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RE-WRITING & CHANGING ZONING LAWS

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AGENDA

- A. Welcome & Introduction
- B. Brief History of Zoning
- C. What are Zoning Ordinances
- D. How Does Zoning Protect Land Values & Why is Zoning Important
- E. Regulatory Zoning Framework
- F. Revision & Regulatory Processes
- G. Amendments to Zoning Map and Zoning Text
- H. Common Code Problems
- I. Tips for Revising Zoning Ordinances
- J. Development Trends

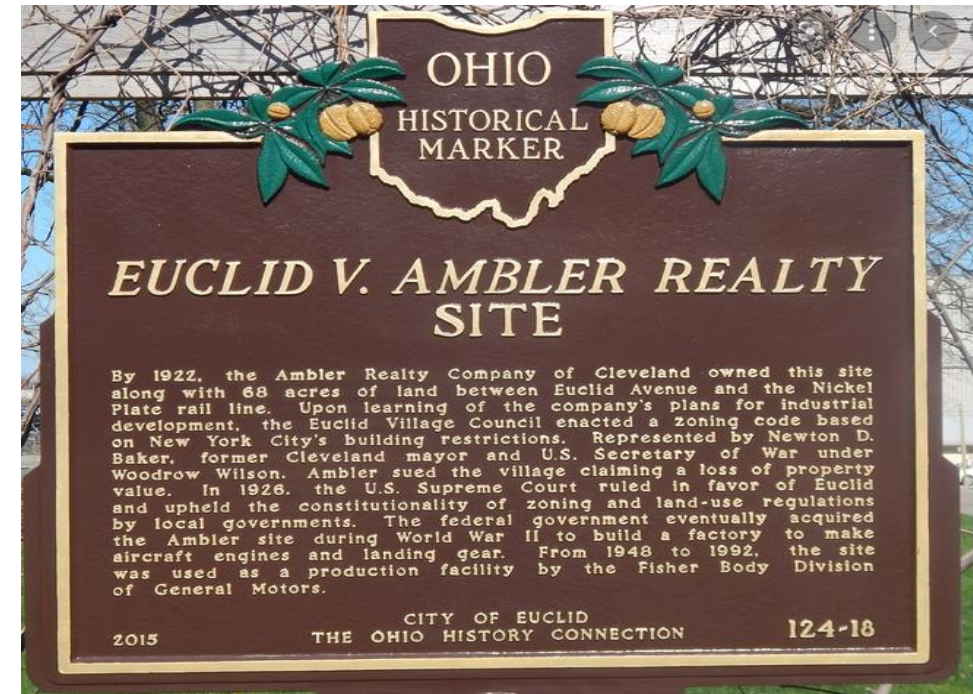


BRIEF HISTORY IN ZONING



Equitable Building, circa 1916

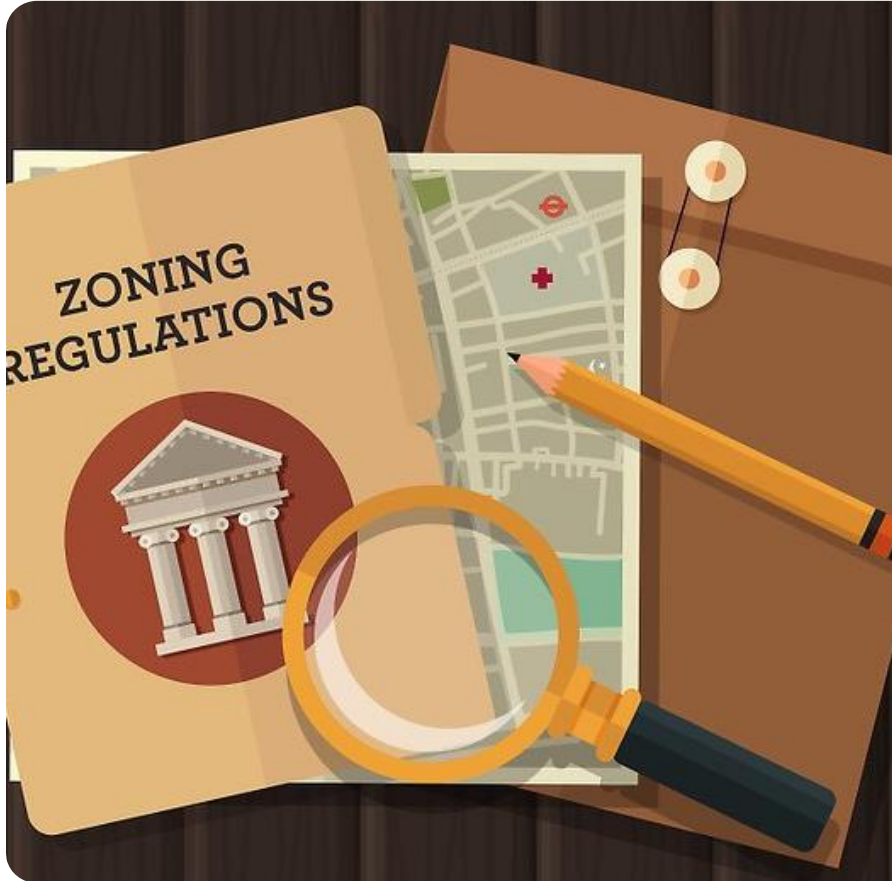
New York City passed the country's first comprehensive zoning law in 1916 in response to rising building heights that were blocking light and air from reaching the sidewalk.



Village of Euclid, Ohio v. Ambler Realty Co. , circa 1926

More commonly known as Euclid v. Ambler argued in 1926, was the 1st significant case regarding the relatively new practice of zoning, and served to substantially bolster zoning ordinances in towns nationwide.

WHAT ARE ZONING ORDINANCES



USES – Districts established to separate uses.

SETBACKS - required minimum distances structures must be “set back” from lot lines

EASEMENTS – a legal right to use another's land for a specific limited purpose (i.e. cross access easement)

LOT COVERAGE – is the allowable percentage of a lot that may be occupied by built structures and paving

BUILDING COVERAGE – the allowable percentage of your lot that may be covered by buildings

FLOOR AREA RATIO (FAR) – the ratio of total building floor area (including all floor levels) to the area of the lot

BUILDING HEIGHT – the maximum vertical distance from the average ground level at the front wall of the building to the highest point of the structure

HOW DOES ZONING PROTECT LAND VALUES & WHY IS ZONING IMPORTANT

- ✓ Predictable Use of Adjacent Properties
- ✓ Uniformity in Lot Development
- ✓ Prevents Adverse Built Conditions on Adjacent Properties
- ✓ Requires Compatible Land Uses
- ✓ Appearance

Case Studies: Town of Ovid, NY & Town of Wellsville, NY



REGULATORY ZONING FRAMEWORK

Zoning Enabling Statutes

- Village Law §7-700, Town Law §261 & General City Law §20
Authorizes municipalities to enact zoning ordinances.
- Municipal Home Rule Law §10 (1)(ii)(a)(12)
- State Environmental Quality Review Act (SEQRA)
- Zoning Moratorium

Typically, three boards are involved in the zoning process.

The 1st is the legislative body (village & town board, or city council), which enacts and amends zoning laws, and may also retain power to approve special use permits.

The 2nd is the zoning board of appeals, which hears variance applications, and appeals for rulings of the enforcement officials.

The 3rd is the planning board, which may be empowered to approve site plans, subdivisions, and special permits



REGULATORY ZONING FRAMEWORK CONT.

Comprehensive Plans

- New York's zoning enabling statutes require that zoning laws be adopted in accordance with a comprehensive plan.
- The comprehensive plan should provide the backbone for the local zoning law, as it is the essence of zoning.

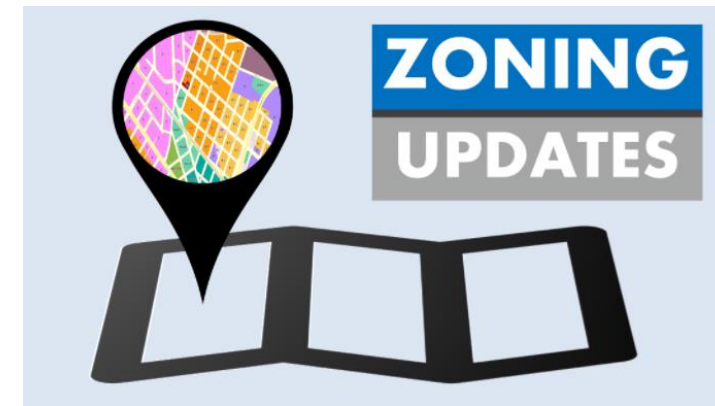


The comprehensive plan is insurance that the ordinance bears a “reasonable relation between the end sought to be achieved by the regulations and the means used to achieve that end.”



REVISION & REGULATORY PROCESSES

- Local Municipal buy-in (City, Town or Village Board Approval)
- Create a Steering Committee
- Zoning Audit: (Code & Map)
 - Districts Overview
 - Districts & Use Regulations
 - Permitted Uses
 - Special Use Permits
 - Special Conditions Apply
- Refer to local municipal boards for recommendation (PB, ZBA, County, Bordering Municipalities – G.M.L.)
- Public Engagement: Public hearing & workshops
- Trial Reviews w/ Developers & Engineers (Does the Code work?)
- Complete State Environmental Quality Review (SEQR) – Type 1 Action
- Adopt Zoning Code Amendments by Local Law (City, Town or Village Board)
- File with Municipal Clerk & Department of State



*No matter who proposes the change; amendments to the zoning map of text must be made **for the benefit of the community as a whole**, not for an individual property owner or developer.*

AMENDMENTS TO ZONING MAP AND ZONING TEXT

When a city, town or village is considering whether to rezone property or change the zoning text, State law requires a public hearing with notice to give the public an opportunity to be heard. The municipality's legislative body– and, you as a member of the public - should thoughtfully and objectively consider a variety of factors, including the following:

- ✓ Is the proposed rezoning or text amendment consistent with the spirit and intent of the existing zoning law and the municipality's Comprehensive Plan?
- ✓ Does the proposed rezoning or text amendment promote the public health, safety, and welfare?
- ✓ Is the proposed change in the zoning map or zones compatible with the nearby uses, buildings and properties, and with the character of the existing neighborhood? Will the proposed change meet a specific demand in the neighborhood or community, and will it tend to improve or worsen the balance of uses?
- ✓ How suitable is the subject property of a proposed rezoning permitted by the current zoning district versus the proposed district?
- ✓ Are there/will there be adequate services and utilities available given the type and scale of development permitted under the proposed change?



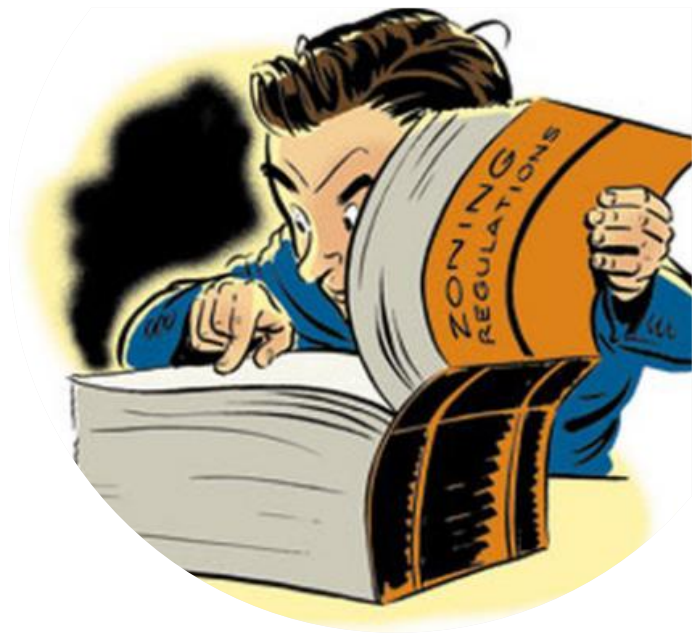
WHAT SIGNIFIES A PROBLEM?

- ✓ Excessively long review periods for routine applications
- ✓ Excessive numbers of variances for similar provisions
- ✓ Appeals by applicants
- ✓ Successful lawsuits against municipality
- ✓ Upset constituents and developers
- ✓ Unclear review and procedural process



COMMON CODE PROBLEMS

- ✓ Conflict with state & federal laws
- ✓ Clarity of language/vague language subject to different interpretations
- ✓ Uses allowed in certain districts, but not in others (No logical reason)
- ✓ Overly restrictive provisions; regulatory barriers
- ✓ Antiquated & inadequate definitions
- ✓ Awkward and confusing format



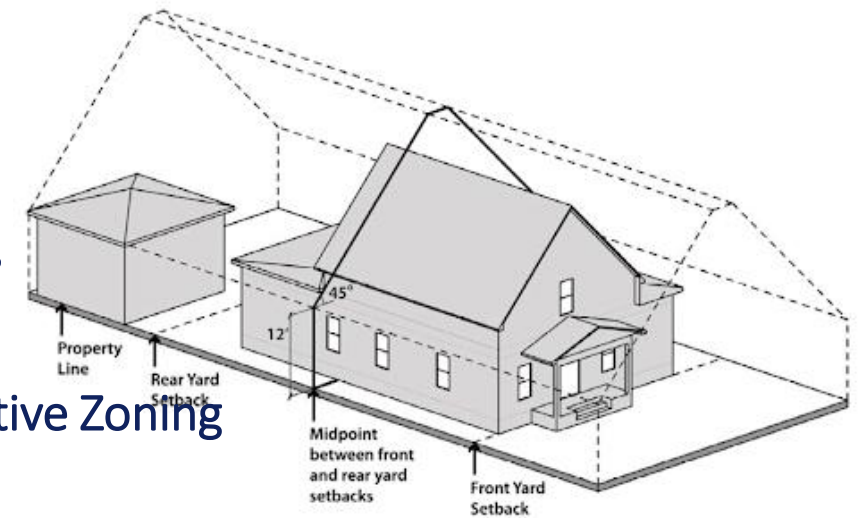
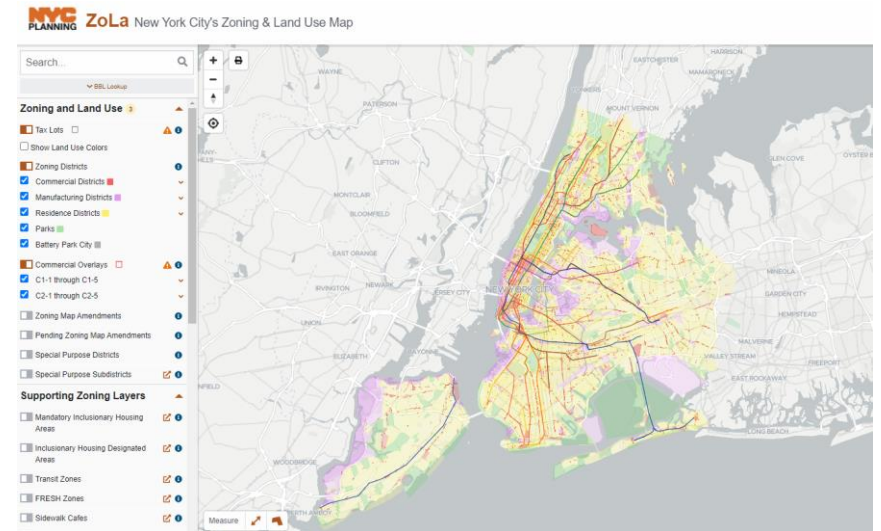
COMMON CODE PROBLEMS CONT.

- ✓ Lack of tables, charts, and graphs
- ✓ Wordy & redundant language
- ✓ Lack and inappropriate uses
- ✓ Use variances *“One is too many”*
- ✓ Too many zoning districts
- ✓ Vague and irrelevant review criteria
- ✓ Lack of consistency with comprehensive plan
- ✓ No apparent vision – what is code trying to do?
- ✓ Bulk Regulations and parking standards

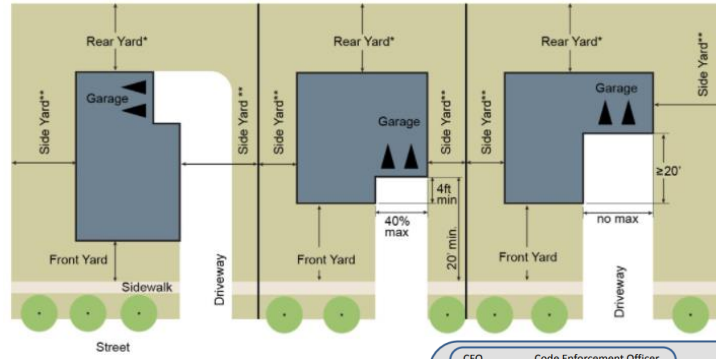


TIPS FOR REVISING ZONING ORDINANCES

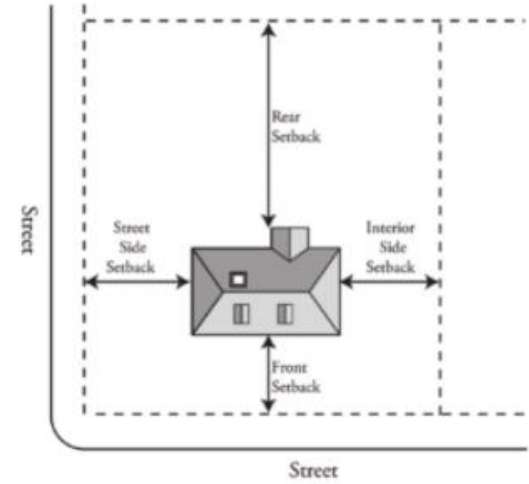
- ✓ Keep the code simple, both in style and content
- ✓ Relevant uses & clear definitions
- ✓ Make the zoning ordinance and map web-accessible
- ✓ Illustrate your design and bulk standards(Hybrid code)
- ✓ Allow or require mixed-use zones
- ✓ Utilize more charts and tables
- ✓ Fix parking problems (Maximum vs minimum)
- ✓ Modernize street, landscaping and space standards
- ✓ Enact standards to foster walkable communities
- ✓ Designate and support preferred growth area and development sites
- ✓ Use green infrastructure to manage stormwater
- ✓ Rein in and reform the use of Planned Unit Developments and Incentive Zoning



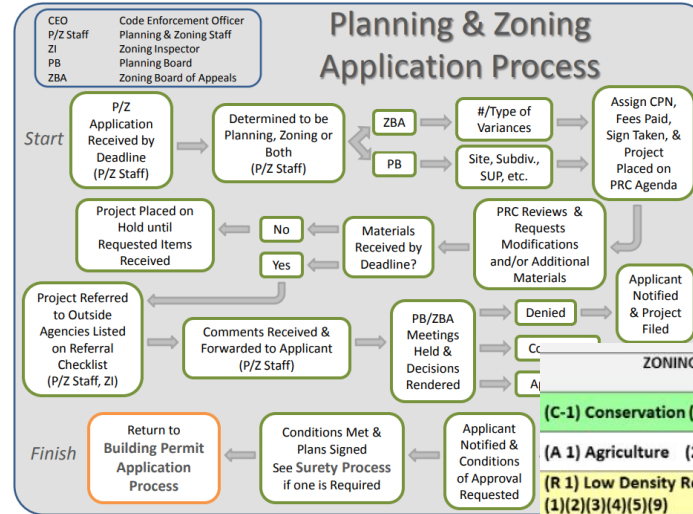
ILLUSTRATE



* Rear Yard 3' min
** Side yard varies



GROUND-FLOOR USE	CAFÉ ZONE	PEDESTRIAN ZONE	LANDSCAPE + FURNITURE ZONE	PARKING + PLANTER ZONE	SHARED TRAVEL ZONE
MULTI-FAMILY RESIDENTIAL	Not Applicable See Appendix A.5 Private Frontage Guidelines.	6' - 8'	6' - 8' Tree wells; Street furniture to be provided per Section 6;	8' parallel	See Section 3.3 for Street Type Standards.
COMMERCIAL	Where Applicable; 6' - 12' Additionally, See Appendix A.5 Private Frontage Guidelines.	7' - 10'	See Section 3.5 for Street Landscape Standards.	16' - 18' head-in diagonal OR 8' parallel Parking Lane Planters (optional)	



ZONING DISTRICT	MINIMUM LOT SIZE	FRONT-AGE	FRONT YARD	SIDE YARD	REAR YARD	SIDE YARD	REAR YARD
(C-1) Conservation (2)(4)	1.5 Acres Density: 1 Lot/15 Ac.	175'	40'	40'	90'	20'	10'
(A 1) Agriculture (2)(4)(9)	1.5 Acres Density: 1 Lot/10 Ac.	175'	40'	40'	90'	20'	10'
(R 1) Low Density Residential (1)(2)(3)(4)(5)(9)	30,000 SF (.69 Acre)	125'	35'	15'	30'	15'	5'
(R 2) Medium Density Residential (Single Family) (1)(2)(3)(4)(5)(9)	20,000 SF (.46 Acre)	100'	35'	15'	30'	15'	5'
(Duplex) (1)(2)(3)(4)(5)(6)(9)	30,000 SF (.69 Acre)	125'	35'	15'	30'	15'	5'
(R 3) High Density Residential (Single Family) (1)(2)(3)(4)(5)(9)	20,000 SF (.46 Acre)	100'	35'	10'	25'	10'	5'
(Duplex) (1)(2)(3)(4)(5)(9)	30,000 SF (.69 Acre)	100'	35'	10'	25'	10'	5'
(Multi-Family) (1)(2)(3)(4)(5)(6)(9)	1 Acre (43,560 SF)	125'	60'	35'	40'	10'	5'
(B 1) Local Business (2)(3)(7)	10,000 SF (0.23 acres)	75'	40'	20'	20'	20'	20'
(B 2) General Business (2)(3)(7)	20,000 SF (0.46 acres)	100'	40'	10'/20'	20'	10'/20'	20'
(M 1) General Industrial (2)(3)(4)	45,000 SF (1.03 acres)	150'	40'	30'	30'	15'	15'
(M 2) Limited Industrial (2)(3)(4)	30,000 SF (0.69 acres)	100'	40'	30'	30'	15'	15'

DEVELOPMENT TRENDS

- ✓ **Renewable Energy**
 - ✓ Solar Energy Systems (Article 10 & 94-C)
 - ✓ Battery Storage Systems
 - ✓ Bio-Mass refineries
- ✓ **Mixed-Use Developments**
- ✓ **Planned Unit Developments (PUD)**
- ✓ **Incentive Zoning Districts**
- ✓ **Short-term Rentals (Airbnb, Vrbo)**
- ✓ **Agricultural Uses**
 - ✓ Exempt Uses (e.g. barns, silos, etc.)





**A GOOD TIME
FOR YOUR
QUESTIONS...**



Thank You

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