

IV MASTER PLAN PROGRAMS

Introduction

The method involved in putting a Master Plan into effect fall into two categories: (1) controls and regulations related to the use of private property, and (2) the practices and procedures related to the use of public property and the provision of public services. Included in the first group are zoning ordinances, subdivision regulations, housing and building codes; in the second group are such items as the administration of these regulations.

While most of the functions of the Village are matters of policy arrived at over the years by the Village Boards, many proposed functions are matters directly concerned with future planning and recommendations are therefore in order. Included in this section, therefore, are recommendations concerning Zoning, Subdivision Regulations, and other regulations as well as procedures such as Capital Improvements Program, Target Renewal Program and others which could involve Federal and State aid.

Zoning Codes Program

Zoning is one of the more important controls which can be used to guide future growth and development in the direction indicated in the Comprehensive Plans for the Village of Herkimer. Zoning also assists in maintaining and improving the existing built-up areas, even though changes in the latter are slow to occur.

Basically, zoning is the division of the community into zones within which only specified land uses are permitted which are considered compatible with each other. All other uses, which are considered incompatible, are prohibited. For example, industry is prohibited in residential zones as industry is generally incompatible with homes, while parks and playgrounds are permitted as they are public facilities in support of the residential uses.

Zoning should be in general accordance with the Comprehensive plan, yet as zoning must recognize existing conditions as well as guide future growth and development, it is unlikely that it will repeat exactly the proposals in the Comprehensive Plan for future land use. It should,

however, guide development in the directions outlined in the Comprehensive Plan.

The Planning Program of the Village of Herkimer includes recommendations for zoning. A proposed new zoning ordinance for the Village should be drafted and submitted separately to the Zoning Board following the planning process. It is recommended that this proposed ordinance be enacted as soon as possible for the protection of present Village residents and to guide future development according to the Comprehensive Plan.

Although the Village Zoning Ordinance text and map were basically sound as they were prepared in 1962, preliminary review uncovered a series of problems aside from needed amendments that might develop out of the Comprehensive Plan. They might be summarized as follows:

1. The clarification of certain language and improving the organization of certain provisions of the ordinance text so as to facilitate its application by the staff.
2. The confusion on procedural matters to be overcome through more detailed procedural provisions and requirements by the Planning Board and the Building Department.
3. The absence of adequate sign regulations.
4. The inadequate regulations with respect to the conversion of one-family dwellings to two-unit dwellings and multi-unit dwellings.
5. The existence of a few incompatible zoning districts shown on the Zoning Map.
6. The lack of light industry and multi-unit zoning.
7. The lack of a clarified agricultural zone for flood plain protection.

During the course of this comprehensive planning, several principal zoning amendment pro-

posals were considered.

It is recommended that the general alignment of the articles be adjusted as follows:

| <u>Article Number</u> | <u>Proposed Title</u> |
|-----------------------|--|
| I | Definitions |
| 1.1 | Definitions |
| II | Establishment of Districts |
| 2.1 | Establishment of Districts |
| 2.2 | District Boundaries |
| 2.3 | Lots in more than one District |
| III | Use Regulations |
| 3.1 | R-1 Single Unit Residential Districts |
| 3.2 | R-2 Single Unit Residential Districts |
| 3.3 | R-3 Single Unit Residential Districts |
| 3.4 | R-4 Multiple Unit |
| 3.5 | R-5 Multiple Unit |
| 3.6 | C-1 Local Commercial Districts |
| 3.7 | C-2 Regional Commercial Districts |
| 3.8 | C-3 Central/Professional Commercial Districts |
| 3.9 | L-1 Light Industrial Districts |
| 3.10 | L-2 Heavy Industrial Districts |
| 3.11 | Agricultural Districts |
| 3.12 | Planned Development Districts |
| IV | Area and Yard Regulations |
| 4.1 | Lot Area, Frontage, Yards, Coverage, and Height Regulations |
| 4.2 | Variation of Requirements |
| 4.3 | Existing Lots |
| 4.4 | Yards on Corner Lots |
| 4.5 | Front Yard Exceptions |
| 4.6 | Open Porches, and Attached Carports and Garages |
| 4.7 | Fences, Walls and Hedges |
| 4.8 | Corner Visibility |
| 4.9 | Projection in Yards |

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| 4.10 | Reduction of Lot Area |
| V | Accessory Uses |
| 5.1 | Accessory Uses in Residence Districts |
| 5.2 | Accessory Uses in Limited Commercial Districts |
| 5.3 | Accessory Uses in General and Central Commercial Districts |
| 5.4 | Accessory Buildings |
| VI | Non-Conforming Uses |
| 6.1 | Continuation of Non-Conforming Uses |
| 6.2 | Abandonment of Use |
| 6.3 | Junk Yards and Billboards |
| 6.4 | Changes in Non-Conforming Use |
| 6.5 | Maintenance of a Non-Conforming Use |
| 6.6 | Restoration |
| VII | General Provisions |
| 7.1 | Special Authorization |
| 7.2 | Industrial Performance Standards |
| 7.3 | Parking Requirements |
| 7.4 | Loading Space |
| 7.5 | Rear dwellings |
| 7.6 | Location of Certain Activities |
| 7.7 | Access of Commercial or Industrial Use |
| 7.8 | More than One Building on a Lot |
| 7.9 | Mobile Homes |
| VIII | Administration |
| 8.1 | Enforcement |
| 8.2 | Building Permit |
| 8.2.1 | Demolition Permit |
| 8.3 | Certificate of Occupancy |
| 8.4 | Board of Appeals |
| 8.5 | Penalties |
| 8.6 | Amendments and Variances |
| 8.7 | Performance Bond |

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| 8.8 | Interpretation |
| 8.9 | Validity |
| 8.10 | When Effective |

Proposed Zone Changes Indicating Modified Character

In order to implement this Comprehensive Plan certain modifications in the character of the zone districts is necessary to distinguish between various groups of land use functions. This is particularly important in the instance of the industrial districts in the residential districts and in the commercial districts.

Subdivision Regulations Program

Subdivision of small or large land areas into building lots is one of the first steps undertaken in development. The pattern of the streets or property lines formed, once set, remain as laid out for very long periods; in older countries, patterns first laid out by the Romans and even earlier cultures may still be found. It is the responsibility of the community to assure future generations well-designed and carried out property subdivisions. Subdivision regulations enable the community to do this.

Subdivision Regulations generally include provisions concerning the types of streets and street cuts to be required, maximum and minimum grades, construction to be required, utilities to be installed, minimum curve radii, maximum length of cul-de-sacs and other provisions for the land to be accepted as public rights-of-way. Certain requirements are usually applied to lots to be in private ownership as well including specifications for easements, the general location and alignment of lot lines, the placement of property markers and similar requirements. The regulations also generally list design criteria for use in evaluating the layout of a subdivision and provide for a series of reviews by the Planning Board to encourage the best subdivision design possible. The regulations are made effective through the power to withhold the privilege of public record from plats not meeting established requirements and standards.

Subdivision control provides the Planning Board with a very useful tool in guiding the growth and development in the directions proposed in the Master Plan. Through their use, sound neighborhood patterns may be provided including the integration of various land uses, the proper provisions for public services as well as a system of streets suitable for the particular development and which provides continuity with adjacent existing or future development.

Proposed Subdivision Regulations for the Village of Herkimer should be prepared and submitted to Planning Board following the Planning Process with the recommendation that they be adopted by the Planning Boards and approved by the governing bodies as soon as possible. In this way the Subdivision Regulations could be used immediately to assist in the guiding of proper growth patterns.

Community Appearance Program

To further the objective of preserving and enhancing the Village residential character in the design and construction of public facilities under its jurisdiction, and in regulating and controlling private structures, to the extent of its authority, the Village should strive to ensure that every controllable change in the appearance of any part of the Village shall improve the appearance of the community.

As part of its municipal responsibility, the Village should maintain a regular program of planting, maintenance, and replacement of street trees and landscaping and also give attention to the design and location of all public signs and other traffic control and information devices.

The community's concern with its visual appearance is reflected in the proposals of the Comprehensive Plan to arrange land uses so as to exclude structures and activities incompatible with the prevailing scale and character of present uses and structures. It is reflected again in the proposals to retain densities of non-residential and residential areas at relatively low levels, in order to enhance the influence of the natural landscape; in the standards embodied in current zoning and subdivision codes relating to height and spacing of buildings, yards and landscaping; and in the procedures for detailed site plan review of most types of structures other than single dwellings. The section of the plan relating to the central business district stresses the importance of visual attractiveness, and the proposals for extended park development, reservations of open spaces, and street landscaping all relate in part to this objective.

Maintenance of these standards is strengthened by the activities of a Board of Architectural Review, whose policies and decisions are a valuable protection against building projects which do not approach the quality of the Village appearance.