

Concentrating Development

When zoning was developed in the first part of the last century, it was designed primarily to separate incompatible uses – to keep the tannery and brewery away from homes. This is known as Euclidian zoning, and it was never intended to maintain traditional land use patterns and architectural styles. Over time, many communities have used zoning and subdivision regulations to attempt to control growth or maintain property values or protect water quality through large lot and home sizes and other dimensional requirements.

Unfortunately, such standards tend to conflict with the goals that many communities have of creating compact developments or walkable neighborhoods and commercial districts. As a result, existing zoning often prevents new development from preserving and enhancing the traditional character of many of our small towns, villages, and urban neighborhoods.

Revisions to Local Laws and Regulations

Many communities in our region and around the country are revising zoning and subdivision regulations to allow future development and redevelopment to reflect each community's traditional character and, at the same time, protect its natural and cultural resources and support economic growth.

Key standards that communities consider include: allowable density, mixing land uses, setbacks, accessibility, open space, and street standards.

Where local laws and regulations have been successfully amended, municipal boards and councils, mayors, supervisors, and other

elected officials take a leadership role in determining the character of their communities by reviewing existing regulations and surveying their residents or conducting public workshops to determine the elements that contribute positively to the community's character.



Municipal leadership is essential to maintaining community character.

Planning Tools

Below is a partial list of some initiatives that might be undertaken through zoning and regulations to foster well-designed traditional compact development:

- Adjust lot sizes to accommodate more compact development in existing town and village centers while providing more open space in outlying areas.
- Adjust setbacks and coverage requirements to reflect traditional town, village, and neighborhood center development patterns. The adoption of maximum rather than minimum setbacks should be considered.

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- Adopt mixed-use zoning to maintain community vitality.
- Allow accessory structures and uses onsite to encourage infill and visual interest.
- Require developers to maintain or create compatible building massing and materials through height, bulk, roof pitch, and material regulations.
- Reduce required subdivision road widths and curve radii, where appropriate, to retain the historic streetscape and minimize clearing of rights-of-way.
- Develop scenic road regulations that protect all character-defining elements of the roadway.
- Require all new utilities to be buried underground.
- Reduce onsite parking requirements and encourage the use of shared or reserve parking. Require that parking be located to the side or rear of buildings.
- Allow parking on streets, as appropriate. Besides providing parking spaces, onstreet parking serves as a buffer between pedestrians on sidewalks and moving traffic.
- Allow common or shared driveways.
- Increase landscaping requirements for both new development and redevelopment. In particular, require the planting of shade trees along roads and within parking areas.



The Village of Pittsford incorporates "place-making" design characteristics into its zoning code.

- Require or incentivize the installation of historic street lighting fixtures.
- Where appropriate, require sidewalks or footpaths along new roads and expand sidewalk networks to and in existing developments.
- Rehabilitate existing signage, and reduce the number and size of new signs through sign regulations which specify placement, sizes, colors, illumination, and materials.

It must be emphasized that many of these planning tools for concentrating development and restoring traditional development patterns will not work well if revisions to the zoning code do not consider aesthetics and design.

The Legal Basis for Regulating Design

Many factors may affect the appearance of a community and its "sense of place," including building and parking lot placement on a site, building height and scale, roadway dimensions and materials, buffer plantings to screen development, signage and outdoor lighting.

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Design regulations for municipalities in New York State are considered legal due to several laws and statutes. The New York State Municipal Home Rule Law states that a city, town, or village may adopt local laws for the “protection and enhancement of its physical and visual environment,” thus granting municipalities the authority to regulate private property appearance [Section 10 (1) (ii) (a) (11)]. The New York State Environmental Quality Review Act also emphasizes the aesthetics of the built environment by stating that “maintenance of a quality environment that is at all times healthy and pleasing to the senses now and in the future is a matter of statewide concern” (Section 8-0103).

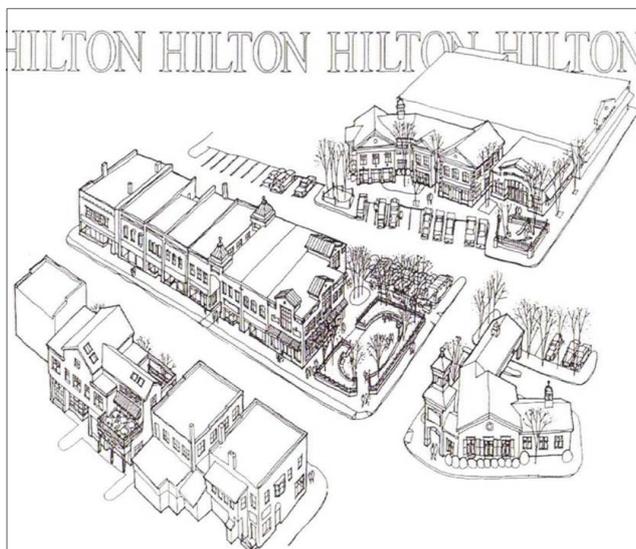
Regulations or Guidelines?

Many examples of design guidelines are available for communities – and most will likely conflict with existing zoning laws and regulations. Moreover, design guidelines are just that... guidelines. The only way to ensure that a community gets the quality and character it desires in a development is through regulation. Design regulations can be quite flexible, often setting general standards and allowing developers to devise solutions to meet those standards.

With increasing frequency, communities are amending existing zoning codes to incorporate design districts or overlays. The Town of Irondequoit, for example, regulates design in a Mixed-Use Commercial District, a Tourism and Resort Redevelopment District, and three Waterfront Development Districts. The town’s other zoning districts follow the standard Euclidian zoning.

Other alternatives include Performance Zoning and Form-Based Codes. Performance zoning regulates the impacts of land uses through performance standards, typically regarding traffic flow, density, noise, and access to light. Developers can build almost any building that meets the performance standards for that district. Form-based codes address the relationship between building facades and the street and between the form and mass of buildings in relation to one another.

Most communities that use performance zoning or form-based codes employ a hybrid approach, using locally-developed performance standards or form-based elements in addition to Euclidean zoning. The City of Rochester utilizes performance zoning in its center city zoning district. The Village of Hilton uses a form-based code in its village center.



The Village of Hilton’s Form-Based Regulatory Code for the Village Center Overlay District presents design standards that address building envelopes, architectural elements, and other main street design features.

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Site Plan Review

Site plan review can be a powerful companion to zoning.

New York State Town Law authorizes town boards to protect and enhance the physical and visual environment by requiring certain elements in site plans such as screening, landscaping, signs, and other architectural features (Section 274-a). Cities and villages have similar authority.

Site plan review offers municipalities the opportunity to influence the environmental and aesthetic impacts of a proposed development early in the planning process. It increases a community's ability to define the character and layout of new development and to work with the developer to meet the community's and developer's needs.

Site plan review allows municipal oversight of how a proposed project will impact a variety of community concerns such as vehicular and pedestrian circulation, noise, landscaping, site design, water pollution, scenic views, and natural topography – issues that could dramatically alter the quality of life in a neighborhood or area.

Typically, site plan review is limited to such projects as large subdivisions, multifamily housing, and commercial, industrial, or institutional uses. Although usually administered by the planning board, other municipal boards and commissions should be involved, such as the conservation board, historical preservation commission, and

architectural review commission, depending on the project.

Municipal law should be revised as necessary to ensure that, through site plan review, reasonable terms and conditions can be imposed on as-of-right uses or those which require a special permit.

Resources

Zoning Matters, official site of the Philadelphia Zoning Code Commission, provides basic, general information about flexible zoning. www.zoningmatters.org/facts/trends.

Form-Based Codes Institute. www.formbasedcodes.org.

The Village of Hilton illustrates the use of "hybrid" form-based codes. www.hiltonny.org.

The City of Rochester and Town of Irondequoit provide examples of "hybrid" performance zoning and design guidelines and standards. www.cityofrochester.gov and www.irondequoit.org.

Site Plan Review guidance is provided in New York State Department of State publications *Site Development Plan Review Procedure and Guidelines* and *The Rural Design Workbook: Rethinking Conventional Development*. www.dos.state.ny.us/lgss/publications.htm.

- *Genesee Transportation Council – September 2010*
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