



HOTF SUMMARY REPORT

INTRODUCTION

The Town of Woodstock has retained its distinctive character over decades in spite of many social and economic changes. The Town Comprehensive Plan adopted in 2018, which replaced the 1962 Brown and Anthony Master Plan, articulates a community vision for the future based on an analysis of town history and existing conditions, projections of future growth, and extensive outreach through a collaborative process engaging a wide range of residents and stakeholders. This work builds on the town's strengths, especially its natural beauty, while aiming to ensure that Woodstock remains an inclusive community affordable for seniors, younger people, artists, local workers and families.

To further this goal, the Comprehensive Plan states: ***By supporting the creation of a variety of housing options through changes to the zoning law and proactively planning for an expanded mix of housing types in Woodstock, the town will be addressing one of the most important needs identified by the community in the development of this plan.*** The Housing Oversight Task Force (HOTF), aided by planning consultant Nan Stolzenburg, FAICP, was formed in July 2021 to develop proposed zoning revisions to support those purposes. The term “zoning” as used in this summary generally refers to the Subdivision Law as well as the Zoning Law as such.

This Summary Report provides an overview of the following attached documents related to housing, submitted for consideration and action by the Town Board:

- Draft Law for Zoning
- Draft Law for Subdivision

The HOTF developed this Draft Law based on our evaluation of responses to Version 1, an earlier version of recommended zoning changes submitted to the Town and its citizens last year. One of the attachments to this Summary provides a history of the development of Version 1, including the guiding principles, reference documents, data and analyses, and other input. Other appendices provide associated information, detail, and explanations:

- Annotated Table of Contents for Subdivision and Zoning draft Laws
- Summary of Proposed Zoning Law and Subdivision Law Updates
- Major Recommended Housing Zoning Initiatives – Benefits for Housing and Environment (both short and detailed versions)
- HOTF history and timeline in developing recommendations
- Summary of comments received on Version 1 and HOTF evaluation.

- Mapping and Geospatial Analysis Narrative
- Nan Stolzenburg FAICP, Bio

BACKGROUND

We are fortunate in Woodstock to have an active Housing Committee, a Home Share program, participation in the County's new Housing Smart Communities Initiative, and organizations such as Family of Woodstock and the Woodstock Housing Alliance, all engaged in addressing housing challenges. Woodstock is on its way to having a robust and innovative set of solutions to meet our housing crisis.

While zoning is only one tool to achieve the goals in the Comprehensive Plan and meet the housing needs of our community, it is a key component in the toolbox and constantly used by the Planning Board, Zoning Board of Appeals, and the Code Enforcement Officer, as well as property owners, residents, the County Planning Department, other regulatory agencies and nonprofits.

The HOTF worked with Nan Stolzenburg to develop Version 1 of the draft revision of Woodstock's Subdivision and Zoning Codes based on an extensive evaluation of current zoning, analysis and mapping of local land use and environmental conditions, interviews with diverse community stakeholders, and best planning practices. The HOTF presented Version 1 draft to the Town Board on May 31, 2022. The Town Board made it available to the Planning Board, all other Boards and Committees, and the general public, inviting feedback. Draft Version 1 and all associated documents, and slides of the May 31st presentation were posted on the Town's website on a newly created "zoning updates" page with an email address for submitting comments. Since May 2022, the HOTF and Nan met regularly. HOTF considered all feedback, evaluated additional options to achieve Woodstock's housing goals under the the Comprehensive Plan, and developed a revised draft. This revised draft was reviewed by the Town's land use lawyer, John Lyons, and Ulster County Planning Department. The resulting draft Law is being submitted to the Town Board on April 18, 2023.

Given the length and complexity of the code, the HOTF has prepared and included as Appendices several additional documents to assist in navigating and understanding those changes:

- Summary of Proposed Zoning Changes to Address Housing Needs
- Major Recommended Housing Initiatives – Benefits for Housing and Environment
- Annotated Table of Contents for Subdivision and Zoning draft laws

Mission: The mission of the Housing Oversight Task Force (HOTF) is to make housing more available to people of a range of income levels and backgrounds while preserving our town's unique character and scale and continuing to protect our treasured natural environment.

This mission statement is derived from the Woodstock Comprehensive Plan which states:

"By supporting the creation of a variety of housing options through changes to the zoning law and proactively planning for an expanded mix of housing types in Woodstock, the town will be addressing one of the most important needs identified by the community in the development of this plan. ... Zoning is the backbone of efforts to maintain [the] quality and character of the town that Woodstock's residents and visitors find so appealing... especially those environmentally sensitive areas and open space..."

HOTF'S FOUNDATIONAL PRINCIPLES FOR REGULATORY UPDATES

- Be consistent with the 2018 Comprehensive Plan.
- Facilitate additional housing options that Woodstockers can afford.
- Provide opportunities for landowners to develop responsibly and in scale with the character of Woodstock.
- Emphasize protection of environmentally sensitive areas.
- Allow for creative solutions in keeping with community goals.
- Offer more clarity and certainty in the planning process.

IMPROVED METHODS FOR BALANCING HOUSING NEEDS WITH PROTECTION OF THE ENVIRONMENT

Many people believe that added housing will always come at the cost of environmental degradation. To avoid such an outcome, the new Subdivision and Zoning draft laws have used a number of important methods.

- Establishing strict and detailed environmental and siting criteria to maximize the protection of sensitive natural areas, while minimizing density.
- Incorporating standards on the scale, size, density, and character of new residential buildings, especially multifamily buildings.
- Offering opportunities and guidance for landowners to develop property responsibly.
- Expanding housing opportunities, including options for affordable housing.
- Increasing the set of tools and clear operating procedures for the Planning Board and Building Department.

NEW TOOLS FOR ALL USERS OF THE ZONING AND SUBDIVISION CODE

The new draft Law includes updated purpose statements to be consistent with the Comprehensive Plan, and definitions have been updated to be sure all terms used are clear. Some proposed code changes are new concepts for Woodstock, and some are revisions to Woodstock's existing approaches to regulating residential land use. All aspects of new approaches and how to use them are fully described—for example, the use of net acreage to calculate density, conservation subdivisions for major subdivisions, or the Floating Residential District (FRD),

New tools, such as Reader's Aid Boxes and Illustrations, are placed throughout the revised code in both the Subdivision and Zoning laws to break down the complexity of regulations and help users understand when, where, and how they apply. Reader's Aid Boxes look like this:

Reader's Aid Boxes are added for additional explanation throughout this Zoning Law. These explanations are only an aid to interpreting the legal language of the law and are not to be interpreted as a zoning standard, regulation, or requirement.

Illustrations are provided to assist in the understanding of particular topics. This image of an Accessory Dwelling Unit is an example:



Example of a 480 square-foot Accessory Dwelling Unit

KEY CHANGES IN ZONING AND SUBDIVISION PRACTICES

Town Code is divided into two major categories: Subdivision, which determines how the land can be divided; and Zoning, which determines what kinds of uses are permitted in each zone and expected development standards. Some of the changes listed below fall within both sections of the Code.

Provisions that Support Both Housing Options and Environmental Protection

Clear Design, Landscaping, and Siting Standards to Address the Goals of Environmental Protection and Small Town/Rural Character

Existing County and Town design guidelines are included in the draft Law. More emphasis on the design of housing developments and multi-family dwellings is important to ensure the maintenance of community character, a priority to Woodstock residents. The use of native tree species or hybrid species developed for resiliency and hardiness in landscape design, as proposed by Woodstock's Tree Committee, is also specified.

Require Net Acreage to Calculate Buildable Acreage for Housing Density

To promote densities that match land capacity, the use of Net Acreage, rather than total acreage, is required when calculating the number of new lots or dwelling units permitted on a parcel. Net Acreage is calculated by subtracting the acreage on a parcel containing environmentally sensitive features from the total acreage of a parcel. This ensures that the number of new homes built on a parcel matches the actual environmental capacity of the parcel.

Net Acreage example: A 15-acre parcel in the R5 district includes 3 acres of land with slopes greater than 25% and one acre of wetland with its buffer. Steep slopes and wetlands are environmental features which must be deducted from total acreage. The number of lots or dwelling units would be calculated by taking the 15 total acres and subtracting the 4 unbuildable steep slope acres to yield 11 net acres. The R5 district requires a 5-acre minimum lot size, and so density on this parcel would be 11 total acres divided by 5-acre minimum lot size, or 2.2. Rounding down to the nearest whole number, this lot would be eligible for 2 new lots in the future.

Use of Average Lot Size to Calculate Allowable Density

In order to optimize land use while retaining the number of homes specified for a parcel by its zoning, a variety of different lot sizes may be created in a subdivision, as long as the average lot size meets zoning specifications. As such, the use of an average lot size instead of a minimum lot size allows for easier protection of open spaces and the potential for smaller and more affordable lots. Parcels subdivided using an average lot size reduce individual lot areas and bulk requirements, but the number of lots remains the same as the number permitted without lot averaging.

Identifying Building Envelopes Required When Creating a New Subdivision

The Planning Board will now have the authority, when reviewing either minor or major subdivisions, to require the demarcation of the building envelope for each lot on the approved plat. This will help to contain and control disruption during any current or future development to protect the environment on the rest of the property. The building envelope defines the area where buildings, paving and septic systems can be placed. It must be properly located so that it does not encroach upon setbacks or constrained land and habitats. It must also adhere to percolation tests and Department of Health Approval.

Scenic Overlay Restrictions for Multi-Family Housing to Protect Scenic Resources

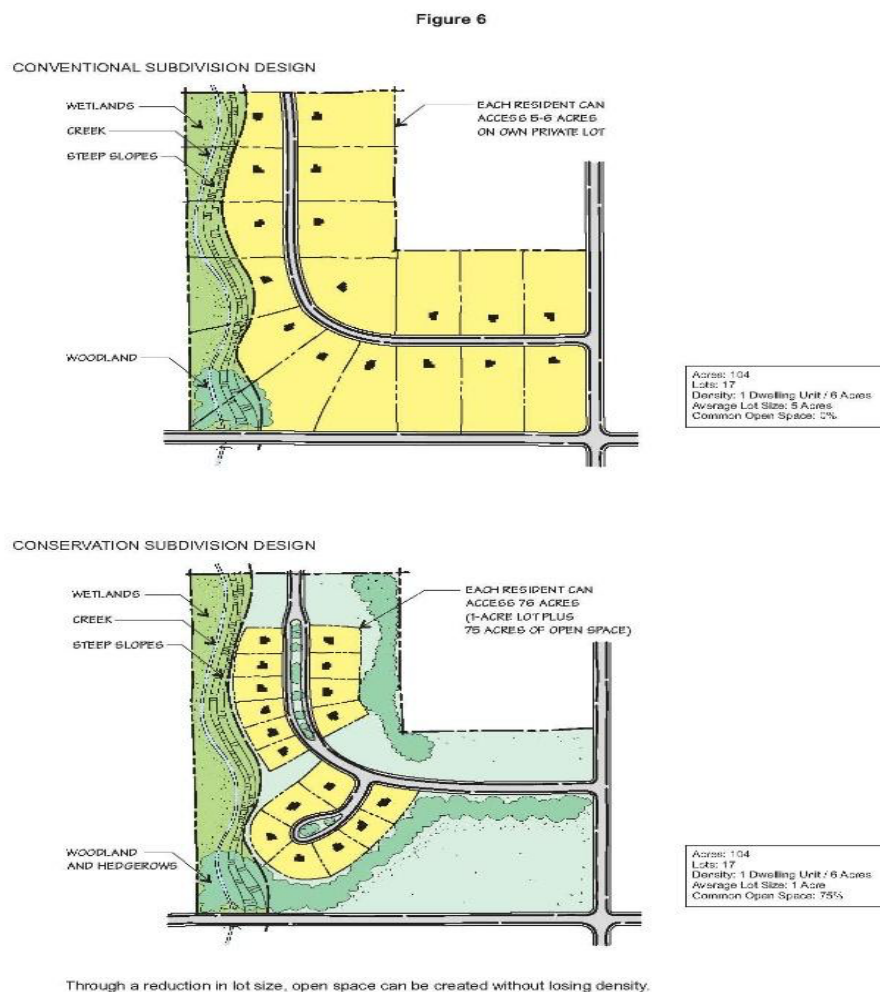
Floating Residential Districts are not permitted in the Scenic Overlay. Three-plex and four-plex buildings would be permissible and would require a Special Use Permit. No other types of multifamily buildings are permitted in the Scenic Overlay.

Conservation-Based Development for All Major Subdivisions

All major subdivisions (i.e. five lots or more) must be designed as Conservation Subdivisions requiring a minimum of 50% permanent open space conservation. The Conservation Subdivision is a flexible site design method that allows varied lot sizes, building locations, and site configurations as well as identifying natural resources to be protected by the open space. To maximize environmental protection, the design process occurs in a specific order: 1) identify conservation areas, 2) select building envelope locations, 3) draw in streets, driveways, and trails, and 4) draw in lot lines. Zoning regulations that give developers flexibility in lot sizes and setback requirements allow conservation subdivisions to achieve the same overall density levels as conventional subdivisions. This helps to prevent fragmentation of the landscape. Developers are

allowed to build the same number of homes that Net Acreage would allow while conserving open space. Developers may achieve a slightly higher density in a Conservation Subdivision through an additional provision in this draft Law that allows for density bonuses in exchange for the creation of affordable housing. All steps and procedures related to a Conservation Subdivision are within both the draft Law for Subdivision and the draft Law for Zoning. Conserved land may be owned in a variety of ways, and will usually remain taxable.

The example below shows how a Conservation Subdivision can reduce the total disturbance and protect more of the environment while allowing the same number of housing units to be developed.



NEW HOUSING CHAPTER IN ZONING CODE

The proposed draft Zoning Code has a new housing chapter, Article VIII, to consolidate the majority of housing-related development standards. These standards coordinate with an updated

Use Table to reflect the proposed additional housing opportunities. The Purpose Clause in the Housing Chapter of the draft Code states:

“This Article reflects the citizens’ values that, as captured in the 2018 Comprehensive Plan, include: appreciation of open space and environmental responsibility; concern for maintaining the artistic identity of the Town in the face of economic pressures; and the desire to retain a population which reflects varied economic status, age, family groupings and lifestyles....Above all, the intention of this Article is to support the goals of Woodstock's 2018 Comprehensive Plan which affirms Woodstockers' commitment to live in a diverse community, where equity is valued and where all residents care about the quality of life we share.”

“This section is established to be inclusionary to a diversity of people, to enhance opportunities for accessory dwelling units (ADUs), to promote three- and four-plex dwelling units, and to allow for carefully planned multifamily, clustered, co-housing, and other housing. styles to meet the housing needs of Woodstock. To ensure that the important environmental and cultural resources of the Town are preserved whenever any type of housing is proposed, this Article establishes additional processes designed specifically to balance housing needs with natural and cultural resources.”

Tools Within the New Housing Chapter

Greater Range of Housing Types

The proposed zoning updates allow an increased range of housing types, including three-plex and four-plex buildings, tiny houses, clustered cottages and clustered lot development, co-housing, senior housing, and continuing care retirement community.

Three- and four-plex houses must meet strict siting criteria and must be designed to single-family design standards in all locations. They are permitted through Modified Site Plan Review, described below. At least one unit within a three-plex or four-plex building must be deed restricted to be affordable. No short-term rentals are allowed.

The housing options permitted include styles of housing historically or currently existing in Woodstock, as well as housing types identified as desired and needed. The proposed standards also maintain other values, such as privacy, character, scale, environmental protection, etc.



Example of a tri-plex along with single-family housing.

Density Bonuses as Incentives for Promoting Affordable Housing

The Zoning portion of the draft Law promotes the development of senior and affordable housing opportunities and encourages environmentally sustainable development by offering incentives to applicants seeking approval of a subdivision, special use permit, or Floating Residential District. Landowners and applicants in certain districts and under certain circumstances may be allowed additional residential density if the project provides certain desired amenities through the Town's Density Bonus program and designates affordable units.

The following density bonuses incentivize the creation of affordable homes. These are housing units in a price range affordable to a variety of income levels but with the same strict siting and design standards as any other unit. The Town may choose in the future to incentivize other values such as energy efficiency & other green building practices. The current draft Law provides the following incentives and constraints:

- extra units may be approved if they are deed restricted to be affordable.
- approval requires proof of overall (site) capacity for any additional units.
- approval requires market-rate and below-market-rate units to meet the same standards.

More Specific Standards for Multi-Family Buildings

Any building with more than two units (a two-family house) is multi-family. Buildings may contain from three (3) to a maximum of eight (8) units, subject to siting, lot size, footprint, screening, and architectural design standards. A Special Use Permit (SP) is required. A maximum number of units per acre and a maximum number of units per parcel are established. Units within a multi-family structure have a maximum size of 1000 sf per dwelling unit.

Expanded Allowance for Accessory Dwelling Units (ADUs)

Formerly referred to as "accessory apartments," Accessory Dwelling Units (ADUs) play an important role in expanding both housing and income opportunities in Woodstock and elsewhere. All Accessory Dwelling Units must be a subordinate and secondary use to a single-family home

on a parcel and must meet certain size limits, environmental criteria, and other development standards to ensure they are properly sited, and have adequate water, wastewater, and off-street parking. Housing units with familiar names such as Carriage House, Coach House, Guest House, Granny Flat, Garage Apartment, In-law Apartment, or multigenerational house shall also be considered ADUs “when such structures are secondary and subordinate structures on a parcel, have sleeping and sanitation accommodations, and are used for either permanent residential use, or transient residential use.” A Tiny House can also be deemed an ADU as a detached dwelling subordinate to a primary residence on a parcel.

Zoning has previously allowed one ADU per property in all Districts. The new code allows a second ADU if a parcel can accommodate it, using strict siting criteria. The second ADU must be deed restricted to be affordable unless the Town Board decides in the future to allow the alternative of an affordable housing fee. Such ADUs will serve various populations, ranging from students and young professionals to young families, senior citizens, and local workers seeking housing in Woodstock. A second ADU can be provided as interior/attached to the principal dwelling on the parcel, or as a detached unit where the first ADU is an as-of-right permitted unit. All setbacks, lot coverage, siting criteria, and well/septic requirements must be met. A second ADU requires a special use permit approved by the Planning Board.

Restrictions for all accessory dwelling units have been clarified, including siting, permitted uses and distinctions between ADUs and accessory structures in general.

Floating Residential District (FRD)

The Floating Residential District (FRD) replaces and updates the Planned Residential District (PRD) in the existing code, with detailed development standards to achieve affordability along with environmental protection and good design. The Floating Residential District is required for all proposed residential projects that exceed forty (40) dwelling units and can be established in all districts except within the Scenic Overlay and Floodway (FW) districts. Sixty (60) percent of the units must be affordable under the standards laid out in the revised code. Conservation-based development design and criteria are required.

Approval of an FRD requires two steps. First, the Town Board must approve a conceptual development plan and reclassification of specific parcels. Second, the Planning Board must approve a detailed site development plan, and a subdivision plat if applicable. The FRD details all the use, dimension and development requirements, and the conditions which must be met before that zoning district can be approved for an existing piece of land. It is only added to the Town’s official map after a project seeking that designation is approved. As such it “floats” in the zoning code until it is used for a particular project.

IMPROVED PROCESSES FOR CLARITY, EFFICIENCY, AND PREDICTABILITY

Property owners often fear that working with the Planning Board, as required by law, will add delay and difficulty to their property development. In addition, the existing law is not always clear about Planning Board procedures. A chapter for such procedures has been added, consistent with

State and Town Law, regarding voting, membership, processes, and authority, as this was missing from current zoning and outdated or incomplete in older laws. The revisions emphasize clarity of language to ensure clarity and predictability of the law and procedures for property owners, residents, members of the Planning Board and Zoning Board of Appeals, and the Town's legal counsel. Additions and updates were made to the Definitions section of the new law for further clarity and predictability.

Enhanced Planning Board Processes and Procedures

Required pre-sketch plan review meetings with the Planning Board

To help the property owner avoid premature site planning costs prior to a sketch-plan review, a pre-sketch review with the Planning Board is required. No property owners will be exempt from this procedure.

Special Use Permit and Site Plan Review for All Development up to 40 units

A Special Use Permit (SP) is now required for numerous housing types, with lot size restrictions outside the town water/sewer districts and maximum numbers of units per acre and per parcel.

Note: a use requiring a Special Use Permit is by definition already a permitted use, but the review process for a SP ensures that the project is developed in harmony with neighborhood character and environmental concerns. Situations requiring a SP include:

- Clustered lots and cohousing developments. Smaller, clustered cottages or other housing structures have been common in Woodstock. With additional design and siting standards, they can provide valuable housing opportunities. Special Use Permit review will focus on ensuring that one parcel can be developed for clustered cottages using the same conservation and rural character-oriented development standards as all other types of multi-housing opportunities. Strict multifamily density, setback, and other dimensional requirements will apply.
- One multifamily dwelling with 5-8 units on a single lot, again subject to density, setback, and other requirements.
- Multiple multi-family buildings containing 5-8 units each on one large parcel, up to 40 units. Any development larger than 40 units is considered a Floating Residential District, with greater restrictions that include conservation-based development standards.

Modified Site Plan Review

Multi-family dwellings with three or four units (three- and four-plex buildings) will be permitted, one per lot. They will require review by the Planning Board using a modified process that is more efficient and timelier than a regular Special Use Permit but that also ensures careful review of design, siting and environmental issues. The Planning Board may hold a public hearing if it is deemed warranted by a project. One unit must be deed-restricted as affordable and net acreage must be used to calculate density. Short term rentals are prohibited in these structures.

FAQ: HOW HOTF USED GEOSPATIAL MAPPING AND ANALYSIS

The HOTF was often asked how we analyzed the Town's carrying capacity in order to protect the environment and maintain Woodstock's unique community character while creating zoning for more affordable housing options. As a first step, all existing documents, plans and maps were collected and evaluated. The HOTF and consultant Nan Stolzenburg then conducted an extensive GIS-based analysis to identify locations in town that might accommodate multi-family development. This analysis used several assumptions that have been incorporated into the new zoning proposal. This helped the HOTF develop zoning tools to provide multi-family options using strict environmental protection standards and reduced density where required by best practices.

The maps developed through this evaluation indicated that there are suitable locations and capacity for multi-family development in Woodstock. The HOTF then developed the new zoning with specific multi-family zoning criteria consistent with the analysis.

Maps and documents used in geo-spatial analysis include: wetlands, steep slopes, riparian areas, flood zones, unique habitats, primary aquifers, important areas of natural heritage program, significant natural communities, significant biodiversity areas, forest patches (60%+ forest quality score), farmland soils, important bird areas, and intermittent woodland pond conservation zones. Governmentally owned lands, land trust owned lands, or lands under conservation easement were removed from the analysis. Lands that include wetlands, steep slopes, riparian areas, and flood zones were also considered environmentally sensitive and removed as appropriate lands for multi-family development.

See Appendix document entitled, "Mapping and Geospatial Analysis for Summary Report" for details.

NON-ZONING POLICY RECOMMENDATIONS

The housing challenges facing Woodstock cannot and will not be solved through changes made to the town's zoning law alone. Additional policies and actions that support environmentally-sound housing development are also needed. Therefore, the HOTF has created a list of Non-Zoning Policy Recommendations for the Town Board to seriously review, research, and adopt in order to establish a comprehensive approach to the complex housing challenges facing Woodstock.

NON-HOUSING HOUSEKEEPING RECOMMENDATIONS

In the course of reviewing current code and in preparing the draft Law, various "housekeeping" items were identified by HOTF consultant Nan Stolzenburg (and land use attorney John Lyons on a separate list) who reviewed the draft Law and were reviewed by us. These recommendations are outside the HOTF project scope and we recommend that they be addressed by the Zoning Revisions Committee or other body or individual as designated by the Town Board.

Both the Non-Zoning Policy Recommendations and Non-housing Housekeeping Recommendations will be provided to the Town Board separately.

SUMMARY AND REVIEW OF COMMENTS RECEIVED ON VERSION 1

The Task Force reviewed and considered all the written comments received on Version 1 and met with the Planning Board, ZBA and representatives of other committees to get their feedback.

In reviewing what was received the Housing Oversight Task Force found that the comments fit into six general categories:

1. Housing affordability is not ensured by the proposed law (**Affordability**).
2. Concern that an increase in density will result in housing everywhere (**Density**).
3. Short Term Rental (STR) concerns related to housing affordability (**STR**).
4. Accessory Dwelling Units (ADU) questions & concerns, proliferation, carrying capacity, etc. (**ADU**)
5. Misinterpretation of the proposed code (**Misinterpretation**).
6. Housing issues that cannot be addressed through zoning (**Not Zoning**)
7. Clarifications and/or wordsmithing (**Clarifications**)

A summary of the HOTF review of comments on Version 1 is included in the appendix.

Community Outcomes

The HOTF believes that the recommended changes to the Subdivision and Zoning Codes will have a significant positive impact on the community. Specifically:

- There will be more affordable housing for people who work in Woodstock and for those who give their time and energy through volunteering in Woodstock.
- Young people who grew up in Woodstock and young families will be able to find more affordable housing options.
- There will be more affordable senior housing options.
- The Subdivision Code changes and environmentally based siting requirements will encourage and allow increased conservation areas and help protect our town's natural beauty.

Closing Comments

The NYS Department of State Official Guidance for Municipalities states: “While Adoption of a comprehensive plan under the current State zoning enabling provisions is voluntary...Once an actual plan is adopted, all land use regulations must be in accordance with it.” Further, after a Comprehensive Plan is adopted, “a series of zoning laws designed to ‘implement’ the Comprehensive Plan” must follow. (§272-a)

These proposed zoning and subdivision changes based on the Comprehensive Plan address the current crisis by providing a wider range of housing development in Woodstock that is both affordable and environmentally thoughtful. However, this is a dynamic system. Housing and zoning codes and policies, no matter how clear and up-to-date, need to be revisited periodically. The HOTF recommends that the Town develop a variety of tools and strategies involving all elements of Woodstock to respond to new information and change over time.