

## Town of Southport Zoning Ordinance Update Steering Committee Meeting #3

Tuesday December 16<sup>th</sup>, 2014  
5:00-6:30pm  
Southport Town Hall

### MEETING NOTES

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

**Not Present** Glenn Gunderman  
Brent Mitchell  
Linda Olthof

The minutes from the last meeting were amended to show that Chris Parsons (Planning Board) was not present.

#### **1. Form-based code presentation**

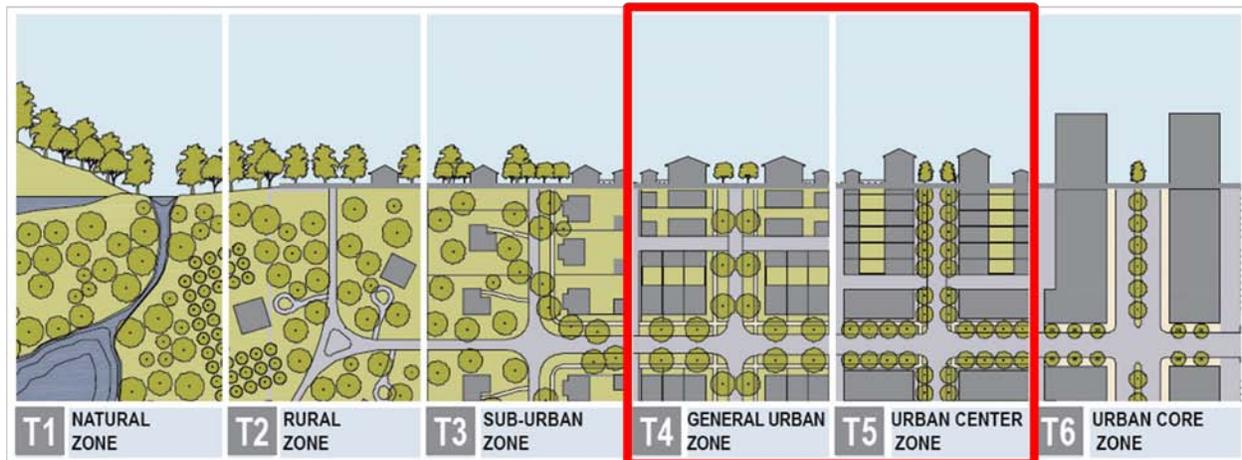
Tillie and Nicolette presented a brief overview of the history of zoning and form-based codes. The Supreme Court upheld the constitutionality of zoning with the *Euclid v Ambler Realty* decision in 1927. This led to a proliferation in what we now call “conventional” or “Euclidean” zoning that separates land uses into (primarily) single-use districts. Minimum parking requirements became more prevalent in zoning codes in the 1940s with the rise of suburbanization. Conventional zoning has led to significant problems in the United States by encouraging low-density, low-intensity land uses that lead to sprawl and car-dependency. Low-density development is associated with negative economic, environmental and social impacts, including poor health, lower tax revenues and greenhouse gas emissions.

Form-based codes, which regulate development based primarily on form rather than use, were developed in the early 1980s but have gained in popularity since 2003. Form-based codes are a useful way to encourage denser, more walkable development with a mix of uses that is associated with positive impacts such as more efficient use of land, higher tax revenues, reduced vehicle miles travelled, and fewer greenhouse gas emissions. Encouraging a reduction in greenhouse emissions in Southport is an important goal of this NYSERDA-funded project. Although compact development is generally

associated with a 20-40% decrease in vehicle miles traveled according to the US EPA, we expect a more modest reduction of approximately 4% in Southport owing to the town’s more rural nature (also based on US EPA figures<sup>1</sup>).

In a form-based code, “form” refers to aspects of the built environment including bulk, height, setbacks, lot coverage, frontage, and the location of parking (etc.). Architecture is usually not regulated. Design guidelines (optional requirements) or design standards (required by law) are an additional mechanism that communities can adopt to encourage or even require the use of particular building materials or architectural elements. Design guidelines/standards are a useful way to ensure that new buildings complement existing structures in a community and are often used to encourage a ‘sense of place’. The committee was concerned that design guidelines have the potential to discourage development. Usually developers will already want to locate in a particular community because they want to be in that market, and will therefore be willing to work with the community’s guidelines or standards.

Form-based codes are organized around the principle of a transect (see figure below) rather than large single-use districts found in conventional zoning. Transects illustrate gradations between natural open space and urban centers. The Transect-zones (“T-zones”) vary by the ratio and level of intensity of their natural, built, and social (public space) components. Not all communities will have elements of all T-zones. In addition, most municipalities that adopt form-based codes do not apply them city (or town)-wide, but instead include a form-based element in the zoning code, creating a so-called hybrid code, as the case will be in Southport. The form-based code will apply only in the CN and CR districts within the zoning code. The Commercial Neighborhood (“CN”) zone will be modeled on the T4 zone, and the Commercial Regional (“CR”) zone will be modeled on T5. The code template is an open-source zoning code provided by the nonprofit *Center for Applied Transect Studies*, and is designed to be adapted to specific places.



Source: Center for Applied Transect Studies, *Smart Code 9.2. Table 14, “Smart Code Summary”*

There were three main outcomes from the walking tour on November 13<sup>th</sup>: the noticeable lack of sidewalks in the Bulkhead and Pine City, the regional reach of Bulkhead (many shoppers travel from Pennsylvania), and the more industrial nature of Cedar Street that was highlighted by a visitor at the

<sup>1</sup> See [http://www.epa.gov/smartgrowth/pdf/transp\\_impacts\\_infill.pdf](http://www.epa.gov/smartgrowth/pdf/transp_impacts_infill.pdf)

previous Steering Committee meeting. These observations have been incorporated into the draft district intents.

The consultants made some general observations about Southport's current form that the committee might want to consider. The observations are based on the existing conditions in Bulkhead and some examples of historic commercial buildings that have existed in the Town. Compared to a more traditional Main Street where buildings create a 'street edge' and on-street parking creates a buffer for pedestrians (while slowing down traffic), Bulkhead's commercial buildings are arranged haphazardly, with varying building orientations and distances from Broadway that create an inconsistent public realm. In addition, the lack of on-street parking in Bulkhead gives the area a feeling of being auto-centric. As the committee thinks about Southport's character and the form of development the new code should require, the consultants observed that, historically, many of the Town's commercial buildings have resembled residential houses. They are often two-story and have generally been located closer to the street, with porches and peaked roofs featuring as distinctive architectural elements.

The committee asked about adult uses in a form-based code. In general, form-based codes will not prohibit undesirable uses. Because the form-based code will only apply in CN and CR, and the Town does not allow adult uses in these zones at present, it is not an issue for the current zoning update. However, Lawrence Howard Esq. (a land use attorney on the consultant team) will be able to answer any questions and will ensure that the new code will meet all the necessary legal requirements.

## 2. Subcommittee Report

Mike Stephens reported on the subcommittee's discussions regarding the use table and zoning boundary changes and explained the rationale behind their suggested changes.

### Use Table suggested changes

- **Residential uses.** The subcommittee noted that it is a problem that the CR zone does not currently allow residential uses, especially given the Town's goals to encourage mixed-use development in these areas. Thus, the committee suggests allowing two-unit, multi-unit, bed and breakfast, and dwellings with a business in CR with site-plan review (note: single family homes are allowed in CN, but not CR).
- **Industrial-zoned parcels adjacent to Tops Market.** These parcels present an opportunity for development that would be unlikely to have a negative impact on nearby commercial or residential areas, although the committee noted that a lack of sewer service could present a constraint in this area given that a pump station would be required. A sanitary sewer connection is extremely important to developers, especially for certain kind of uses (microbreweries, for example).
- **Flea markets.** Flea markets are not currently allowed in any zones. The consultants have provided some sample definitions for the committee to review for the next meeting. The committee will then decide where to allow flea markets.
- **Vehicle sales and repair- heavy equipment.** The subcommittee suggests that this use would be more appropriate in central commercial areas rather than the AR zone and therefore suggests allowing it in CR and Industrial zones with site plan approval.
- **Contractors' Equipment Yard.** The subcommittee suggested tightening the definition with some parameters, such as requiring the owner to live on the property, creating a minimum lot size, specifying the number of vehicles allowed and the amount of space per vehicle, buffering, lot

coverage and building height. The definition is currently vague, referring to contractors equipment yards as “Any lot used for the storage or keeping of construction equipment, machinery, or vehicles, or parts thereof, whether inside or outside a building”. Visitor comments on this subject were that contractors’ equipment yards are allowed in the AR district and must therefore be linked to road use agreements to ensure that the use does not unfairly impact on the Town’s road infrastructure and place a burden on taxpayers. A visitor also commented that the committee should ensure that the definition be revised to ensure that it is robust and straightforward to enforce.

The committee noted that it is very important to take present and future sewer service into account when deciding on boundary and district changes. Mike explained that sewer service enables more density. **Action:** Town to provide the committee with the sewer master plan

Zoning boundaries suggested changes – these will be subject to further discussion in January:

- **Residential Transition (RT) on west side of Maple Ave.** Change to R2; on the East side of Maple Ave change to R1. Given that the only distinguishing feature of the RT zone is the reference to buffers, the subcommittee sees no need for the RT zone and therefore suggests rezoning these areas to be consistent with adjacent parcels.
- **Commercial Regional (CR) zone on north side of Cedar Street near the Maple Ave intersection.** Change to R2. Two parcels at this intersection are now owned by Notre Dame High School and the subcommittee believes there is no separation of the property from the existing school property because of the stormwater system at the athletic field complex, and the R2 zoning better reflects these conditions.
- **RT zone on South Main Street.** Change to CR. There are already some businesses along this street and the CR zone would allow more commercial uses along this street to complement nearby Industrial zoning. The CR zone would also allow denser housing and prevent single-family homes locating in this higher-density area. There is a concern that the lots in this area are very small. The consultants suggested that the committee might consider zoning this area CN instead while disallowing single family homes. This issue will be significant as the committee looks more closely at the new draft dimension tables.
- **R3 zone on Cedar Street at the former Brookside Trailer Park and the adjoining 5 lots on west side of Woodbine.** The subcommittee suggests changing this block to CR, which would allow multi-family development to occur in the future.
- **R2 zone at Laurel Street number 926.** Change to CR. The subcommittee pointed out that before the zoning changes in 2008 this lot was commercially zoned. The change would bring the parcel in line with the commercial use across the street.
- **R2 lots on Carter Street behind Southport Plaza.** The subcommittee feels it would make sense for these four lots to be zoned CN for consistency, as they are currently sandwiched between CR and CN zones. Possibly the whole corner should be changed to same district to create a node.

The committee discussed the CR on Penna Ave. Many of the residential properties in this area are showing signs of distress. The suggested changes to the use table that would allow vehicle sales and repair for heavy equipment in CR could potentially have a negative impact in this area. The committee will consider changing the CR zone along Penna Ave to R3, which would allow high density residential uses without more intrusive commercial uses. **Action:** Mike to put this topic on the agenda for discussion at the next subcommittee meeting.

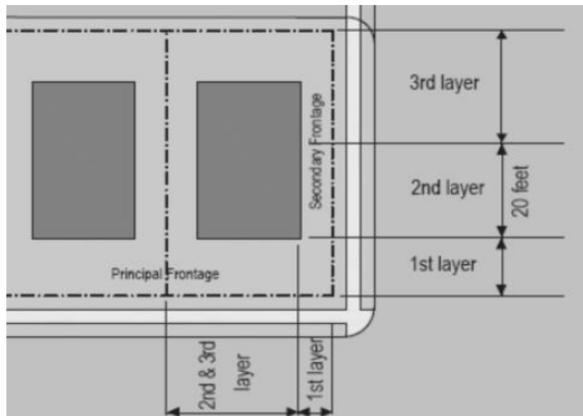
### 3. Revised District Intent

The revised district intents will be discussed in more detail at the next meeting to give the committee a chance to read over the draft changes. District intents play a central role in the form-based code and go hand in glove with the density tables. The draft intents take account of the observations from the walking tour and the visitor comment at the last meeting relating to the more industrial character of Cedar Street.

### 4. Draft Density Tables

Lisa explained the terminology used in the draft density tables for CR and CN. These tables will replace the existing bulk and density requirements table for the CR and CN districts only. Height, lot coverage, and parking location are the most important aspects of the new density tables. Height measurements are provided for both flat and peaked roofs, which gives more flexibility to architects. Southport’s current height limit is 25’, but 35’ is more standard. Lisa explained the lot coverage percentage figure is a maximum, so developers can propose a lower percentage. The committee was also concerned that the two-story minimum could discourage development and most committee members were in favor of removing this restriction in CN.

In terms of parking placement, the form-based code uses “layers” which pertain to building envelopes (see figure below). Parking will be permitted only in the 2<sup>nd</sup> and 3<sup>rd</sup> layers because excessive parking in front of homes and businesses has a negative impact on the streetscape.



Source: Smart Code 9.2, Table 17 “Definitions Illustrated”.

The draft CR density table includes more significant changes to encourage mixed-use. A two-story minimum could be more important in CR to encourage development of businesses with dwellings or offices above. The second story could also be an elevation/façade. “Story” will be included in the form-based code definitions.

The tables will be finalized in March. The committee should think about lot coverage and height as it applies to South Main Street, which the subcommittee is proposing to change to CR. The new draft density tables for CR could potentially be incompatible with a new CR zone along South Main Street. The committee should note that there is no problem with retaining quasi-residential look of buildings even if they’re in commercial zones.

## **5. Draft Parking Article**

The draft parking article incorporates a new parking table that is aligned with the uses listed in the Town's current Use Regulation Table. The consultants are proposing to allow the Planning Board more flexibility to decide how many spaces are allowed, indicated by the term "Per SPR" (Per Site Plan Review). In the table, "N/A" means that the use is not allowed in the zone, whereas "None" means that no off-street parking is required.

### **Draft documents for committee review and discussion at the January meeting:**

- District intents
- Density tables
- Parking article
- Notes on PMR and PSHOD
- Flea Market definition examples

**Next Meeting: January 27<sup>th</sup>, 5.00pm at Town Hall.**