

## Common Misperceptions About Possible Caroline Zoning Regulations

*The clarifications provided here are based on the 12/28/21 rough draft of a zoning plan (available on the Zoning Commission webpage). Some changes to that draft have been approved by the Zoning Commission (noted below where relevant) but a full second draft has not yet been approved. The Zoning Commission is working through the first draft and will release revised sections as they become available. The answers below are in line with the general thinking and direction of the Zoning Commission.*

**I've heard there will be a 3-acre minimum lot size in the Ag/Rural district. Does that mean that if I want to give or sell a piece of land to someone to build a house, I have to give them at least 3 acres?**

No, the draft zoning law would not require giving or selling at least 3 acres to be able to build a house in the Ag/Rural district. The Dimensions Table (Article III) describes an “average lot size” in the Ag/Rural district, not a minimum lot size. The “average lot size” considers all the subdivisions of an entire parcel. “Average lot size” means that an original parcel (original refers to the parcel size as of the time the zoning law is passed by the Town Board) would be able to be used for as many homes as would fit on the original parcel if the total original parcel acreage divided by the total number of homes equals three or more. For example, a 15 acre original parcel could hold up to 5 houses (15 original acres divided by 5 houses equals 3). Those houses (up to 5 total) could each be on 3 acres; or 1 house could be on 11 acres and the other 4 houses could each be on 1 acre; or any other combination of lot sized that meet County requirements for water and septic. Lot size variation would be quite possible (less or more than 3 acres per house) as long as the average lot size when considering all lots on the original parcel meets the average lot size of 3 acres.

**If I own a parcel of land in the Ag/Rural district that is smaller than 3 acres, is it true that zoning will prohibit me from building a house on it?**

No, you would be allowed to build a house on a parcel in the Ag/Rural district even if the parcel would not meet the criterion for “average lot size” of 3 acres. Article VIII on Non-conforming Uses and Structures in the draft zoning law addresses this. Some existing lots (or buildings, or uses) may not conform to the requirements in the zoning law for the district they are in. In that case, such lots, uses, and buildings that do not conform (at the time the zoning law would be enacted) would be considered “non-conforming.” However, a parcel in the Ag/Rural district smaller than 3 acres (at the time the zoning law is passed) would be allowed to have one principal structure (house) and would not require any special variance for building the house, as long as the acreage meets applicable existing laws and regulations related to potable water and sewage/septic facilities (typically 1 acre).

**Is it true that commercial businesses in the entire Town will only be allowed in one small commercial zone located along Rt. 79?**

No, businesses of some type would be allowed in every proposed zoning district. The specific types and sizes of businesses allowed would vary by district (see the Use Table and Dimensions Table in Article III of the draft zoning law; these tables are being revised by the Zoning Commission to allow even more uses than are shown in the 12/28/21 draft). For example, the Ag/Rural district would allow uses such as farm markets, artist studios, breweries, campgrounds, home day care, kennels, indoor or outdoor recreation facilities, retreat centers and sawmills.

Commercial enterprises such as food and beverage businesses, funeral homes, bed-and-breakfasts, and health care clinics would be allowed in all hamlets and the major commercial district (along Rt. 79). Businesses such as retail sales, convenience stores, event facilities, and vehicle service stations would be allowed in several hamlets and the major commercial district. In addition, Home Occupations (businesses associated with a residential dwelling) of any type of use would be permitted in all zoning districts. Updated details in the Use Table will be available at the next public information meetings which will likely be held in April.

**Will zoning set rules for what my house must look like, such as what color it is or what type of siding it has?**

No, the proposed zoning plan would not set rules for what single-family dwellings, two-family dwellings, or townhouses must look like. Zoning may set architectural and design standards for commercial (non-residential, non-agricultural) buildings. Those sections of the draft zoning law will be discussed and revised by the Zoning Commission in the spring.

**Will zoning will control how I have to keep my yard, like regulating the height of grass or controlling what bushes or flowers I can plant?**

No, the proposed zoning plan would not set rules for what the yards of residential dwellings should look like. There are no proposed regulations for landscaping around single-family, two-family, or townhouse dwellings.

**Is it true that I won't be able to have chickens or other livestock on my property if there is zoning, and that I won't be able to sell chicken eggs from my yard?**

No, agricultural and farm operations (including having animals) would be allowed in all proposed zoning districts. Farm stands (including coolers for selling chicken eggs) would be allowed in all proposed districts.

**Will zoning prevent me from running a business out of my home?**

No, zoning would not prevent you from running a business out of your home. As proposed in the Use Table (Article III), Home Occupations (business associated with a residential dwelling) would be permitted in all zoning districts, encouraging the creativity and entrepreneurial spirit of town residents. Home Occupations could be run from the home itself, or from an accessory building on the same parcel as the home or on an adjacent parcel.

**Will zoning increase the cost for building a new home because of increased inspection fees the Town will charge, or because it will require extra energy-efficiency materials?**

No, the proposed zoning law would not add any inspection fees for a new home nor does it require higher energy-efficiency materials or appliances for construction of a single-family, two-family or townhouse dwelling. Fees mentioned in Article VI are for commercial projects going through site plan review, which has existed in Caroline since 2014. Energy-efficiency requirements in Articles V and VI also only apply to commercial projects.

**Will zoning require me to allow public access, like trails, across my property?**

No, nothing in the draft zoning law would require you to allow public access such as trails across your property. Public access language such as that found in Section 4.2(A)12 relates only to newly-built Conservation Subdivisions, which are larger residential developments that have at least five subdivisions of a lot. The Zoning Commission has not yet discussed Conservation

Subdivisions; the requirements for Conservation Subdivisions and whether they are included at all may change.

**Will zoning govern who I can or can't have stay overnight in my house or whether or not I have an Air BnB?**

No, zoning would not say anything about who you can or can't have stay overnight in your house. Air BnBs and other short-term rentals would be an allowed use in all zoning districts (see the Use Table in Article III of the draft zoning law). The proposed table in the 12/28/21 draft lists a requirement for a Special Use Permit for short-term rentals; the Zoning Commission recently removed that requirement.

**Will zoning control how farmers run their farms, like when they can apply manure or fertilizer, or where they have to park their equipment, or how much noise their operations make?**

No, the proposed zoning law would not control how farms are run. If a farm is in a state-designated Agricultural District, New York Ag & Markets Law 25-aa prevents local zoning from regulating farm practices or farm buildings. Furthermore, there are no restrictions in the proposed zoning law that will affect how farms are run even if they are not in a state-designated Agricultural District. Farm uses are allowed in all districts in the town and most farm uses are listed as "permitted without review."

**Will zoning mean that a farmer won't be able to sell their land for anything other than farming?**

No. Nothing in the proposed zoning law would mandate that land sold must continue to be farmed. Any of the proposed allowed uses (see Use Table in Article III of the draft zoning law) for the district in which their land occurs could be done on the land in the future. The Zoning Commission is revising the draft Use Table, adding more allowed uses in each district.

**Will zoning limit the amount of affordable housing that will be built or be available in the Town of Caroline?**

No. The proposed zoning law has great flexibility in housing options, including single-family, two-family, and multi-family dwellings; manufactured homes; accessory apartments; and large developments similar to Boiceville Cottages. There is no minimum lot size in the Agricultural-Rural district so there is great flexibility in lot size and layout. These options all work together to ensure there are many different kinds of housing opportunities available covering a full economic range.

**Will zoning regulate the size and location of outbuildings on residential properties?**

The proposed zoning law would not regulate the size of any outbuilding on a residential property. Location of outbuildings would not in general be regulated, with one important exception. If the property in question is in an overlay district then the location of the outbuilding might be regulated; depending on the overlay zone the regulations might specify mitigation measures or might adjust building location in order to ensure that that the building does not impact the natural resource being protected by the overlay (see Article II of the draft zoning law for information on overlay districts, but be aware that the Forest Core Overlay listed there has been eliminated). For example, if some of the property is under the Water Resources and Flooding Overlay, the outbuilding would not be allowed in the part of the property being protected by that overlay.