

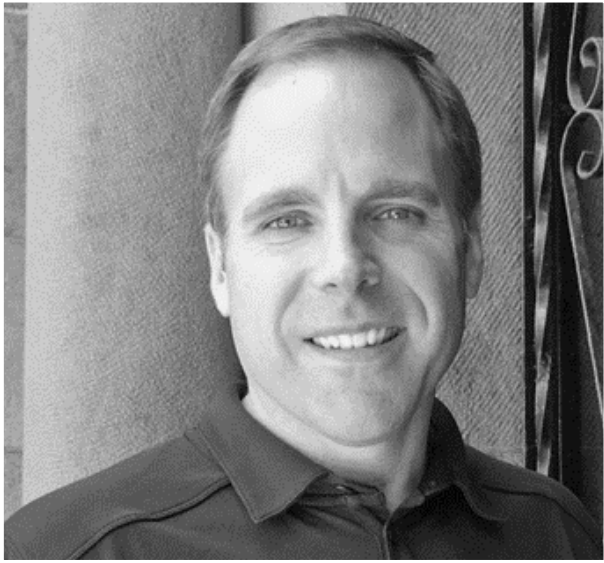


Zoning, Getting It Right For Your Community

September 16, 2020

**B
&L**

MY BACKGROUND



John Steinmetz, FAICP

- Certified Planner
- College of Fellows, Class of 2020
- 25+ years experience
- Former Town Conservation Board Member
- Former Village Planning Board Chair
- Former Planning & Zoning Staff Member for the City of Rochester
- Town, Village, & City consulting assignments
- Planning & Zoning Geek!

THE B&L TEAM



\$35,000,000+



Since 2016, B&L has prepared 88 successful CFA application for a variety of projects



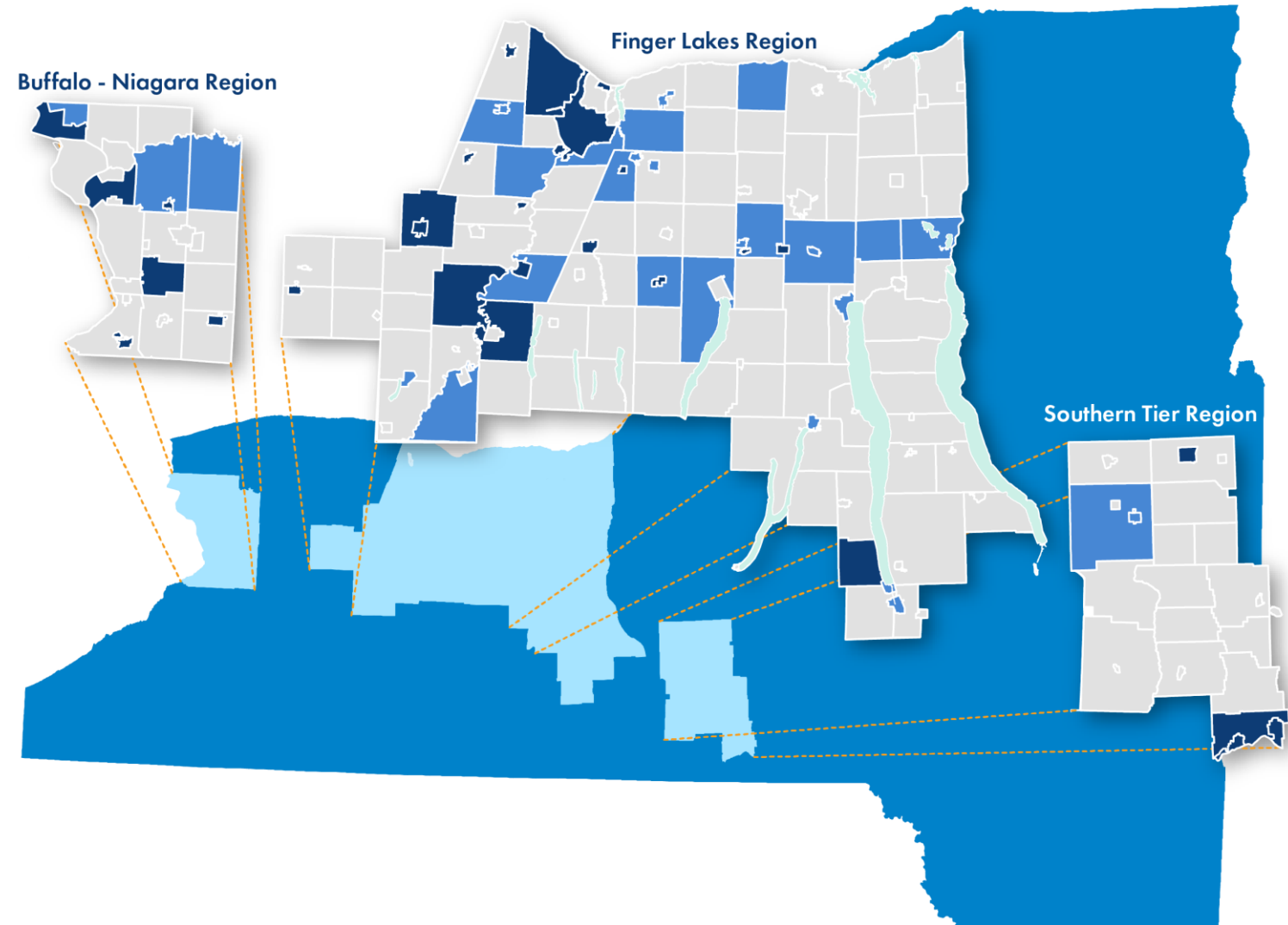
THE B&L TEAM



- Comprehensive Plans
- Waterfront Plans
- Transportation Plans
- Rural Planning Efforts
- Review Board Assistance
- Regulatory Updates

OUR EXPERIENCE

- 300+ project related code reviews
- 40+ code assessments
- 30+ partial amendments or complete updates
- Various special projects





ZONING 101

A Little History

ZONING MATTERS

“At its best, zoning helps a community grow into its vision. It protects places and styles that give the community character. It guides new development in the places and styles that the community believes are the best fit. At its worst, it keeps or restricts people and businesses in the places and styles that work *against* the community’s values.”

DOING THE WRITE THING: The excitement of zoning

By Jackie Augustine | Feb 19, 2019 | The Finger Lakes Times

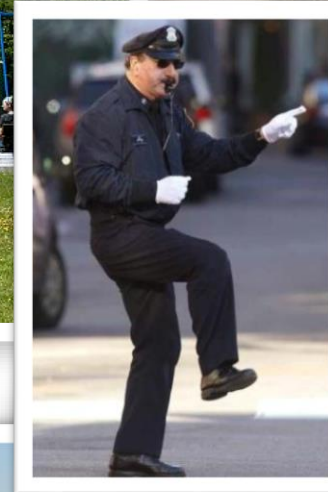


ZONING TYPES

- Euclidean or Traditional
- Performance
- Form Based
- Hybrid

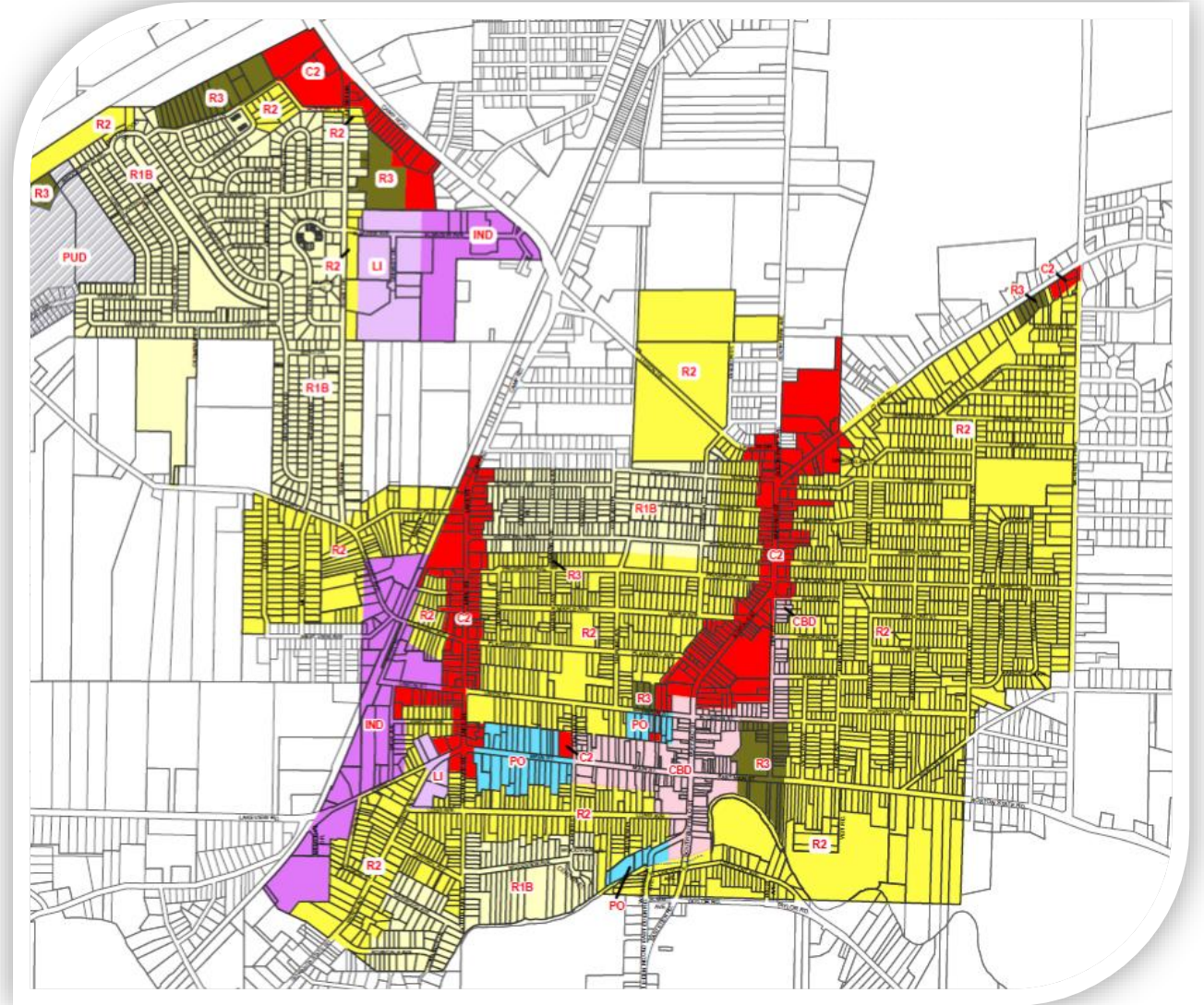
EUCLIDEAN ZONING

- Separation of land uses



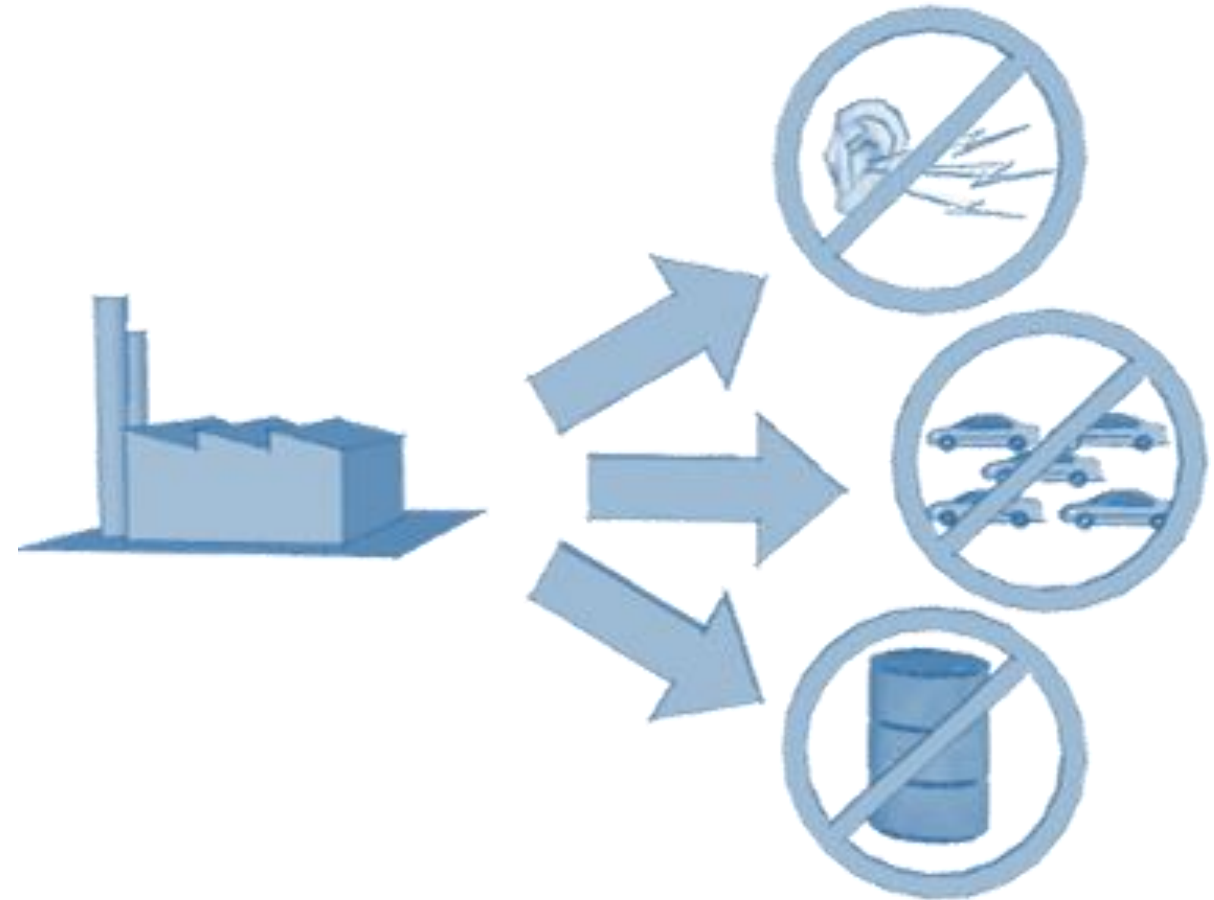
EUCLIDEAN ZONING

- Mapped Districts
- List of Permitted Uses
- Dimensional Requirements
- Strong on “Don’t Do’s”
- Intended to be Self-Administering
- Limited Discretion



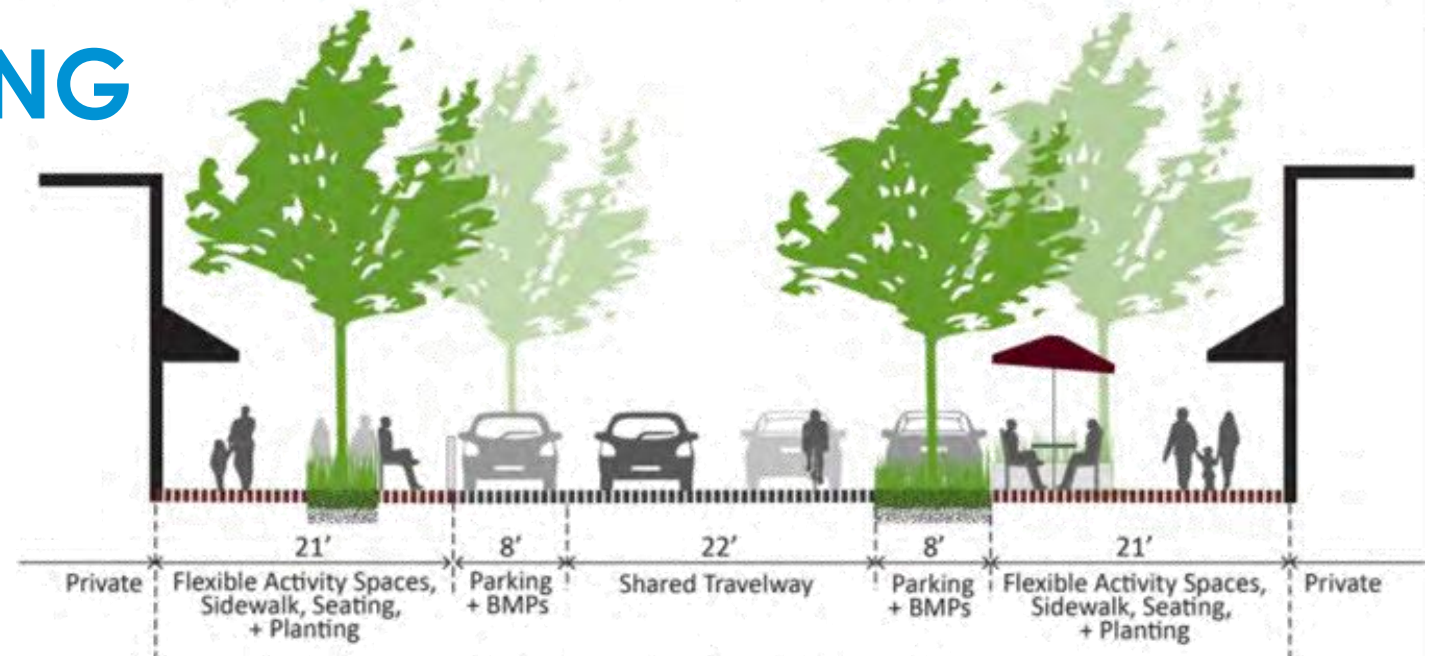
PERFORMANCE ZONING

- Lane Kendig developed first code in 1973
- Developed in response to rigidity of Euclidean Zoning
- Focuses on IMPACT rather than USE
- Creates flexibility



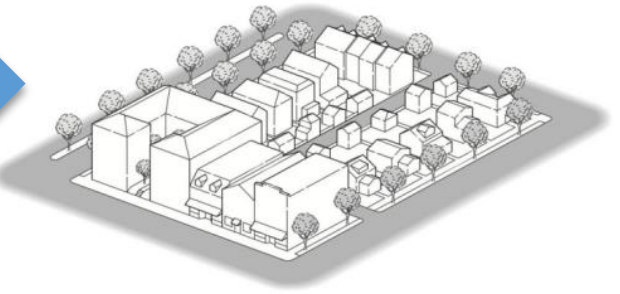
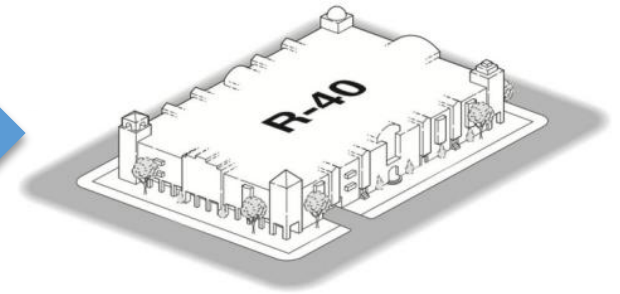
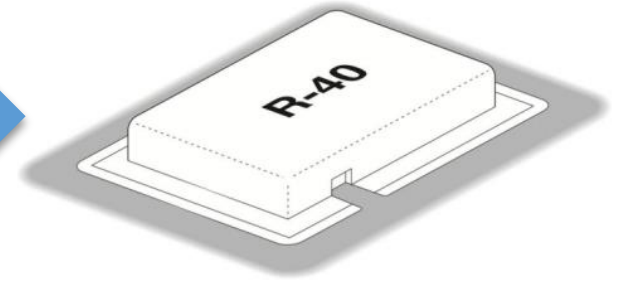
FORM BASED ZONING

- **FORM** or **DESIGN** trumps **USE**
- Community's physical form is most important characteristic
- Public realm is a priority
- Recycle buildings for variety of uses



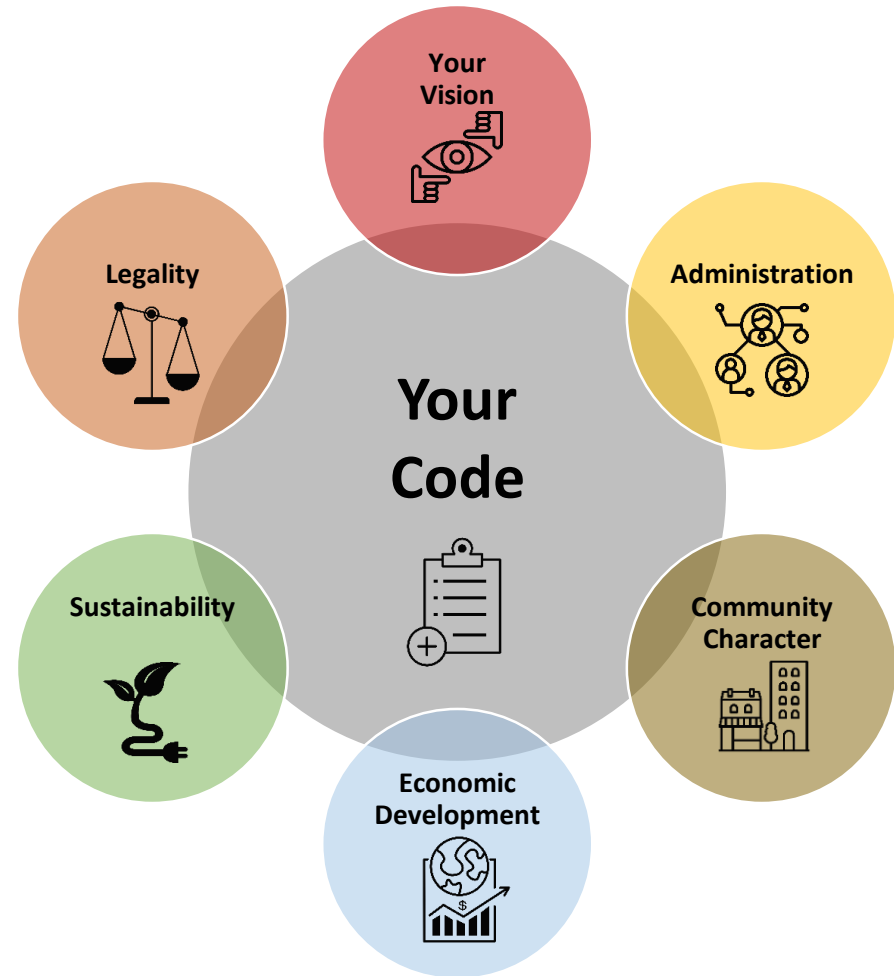
HYBRID APPROACH

The Best of All Worlds...



HYBRID APPROACH

The best codes BALANCE...



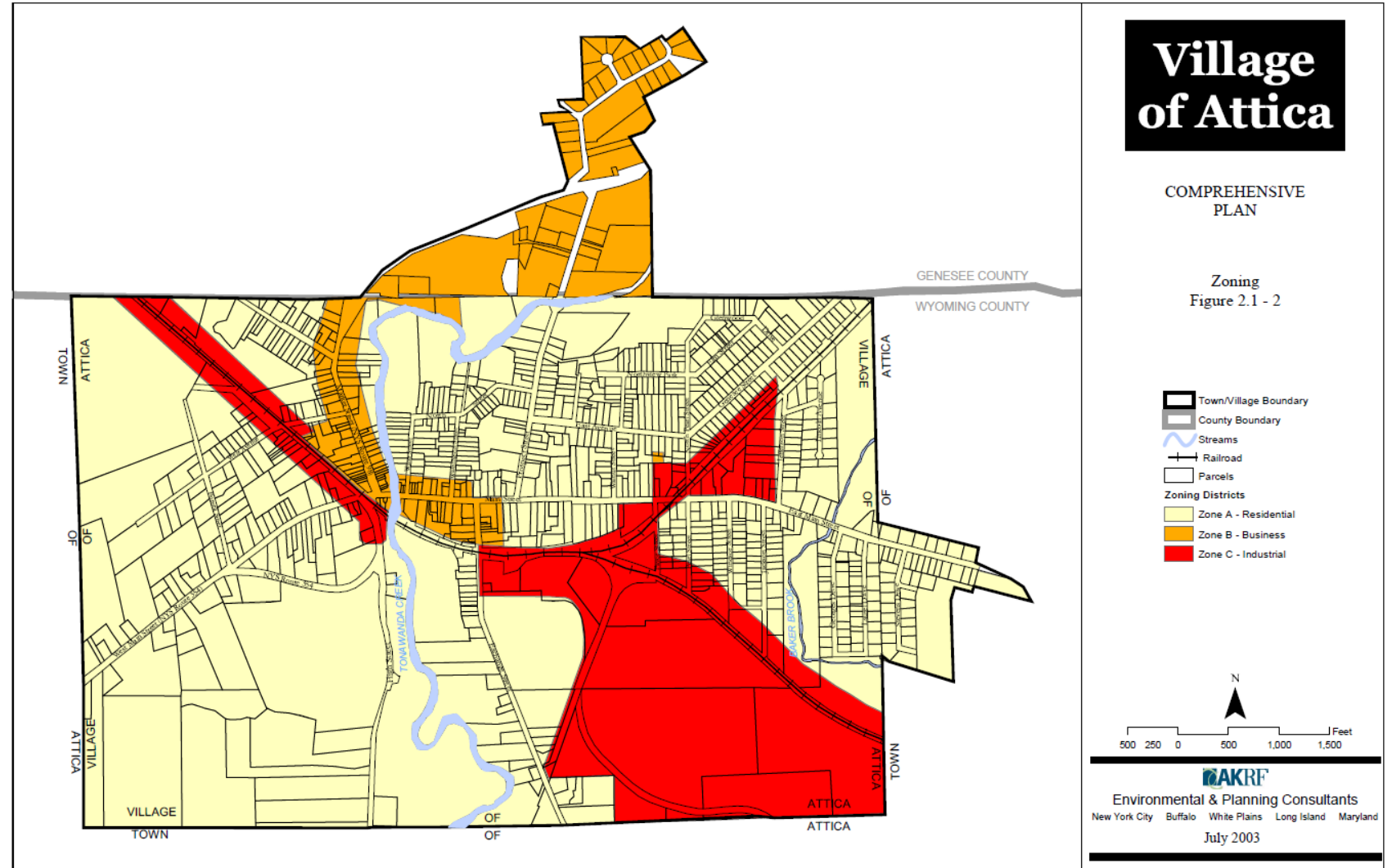


CODIFYING COMMUNITY CHARACTER

Its about more than just land use

CASE STUDY #1

Character of Districts



Prospect St

Attica, New York

Street View - Aug 2015

FAMILY DOLLAR

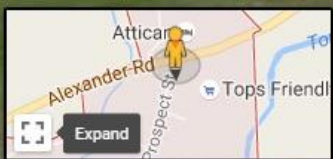
LEASING
886-0211
BENDERSON DEVELOPMENT
Tony Battista

Tops

RITE AID

RITE AID

Prospect St

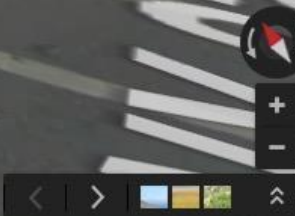


Google



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PARK HERE TO CORNER

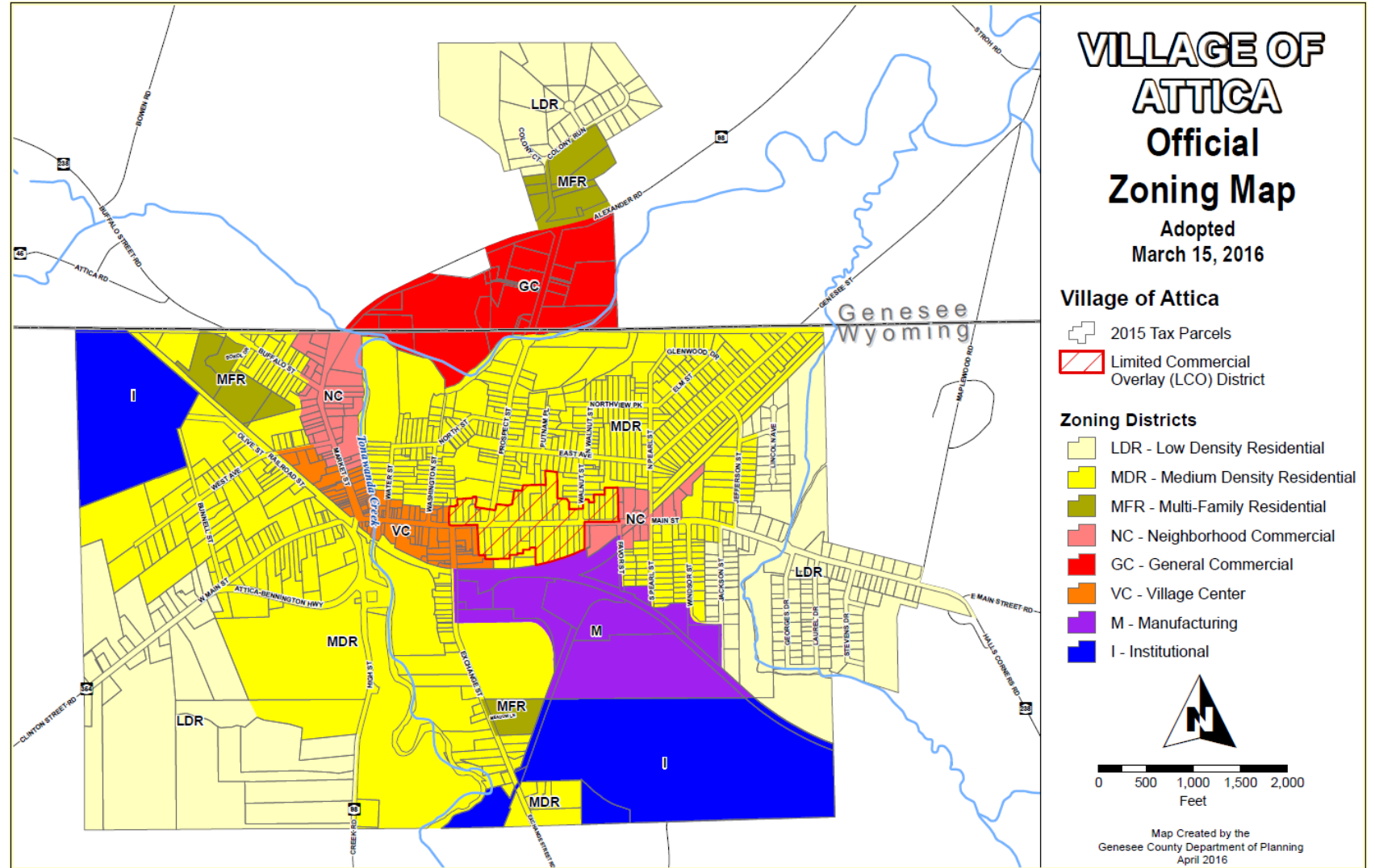
WINNERS
PIZZA WINGS SUBS
FISH AND CHIPS
867-6660

NY-238



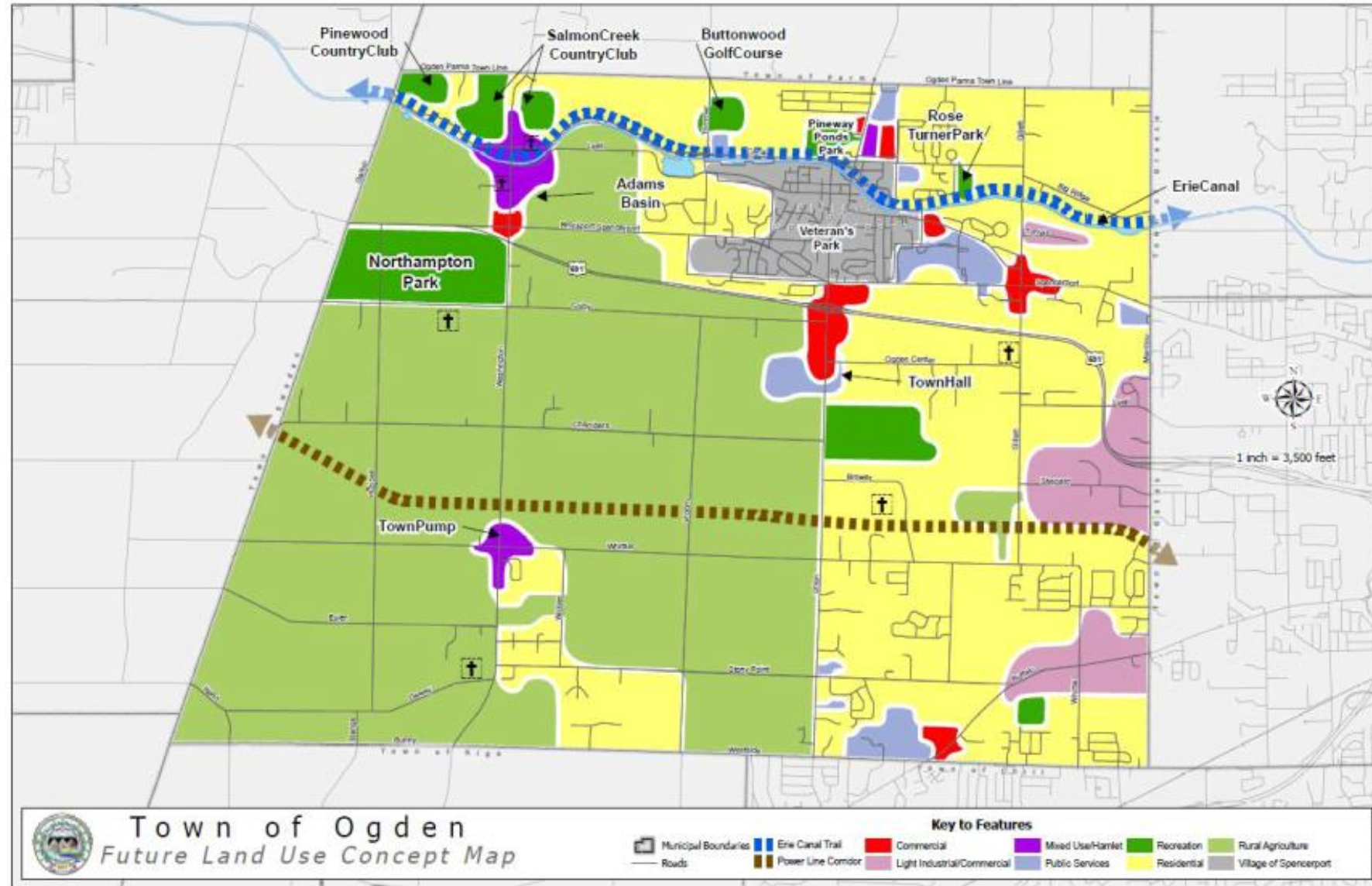
CASE STUDY #1

Character of Districts



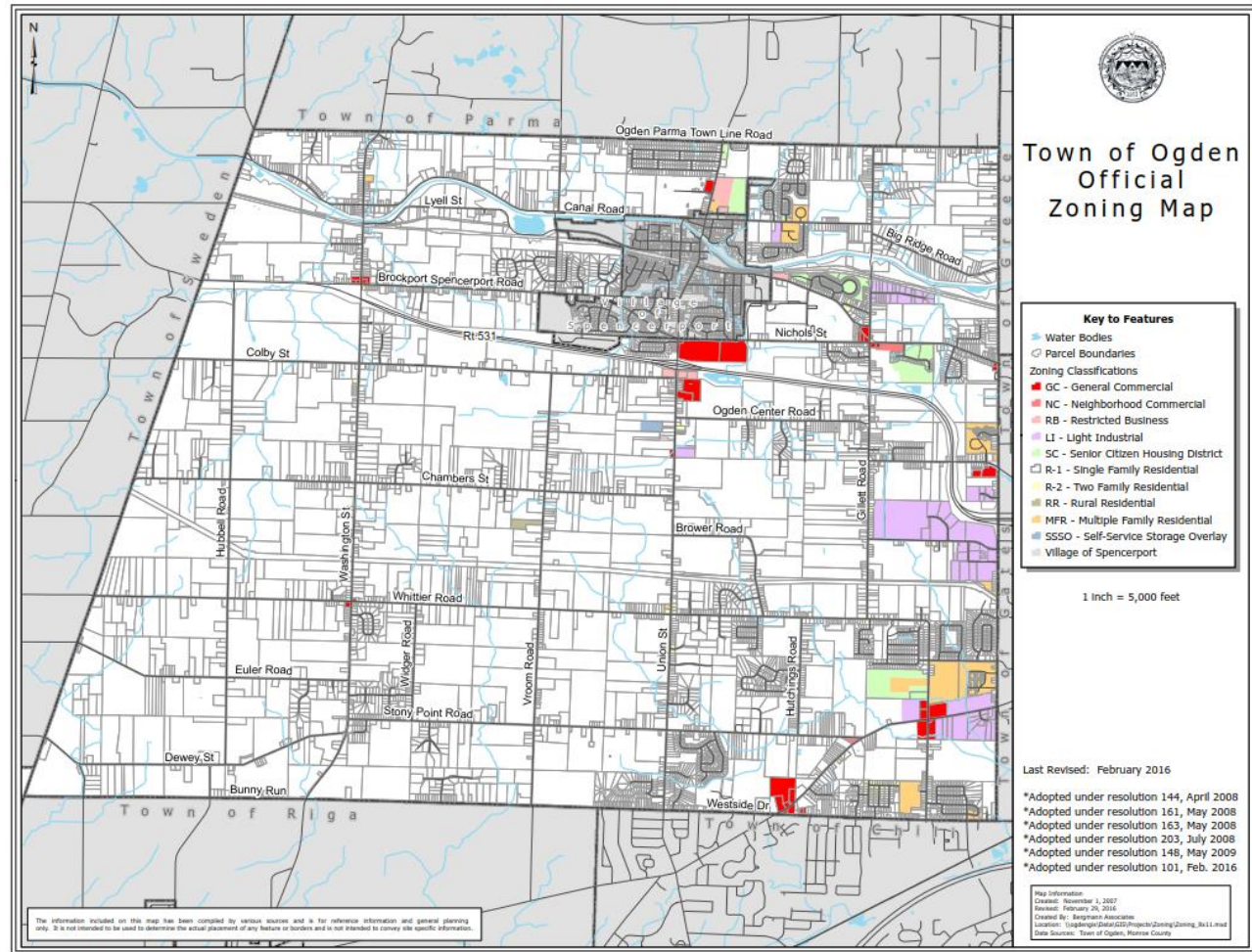
CASE STUDY #2

Align Code With Plans (Ogden)



CASE STUDY #2

Align Code With Plans (Ogden)



R-1: Single-Family Residential Zoning District

Intent. In addition to the general purpose of this chapter, it is the intent of the R-1 Single-Family Residential District to provide areas within the Town for low-density single-family development. This district also provides for other specified uses which are compatible with the primary residential nature of the district.

CASE STUDY #2

Align Code With Plans (York)

400. Agricultural District (A)

- A. Purpose. The purpose of the Agricultural (A) District is to preserve large tracts of farmland in areas designated in the 2006 Town Comprehensive Plan. The Agricultural District is established to protect the rural landscape by ensuring the long-term viability of the farming industry and agricultural economy. This District provides for uses compatible with and supportive of agriculture, while limiting residential and non-agricultural development to minimize conflicts between agricultural and non-agricultural uses. Conservation of prime agricultural and state significant soils is encouraged in this District, and non-agricultural development is expected to be directed away from areas containing prime agricultural soils.
- B. Permitted Uses. Permitted uses shall include the following, and are subject to the requirements outlined in this section.
 - (1) Agricultural operations
 - (2) Agri-business
 - (3) Farm ponds
 - (4) Greenhouses
 - (5) Horticultural uses
 - (6) Single-family dwellings
 - (7) Accessory Uses
- D. Lot Size. Minimum 3 acres.
- E. Lot Frontage. Minimum 250 feet.
- F. Lot Coverage. Maximum 25%.

CASE STUDY #3

Disconnected Districts

§ 220-19. R-1-20 Residential District.

- A. Purpose. The purpose of the R-1-20 Residential District is to promote orderly **single-family development and two-family development** where clustered on sites that have public sewer and/or water, and to provide for residential uses at suburban standards and densities.
- B. Permitted principal uses.
 - (1) The same as are permitted in the R-1-30 District, except that the minimum lot size for a single-family dwelling is 20,000 square feet.

*~ R-1-30 District permitted uses
do NOT include two-family
dwellings ~*

CASE STUDY #4

Don't Name Names



TOWN OF GENESEO – CHAPTER 106 (ZONING)

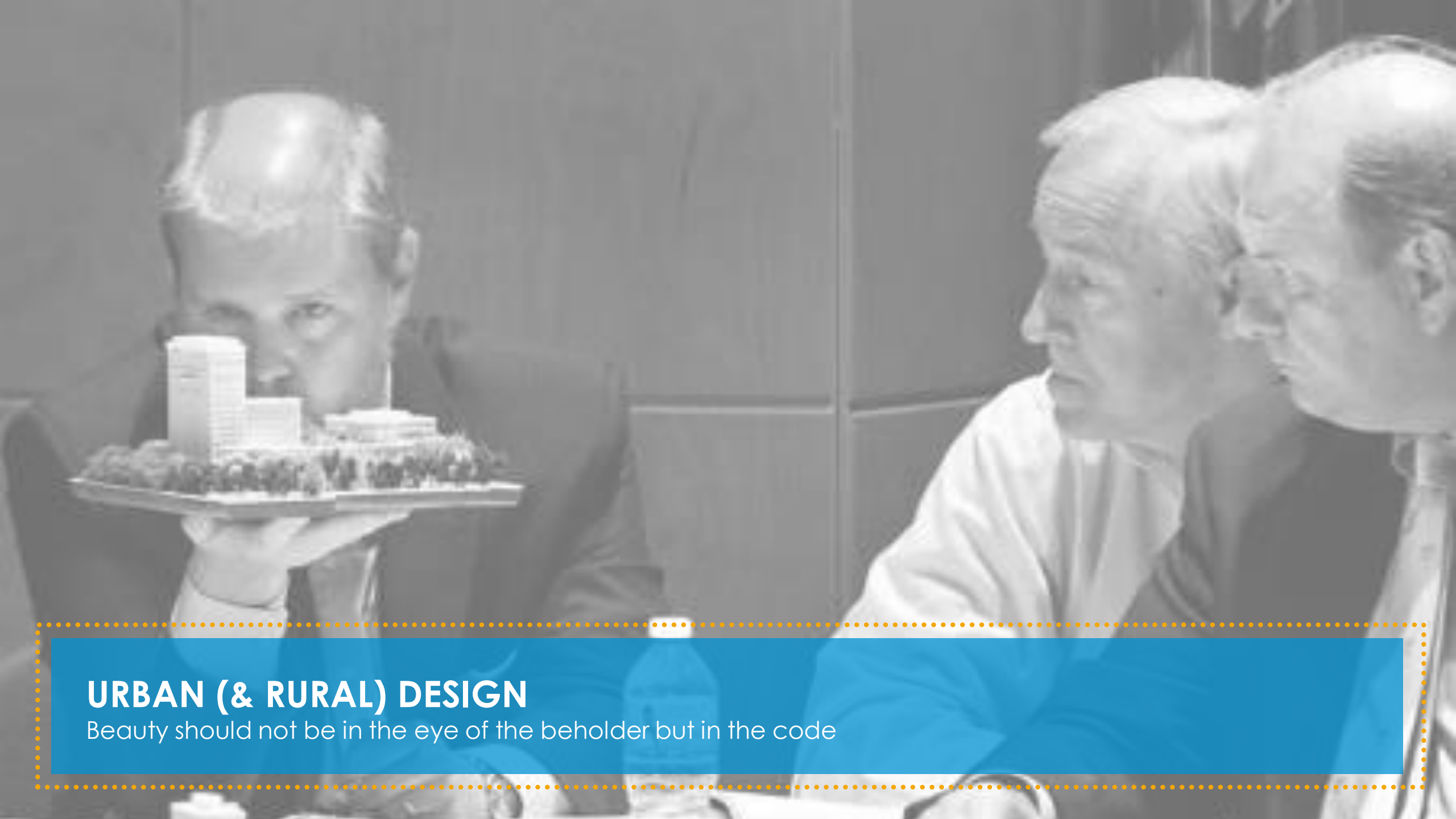
- (b) The Gateway Town Centre will consist of a home improvement center and garden center of approximately 155,433 square feet and a five-thousand-seven-hundred-square-foot financial institution with two drive-through tellers and two twenty-four-hour drive-through ATM's with three spaces per drive-through (cars in each stacking queue). The actual square feet shall be determined by the Planning Board through the process of final site plan approval. [Amended 6-25-2009 by L.L. No. 2-2009]

CASE STUDY #4

Don't Name Names



- (e) Architectural considerations.
 - [1] A ten-foot-high berm, including adequate landscaping to screen the view of the east side of the **Lowe's** building from Route 20A shall be required as part of the site plan. The landscaping shall include a mix of conifers and deciduous trees of sufficient height and density to block or screen the view of the east side of the **Lowe's** building from Route 20A. The berm shall include gradual grades and a gentle transition between the top and side slopes of the berm.
 - [2] The south side of the **Lowe's** building contains the Garden Center which houses large outdoor products that will be visible without proper screening. Landscaping and/or the installation of privacy panels, wall fencing or shadow box fencing shall be required to adequately screen the Garden Center. Additionally, the berm height along the north side of Route 20A shall be six to eight feet. The Planning Board requests the opportunity to review the proposed screening during the site plan review process and to modify the landscaping layout, make up, density and height as necessary to sufficiently block or screen the south side of the Lowe's building.
 - [3] The dumpster, generator and trash compactor located along the south side of the **Lowe's** building shall be contained in wood enclosures, such as slatted fencing, and shall also be screened by landscaping plantings that are compatible with the architecture of the Lowe's building.



URBAN (& RURAL) DESIGN

Beauty should not be in the eye of the beholder but in the code

CASE STUDY #5

Design Review

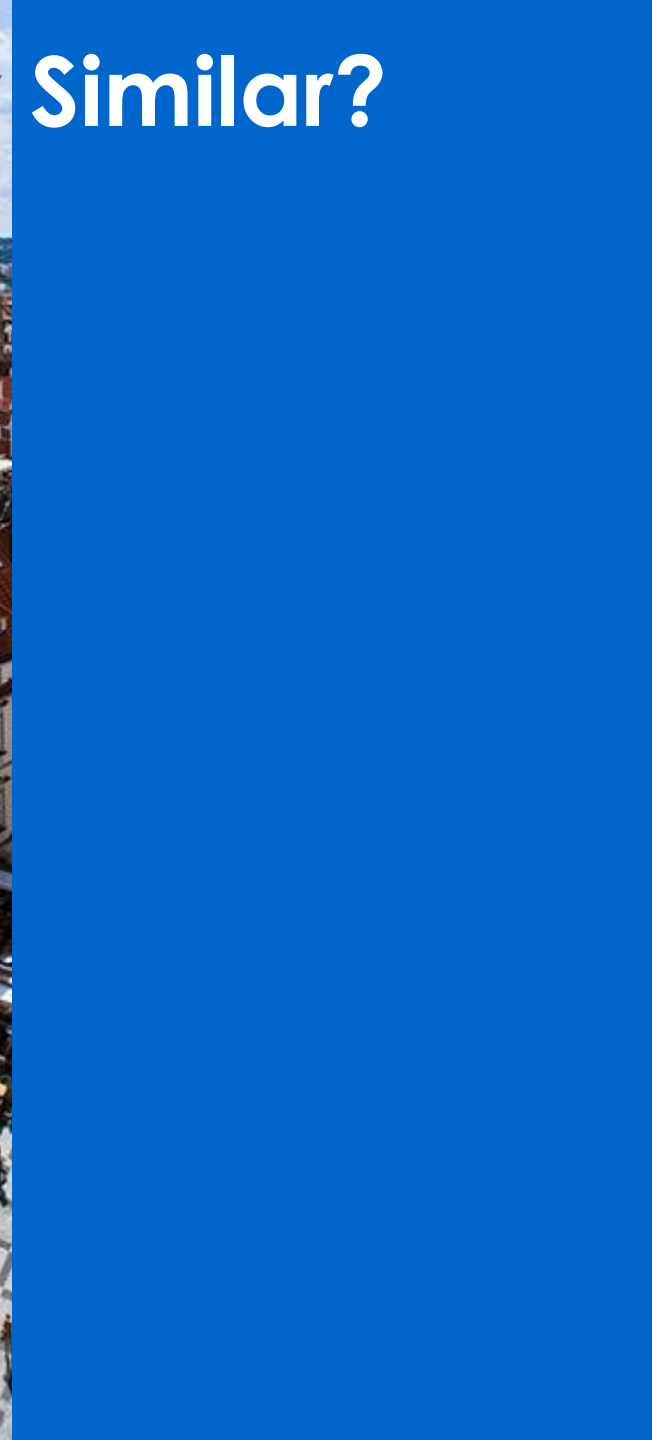
COMMON ENABLING LANGUAGE

- The Board may disapprove any building permit referred to it by reason of:
 - **Excessive similarity** to any other structure existing within 1,000 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:
 1. Apparently identical front or side elevations.
 2. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street.
 3. Other significant identical features of design, such as but not limited to material, roofline and height or other design elements.
 - **Excessive dissimilarity** in relation to any other structure existing or for which a permit.
- Disapproval requires unanimous vote of the Board.

Is This Excessively Similar?



Is This Excessively Similar?



Is This Excessively Similar?



The intent is usually to avoid this...



And get this...



CASE STUDY #6

Soft Design Language

MISCELLANEOUS EXAMPLES...

- New construction shall be placed with **minimal** front setback.
- The **shallowest** possible setback shall be encouraged in all instances.
- The lower floor levels of a facade should provide the **highest amount of façade opening and articulation**. The ground floor should be very open and inviting to the pedestrian, and employ the **strongest use of depth in the facade**.



CODIFYING COMMUNITY CHARACTER

Dimensional Requirements

CASE STUDY #7

Minimum Lot Width

VILLAGE OF AVON – 2017 COMPREHENSIVE PLAN

Residential Development Preferences

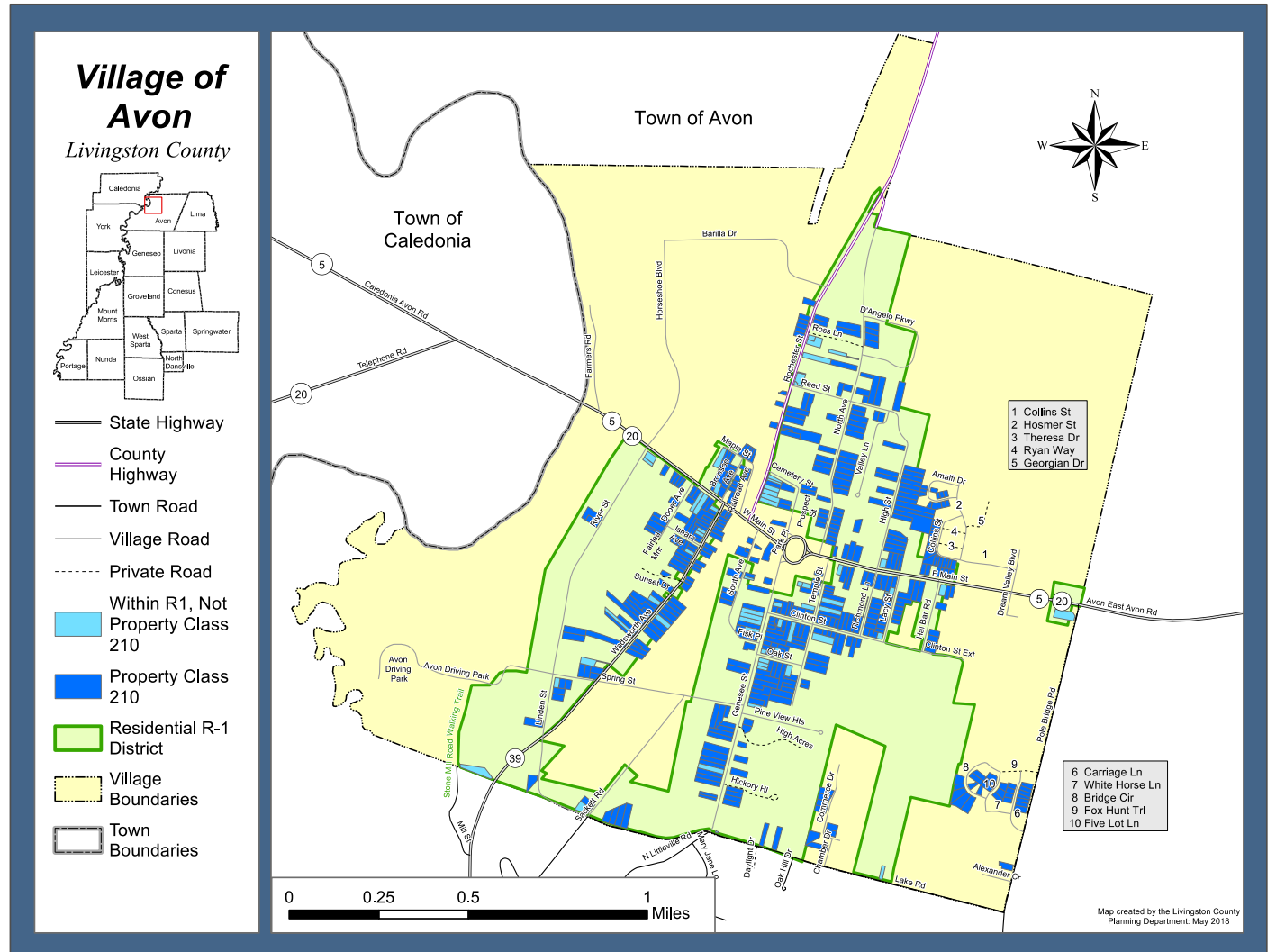


Google

Image capture: Jul 2019 © 2020 Google United States Terms Report a problem

CASE STUDY #7

Minimum Lot Width



VILLAGE OF AVON – CHAPTER 30 (ZONING)

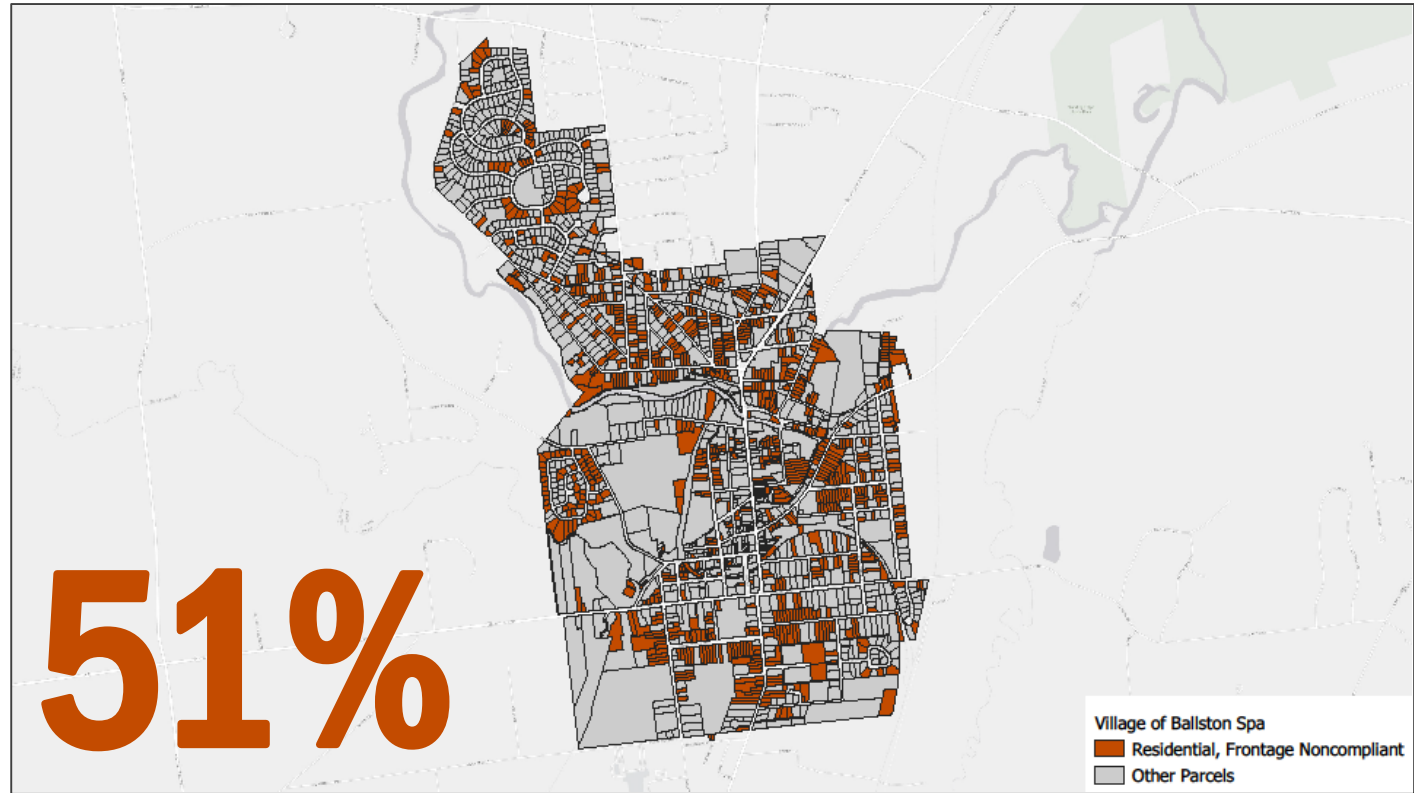
Residential MIN Lot Width – 100 ft for R-1 District

NYS EXAMPLES

Minimum Lot Width

VILLAGE OF BALLSTON SPA – CHAPTER 205 (ZONING)

Residential MIN Lot Width – 80 ft for R-1 District; 100 ft for R-2

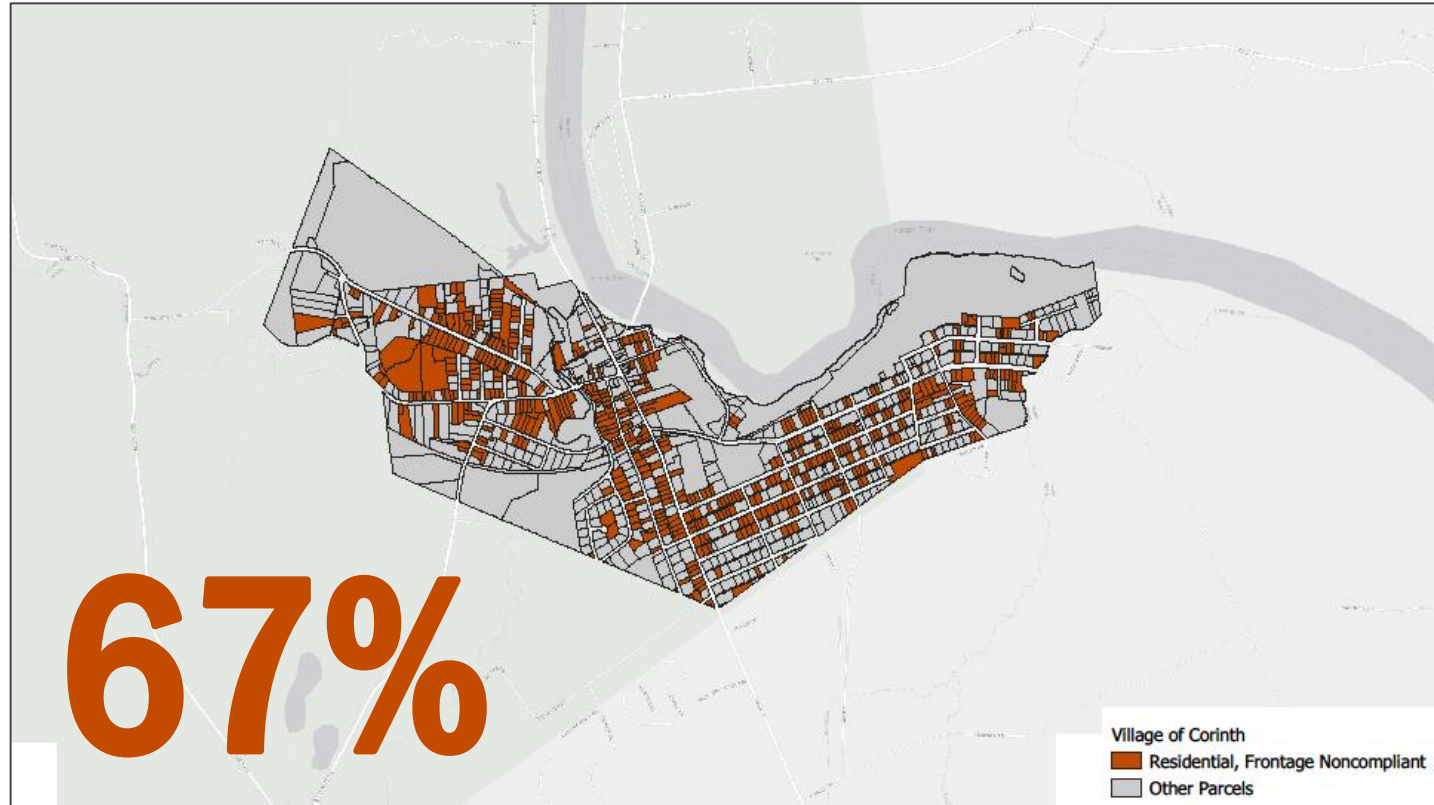


VILLAGE OF CORINTH – CHAPTER 500 (ZONING)

Residential MIN Lot Width – 100 ft for VR-I & VR-II Districts

NYS EXAMPLES

Minimum Lot Width

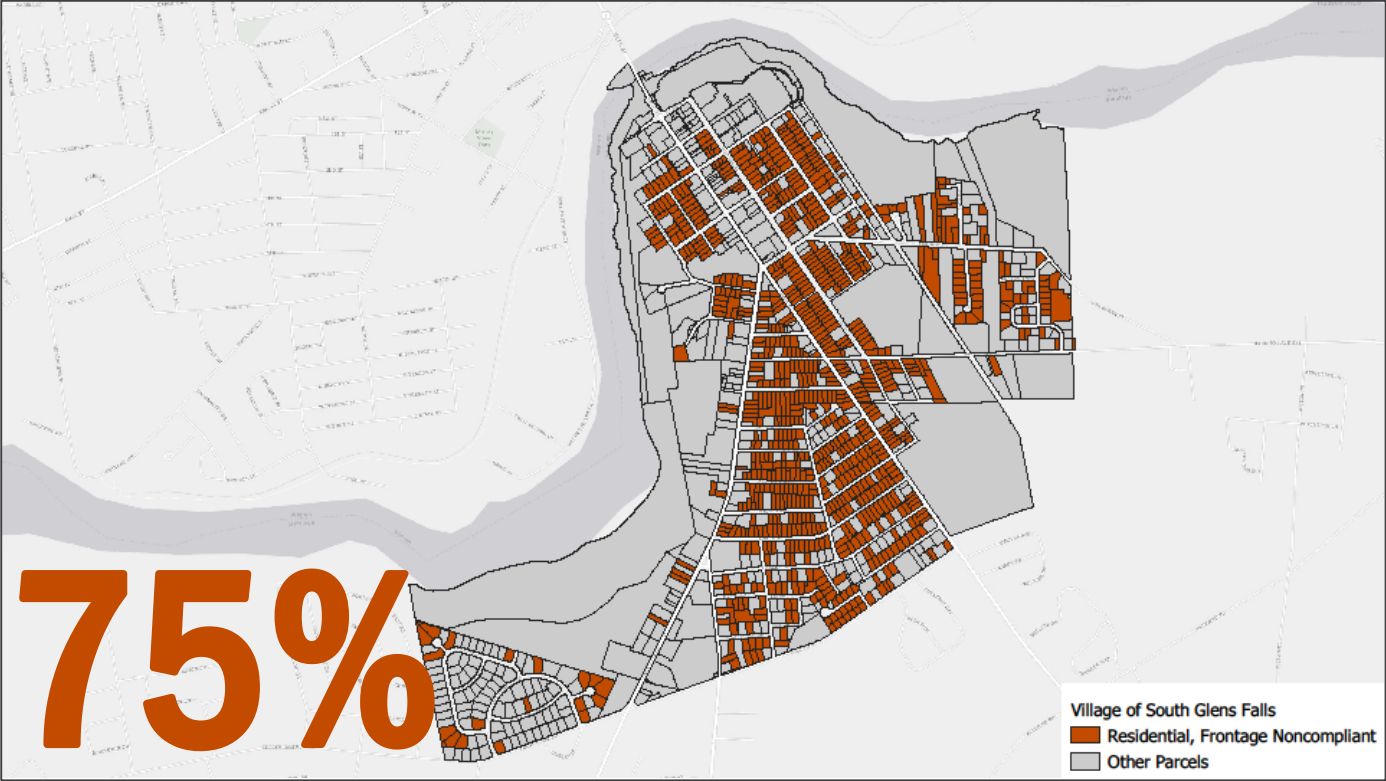


VILLAGE OF SOUTH GLEN FALLS – CHAPTER 153 (ZONING)

Residential MIN Lot Width – 90 ft for R-1 & R-2 Districts

NYS EXAMPLES

Minimum Lot Width

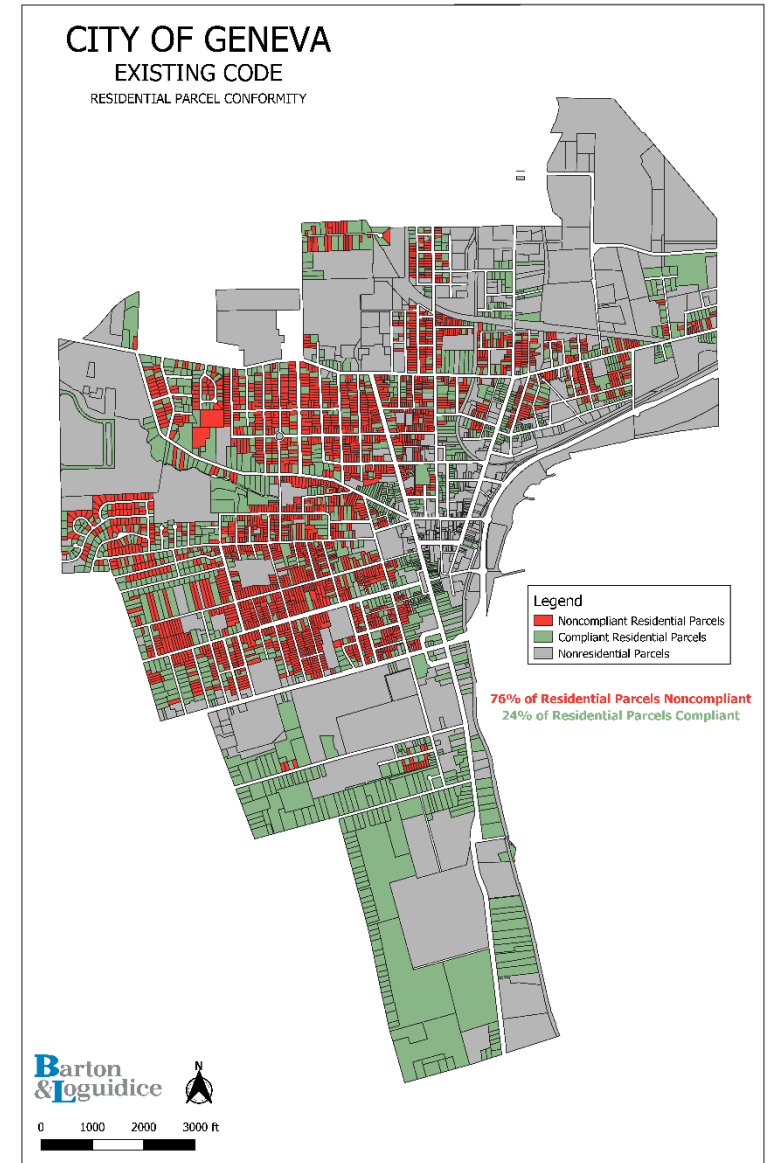


NYS EXAMPLES

Minimum Lot Width

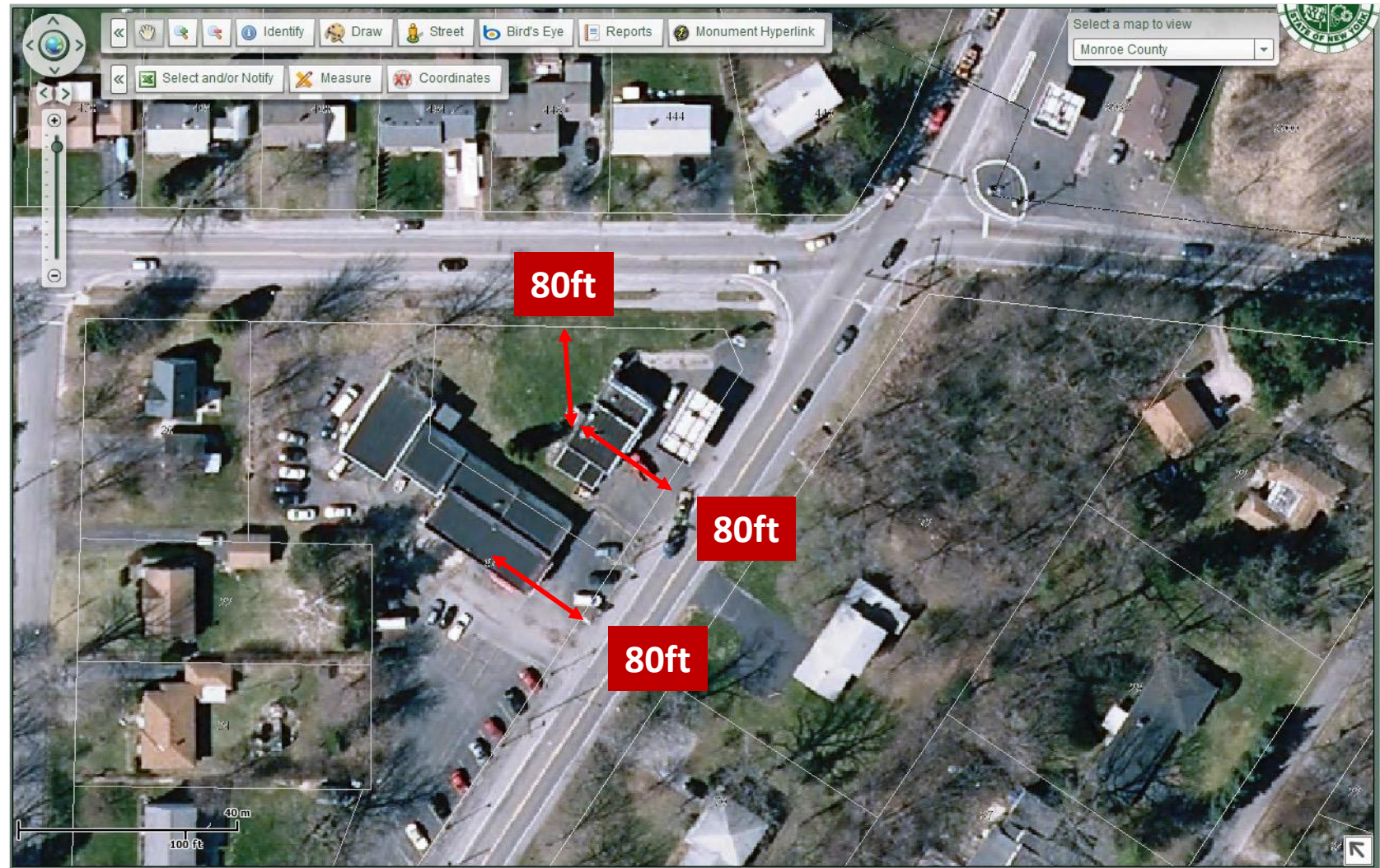
CITY OF GENEVA

76%



CASE STUDY #8

Minimum Setbacks



VILLAGE OF SCOTTSVILLE – ZONING CODE

80 ft minimum front setback in the GB District

CASE STUDY #9

Impacts of Setbacks



TOWN OF GREECE

Dewey Avenue Mixed-Use Zoning District

Town of Greece

Old Code

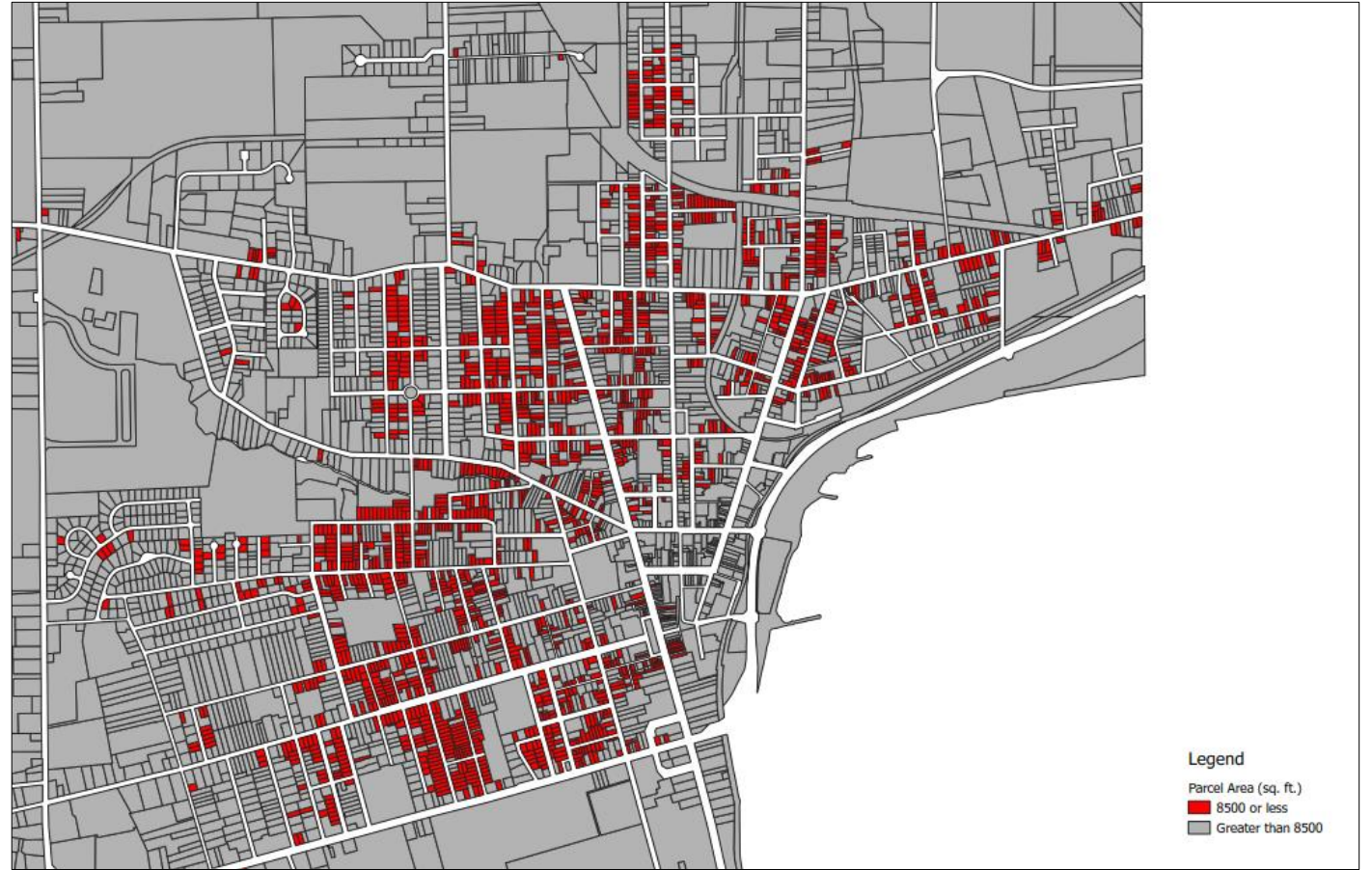


Town of Greece
New Code



CASE STUDY #10

Minimum Lot Size



CITY OF GENEVA – CHAPTER 350 (ZONING)

Residential MIN Lot size – 8,500 sf minimum lot size

CASE STUDY #11

Minimum Lot Size



VILLAGE OF BLOOMFIELD – ZONING CODE

1 acre minimum lot size on Main Street



MISC

Getting the details right

SIGNAGE 101

- May **NOT** regulate **CONTENT** of Signs
- Regulations that define signs by the message (content) they display can be legally suspect and may violate constitutional right to free speech



The General Rule is...

...if you need to read a sign to determine the applicable regulations, they are not content neutral.

SIGNAGE 101

CONTENT-BASED SIGN CLASSES

- Identification Signs
- Business Signs
- Advertising Signs
- Informational Signs

CONTENT-NEUTRAL SIGN TYPES

- Freestanding Sign
- Ground Sign
- Wall Sign
- Awning Sign
- Etc.

CASE STUDY #12

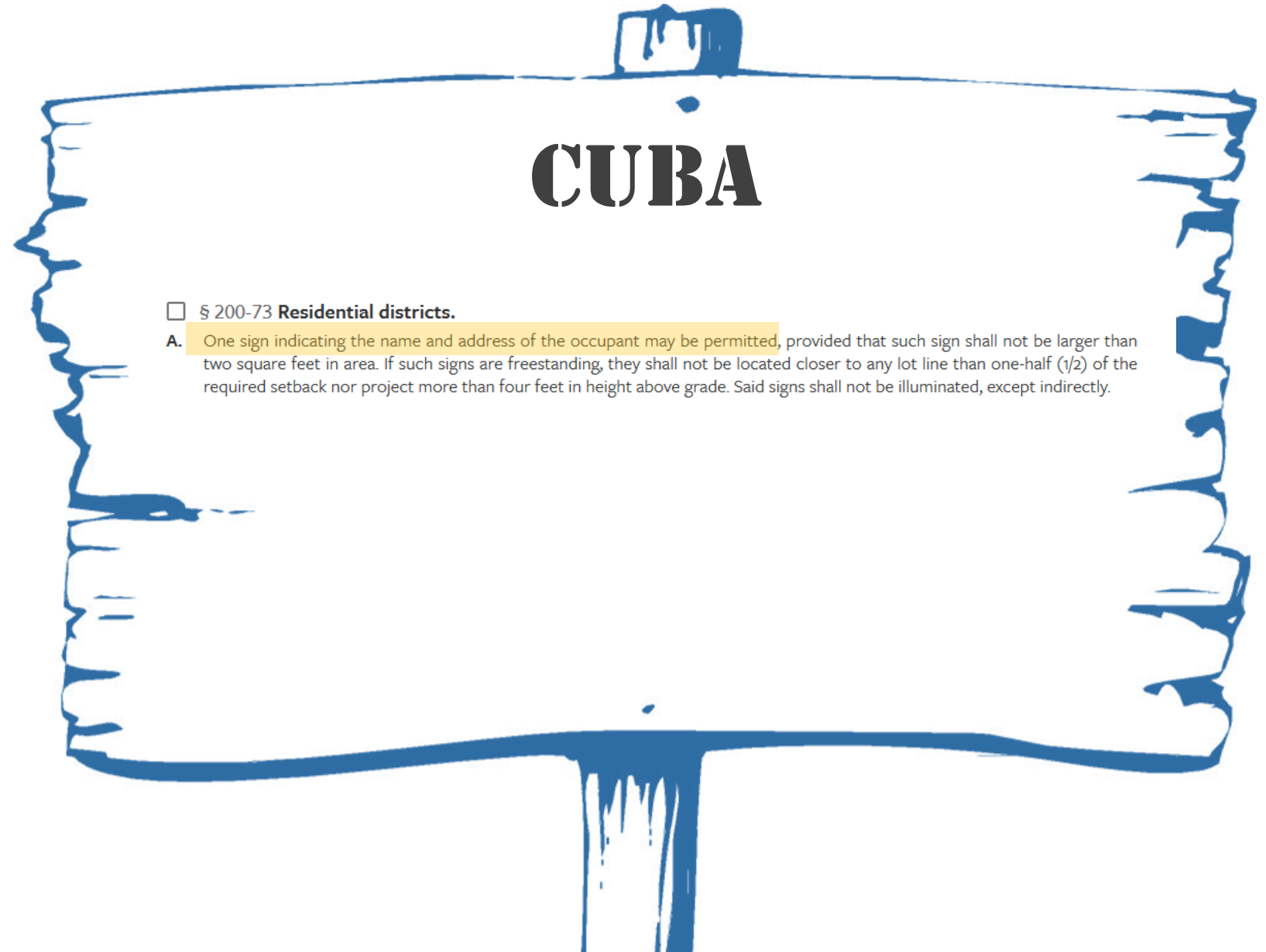
Content Based Regulations

GENESEEO

- (4) Each place of business may have one business sign, which is silent, nonrotating and nonflashing, identifying the name of the place of business and the nature of the business being conducted on the premises. The sign should reflect the principal business and not contain predominant commercial product names or logos. This sign shall be attached flat against the principal building but not on its roof. The total cumulative area of this sign shall be calculated at the rate of one square foot of sign area per linear foot of building front, plus 1/4 square foot per lineal foot setback beyond the required setback of the principal building on the property, but in no case shall exceed 150 square feet, whichever is less. A minimum total sign area of 32 square feet shall be permitted any use, regardless of building frontage. At no time should the sign exceed the total store frontage.

CASE STUDY #12

Content Based Regulations



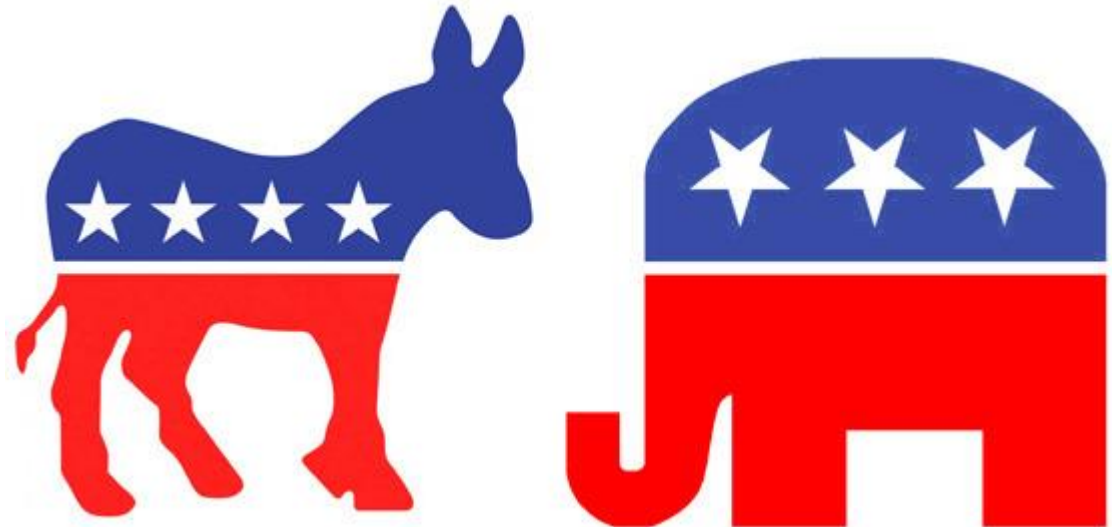
CASE STUDY #13

Politicizing Review Boards

SECTION 300-14.E. ZBA PARTY AFFILIATION

No more than four members of the Board may be enrolled in any one political party.

City of Cortland, Chapter 300 (Zoning)



CASE STUDY #14

Outdated References

POSTED NOTICES

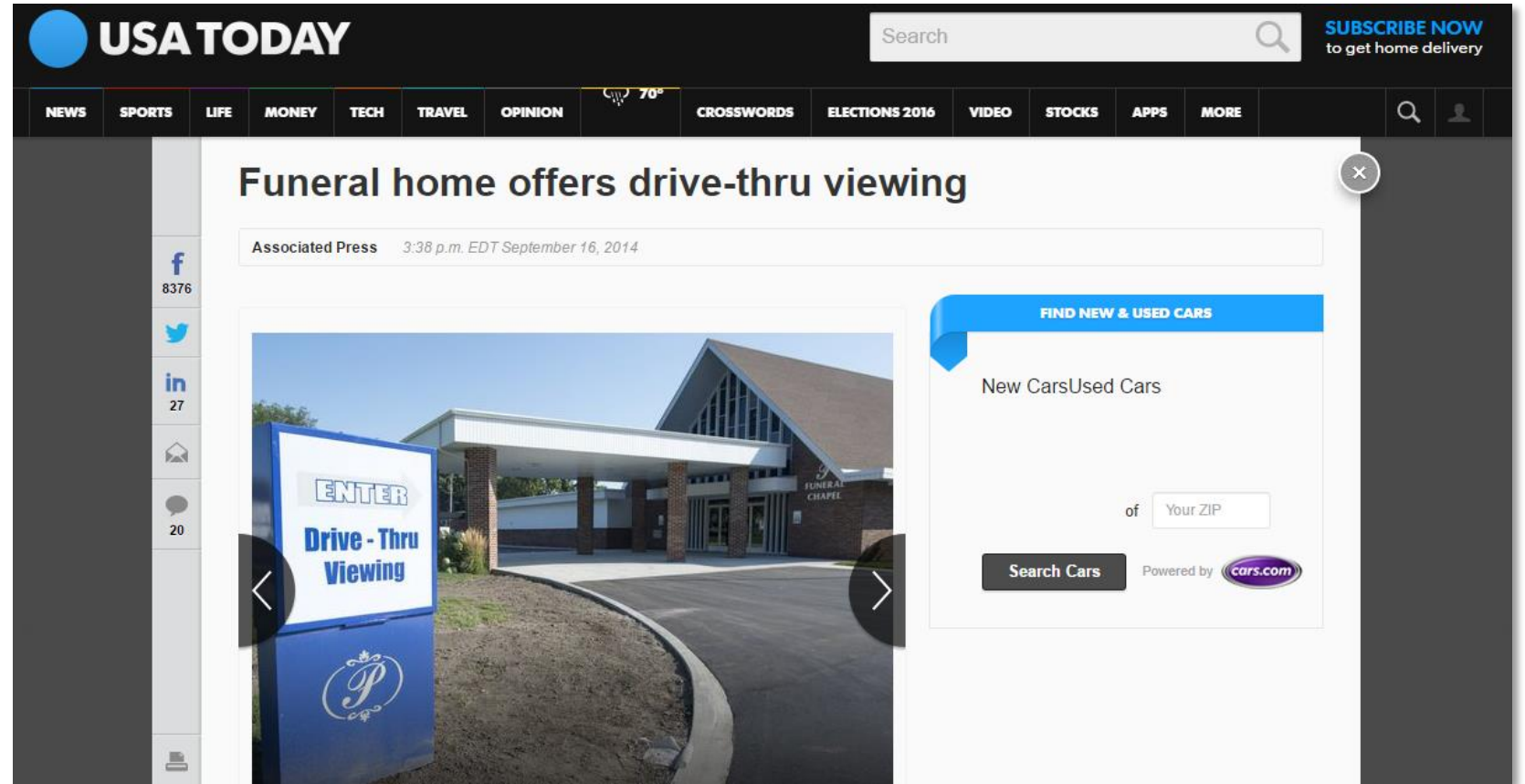
The following areas are designated as locations for the posting of notices of all meetings held by the Town Board and other bodies:

- 1) The Geneseo bulletin board.
- 2) Key Bank of Central New York.
- 3) Marine Midland Bank, N.A.

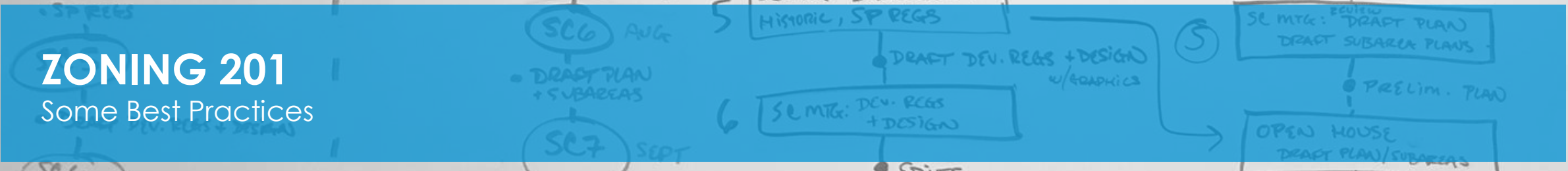
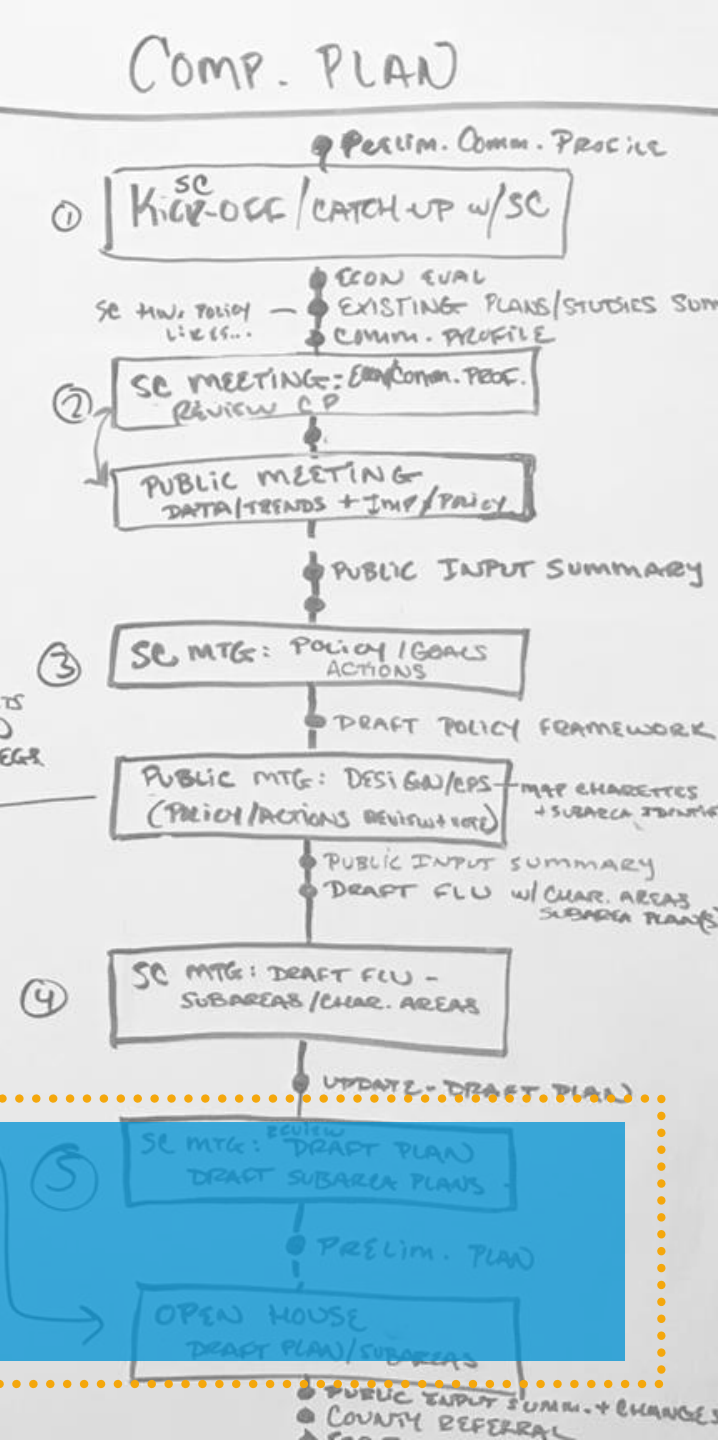
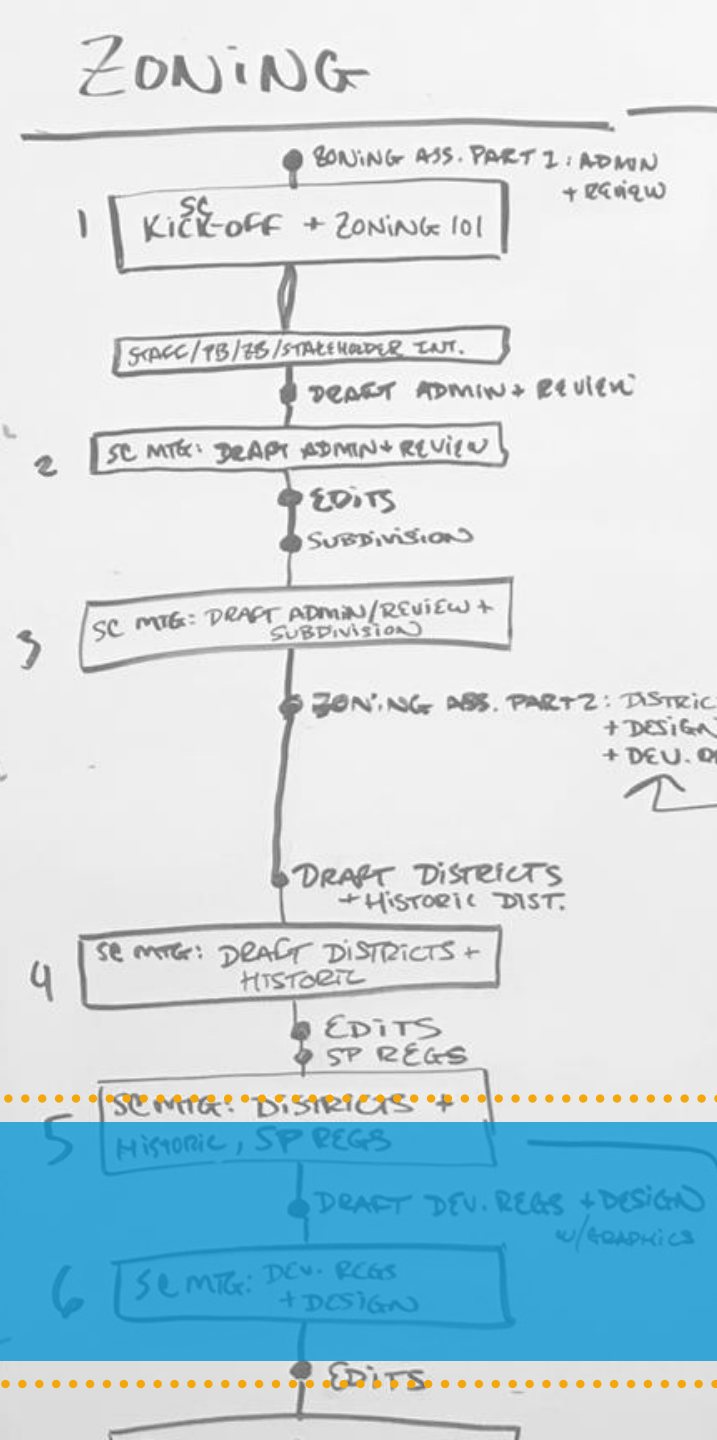
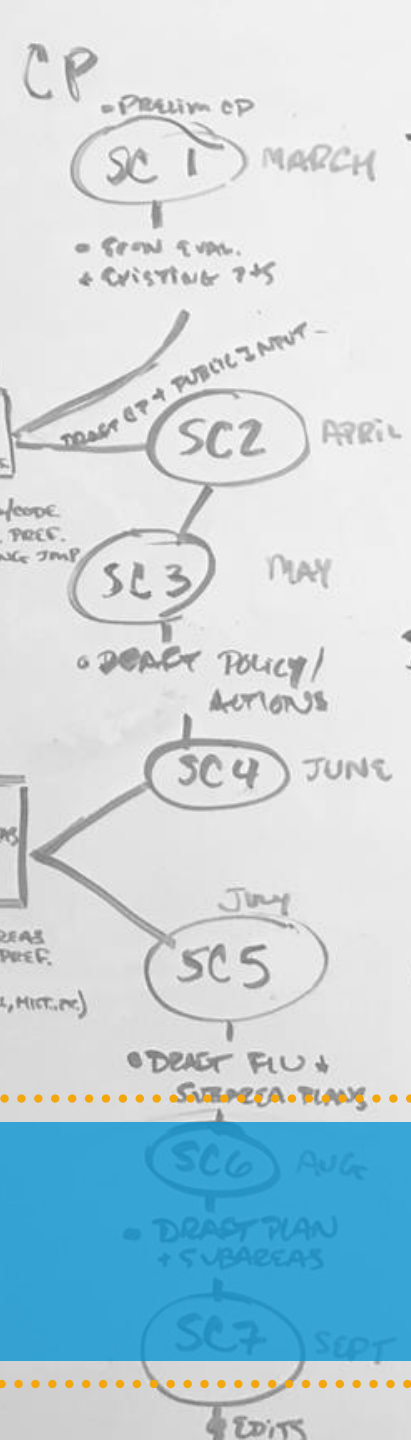
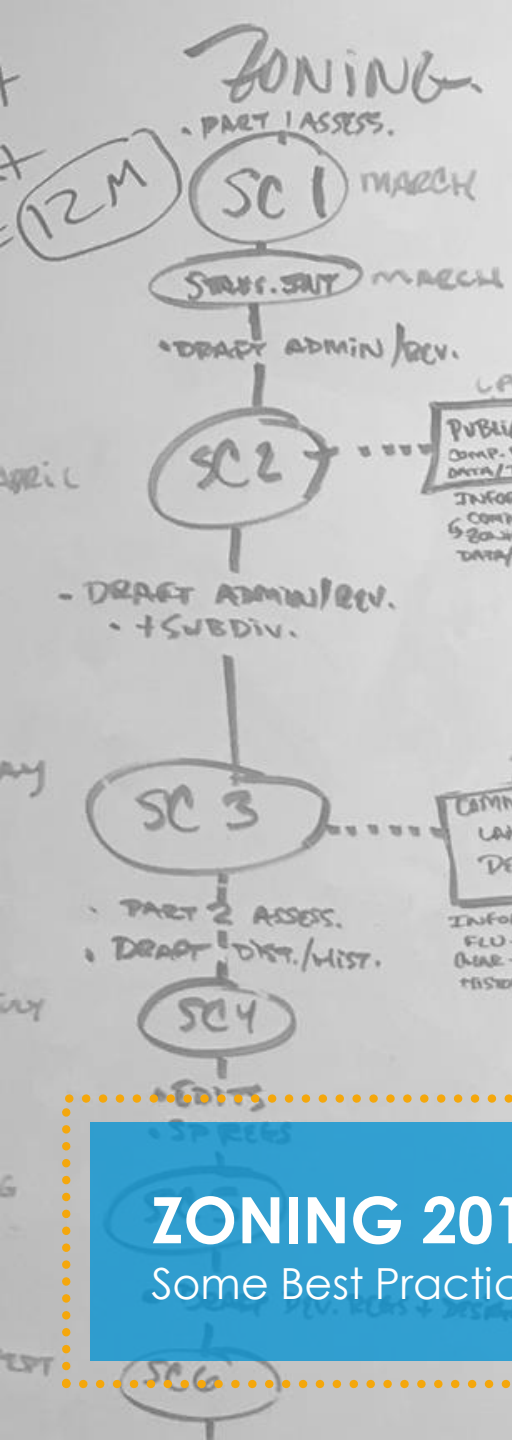
Town of Geneseo, Chapter 106 (Zoning)

CASE STUDY #15

Purpose Statements in Practice



~ Purpose statements can provide direction for new/unanticipated uses ~



BEST PRACTICES



Set realistic expectations

Keep the community informed

Ensure their input is reflected in the code



Education before legislation

Use Plain English



Reward good projects

Promote certainty, but allow flexibility

Reduce one-offs & work-arounds

USER-FRIENDLY FORMAT & ORGANIZATION

DISTRICT FRAMEWORKS

ARTICLE 21: COMMERCIAL DISTRICTS

§ 285-21.1 COMMERCIAL DISTRICTS ESTABLISHED

A. The commercial districts are listed in Table 21.1 below. When this zoning district it is referring to one of the following:

Commercial District Name	Abbreviation
General Commercial	
Neighborhood Commercial	
Village-Center Commercial	

B. The commercial district names and map symbols are intended to provide what is allowed in the district by denoting the intensity, scale, and/or type of use.

§ 285-21.2 COMMERCIAL DISTRICT PURPOSE STATEMENTS

A. **General Commercial (GC) District.** The purpose of the GC District is to use areas that cater to Village residents, travelers and tourists, while maintaining the traditional, early 20th century Main Street as demonstrated in the Village Guidelines. The GC District allows for flexibility in the location, design and scale of development and investment in the GC District shall be consistent with a comfortable streetscape for visitors arriving on foot, bicycle, or by motor vehicle.

B. **Neighborhood Commercial (NC) District.** The purpose of the NC District is to provide economic development opportunity along major corridors within the Village that traditionally have presented residential character in the architectural design of their original structures. The intent of the district is not only to permit the use of these areas, but also to include commercial use operations of limited scale. New construction and/or the conversion of structures originally built for residential use shall be allowed, provided the residential character and walkability are maintained.

C. **Village Center (VC) District.** The purpose of the VC District is to maintain the character and vibrancy of the Village's uptown and downtown in a manner consistent with the traditional, early 20th century Main Street as demonstrated in the Village Guidelines. The VC District allows for flexibility in the location, design and scale of development and investment in the VC District shall be consistent with a comfortable streetscape for visitors arriving on foot, bicycle, or by motor vehicle.

Village of East Aurora
Chapter 285: Zoning Code

to the existing pedestrian-friendly environment and historic character with respect to building and site design.

§ 285-21.3 COMMERCIAL USE LIST

Uses are allowed in commercial districts with the following conditions:

- Uses identified with a "P" in the table shall comply with all other applicable zoning regulations.
- Uses identified with a "SP" in the table shall comply with the special use permit procedure.
- Uses not listed and those identified with a "P" shall comply with the special use permit procedure.

TABLE 21.3: COMMERCIAL DISTRICT USE LIST

Land Use	GC
Commercial	
18. Professional or Medical Offices	P
19. Financial Institutions	P
20. Hotels or Inns	P
21. Motels	-
22. Restaurants	P
23. Take-Out Restaurants	P
24. Taverns and Bars	P
25. Breweries or Distilleries	P
26. Vehicle Sales	P
27. Vehicle Service or Repair Shops	P
28. Gasoline Service Stations	P
29. Car Washes	SP
30. Multi-Family Dwellings, New Construction	P
31. Newspaper or Printing Shops	P
32. Dance, Art, Music, or Photo Studios	P
33. Funeral Homes or Parlors	P
34. Indoor Entertainment Facilities	SP
35. Indoor Recreational Facilities	SP
36. Repair or Service Shops	P
37. Retail Stores or Personal Service Establishments	P
38. Wholesale Stores	P
39. Animal Grooming Shops	P
40. Animal Hospitals or Veterinary Clinics	-
41. Kennels	-
42. Broadcast Facilities	P
43. Telecommunications Facilities	SP
44. Mixing of Permitted Uses in a Single Structure	P
45. Drive-Throughs Ancillary to Permitted Use	SP
46. Dining Facilities Ancillary to Permitted Use	SP
47. Outdoor Sales or Storage Ancillary to Permitted Use	SP
48. Nonresidential Accessory Uses or Structures	P
Residential	
1. Single-Family Dwellings	
2. Two-Family Dwellings or Townhomes	
3. Multi-Family Dwellings, New Construction	
4. Multi-Family Dwellings, By Conversion	
5. Nursing Homes or Assisted Living Facilities	
6. Bed & Breakfasts	
7. Home Occupations	
8. Upper Floor Dwelling Units	
9. Residential Accessory Uses or Structures	
Institutional/Other	
10. Places of Worship	
11. Nonprofit or Membership Based Clubs	
12. Schools, Public or Private	
13. Day Care Centers, Child or Adult	
14. Museums or Libraries	
15. Public Parks or Playgrounds	
16. Municipal Structure or Use	
17. Parking Area (Not on same lot as the use)	

*** TABLE CONTINUED ON NEXT PAGE ***

Village of East Aurora
Chapter 285: Zoning Code

§ 285-21.4 COMMERCIAL LOT & YARD REQUIREMENTS

The lot and yard requirements for the Village are:

TABLE 21.4: COMMERCIAL LOT & YARD REQUIREMENTS

Land Use	GC	NC	VC
A. Minimum Lot Size			
Single-Family Dwelling			
Two-Family Dwelling			
Multi-Family Dwelling			
Nonresidential			
B. Minimum Lot Width			
Single-Family Dwelling			
Two-Family Dwelling			
Multi-Family Dwelling			
Nonresidential			
C. Front Yard			
Residential			
Nonresidential			
Accessory Use/Structure			
D. Minimum Rear Yard			
Residential			
Nonresidential			
Accessory Use or Structure			
E. Minimum Side Yard			
Residential			
Nonresidential			
Accessory Use/Structure			

Notes:
(1) SF/DU indicates square feet.
(2) When adjacent to a residential use.

Village of East Aurora
Chapter 285: Zoning Code

§ 285-21.5 COMMERCIAL BULK REQUIREMENTS

The bulk requirements listed in Table 21.5 shall apply to all commercial districts within the Village.

TABLE 21.5: COMMERCIAL DISTRICT BULK REQUIREMENTS

Land Use	Zoning District		
	GC	NC	VC
A. Maximum Building Height¹			
Single/Two-Family Dwelling	35 Feet	35 Feet	35 Feet
Multi-Family Dwelling	35 Feet	35 Feet	35 Feet
Nonresidential Use	45 Feet	40 Feet	SPR ²
Accessory Use/Structure	15 Feet	15 Feet	15 Feet
B. Maximum Lot Coverage³			
Single/Two-Family Dwelling	35%	35%	35%
Multi-Family Dwelling	35%	35%	35%
Nonresidential Use	50%	40%	SPR ²
Accessory Use/Structure	25% of Rear Yard	20% of Rear Yard	20% of Rear Yard

Notes:
(1) Or the average building height (with +/- 1 foot margin) on the block.
(2) SPR indicates that the bulk requirements of any newly constructed building and maximum lot coverage for any building or use shall be subject to review and approval through the Site Plan Review process (Article 51).
(3) Or the average lot coverage on the block.

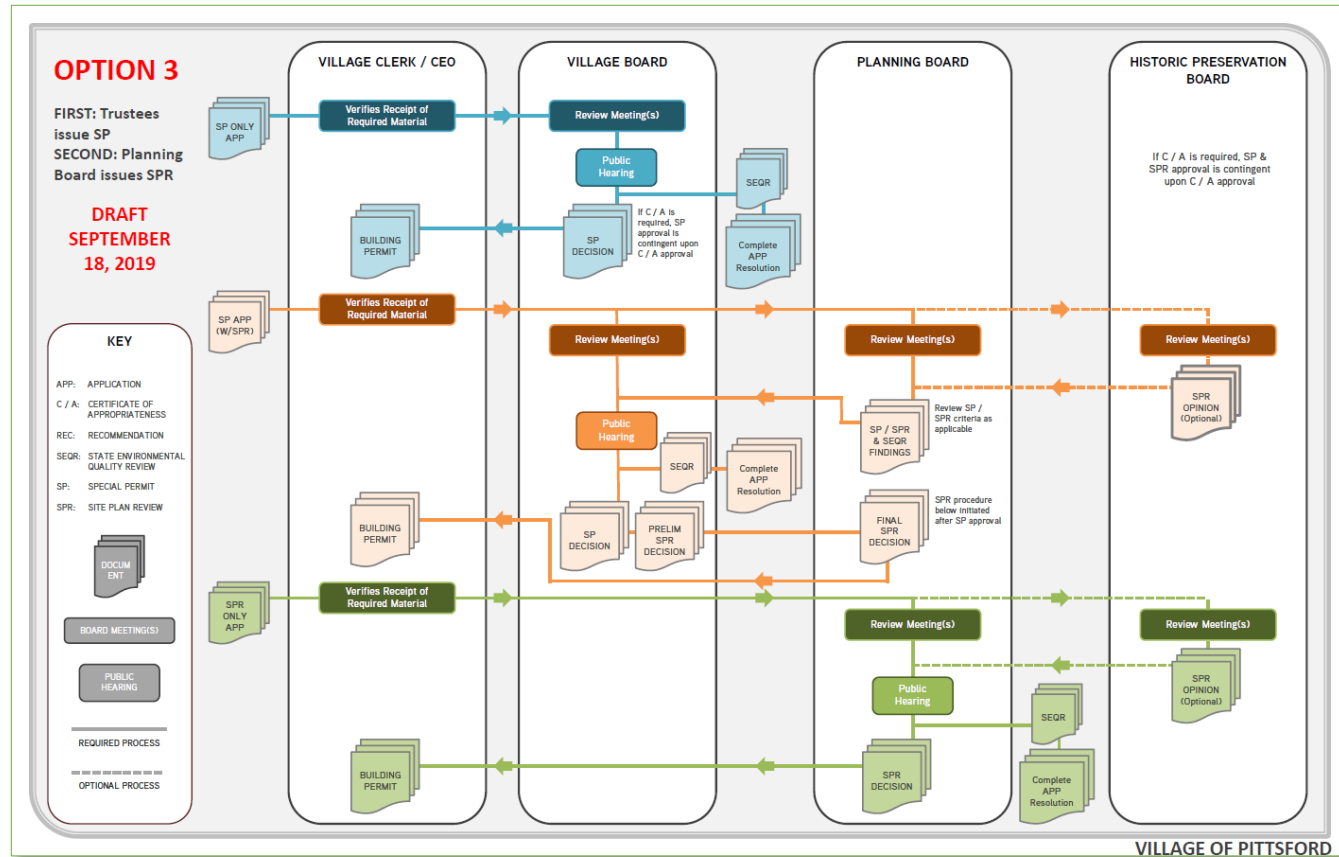
§ 285-21.6 ADDITIONAL REGULATIONS

All other applicable requirements of this Chapter, including but not limited to Regulations for Certain Uses (Article 31) and Development Standards (Part 4), shall also apply to uses in the Village's commercial district.

Village of East Aurora
Chapter 285: Zoning Code

USER-FRIENDLY FORMAT & ORGANIZATION

APPLICATION & REVIEW PROCEDURES



USER-FRIENDLY FORMAT & ORGANIZATION

DEFINITIONS, DIMENSIONS & DESIGN

- 3) The sign is consistent with the vision and intent of the Village of Williamsville Community Plan and will promote an attractive and walkable traditional Village environment;
- 4) The sign follows the design guidelines outlined in Section 84-16 to the greatest extent practicable; and
- 5) The sign is otherwise compliant with this Chapter.

§ 84-6 MEASUREMENT

A. Sign Area.

- 1) Single Sign Face. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or geometric combination thereof that will encompass the extreme limits of the writing, representation, emblem, graphic, and/or other display, together with any material, backdrop, or structure on which it is placed. See Figures 1 and 2.



Figure 1: Single Sign Face Area

- 2) Multi-Faced Signs. In the case of a multi-faced sign only one side of the sign is considered in determining sign area if the sides of the sign are back-to-back or diverge at an angle of 45 degrees or less.



Figure 2: Individual Letter Sign Area

B. Sign Height.

- 1) Freestanding Sign. The height of a freestanding sign shall be calculated by measuring the vertical distance between the top part of such sign or its structure, whichever is highest, to the elevation of the ground directly beneath the center of the sign. See Figure 3.

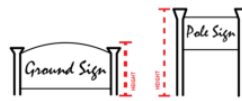


Figure 3: Freestanding Sign Height

- 2) Other Signs. The height of an awning, projecting, suspended, wall, or window sign shall be determined by measuring the vertical distance between the top part of the sign face or structure, whichever is highest, to the bottommost edge of the sign face.

SECTION 120-67 | OFF-STREET PARKING DESIGN

120-67.1 INTENT AND APPLICABILITY

120-67.2 LOCATION OF PARKING FACILITIES

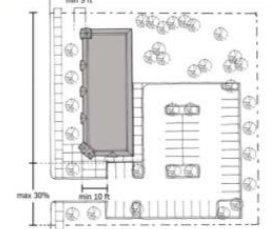


Figure 2 (Parking Lot Location): Side and rear yard parking provided in accordance with maximum 30% of frontage and minimum 10-foot front facade setback including landscaping requirements as required in Section 120-68.6.

120-67.3 ARRANGEMENT OF PARKING FACILITIES

ADOPTED February 27, 2017

SECTION 120-69 | ARCHITECTURAL GUIDELINES AND STANDARDS

120-69.1 INTENT AND APPLICABILITY

The following Architectural Guidelines and Standards are intended to address the exterior elements of nonresidential and multifamily buildings.

LOT COVERAGE
 P= Primary
 A1= Accessory 1
 A2= Accessory 2
 D= Driveway

Legend:
 Front Yard (Purple)
 Rear Yard (Orange)
 Side Yard (Green)

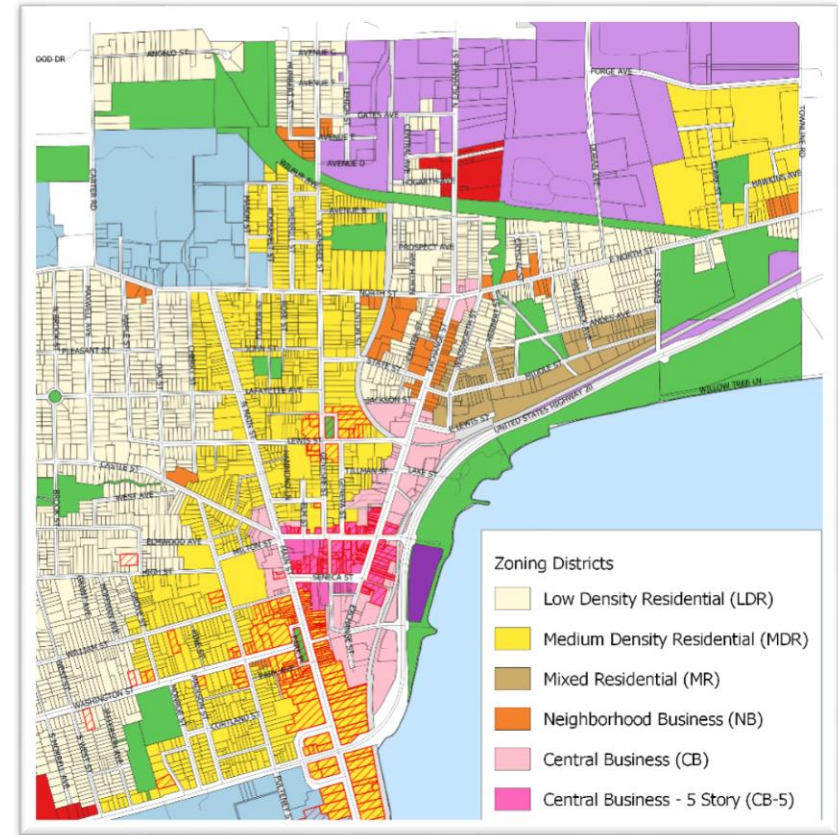
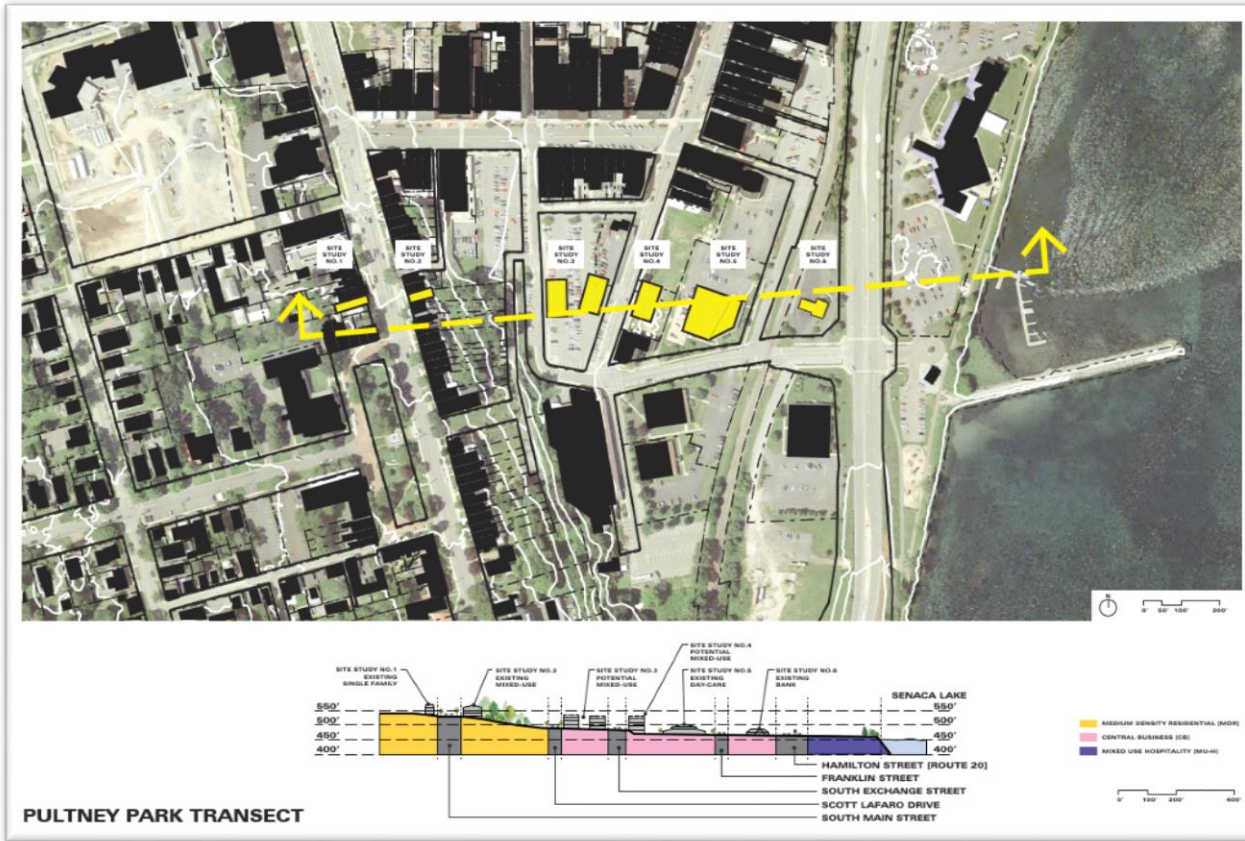
USE VISUALIZATION TOOLS

AVOID SURPRISES...KNOW WHAT THE CODE WILL RESULT IN



USE VISUALIZATION TOOLS

DOWNTOWN GENEVA

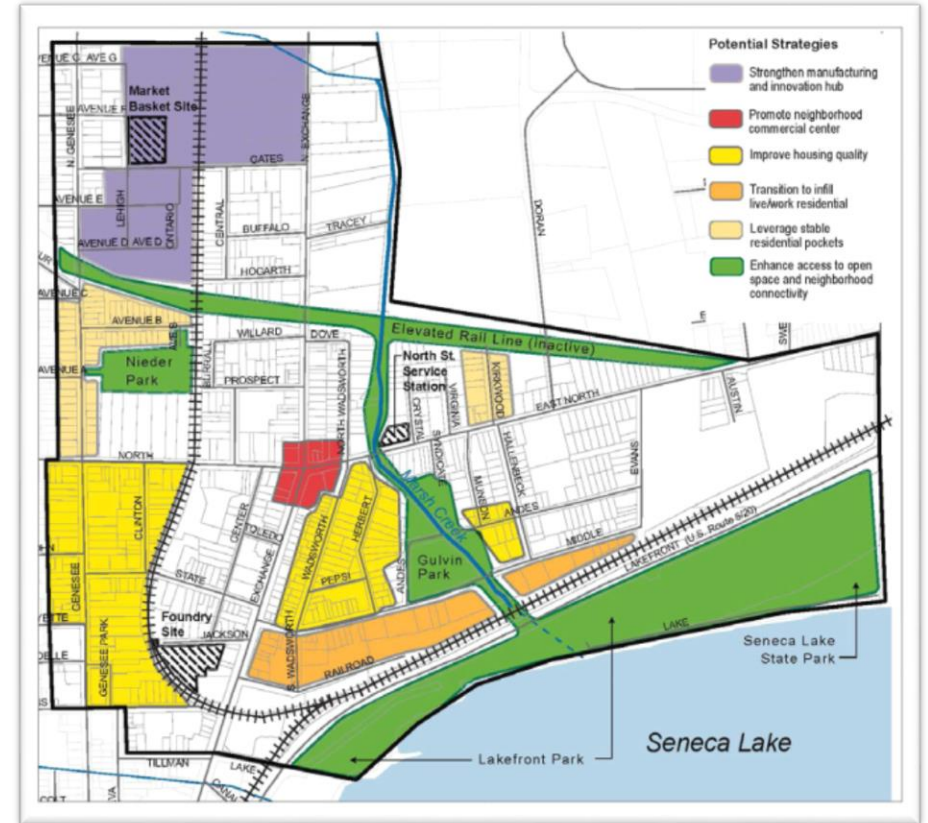


USE VISUALIZATION TOOLS

GULVIN PARK NEIGHBORHOOD...OUT OF SYNCH WITH THE COMP PLAN



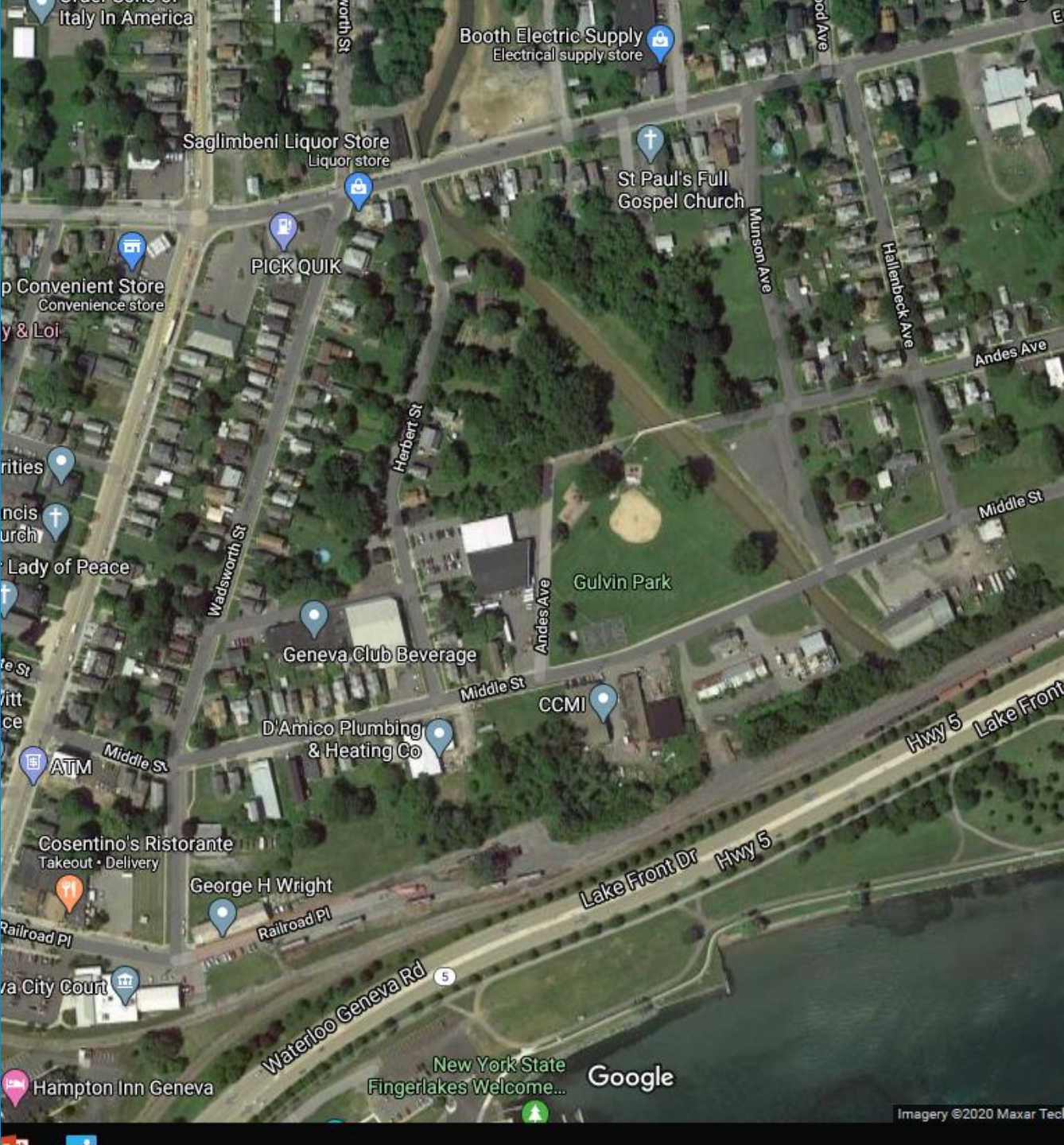
Existing Zoning Map – Industrial (F) District



Comp Plan – Residential Infill

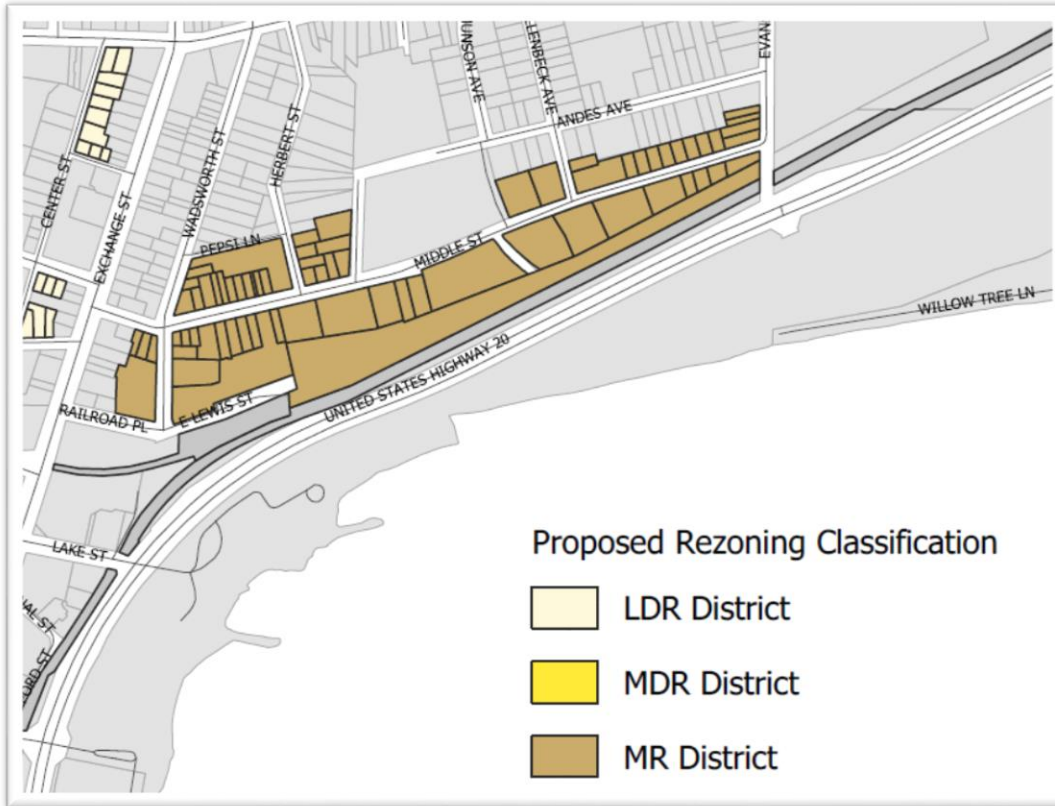
GULVIN PARK NEIGHBORHOOD

(AKA Middle Street)

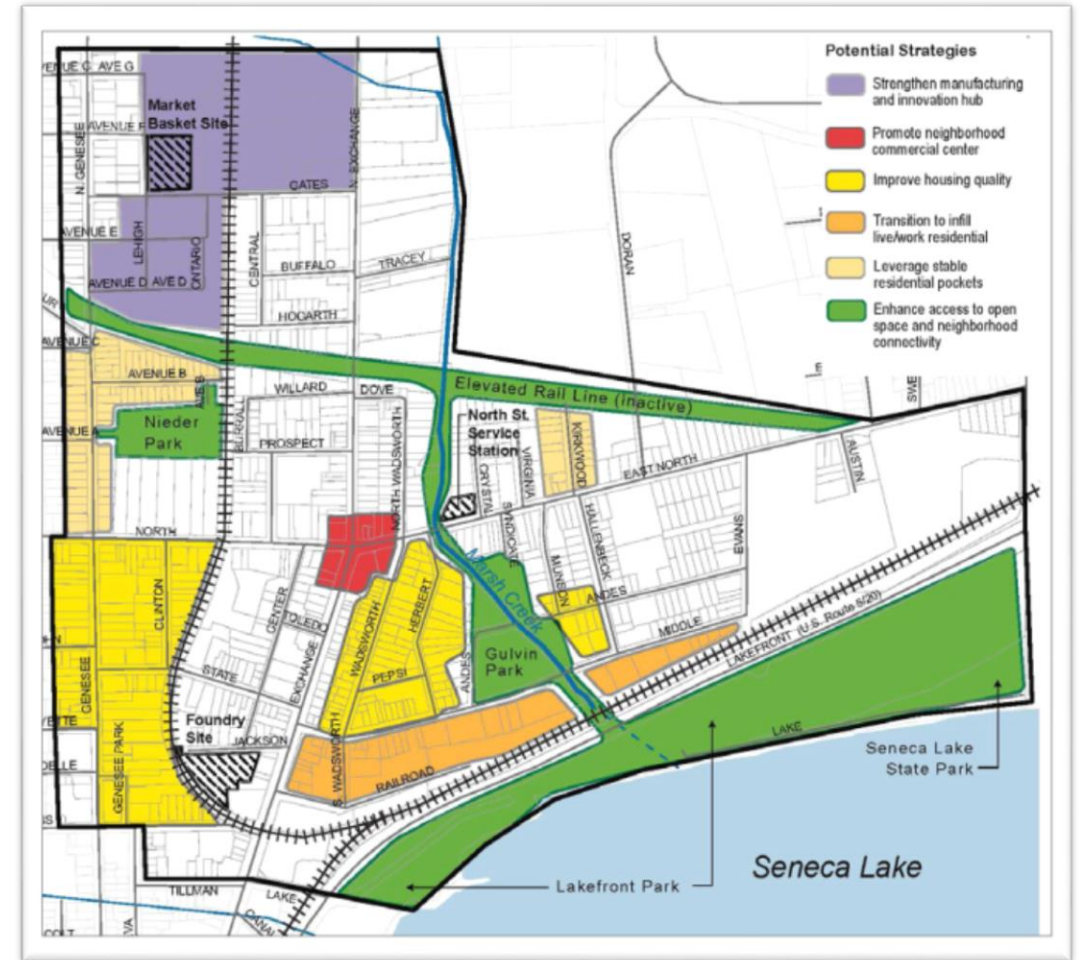


GULVIN PARK NEIGHBORHOOD

PROPOSED REZONING TO ALIGN WITH PLAN



Draft Zoning Map – Mixed Residential (MR) District



Comp Plan – Residential Infill

GULVIN PARK NEIGHBORHOOD

The MR District is intended to permit mixed density residential infill opportunities along Middle Street.



GULVIN PARK NEIGHBORHOOD

The MR District is intended to permit mixed density residential infill opportunities along Middle Street.



PUBLIC PARTICIPATION

Engagement Strategies

EVENT BASED OUTREACH

- Community Forums
- Open Houses
- Design Workshops & Charrettes
- Project Stations / Kiosks
- Youth & Senior Workshops
- Walkabouts

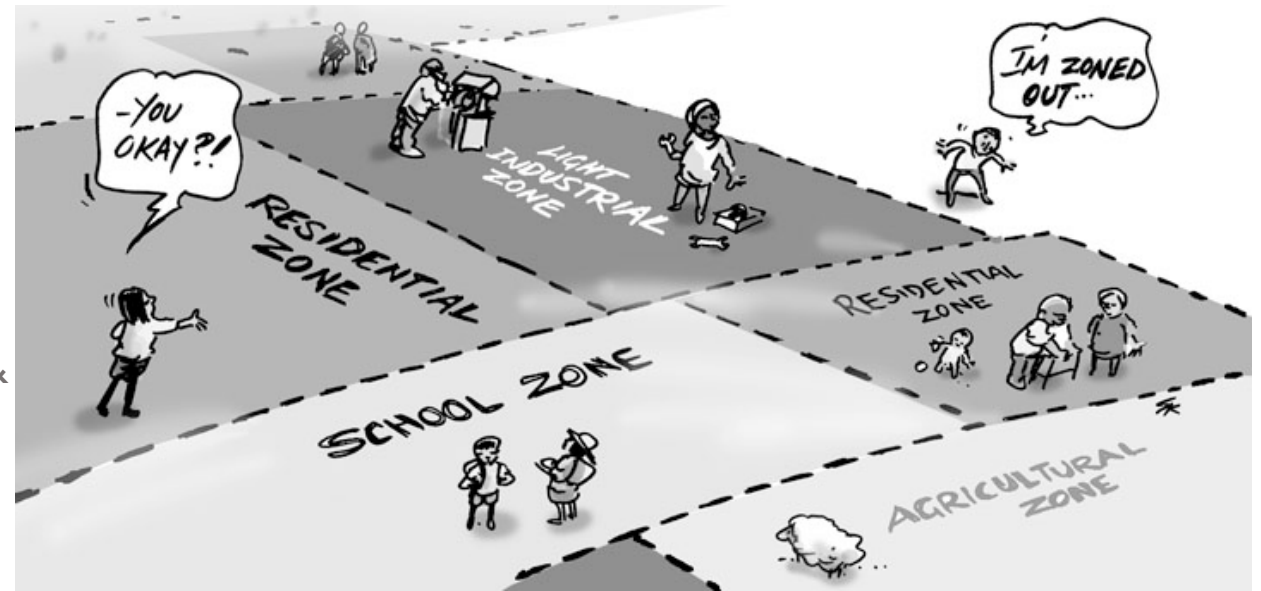
ONGOING COMMUNICATION

- Online / Text / Mailed Surveys
- Project Websites
- Project Social Media Pages



DID YOU ZONE OUT?

1. District purposes & dimensional req's should reflect your desired development character.
2. Design language should be clearly defined & enforceable.
3. Sign regulations should be content-neutral.
4. Unnecessary and/or unrelated review criteria & procedures should be removed.
5. Code formats should be logically organized, concise, & easy to read.



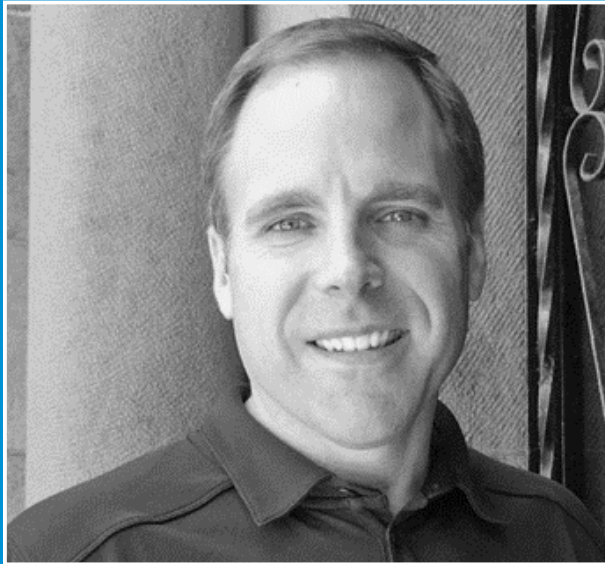
A stack of building code books is shown against a background of a building under construction. The top book is 'Building Codes ILLUSTRATED' by Ching and Winkel, with the subtitle 'A Guide to Understanding the International Building Code®' and the Wiley logo. Below it is a book with 'ANSI A117.1 ACCESSIBILITY CODE' written on the cover. The bottom book is the '2006 INTERNATIONAL BUILDING CODE'. A blue semi-transparent banner is overlaid on the middle of the stack.

Q & A Session

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John Steinmetz, FAICP

Thanks for joining me today