Implementing a New Zoning Code

Lessons Learned

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Why a new code
Path to a new code
Planning for Adoption
Planning for Implementation
2 years later…
Resources
Q&A
Why a New Code?

1953 Zoning Ordinance
No longer addressed what people wanted to see in their neighborhoods
Inhibited quality and sustainable development
Out of touch with urban trends
Not user-friendly
Path to a New Code

Comprehensive Plan
Administrative Will
Community Advocacy
Funding
Consultants
Path to a New Code

Community advisory committee
Technical advisory committee
Public meetings
6,506
Meeting Attendees
Buffalo’s Comprehensive Plan

URPs

LWRP

BOAs

Land Use Plan

Unified Development Ordinance
Land Use Plan

Identifies existing conditions, trends, issues, opportunities

Provides direction on land use, transportation, and development

Place-based Planning

Establishes foundation for UDO
Unified Development Ordinance

- Form-based zoning
- Public realm design
- Walkable, mixed-use, transit supportive neighborhoods
- Strengthens economic centers
- Reinforces traditional urban neighborhoods
Unified Development Ordinance

Clear standards and requirements

Supportive illustrations and tables

Clear and streamlined zoning review processes

Transparency

| A | Ground floor transparency, front facade (min) | 70% |
| B | Ground floor transparency, corner side facade (min) | 40% |
| C | Upper floor transparency, front and corner facades (min) | 25% |
| D | Ground floor blank wall width, front facade (max) | 10' |
| E | Ground floor blank wall width, corner side facade (max) | 30' |
| F | Ground floor window sill height, front and corner facades (min/max) | 0.5/2.5' |

Pedestrian Access

| G | Main entrance location (required) | Front facade |
| H | Entrance spacing along front facade (preferred) | At least 1 entrance every 30' |

Supplemental Standards

1. See Section 3.2.1.J for entrance spacing requirements which apply in specified sections of Elmwood Village.
“Hot-button” Issues

Parking
Neighborhood Scale
Definition of Family
Planning for Adoption

Prepare for last-minute changes
Administrative structure
Transition language
Plan for implementation before adoption
Adoption Process

Community Outreach
Common Council Review
SEQRA Review
Council Adoption
State Environmental Quality Review (SEQR)

Comprehensive Plan (2006)

- Negative Declaration
- Essentially deferred more comprehensive environmental review to a later date
SEQR Generic Environmental Impact Statement (GEIS)

Buffalo Consolidated Development Framework
- Land Use Plan
- Unified Development Ordinance (UDO)
- Brownfield Opportunity Areas (BOA)
- Local Waterfront Revitalization Program (LWRP)
- Repeal of Urban Renewal Plans
SEQR
Draft GEIS Timing and Analysis

Started coordinated review process early
Public scoping
Buildout Analysis
Transportation Analysis
Transition Analysis (Upzoning/Downzoning)
SEQR
Public Comments & Final GEIS

~200 public comments on Draft GEIS; consolidated by category

UDO adjustments made based on substantive comments (e.g., building height, parking)
SEQR
Lessons Learned

1. Prepare GEIS as part of Comprehensive Plan process rather than defer to a later date

2. Can always supplement GEIS to address new land use, zoning code details

3. Buildout Analysis is necessary to estimate potential impacts; use a market analysis or other means to provide a realistic buildout rather than maximum buildout

4. Conduct Transition Analysis early in the process so that zoning map designation changes are minimized at the “11th hour.” Also minimizes potential takings claims.
Planning for Implementation

Training
Application Forms
Planning Staff Reports
Transportation Demand Management Policy Guide
Green Code User’s Guide
Tailored Training Programs:
- Planning Board
- Zoning Board of Appeals
- Common Council
- Common Council Staff
- Corporation Council
- Department of Permit and Inspection Services
- Design Professionals
Application Forms

Registration Forms
Text Amendment
Zoning Map Amendment
Special Use Permit
Adaptive Reuse Permit
Area Variance
Use Variance
Minor Site Plan Review
Major Site Plan Review
Sign Permit
Temporary use Permit
Written Interpretation
Administrative Appeal
Major Subdivision
Minor Subdivision
Summarizes proposed project
Relates project to zoning code, comprehensive plan, and land use plan
Policy Analysis (land use, compatibility, environmental, heritage, accessibility, mobility, utilities, infrastructure, etc.)
Documents required approvals
Recommendations for Boards and Council
Parking & TDM

No minimum parking requirements (city-wide)

Design, access, and location requirements

TDM Plan required for:

- New construction in excess of 5,000 SF
- Renovation of a 50,000 SF building with a change in use
TDM Policy Guide

Guide Components
1. Applicability, exemptions, compliance
2. TDM Plan Requirements
3. Approval Procedure
4. Reporting
5. Glossary of Terms
User’s Guide

Overview and introduction to the UDO
Description of Articles
Description of zones and building types
How to use tables
Overview of approval process
List and description of approvals
Start to finish project guides
FAQ’s
Resources
Implementation Lessons Learned

1. Seek funding and plan implementation process well in advance
2. Discuss implementation with every department and board involved with the new code
3. Review administrative process for changes and create material to support user’s in the transition
4. Utilize numerous training and information sessions
5. Produce marketing material to support the transition
6. Review all documents and webpages for necessary updates/changes
7. Keep on message
Two years later…

It’s not perfect, it’s a living document
Two years later...

Marketing matters, the message matters
Two years later...

Parking is more balanced
Two years later…

Challenges will still exist
Two years later…

Administrative appeal process
Two years later...

Adaptive reuse permit
Two years later…

Meeting objectives of the Land Use Plan
Resources

American Planning Association (Zoning Practice)
NYS Department of State (Office of Planning and Dev.)
Form-Based Codes Institute
Congress for New Urbanism