

Town of Southport Zoning Ordinance Update Steering Committee Meeting #1

Monday October 27th, 2014
5:30-7:00pm
Community Center, Chapel Park

MEETING NOTES

Present Lisa Nagle, Elan Planning, Design & Landscape Architecture, PLLC.
Nicolette Barber, Hunt Engineers, Architects & Land Surveyors, P.C.
Tillie Baker, Hunt Engineers, Architects & Land Surveyors, P.C.
Justin Faulkner, Zoning Board of Appeals
Glenn Gunderman, Town Board
Marcia Kimball, Resident
Chris Parsons, Planning Board
Peter Rocchi, Code Enforcement
Joseph Roman, Town Board
David Sheen, Town Supervisor
Susan Silvers, Resident
Mike Stephens, Planning Board
Dan Williams, Zoning Board of Appeals

Not Present Brent Mitchell
Linda Olthof

1. Project Introduction

Nicolette and Lisa gave an overview of the project to the Committee. The project is focusing on re-writing portions of the zoning ordinance for the town center areas highlighted in the Comprehensive Plan, specifically Bulkhead, Cedar Street and Pine City, that are currently zoned Commercial Neighborhood (CN) and Commercial Regional (CR). Small areas zoned Residential Transition (RT) may also be relevant. The aim of the project is to increase density and create more walkable¹ town center areas. Because the project is funded by NYSERDA, changes to the zoning will be designed to encourage more walkable development that will reduce vehicle trips and associated greenhouse gas emissions. The consultant team reports their progress to NYSERDA every other week.

Dan Williams highlighted a number of issues with the zoning ordinance that are not specific to commercial areas but that are still relevant to this project, such as in-law apartments (currently only allowed in R-3 zones), accessory structure size, pawn store regulations and contractors equipment yards (which have economic development implications for the Town). If these issues fit within the existing scope of the project they will be included.

¹ Walkable communities are designed such that goods and services can be readily accessed by foot, and include pedestrian and bike infrastructure to support non-vehicular travel, such as sidewalks, crosswalks and bike lanes.

Action: Dan to compile a list and send to Lisa and Nicolette.

Action: Nicolette and Tillie to research Elmira’s regulations pertaining to pawn stores.

Lisa explained the history of zoning and the rationale for why we are proposing a Form-Based Code for Southport. The current zoning ordinance is a typical “Euclidean” code that divides the Town into zones based on use. Euclidean zoning dates from the 1920s, when cities became concerned with separating out ‘nuisance’ uses (for example, to ensure that slaughterhouses wouldn’t be located in close proximity to residential areas). As a consequence, communities lost the mix of uses that had existing historically in cities and towns and became less walkable as a result. Today, as we are aging, we would like to be able to walk to get basic goods and services, which is difficult in communities that have strongly separated land uses. Cities and towns that allow commercial uses on the ground floor with residences or offices above have more vibrant downtowns, but mixing uses within one building is often illegal in Euclidean zoning. Building to the street edge is also important—for example, the First Arena in Elmira.

By contrast, form-based codes focus on the composition of the built environment rather than the use of buildings and enable the Town to create an atmosphere and enhance public space while allowing private development. A true form-based code disregards use altogether. In Southport, we are creating a hybrid code that will integrate a form-based code into the existing ordinance. The form-based code will still regulate use, but will do so in a way that is flexible. Another major advantage of form-based codes is their user-friendliness. The code will be easy to understand and administer. Part of economic development is having a clear and accessible ordinance. The document included with the meeting materials gives a helpful overview of the rationale for form-based codes and addresses some common misconceptions about these codes.²

The City of Ithaca is also in the process of creating a form-based code and is running a public workshop with a panel of speakers on Thursday 30th of October, which committee members are welcome to attend.

Action: Committee members to let Nicolette know if they want to attend Ithaca’s public workshop.

Mike Stephens asked whether green architecture will be incorporated into the code. Lisa explained that zoning (including form-based codes) does not regulate architecture; rather, it regulates the bulk, density and use of the built environment. Buildings are regulated by the NYS building code. The Town can try to encourage green architecture techniques in other ways, by providing funding or through grants, and it can require its own buildings to meet certain requirements. NYSERDA offers grants to help offset the initial high cost of green buildings as well. In terms of Southport’s zoning ordinance, it is really a question of encouraging—rather than requiring—green architecture. For example, the word “should” is a softer term meaning a particular action is encouraged, but optional. By contrast, “shall” means a particular action is mandated by law.

2. Diagnostic Report

Nicolette and Lisa went through the major findings in the Diagnostic Report. These are:

- **Bisected parcels.** Each parcel should belong to one zone only. Bisected parcels will need to be identified and corrected.

² Russell, Joel S., Esq. “Form-Based Codes: Common Misconceptions,” Planning News, Fall 2014

- **Use Table.** The use table is unnecessarily long and can easily be simplified. Bulk and density requirements for each type of use is excessive.
- **Planned Multiple Residential District (PMRD).** The consultants suggest changing the PMRD district to a Planned Development District (PDD). PDD allows for a mix of uses, rather than the traditional PMRD in the code which is residential only.
- **Planned Senior Housing Overlay District (PSHOD).** The PSHOD was created to enable the Town to apply for funding to develop senior housing. The PSHOD may not be necessary once the use tables are updated.
- **Duplicate regulations.** Sign requirements and site plan review are both duplicated elsewhere in the Code. The ZBA uses the regulations in zoning, so the other sections (Chapter 425 and Chapter 431) should be repealed when the new ordinance is adopted by the Town.
- **Article 10.** Should be broken into separate articles (“signage”, “parking”, etc) to make it more user-friendly. The code will be re-numbered when it is sent to General Code, so this will not be difficult to do.
- **Article 11.** Needs to be re-written and clarified. For example, it is possible to have nonconforming structures with conforming uses, or vice-versa. Sometimes it’s possible to allow a small expansion of a nonconforming use within reason.
- **Article 12.** Typically, code administration and enforcement are separate roles. Pete Rocchi confirmed that this is already the case in Southport to some degree.

Action: Elan will distribute new maps with street names and zoomed-in images and add floating zones to the project maps.

Action: Nicolette/Tillie to review Southport’s stormwater ordinance and ask Tim Steed about stormwater management.

3. Committee assignments

The Committee and (sub-committee) is encouraged to meet without the consultants to keep the project moving along. For the next meeting, the committee assignments are:

- **Zoning Map.** A sub-committee was created to identify bi-sected parcels and to decide whether the Bulkhead, Cedar Street and Pine City CR/CN boundaries are appropriate or should be changed. The committee should also examine why the predominantly residential area along Pennsylvania Avenue is zoned CR, and discuss whether RT should be changed.
Sub-committee members: Mike Stephens, Dan Williams, Susan Silvers, Marcia Kimball.
- **Use Table.** Everyone should look at the CR, CN and RT columns in the use table and think about the uses that are allowed and how they are allowed in these districts. Are there uses that aren’t there that should be? Are uses inappropriate in these districts?

4. Meeting schedule

The next meeting is on Wednesday November 12th at 5.00pm in Southport Town Hall. The stakeholder walking tour (with property owners/managers, retailers, residents) will take place on the morning of Thursday November 13th.

Action: Committee to send Nicolette suggestions for whom to include on the walking tour. Dan to send invitation to Southport Business Association members.