

Stream Protection Overlay FAQs

Q. Why does our City need a stream overlay district?

A. The main purposes of this Overlay are to:

- (1) Promote the ecological health of stream corridors within the City of Rensselaer by protecting and restoring streams and adjacent lands.
- (2) Provide for the responsible development of parcels adjacent to the City's streams.
- (3) Protect public health and welfare by reducing pollution risks, preserving water quality, filtering runoff, and reducing the risk of damage from flooding.
- (4) Protect and enhance habitat for birds, fish, and other wildlife.
- (5) Enhance the aesthetic character of the City's streams, which are a source of civic pride.
- (6) Promote public access to stream corridors where appropriate.
- (7) Foster public awareness of protecting the City's streams.

Q. How do I know if my property is in the Overlay? Where can I find a map?

A. This Overlay includes all land lying within 100 feet of the centerline of designated streams, including the Mill Creek and Quackenderry Creek and their tributaries, and the network of unnamed streams north of Washington Avenue. These are the regulated stream corridors.

The Stream Protection Overlay District Map, as incorporated in the zoning code, is available on the City's website and as a hard copy at the City Clerk's Office.

Q. My house is in the Overlay. How does the Overlay zoning affect the use of my property?

A. This Overlay will not affect continued use of existing residential properties, except that it bans the outdoor use and storage of harmful chemicals.

The Overlay will apply to future clearing or construction. Disturbance of over 200 square feet generally may not occur within 50 feet of a stream, and beyond 50 feet, it will require Planning Commission review to ensure the stream is protected. In addition, within the Overlay, disturbance is prohibited on slopes of 15% or greater to prevent erosion.

Q. Will this Overlay help prevent flooding?

A. A principal goal of this Overlay is to preserve and restore vegetated buffers along the streams. Trees and vegetation help to slow, absorb, and accommodate stormwater that would otherwise exacerbate flooding.

Q. My existing business is in the Overlay and is now considered a prohibited use. What are the implications for my business?

A. As with any new zoning requirements, the new restrictions imposed on hazardous businesses will generally not apply to those in existence at the time the new restrictions are adopted. Those uses may continue to operate legally as they currently do as nonconforming uses. However, expansion of nonconforming uses will be prohibited.

This Overlay does not allow the existing use or storage of harmful chemicals to continue. So, outdoor use and storage of these chemicals must cease, even for otherwise legal nonconforming uses.

Q. Our City needs more housing. Will the Overlay stop housing development?

A. This Overlay exists to guide development to occur thoughtfully and in appropriate locations, rather than to prohibit needed development. While construction is generally prohibited within 50 feet of a regulated stream, measured from the mean high-water line, the size of this setback was carefully considered to balance the need for development with preservation of the City's valuable natural resources.

Q. Will I be able to cut trees on my property in the Overlay?

A. Generally, this Overlay only regulates the cutting of trees on steep slopes. On slopes of 15% or greater, removal of trees in the Overlay is prohibited to prevent erosion. There is an exception that allows removal of trees identified as dead, dying, or hazardous by a certified arborist. In other areas, trees can be removed, but clearing of 200 square feet or more may require review.