

Village of Sag Harbor

Waterfront Planning and Zoning Project

Project Summary, Status and Frequently Asked Questions

Updated January 26, 2021

Summary of Project Phases and Project Status

The Village of Sag Harbor is experiencing increasing development pressures, especially in the waterfront area, there are concerns that the current zoning ordinance does not provide the tools to shape future development in the waterfront area to ensure that the area retains the human scale, eclectic character, and access to the water that the residents value. In response, the Board of Trustees enacted a six-month moratorium on development and retained the consultant team of Nelson Pope & Voorhis, LLC (NPV), the Form-Based Codes Institute (FBCI), and Chuck Banas Design (CBD) to conduct a three-phase planning process to understand the community's vision for the waterfront, review the current zoning code, and to propose revisions for the waterfront area. The three phases of the study are outlined below, followed by a summary of frequently asked questions related to the process and goals of the project that have been expressed to the consultant team thus far.

Phase I: Clarify and Confirm the Vision, Goals, & Concerns for the Redevelopment of the Waterfront

During this phase the consultant team participated in various community engagement events (site visit, meetings with stakeholders, presentations at Trustee Work Sessions) and reviewed prior studies conducted in the Village, including the Planning Strategies for the Inc. Village of Sag Harbor, Local Waterfront Revitalization Program (LWRP), and LWRP Update in order to gain the community's insight into the strengths, opportunities, and challenges facing the waterfront area. The consultant team developed a vision for the waterfront based on these findings which has been compiled into *A Vision for the Sag Harbor Waterfront* and is available for review on the Village's website here:

<https://www.sagharborny.gov/DocumentCenter/View/893/Sag-Harbor-Waterfront-Vision---Phase-I-Product>.

Phase II: Diagnostic of Existing Code Provisions Relevant to the Waterfront Area

The consultant team analyzed the existing provisions of Chapter 300, Zoning that regulate development in the Waterfront Study Area to assess the compatibility of the existing provisions and the vision for the waterfront developed in Phase I. The code

review and analysis resulted in the development of the *Sag Harbor Zoning Diagnostic*, which summarized recommended zoning revisions and is available for review on the Village’s website here: <https://www.sagharborny.gov/DocumentCenter/View/932/Sag-Harbor-Waterfront-Zoning-Diagnostic---Phase-II-Product>.

Phase III: Proposed Zoning Ordinance Updates and Alternatives

Based on the work in Phase I and II, the consultant team has prepared recommended zoning amendments and standards to achieve the Village’s vision for the area. The recommended zoning amendment is proposed as an overlay district and will apply to new development and building renovations on properties within the Waterfront Study Area. The standards will address building form (including maximum height), type and placement on a site; required viewsheds; and required sidewalks/pedestrian corridors and access for both private and public spaces. The draft code language and standards has been posted on the Village website and a presentation will be made at the January 27, 2021 Village Board work session. The public will be invited to comment and ask questions about the recommendations during the meeting. Written comments are welcomed as well (via email to info@sagharborny.gov). There will be additional opportunities to provide input before the Village Board will consider adoption of the code (dates to be determined). The draft code is available on the Village website here: <https://www.sagharborny.gov/DocumentCenter/View/986/Sag-Harbor-Waterfront-Overlay-draft-7>.

Frequently Asked Questions

1. What are the goals of this project?

- Establish the community’s vision and long-term goals for the Waterfront Area
- Analyze the current zoning ordinance and how it enables the Village to achieve their vision
- Recommend changes to the zoning code, as it applies to the study area to shape new development and redevelopment to be more consistent with the community’s vision
- Enhance and protect views and public access to the water and waterfront parks
- Encourage a pedestrian-friendly environment with multiple modes of transportation
- Continue to support water dependent uses within the WF Zoning District

2. What is a form-based code and why is it an appropriate solution to meet the vision for the Waterfront Area of the Village?

- The existing Sag Harbor Zoning Ordinance is a conventional, Euclidean zoning code, which prioritizes separating land uses, limiting density, and requiring off-street parking for individual uses.
- Form-based codes prioritize the form of the buildings, blocks, streetscapes, and open spaces, with the goal of encouraging mixed-use in a walkable, activity-friendly environment with a variety of transportation options.
- Form-based codes are highly illustrative and written in clear, accessible language.
- Form-based codes provide more predictable built results and coherent public spaces.
- The recommended zoning changes will give the Village the opportunity to lead, rather than react to, redevelopment and the shape of the Village public realm.

3. Will the new zoning code restrict height?

Yes. Height limits in the Overlay District will be established, based upon the input received. Maximum heights for site specific locations will vary between two and three stories, the location within the overlay district, the heights of the surrounding buildings, preservation of view sheds, and the community vision. As envisioned, the maximum height limit of 35 feet will remain as is the maximum height today and a required step back of 10' for the third story will be required.

4. Why is there an accelerated time frame?

- To respond to increasing development pressure in the waterfront area
- To complete the recommendations and adopt code within the six-month moratorium time period

5. Will the ARB continue to review the visual/architectural aspects of applications and how will this code assist the review?

Yes. The form-based code will have minimal architectural standards. The ARB process and role in oversight will remain the same.

6. Will this Overlay District replace the Historic District?

No. The Village Historic District is on the National Register of Historic Places. The Waterfront Overlay District code will be a tool to help the Village implement the Vision for the waterfront to apply for new construction and significant building modifications and which includes respecting the historic character of the Village, particularly the scale of development, the pedestrian orientation, the mix of uses, and the focus on the water.

7. How is the proposed overlay district for the waterfront area related to the Village Waterfront (WF) Zoning District?

WF is one of the existing Zoning Districts in the Village of Sag Harbor. The intent of the WF District is to support water dependent uses, such as marinas and boat yards. The Waterfront Study Area encompasses properties within the WF Zoning District, but also includes properties within the Village Business (VB), Office (OD), Parks and Recreation (PC), and one parcel in the R-20 Residential District.

8. How will incentives and bonuses be evaluated?

The applications will be evaluated by one or more of the review boards (likely the Planning Board or the Zoning Board of Appeals) and the value of added community benefits weighed with the value of a requested bonus - and to ensure that the bonus will not have a negative impact. If height bonuses are to be considered, they will not exceed 35 feet.

9. How is the input provided at meetings and in writing being incorporated into the products?

Drafting a form-based code is an iterative process. At various points in the code development process, the Consultant Team meets with a broad range of stakeholders. Comments received are all shared among the consultants and discussed with the Waterfront Planning Committee. The final deliverable is a consensus of the input and discussions. Some suggestions are considered and set aside, as they are best handled in ways other than the zoning code revisions.

10. How will the environmental issues of development be dealt with in the Overlay District?

Development within the Overlay District will require connection to the sewer district or extension to the sewer district if outside of a service area. If outside of a service area, a development could employ use of an I/A System, however, the initial input on the Sewer Master Plan indicates that a priority area for extension of the service areas includes portions of the Study Area where the greatest development potential exists. All development within the area is subject to review under the State Environmental Quality Review Act.

11. How will the new overlay code continue to protect marinas and water dependent uses?

The Consultant Team took a very close look at the current zoning ordinance and concluded that the use provisions in the Waterfront (WF) Zoning District, which significantly restricts uses to those that rely on water access, is working well. We anticipate minor changes to the use provisions for those properties in the study area, which are in the WF Zoning District.

12. Why is the study focused on the waterfront instead of an overall Master Plan for the Village?

The Village is interested in updating the comprehensive plan, but, due to budget constraints, this larger planning effort had to be put on hold. This waterfront study is funded by donations as a less expensive step that needs to happen as soon as possible to ensure that new development and redevelopment in the waterfront area enhances--rather than detracts from--the physical character of the Village.

13. What is the role of the Waterfront Planning Committee and why hasn't the Committee been expanded?

The Waterfront Planning Committee is composed of representatives of the Planning Board, Zoning Board of Appeals, HPARB, Harbor Committee, Sag Harbor Partnership and a representative from the neighboring village most affected by changes in the Waterfront Study Area. The Committee provides a sounding board for the draft products and serves as a liaison to other community members who wish to provide input to the Consultant Team. As the schedule for this project is tight due to the six-

month limit on the development moratorium, this working committee is small enough to meet regularly to ensure a consistent, continuous, and productive discussion.

14. Why is parking a poor metric for managing development?

Parking regulations focus only on where, how, and how many cars can be accommodated on a parcel. They do not give the Village tools to regulate the scale or shape, or placement of a building. It does not guarantee that there will be a place for people to walk or bike, that there will be visual or pedestrian access through the private parcel, or that the character of the development will be consistent with the community vision. Currently, review boards have no standards to evaluate these features and no basis for granting often requested parking variances. For example, Main Street could not...and would not be built today in its current form because each parcel, as currently developed, would not meet parking requirements and developers have no standards to follow in creating new or newly redeveloped structures consistent with this pattern of development which makes Sag Harbor special.

15. How is traffic and parking being addressed in the overlay district code?

While parking requirements are not the primary focus of the study, the Consultant Team is evaluating existing parking requirements and possible transportation demand management techniques as part of their analysis and will make recommendations to the Village.

16. How will the proposed Overlay Zone affect historic preservation in the Village?

The Architectural Review Board will continue to review projects for compliance with historic preservation considerations and aesthetics. The form-based code will set standards for features such as: use, building placement, heights, lot coverage, and transparency of facades for new construction, including substantial renovations. The code will not address whether a building should be demolished or rehabilitated, whether an addition is architecturally appropriate in relation to a historic building, or other considerations under the purview of the ARB. In addition, the zoning overlay will not apply to any single-family residential properties.