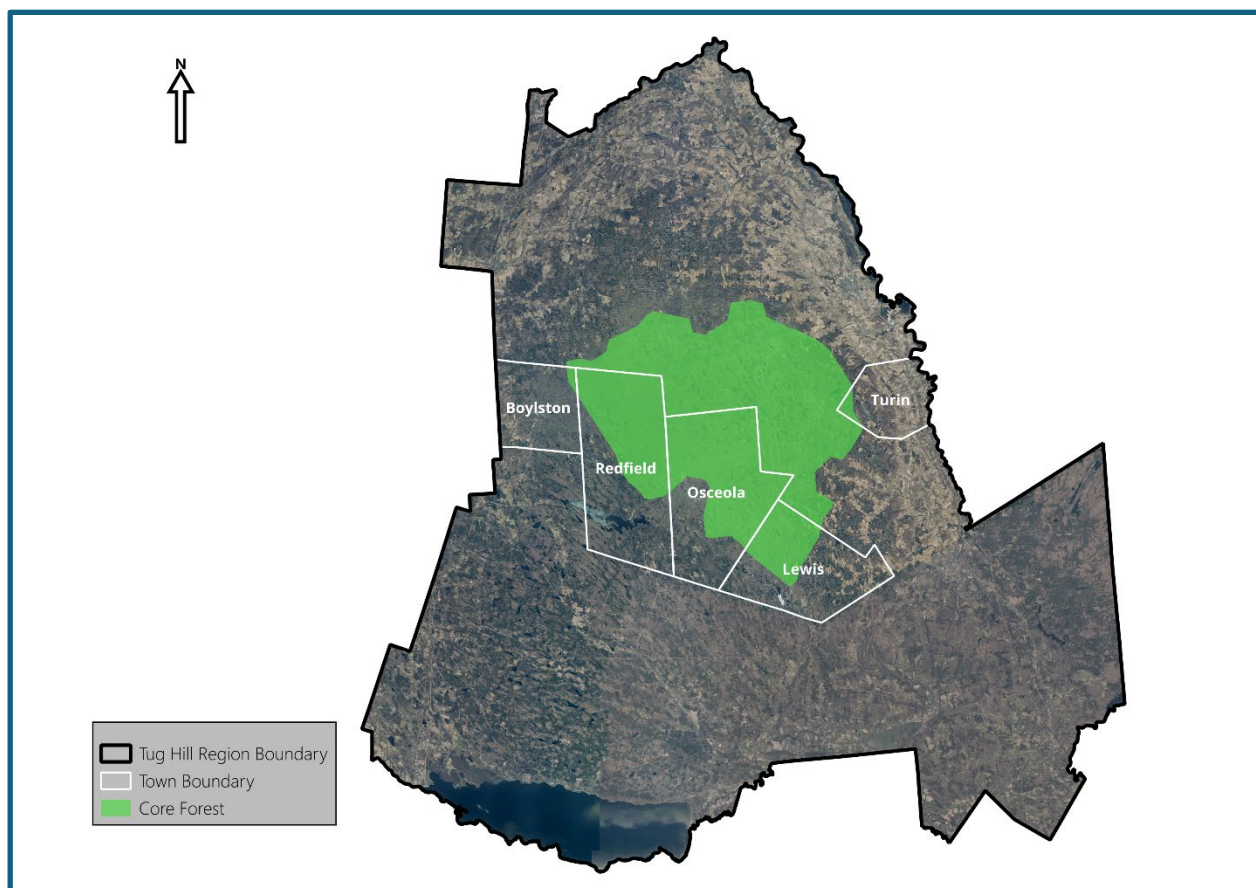
Figure 3. A conservation subdivision that preserves land and natural features. Note that this is the same plot of land shown in Figure 1. Source: Managing Change in Rural Manitoba - A Manual for Conservation Subdivision Design – Randall Arendt

Both cluster subdivision and conservation subdivision reduce the need for infrastructure. Rather than needing access roads to give frontage to five 20 acre lots (in the aforementioned example), clustered smaller lots would require much less pavement.

Clustering can be included in the town's subdivision regulations as an option or as a requirement. As an option, it is often ignored by developed who are unfamiliar with the concept and therefore are reluctant to try it. This is true even though they can often save money due to the reduced internal road costs. To date, there have been no cluster subdivisions created in the Tug Hill region. The technique has, however, been used in Monroe and Onondaga counties over the last decades.

The Tug Hill Reserve Act and Low-Density Zoning

Most of the Tug Hill region towns that have low-density zoning districts have done so in conjunction with the Tug Hill Reserve Act. The Tug Hill Reserve Act (Reserve Act) is New York State law that recognizes the regional and statewide importance of protecting the Tug Hill's most sensitive natural and cultural resources including major river corridors, the core forest, aquifers, wildlife habitats, native vegetation, and historical sites. The act



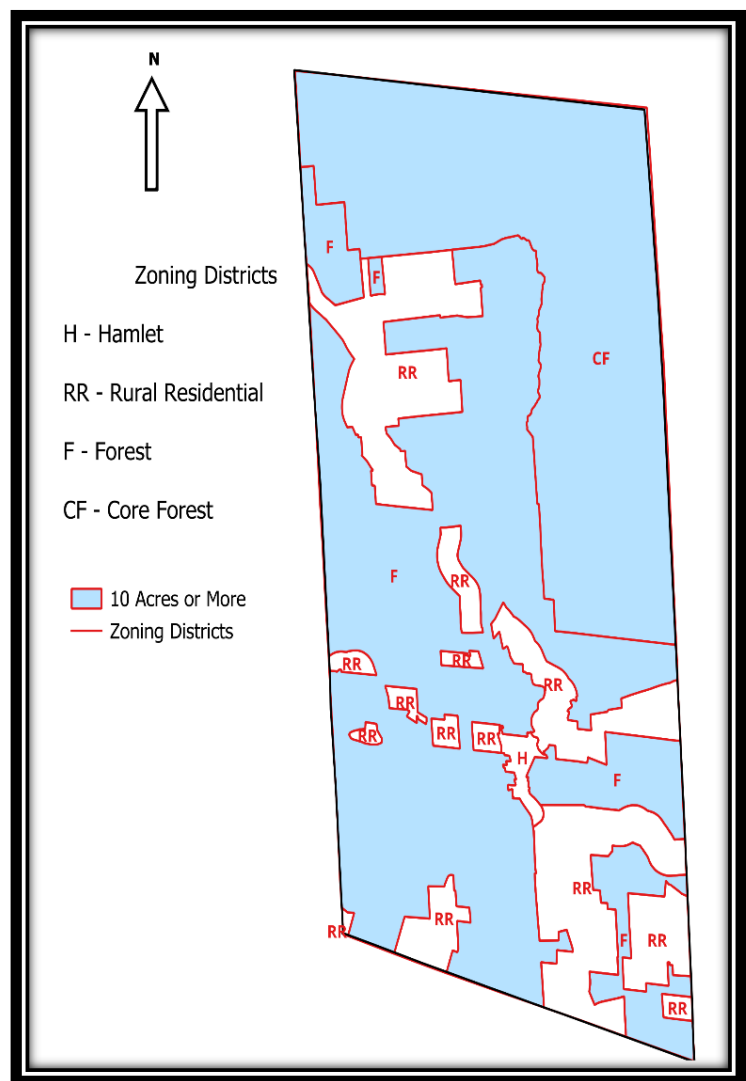
originated as a mechanism to give Tug Hill region municipalities that are members of councils of governments a way to prevent or mitigate development proposals by county or state government agencies on lands deemed by the municipality as “special areas,” as these governments are largely immune from local zoning regulations. Special areas designated may include: gulfs (deep gorges), important wildlife habitats, large contiguous forests, major river and stream corridors, headwater and groundwater areas, and historic or scenic sites. The Reserve Act recommends municipalities that have designated special areas to give them further protection through zoning. Several towns have chosen to designate “core forest” special areas and protect them with low-density zoning.

Towns with Low-Density Zoning

Town of Redfield

The town of Redfield in Oswego County adopted low-density zoning as a strategic response to a mix of environmental, developmental, and land use pressures in 2xxx. The Salmon River watershed and extensive forests were seen as valuable natural assets worth protecting. Low-density zoning helped limit the subdivision of large timber parcels into small, often unusable lots, which had occurred in the past and resulted in inappropriate land use.

The town's zoning law includes two zoning districts that use low-density zoning. The Forest District encompasses areas of dense vegetation, wetlands, and stream corridors that are relatively inaccessible with only a few permanent and seasonal residences. With a minimum lot size of 15 acres, this district supports limited development while preserving natural resources, allowing the development of accessory dwelling units, agricultural structures, and seasonal and single-family dwelling units. The Core Forest District contains part of the contiguous Tug Hill Core Forest which is characterized by its dense forest cover, headwaters, wetlands, and lack of residences. This district requires a minimum lot size of 40 acres and restricts development to only accessory structures, agricultural structures, and seasonal dwellings. These districts cover the majority of land within the town.



Town of Boylston

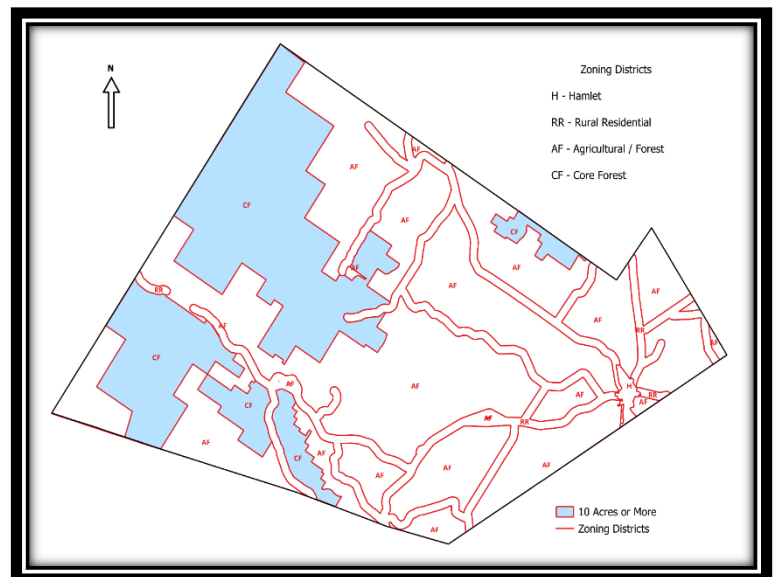
The town of Boylston in Oswego County has a Forest zoning district that allows low-density development and has few permanent residences, some seasonal dwellings, and agricultural structures. This zoning district is characterized by its dense vegetation, wetlands, and stream corridors that are remote and difficult to access by motor vehicles. With a minimum required lot size of 12 acres, the Forest

zone is focused on maintaining the town's rural character and protecting natural resources. The district covers all portions of the town that are not within 1,000 feet of a public road.



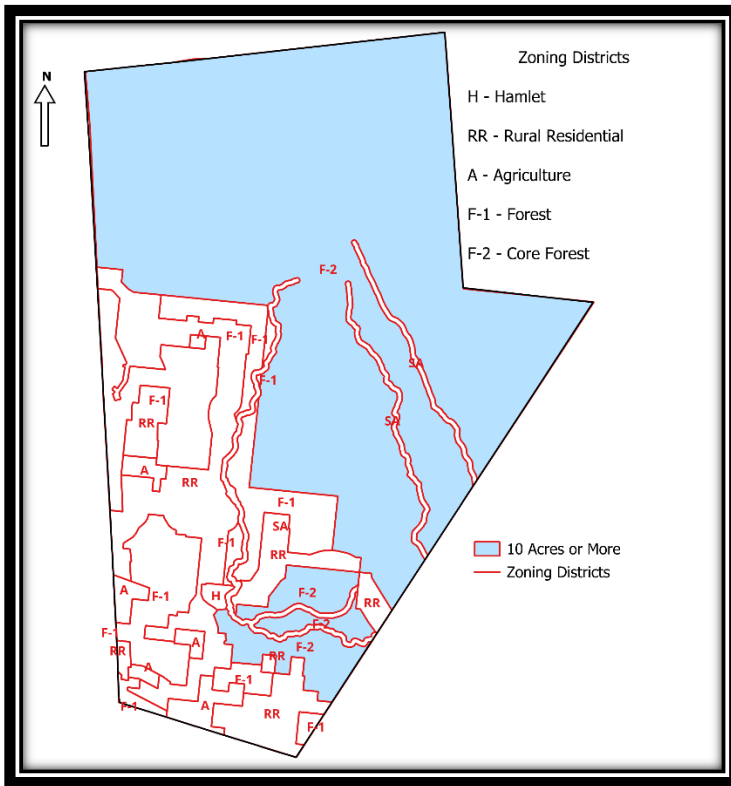
Town of Lewis

The town of Lewis in Lewis County designates a Core Forest zoning district that requires a minimum lot size of 40 acres. This area contains various waterways, public lands, and easements such as the Lewis Preserve, Swancott Mills, and parts of the Big Brook and Cottrell State Forests. The Core Forest district is primarily located in the western third of the town.



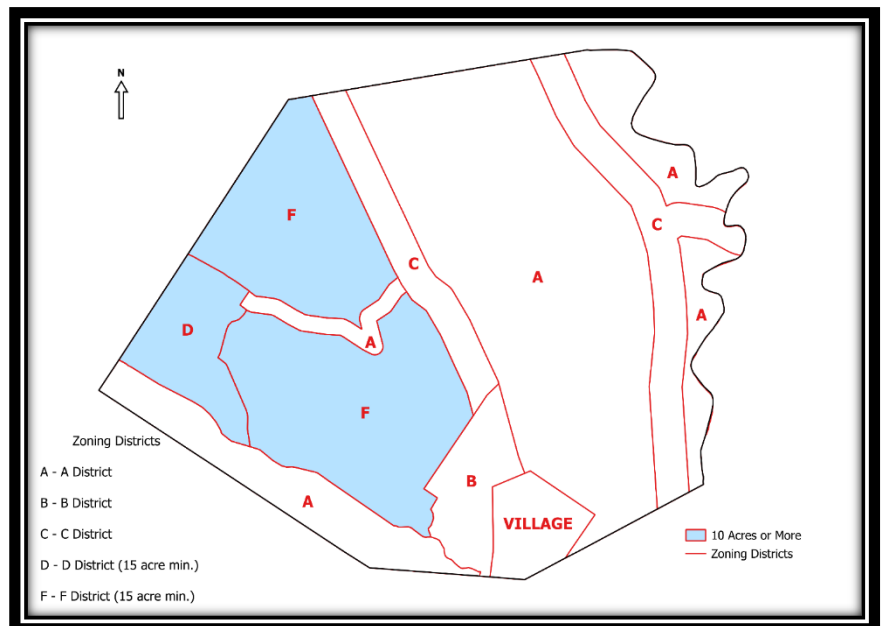
Town of Osceola

The town of Osceola in Lewis County designates a Core Forest Zoning District with a minimum lot size of 40 acres focused on preserving large, contiguous tracts of forested land within the Tug Hill Core Forest. This zone allows very low-density development and emphasizes the protection and preservation of natural resources, forest land, wildlife habitats, and waterways. It encompasses most of the northern and eastern portions of the town.



Town of Turin

The town of Turin in Lewis County created the D and F Zoning Districts that require a minimum lot size of 15 acres which supports limited development while maintaining open space, natural resources, and the town's rural character. These districts are located in the western half of the town.



Conclusion

Low-density zoning has been used by municipalities situated in, or along, the Tug Hill Core Forest as a strategy to protect and preserve natural resources, contiguous forested lands, and the rural character of the region using very large minimum lot sizes. Redfield, Boylston, Lewis, Montague, Osceola and Turin have used low-density zoning requirements to limit subdivision, deter incompatible development, and maintain large, contiguous tracts of forested land. These areas often contain Special Areas, sensitive ecosystems, headwaters, and various wildlife and plant habitats that are significant to the region. The efforts implemented by these municipalities prevent the fragmentation of land that could negatively impact valued natural resources features. Overall, low-density zoning can assist municipalities with controlling development and ensuring long-term land preservation and resource protection throughout the Tug Hill Core Forest and other areas. This tool can also be effective for municipalities that want to control growth and preserve land for future development, if needed.

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