

**Planning Department Report to the Town Board**  
**Resolution 2009-1096**  
**Amherst Creates Regional/Community Scale Zoning Codes**

**March 2010**





## Contents

	Report Summary .....	i
Chapter 1	Introduction.....	1
Chapter 2	Concepts and Trends.....	7
Chapter 3	Research and Current Practices .....	29
Chapter 4	Amherst Commercial Zoning District Assessment.....	47
	References.....	55
Appendix A	Definitions.....	57
Appendix B	Developer Interview Guide.....	59
Appendix C	Case Study Site Plans .....	63
Appendix D	Analysis of the Comprehensive Plan and Land Use Regulations.....	67



# REPORT SUMMARY

## Project Goals and Objectives

Amherst's existing Zoning Ordinance is a factor in constraining redevelopment activity in the mixed-use and higher density forms proposed in the Bicentennial Comprehensive Plan. To address this issue, in December 2009 the Town Board adopted Resolution 2009-1096 directing the Planning Department to develop proposed amendments to the Zoning Ordinance that recognize variations in trade area, contemporary market characteristics, scale, and architectural form amongst commercial zoning districts. The Town Board's goal is the formulation of amendments to the Plan and Zoning Ordinance that encourage and permit more intensive, higher density mixed land uses at several scales to accommodate new forms of development and redevelopment and complement surrounding neighborhoods. This goal is to be met through the following objectives described in the resolution.

1. Review and assess existing code language to determine if it constrains redevelopment efforts.
2. Review and assess the location, scale and function of existing commercial zoning districts (NB, GB, SC) relative to the recommendations of the Comprehensive Plan.
3. Identify appropriate locations for commercial and mixed-use centers.
4. Formulate amendments to existing code or new zoning provisions that permit a range of scales and forms of commercial and/or mixed-use development/redevelopment.
5. Develop recommendations for zoning map amendments that are consistent with proposed Comprehensive Plan amendments.
6. Execute Plan and Code amendment processes, including: public participation activities, SEQRA administration, and Planning and Town Board review.

The Planning Department formulated a Scope-of-Work to accomplish the resolution goals and objectives. The Scope is comprised of the following five tasks.

**Task 1 – Project Initiation.** Organize the project and participants. Confirm project concepts and identify study data and information requirements.

**Task 2 – Commercial Zoning Diagnosis and Review.** Diagnose the existing commercial and mixed-use zoning districts in the Zoning Ordinance. Review contemporary mixed-use and commercial development concepts, trends, and practices. Identify practices that may be applied to the Town of Amherst.

**Task 3 – Comprehensive Plan Review.** Based upon the findings of Task 2, develop appropriate recommendations for amendments to the Comprehensive Plan that reflect support for the location of mixed-use centers with commercial components at various scales.

**Task 4 – Commercial Zoning District Development.** Prepare, review and adopt text amendments to the Town Zoning Ordinance that support the amendments to the Comprehensive Plan.

**Task 5 – Zoning Map Amendments.** Develop recommendations for Zoning Map amendments that implement the Ordinance amendments and locate corresponding districts within the Town.

This Report discusses findings from Tasks 1 and 2, including results from interviews with local development professionals and research of other communities that have adopted mixed-use zoning codes and have recently experienced development of mixed-use centers.

## **Case Study**

The redevelopment of the Gun Club property on Maple Road demonstrated some of the challenges developers face in using Amherst’s Zoning Code; it also illustrates some of the common practices that can be used to review and permit higher density and mixed-use forms of development.

The first action required for development of the University Town Center project was the rezoning of the property from Community Facilities (CF) and Residential District 3 (R-3) to districts that would permit the desired uses and form of development. The General Business (GB) zoning district, requested for the majority of the site, was not the applicant’s first choice; other districts were considered but did not fit with the requirements of the proposed development:

- The Traditional Neighborhood Development District (TND) was compatible with the project's purpose and mixed-use nature, but required a minimum 40 acres which exceeded the 33 acres available and did not permit all of the desired uses.
- The Planned Development District (PDD) included a schedule of required percentages of residential/non-residential uses, which the project sponsor determined to be overly restrictive.
- The Shopping Center District (SC) allowed all the desired project uses, but the dimensional standards would have constrained the project design.
- Extending the New Community District (NCD) was also considered but would have required re-opening the original UDC contract from the 1970's and unduly complicate the process.

In addition to the standard code provisions, the Town desired to have input on the layout and design features of the site since this project would be the first mixed-use development in Amherst and be located on a highly visible site. The applicant provided a set of Architectural Design Guidelines that included standards for building design, construction, appearance and setting. Specific guidelines stipulated acceptable design of facades and roofs, building materials and color schemes.

The Amherst University Town Center project illustrates some of the challenges that the current Zoning Ordinance poses to mixed-use and new-urban forms of development. The project also exemplifies a combination of zoning approaches coupled with the formulation of strict design guidelines that are typical of regulatory situations employed in areas where such development has been successful.

## **Methodology**

In an effort to learn more about the challenges of new-urban development and deficiencies with Amherst's existing code, Planning Department staff conducted semi-structured interviews with personnel from the local development community in February 2010. The interviews were conducted at the company offices and generally followed the questionnaire in Appendix B. A summary

of responses to the questionnaire is provided in Chapter 3.

Planning Department staff also performed an assessment of the Town's Comprehensive Plan and its development regulations to identify consistencies and inconsistencies between stated intentions, accepted principles, and actual zoning practices. A summary of the assessment procedure and specific findings are provided in Appendix D. Findings from the assessment of the Code and Plan are presented in Chapter 4.

## **Summary of Findings**

Completion of Tasks 1 and 2 identified the following:

1. The potential for widespread development of urban villages or town centers in Amherst is limited and influenced by competing "places" located in the City of Buffalo and other first-ring suburbs.
2. Mixed-use development is favored for commercial centers because it creates "places" that support rich social interactions, promote healthier lifestyles, and feature more compact and thus sustainable buildings and places. At the same time, the private funding available for "single-use" developments may be diminishing.
3. Concepts such as mixed-use and higher-density have been adopted as tenets of (re)development by many suburban communities across the United States. Amherst's current code is not in sync with market trends for commercial and mixed-use development and requires amendments.
4. Top-tier regional malls located at interstate exchanges and grocery-anchored shopping centers will continue to attract prime-retailers, resulting in consolidation of space in the best centers. As a consequence, second and third-tier retail centers will face increasing vacancies and decreasing value and rents. Shopping centers won't disappear; but there will be need for fewer stores per capita.
5. While new-urban forms of development are generally more profitable than conventional commercial development, they require higher initial investments in time, design, engineering and financing. This form of development also requires a longer view to investment (5-15 years) as short-term returns are limited.

6. New-urban and mixed-use developments are more challenging to finance and build, however, they typically yield fiscal benefits to municipalities that are 25-33% higher than lower-density developments.
7. The Town's Zoning Ordinance contains several districts that permit mixed-use development, however, other zoning provisions limit their applicability to the development of higher-density, mixed-use centers. Applying smart growth and new-urban principles, an assessment of the code was completed and indicated a number of areas that should be addressed, either through the revision of an existing district or the creation of a new district(s). (Specific findings are given in Chapter 4)
8. Among the options under consideration will be amending the existing Plan and code provisions; introducing new forms of code provisions such as a larger-scale commercial overlay or a form-based approach with design guidelines; and/or implementation of a planned development approach or option for existing commercial and mixed-use districts.

### **Conclusions and Recommendations**

The findings of this Report and the approaches to revisions discussed herein and in Appendix D indicate that there are several courses of action the Town may consider for amending the Comprehensive Plan and Zoning Ordinance. Tasks 3 and 4 of the Scope-of-Work will involve course of action analyses and formulation of proposed amendments to address these findings and accomplish the project objectives, including:

- Amending the existing Plan and Code provisions
- Introducing new forms of Code provisions, such as a larger-scale commercial overlay or form-based approach with design guidelines; and/or
- Implementation of a planned development approach or option for existing commercial and mixed-use districts.

Mixed-use development can be implemented through a number of approaches to zoning. The three main approaches are: by-right zoning districts, overlay zoning districts, and planned-unit

development or planned development districts and processes. The table below summarizes these approaches and indicates some of the pros and cons of each. These options form the basis for the course of action assessment and code formulation.

<b>Zoning Approach</b>	<b>Pros</b>	<b>Cons</b>
By right district	<ul style="list-style-type: none"> <li>• Can be specifically tailored to a location</li> <li>• Easier to interpret</li> <li>• Can apply across the municipality</li> </ul>	<ul style="list-style-type: none"> <li>• Can be procedurally challenging to make changes (especially if updating existing zoning)</li> <li>• Not effective if properties are not rezoned accordingly (when creating new districts)</li> </ul>
Overlay district/form-based approach	<ul style="list-style-type: none"> <li>• Does not change existing development rights</li> <li>• Can be reused in other areas</li> </ul>	<ul style="list-style-type: none"> <li>• Only applies to a specifically designated area</li> <li>• Design guidelines can be more difficult to interpret</li> </ul>
Planned Unit Development	<ul style="list-style-type: none"> <li>• Can be highly participatory and less threatening to effected residents</li> <li>• Can be written to meet specific site requirements</li> <li>• Can be written explicitly, easy to interpret</li> </ul>	<ul style="list-style-type: none"> <li>• Can lose level of certainty and predictability of development</li> <li>• High administrative review requirements</li> <li>• May only apply to a specifically designated area and may be difficult to reuse elsewhere</li> <li>• May require lengthy project review</li> </ul>

Source: Adapted from: Atlanta Regional Commission: Mixed Use Development - Quality Growth Toolkit





# **Chapter 1 - Introduction**

## **1.1 INTRODUCTION**

Amherst's Bicentennial Comprehensive Plan promotes the importance of a strong commercial base and its role in supporting the Town's high quality of life and many community amenities. Amherst's commercial base is comprised of traditional neighborhood centers, retail shopping plazas and centers, and the Niagara Falls Boulevard and Transit Road corridors. The sales and property tax revenues derived from these areas is substantial. Amherst's retail centers offer a wide variety of goods and services and have become shopping destinations for local, regional, and international consumers.

The Comprehensive Plan also notes how some of these areas have become underutilized and obsolete; several centers feature storefronts and buildings that have been vacant for long periods of time with little indication that they remain viable commercial properties. Several factors contribute to this condition: changing demographic characteristics, volatile economic and financial trends, shifting market areas, the introduction of new products and services, and emerging competitive conditions resulting from advances in telecommunications and globalization. Many of these factors are well beyond the influence of Town government; however, the Town must ensure that its plans and land use regulations are reviewed and revised periodically to reflect current trends and practices necessary to sustain this vital resource.

The redevelopment of Amherst's established neighborhoods and commercial centers is an important initiative of the Town's Bicentennial Comprehensive Plan and is supported by policies and actions of other agencies such as the Amherst Industrial Development Agency (AIDA), the Amherst Chamber of Commerce and local neighborhood and business associations. Recognizing the importance of healthy neighborhoods and commercial centers, the Town has been working since 2003 to revise its development regulations and guidelines, making them more supportive of redevelopment and sustainable forms of new development. In a major revision of the Zoning Ordinance adopted in 2007, the Town introduced new zoning districts at varying scales that permit mixed-use development. More recently, using concepts from contemporary planning practices and form-based codes, traditional neighborhood scale business overlay

districts that are “customized” to commercial areas in Eggertsville and Snyder have been formulated and proposed for adoption by the Town. Additionally, the Town’s recent completion of context-sensitive highway design guidance provides specifications and illustrative examples for highway development that softens the transition of land uses between streets and surrounding development.

### **1.1.1 Amherst Redevelopment Summit**

In August 2009, the AIDA, Amherst Chamber of Commerce, and the Town Planning Department engaged local experts in development, finance, planning, and economic development at a summit meeting entitled: “Straight Talk on Redevelopment.” The goal of the Summit was to create a strategy for stimulating all types and scales of redevelopment in established commercial areas by formulating actions that would accomplish the community’s redevelopment objectives. Participants were asked to identify and comment on regulatory, market, financial, and political barriers and solutions to redevelopment. Zoning and regulatory barriers were identified; these included overly restrictive setbacks, parking, greenspace, and building height requirements. Additionally, the lack of zoning incentives for increased density was also discussed as a barrier to redevelopment. Potential solutions pertaining to zoning were identified; these included promotion of mixed-use concepts and improving project review processes to be more efficient and consistently applied. The Summit also included focus group discussions that provided general guidance on potential zoning and regulatory reforms.

An important finding from the Summit, and also during formulation of the traditional commercial overlay districts, is that the existing Zoning Ordinance does not include adequate provisions to sufficiently recognize and distinguish differences between various scales of commercial centers, and that existing code provisions may constrain redevelopment activity as proposed in the Comprehensive Plan. To address this issue, in December 2009 the Town Board adopted Resolution 2009-1096, which directs the Planning Department to develop proposed amendments to the Zoning Ordinance that recognize variations in trade area, contemporary market characteristics, scale, and architectural form amongst commercial zoning districts. The Planning Department developed a Scope-of-Work to comply with the resolution and has executed several tasks related to diagnosis of the existing code and research of approaches to address the deficiencies. This Report

discusses the Planning Department's findings from research and assessment of the current code and approaches to commercial and mixed-use codes as implemented in other communities.

## **1.2 PROJECT GOALS AND OBJECTIVES**

The Town Board Resolution calls for the development of amendments to the Zoning Ordinance that permit more intensive, higher density mixed land uses at several scales that accommodate new forms of development and redevelopment and complements surrounding neighborhoods. This goal is to be met through the following objectives described in the resolution.

1. Review and assess existing code language to determine if it constrains redevelopment efforts.
2. Review and assess the location, scale, and function of existing commercial zoning districts (NB, GB, SC) relative to the recommendations of the Comprehensive Plan.
3. Identify appropriate locations for commercial and mixed-use centers.
4. Formulate amendments to existing code or new zoning provisions that permit a range of scales and forms of commercial and/or mixed-use development/redevelopment.
5. Develop recommendations for zoning map amendments that are consistent with proposed Comprehensive Plan and Land Use Plan amendments.
6. Execute Plan and Code amendment processes, including: public participation activities, SEQRA administration, and Planning and Town Board review.

The Planning Department formulated a Scope-of-Work to accomplish the resolution goal and objectives. The Scope is comprised of the following five tasks:

1. Project Initiation – Organize the project and participants. Confirm project concepts and identify study data and information requirements.
2. Commercial Zoning Diagnosis and Review – Diagnose the existing commercial and mixed-use zoning districts in the Zoning Ordinance; review contemporary mixed-use and

commercial development concepts, trends, and practices. Identify practices that may be applied to the Town of Amherst.

3. Comprehensive Plan Review – Based upon the findings of Task 2, develop appropriate recommendations for amendments to the Comprehensive Plan that reflect support for the location of mixed-use centers with commercial components at various scales.
4. Commercial Zoning District Development – Prepare, review and adopt amendments to the Town Zoning Ordinance that support the amendments to the Comprehensive Plan.
5. Zoning Map Amendments – Develop recommendations for Zoning Map amendments that implement the Ordinance amendments and locate corresponding districts within the Town.

This Report discusses findings from Tasks 1 and 2, including results from interviews with local development professionals and research of several communities that have adopted mixed-use zoning codes and have recently experienced development of mixed-use centers.

### **1.3 SUMMARY OF FINDINGS**

Based upon the findings of this study report and code assessment, the Planning Department has begun to work on Tasks 3 and 4 (page 3); the consideration of amendments to the Comprehensive Plan and Zoning Code to address the results of the assessment. The following are the main findings of Task 2:

1. Mixed-use development is favored for commercial centers because it creates “places” that support rich social interactions, promote healthier lifestyles, and feature more compact and thus sustainable buildings and places. Concepts such as mixed-use and higher-density have been adopted as tenets of development by many suburban communities across the United States.
2. It is expected that top-tier regional malls located at interstate exchanges and grocery-anchored shopping centers will continue to attract prime-retailers, resulting in

consolidation of space in the best centers. As a consequence, second- and third-tier retail centers will face increasing vacancies and decreasing value and rents. Shopping centers won't disappear; there will be need for fewer stores per capita. The Town needs to examine the supply and characteristics of its commercial land inventory in the face of this trend.

3. While new urban forms of development are more profitable than conventional development, they require higher initial investments in time, design, engineering and financing. Finance experts note that this form of development requires that developers take a longer view to the investment (5-15 years); short-term returns are limited. While more challenging to finance and build, these developments can yield fiscal benefits to municipalities that are 25-33% higher than lower-density developments.
4. The redevelopment of the Gun Club property on Maple Road illustrates many of the challenges developers face in using Amherst's Zoning Code.
5. The potential for widespread development of urban villages or town centers in Amherst will be limited and influenced by competing "places" located in the City and other first-ring suburbs. At the same time, there may be areas in Town where there is too much land zoned for retail uses than can be reasonable supported by the market, leading to vacancies and decreased pressure to redevelop. Zoning for mixed-use may provide an alternative land use in areas where there is an overabundance of retail. At the same time, the funding available for "single-use" developments may be diminishing. The market should play a significant role in the number and location of these projects.
6. While the Town's Zoning Code contains several districts that permit mixed-use, other zoning provisions likely limit these districts' applicability to the development of higher-density, mixed-use centers. The assessment of code characteristics, based upon both smart growth and new-urban principles indicated a number of areas that should be addressed, either through the revision of an existing district or the creation of a new district(s).
7. Among the options under consideration will be amending the existing Plan and Code provisions; introducing new

forms of Code provisions such as a larger-scale commercial overlay or a form-based approach with design guidelines; and/or implementation of a planned development approach or option for existing commercial and mixed-use districts.

## Chapter 2 - Concepts and Trends

### 2.1 INTRODUCTION



The traditional center at Main and Harlem in Snyder and the Boulevard Consumer Square power center show the range of commercial centers in Amherst.

The development of many of Amherst's commercial centers reflects the historical growth of the Town. Many of the small traditional centers located in Eggertsville, Snyder and Williamsville are consistent with the form and styles of buildings and modes of transportation that were prominent during their development. Other centers of varying scales and shopping malls that are located within the Town reflect the emergence of automobile related suburban growth, and growing affluence that occurred from the 1950's to the 1980's. More recently, new forms of commercial centers such as the Boulevard Consumer Square and superstores like Walmart have become common. In many areas across the United States, newer forms of commercial development such as the power center, the lifestyle center, and town centers have supplanted the mall and strip plazas as desirable upscale forms of retail commercial development. The differences among shopping centers are generally characterized by the market area they serve, sizes of the stores and buildings, and the nature of the businesses present. This diversity of market, scale, and form is apparent within Amherst and adjacent communities.

The Urban Land Institute (ULI) provides a typology of commercial centers (ULI 1999 8) that classifies them according to typical size and the market area they are intended to serve. Centers generally range from convenience stores and neighborhood plazas to regional and specialty centers. Table 1 summarizes this typology.

Amherst's Comprehensive Plan discusses the various sizes, characteristics and locations of commercial centers and provides guidance for their location within the Town. The ULI guidelines were used as a basis for the recommended sizes and characteristics of commercial centers described in the Plan (Bicentennial Comprehensive Plan 2009 42). Unfortunately, little is discussed in the Plan concerning the architectural form and spatial relationships among various uses that exist within these centers. Further, most of Amherst's post-1950 commercial centers are a reflection of zoning that strictly segregated land uses, and resulted in highway oriented strips of commercial buildings and plazas. With the development of the Traditional Neighborhood Business Overlay (-TNB) zoning district, the Town seeks to modify its code to allow mixed-use, high density, pedestrian oriented development that is

similar to that found in urban areas and contemporary town centers. Such development is favored because it creates “places” that support rich social interactions, promote healthier lifestyles that include walking and less reliance on automobiles, and feature more compact and thus sustainable buildings and spaces. Concepts such as high density, mixed-use, pedestrian oriented development have been adopted by many suburban communities across the United States; however, there can be broad notions of their meaning and how they are implemented. The following discussion describes these concepts and related trends. Specific definitions for several terms are included in Appendix A.

**Table 1: Types of Commercial Centers**

Type of Shopping Center	Leading Tenant	Typical GLA* (Square Feet)	General Range in GLA (Square Feet)	Usual Minimum Site Area (Acres)	Minimum Population Support Required	Trade Area Radius (Miles)
Neighborhood	Supermarket	50,000	30,000 – 100,000	3-10	3,000–40,000	1.5
Community	Junior department store; large variety, discount, or department store	150,000	100,000–450,000	10-30	40,000 – 150,000	3-5
Regional	One or two full-line department stores	450,000	300,000–900,000	10-60	150,000 or more	8
Super Regional	Three or more full-line department stores	900,000	500,000–2 million	15-100 or more	300,000 or more	12

Source: Urban Land Institute, 1999  
 \* Gross Leasable Area

## 2.2 DEVELOPMENT CONCEPTS

### 2.2.1 Mixed-use

Much of the commercial development that is present in urban areas and first ring suburbs such as Amherst reflects the incremental growth of businesses that coalesced around an emerging market comprised of residences and other businesses. As noted by the ULI, “In the history of urban development, the mixing of different land uses – residential, shopping, employment, entertainment, lodging, civic, and cultural – in one relatively discrete area has been prevalent in human settlements ranging from small villages to large cities.” (Schwanke 2003 3) Locally, the Village of Williamsville and its Main Street corridor represents a good example of such a place. Various land uses can be found within multi-story buildings or on land parcels mixing uses both vertically and horizontally. While the suburbanization that occurred through



Main Street in the Village of Williamsville

much of the 20<sup>th</sup> century lead away from this form of development, “countervailing influences have brought mixed-use and urban place-making concepts back to the forefront of contemporary development.” The ULI (Schwanke 2003 5) describes mixed-use development as follows:



Legacy Village outside of Cleveland in Lyndhurst, Ohio (ULI 2008 7).

- three or more significant revenue-producing land uses (such as retail/entertainment, office, residential, hotel) and / or civic/cultural/recreation uses that are mutually supporting within well planned projects.
- significant physical and functional integration of project components (and thus a relatively close-knit and intensive use of land), including uninterrupted pedestrian connections; and
- development in conformance with a coherent plan (that frequently stipulates the type and scale of uses, permitted densities and related items).

In suburban communities similar to Amherst, contemporary mixed-use development has taken the form of Town Centers and Urban Villages. These new developments are often organized around pedestrian-friendly streets, blocks, and squares that are reminiscent of “traditional” urban areas. This “new urbanism” or “neo-traditional” development rose in popularity during the late 1990’s and has become a preferred form for projects at a wide range of scales and locations. While standards for mixed-use development often vary, the introduction of strict building and site design guidelines has been promoted by organizations and architects such as the Congress for New Urbanism.

### **2.2.2 Higher Intensity and Density**

Intensity and density are concepts that are used to characterize and define the amount of building mass and number of dwelling units or persons per unit of land area that are permitted within a given space. Standards of intensity and density are expressed in several forms that include floor area, lot size or density, floor area ratio (FAR), and building height. Regulatory provisions specifying intensity and density are important to mixed-use new-urban codes because they establish the economic feasibility and architectural form of projects. These provisions are influential for the following reasons (Morris 2009 12-13).

- These forms of development are generally dense (many units/acre or higher buildings) so they provide more destinations within walking distance.
- The per-unit cost of installing and maintaining utilities and streets in higher density areas should be reduced as there will be fewer feet of pipe or pavement per dwelling unit.
- Higher densities save land that can be available for civic purposes or open spaces.
- Higher densities are necessary to support efficient and economical public transportation. Such developments can also create demand for these services and benefit the surrounding areas.
- Developers must balance higher intensity/density development with the need to provide off-street parking and stormwater drainage facilities. New-urban codes must recognize these factors and ensure that the desired form of development is not hindered by other provisions that must otherwise be applied.
- A code designed to encourage and permit mixed-use development must carefully blend intensity calculations with density considerations. The benefits of mixed-use in a commercial area may be lost if the allowable square feet of commercial area is reduced for every square foot of residential use. Correspondingly, examination of parking requirements between these uses may suggest a “synergy” with mixed-use that may permit a reduction in required parking resulting from shared facilities.

The American Planning Association recommends that zoning provisions promoting higher intensity mixed-use development should minimally have the following characteristics. (Morris 2009 68-69)

- Floor area limits (expressed as the gross or net floor area of an establishment) that ensure allowed commercial sites are geared toward the desired scale and market area. These limits should not be so restrictive as to hamper the economic viability of a district.
- Lot area per unit should be appropriately sized to permit a range of units according to the form of development.

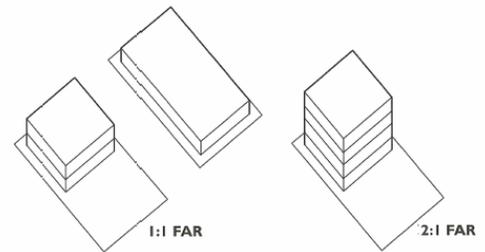


Illustration of Floor Area Ratio  
(APA 2006 594)

Mixed-use buildings should be rewarded with more flexible standards and are often allowed higher residential density than single use buildings.

- Mixed-use buildings should be allowed higher floor area ratios (FAR) than other buildings. For mixed-use buildings the American Planning Association (APA) recommends an FAR of 2.0. For Town Center developments that feature mixed-use (residential/non-residential projects with active ground floor uses the APA recommends FARs ranging from 3.0-5.0. (Morris 2009 76) The FAR should be established high enough to encourage moderate to high intensity buildings while ensuring that the resulting development is consistent with the scale of surrounding areas.
- Building height can be regulated by the number of stories or height in feet, however regulation by the number of stories generally allows for greater flexibility. Mixed-use buildings should be allowed greater heights than single use buildings because they require flexibility to permit varying floor-to-ceiling heights to accommodate different uses. Ground floor heights of a mixed-use building are generally higher than upper floors to accommodate retail businesses.

### **2.2.3 Pedestrian Oriented**

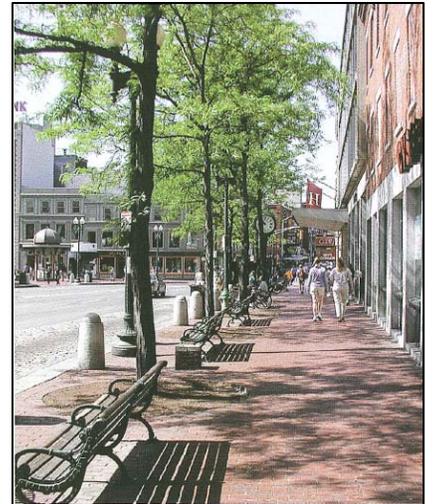
Many of the Town's established traditional commercial centers feature buildings whose scale and appearance were designed to appeal to pedestrians, cyclists and users of public transportation; modes of movement that preceded mass use of automobiles. The increasing use of automobiles is largely responsible for enabling the growth of suburbs like Amherst and location decisions such as the development of the SUNY Buffalo North Campus. Much of Amherst's growth during the period from 1950 to the present resulted from large investments in highway infrastructure and the associated mobility that comes with individual automobile ownership. Global and national trends such as fluctuations in world energy supplies that influence personal travel behavior and growing public concern over health risks posed by sedentary lifestyles have raised questions about the sustainability of suburban forms of development.

The average household makes about six vehicle trips each day, the majority are not commuting trips, but local trips that might be saved by conveniently locating destinations within walking or bicycling distance. A goal of mixed-use and related forms of development is to reduce the use of automobiles by promoting compact and efficient development that encourages walking between businesses, residences, and other locations of interest (Schmitz and Scully 2006 22).

Creating pedestrian-oriented places requires a focus on land-use more than transportation. Dan Burden, an internationally recognized authority on bicycle and pedestrian facilities, livability, sustainability, and Smart Growth recommends the following as elements that encourage pedestrian activity (Schmitz and Scully 2006 16).

- There must be destinations that draw people.
- The community must be built at a pedestrian scale, meaning that distances are short enough to walk and buildings are close to the sidewalk.
- Destinations must be reachable and interconnected by means of a continuous network of safe, convenient, comfortable and interesting sidewalks and paths.
- Walkers must feel safe from crime, traffic, and weather conditions. Achieving this perception of safety requires careful design, including “eyes on the street”, safe traffic speeds, and shelter at frequent intervals.

Developing for pedestrian scale means careful consideration of building and site design. Projects should feature short blocks divided by streets that are not too wide. Parking should be abundant but not located in front of buildings. Buildings, stores, and businesses should not “turn their back on the street”, but should have doors that open to the sidewalks. Streets should also feature well-designed public spaces and squares that often will become hubs of activity and interaction. Retail businesses should feature large transparent windows with interesting displays of merchandise. Additionally well-designed landscaping and coordinated signage oriented to the pedestrian can contribute to effective circulation and attractiveness of the area.



Wide sidewalks, transparent storefronts, street trees and furniture create an attractive, safe, pedestrian-friendly environment. (Morris 2009 128).

## **2.3 ZONING CONCEPTS**

The land use regulations communities use to regulate development of contemporary town centers and urban villages vary by municipality and form. Zoning codes can range from individual ordinances to unified development codes that are comprised of a body of ordinances that govern all land development within a municipality. At the opposite end of the spectrum are codes with very specific design instructions for specific projects. These “form-based codes” establish parameters for the features of individual buildings or projects. They are often combined with design guidelines that specify most aspects of architectural design for buildings, streets, public spaces and other elements of a center or village. Ardent supporters of new-urbanism emphasize attention to detailed design regulated by codes that can be specific for individual neighborhoods and buildings. Form-based codes are gaining support as a way to creatively combine diverse activities and building types within a walkable mixed-use environment.

While attention to detail is important, municipalities may adopt practices that attempt to strike a balance by integrating public codes adopted by the governing body with planned development processes that are used to “jointly” work with a developer to draft detailed design standards. These standards are often drafted by the developer and approved by the municipality; different elements can be administered by either party. The formulation of detailed design standards and other elements specific to a project are often prepared through a “planned development process”. This process is similar to one used by the Town for projects located within the New Community District (NCD). Some communities that have conventional codes combine them with elements of form-based zoning; the result is a “hybrid code”. In blending elements of form-based and conventional zoning codes, it is important to understand the strengths and weaknesses of each type of code, and where each can be successfully applied.

### **2.3.1 Form-Based Codes**

In recent decades, dissatisfaction with the perceived effects of conventional zoning has grown. Many components of conventional codes, such as minimum lot sizes and use restrictions, have acted to keep development density low and restrict the mixing of uses, resulting in the loss of traditional urban form, the proliferation of commercial strip development, and the excessive

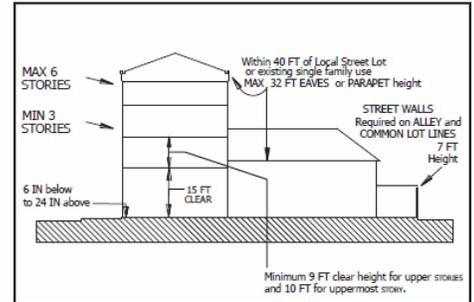
consumption of land (Rouse and Zobl 2004). Such codes make dense, mixed-use centers nearly impossible to develop. Many early New Urban mixed-use centers, such as Mashpee Commons in Massachusetts, required creative solutions to deal with such zoning limitations (Dunham-Jones and Williamson 2009 98-99). Form-based codes emerged out of the New Urban movement as an alternative to conventional zoning that would enable such developments.

The form-based approach is generally more flexible in terms of uses, but more prescriptive in terms of building scale, massing and design elements. It therefore requires a high level of understanding of the existing or desired built environment, which is typically depicted through detailed graphic standards and accompanying text. These characteristics all make it more appropriate for districts and corridors where a high level of design review is desired – for example, downtown and neighborhood centers, major entry corridors and gateways into a community, waterfront districts, and areas that are evolving to become mixed-use centers. The form-based approach is less effective in stable residential neighborhoods, unless context-specific design standards are desired in those areas. Form-based zoning can also be used within the framework of a conventional code by supplementing or replacing sections that address dimensional, design and street standards. Conventional zoning requirements continue to apply across the remainder of the community.

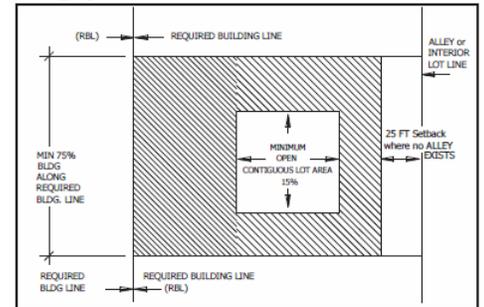
Form-based codes are intended to regulate the three-dimensional shapes or forms of buildings, helping to define the public realm. These codes focus less on a property's uses than on other factors that determine the character of places – such as building frontage and placement. Proponents assert that form-based codes achieve more predictable results than conventional codes and help to shape a high-quality built environment.

Form-based codes have been adopted in communities throughout the country and are being applied to entire municipalities or counties or specific areas within a municipality, such as a downtown or a commercial corridor. Example communities using form-based codes in New York State include Onondaga County and Saratoga Springs. Form-based codes may either be mandatory or optional, as is the case with the Columbia Pike form-based code in Arlington, Virginia. As New Urbanism and mixed-use centers become more widespread, the trend is toward mandatory form-based codes. Adoption of form-based codes requires significant upfront community involvement to identify desired design

#### Height Specifications



#### Siting Specifications

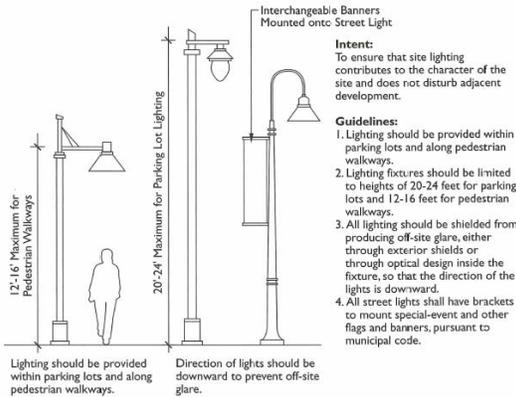


Example of a Form-Based Code: Columbia Pike, Maryland

principles, however, this participation can reduce community opposition later in the development process.

### 2.3.2 Design Guidelines

Design review is an evolving trend, with an increasing number of communities across the country making use of it as a regulatory tool. Design regulations are intended to provide a connection between general planning policies and implementing regulations. In contrast to zoning codes that are regulatory and specific, design guidelines are descriptive and suggestive. They are intended to convey a sense of the preferred quality for a place. Design guidelines typically address overall site design, building orientation and form, signage, use of plant materials, and public spaces (Hinshaw 2006 655-657).



Example of design guidelines for lighting (APA 2006 655).

Design guidelines are intended to work with zoning codes, offering a community the opportunity to positively state the form and quality of development it would like to see. While providing more flexibility, there is also the risk that design guidelines can be too vague and lead to a contentious design review process. As a result, there is a trend toward making review criteria more specific. Communities are also tailoring guidelines to specific areas. For example, some guidelines may be applicable over a wide area, while others are relevant only to a given neighborhood, district, or street (Hinshaw 2006 658).

Because design review can be controversial, some municipalities have introduced it on a voluntary basis. Others use the design review process as a forum for meeting and melding the objectives of private and public interests. There is also the recognition that by itself, design review cannot be very effective because so many things affect the quality of the physical environment. Design review is increasingly being coupled with public strategies to invest in improvements to streets, sidewalks, parks, plazas, and civic facilities (Hinshaw 2006 658).

### 2.3.3 Planned Development

Many new towns or village centers are developed using codes that are implemented through execution of a planned development (PD) process. Historically this process has been employed to regulate planned unit developments (PUD) such as master planned new towns and communities; the PUD concept can refer to both a

process and a type of development. The following is a contemporary definition of PUD.

“A PUD is a development that has been approved in a process that requires comprehensive review of project design and that can include a variety of project types, including infill developments, housing developments, and mixed-use development such as master planned communities.” (Mandelker 2007 5)

Planned developments are regulated through a combination of written code, design guidelines, and master plans or maps that delimit use areas. They are typically authorized through a process that requires submission of plans and review and approval by the governing legislative body. The review is essentially a negotiation process that can be lengthy and incur high financial costs and delay for developers and the community. As an alternative, some communities will specify the development standards for a PUD in its ordinance and permit development “as-of-right” if the standards are met. Another approach is to specify development design standards in an ordinance but still require administrative review for approval.

Use of a planned development approach is seen as an effective alternative to implementing traditional zoning codes as they can be targeted to specific areas of interest rather than attempting to reform regulations across an entire community. A PD process offers the means to create development patterns that are not permitted under conventional zoning provisions by allowing design that is uniquely formulated for specific sites. This approach offers considerable flexibility in terms of permitted land uses, bulk, mass and dimensional standards so that developments can be contextually oriented to specific qualities of places that can be incorporated into their design.

While a PD encourages flexible design it can also lead to flawed results because of the subjectivity inherent to the review process. Victor Dover, a new-urban planner cautions about the pitfalls of the PD process (American Planning Association 2004 30):

“Municipalities large and small are wowed by slick presentations and then badly misjudge the quality of plans. The proposals are poorly visualized. The impacts of proposals are poorly foreseen. Remember the same discretionary process that lets a developer propose an ‘improved approach’ lets the local government approve an inferior one... The PUD process

usually requires an upfront investment in planning and legal experts, written and graphic exhibits, and considerable time that actually favors the mightiest of developers who have the money and influence it takes to get it approved.”

#### **2.3.4 Traditional Neighborhood Development**

As new-urban practices have evolved, many communities have introduced as-of-right regulatory options for site-specific projects into their zoning codes. These provisions continue to offer flexibility in site planning, but they also include new-urban or traditional development standards that guide project design. Generally these have been implemented through a separate zoning district often called “Traditional Neighborhood Development” (TND). These districts typically function as “floating zones.” Floating zones are included in the text of an ordinance but are not mapped in any specific location until an application for development meeting the district standards is approved. Upon approval of the development, the floating zone replaces the base district. Floating zones are commonly used to accommodate large-scale developments such as town or village centers. They may also serve as an overlay to existing zoning that imposes special regulations in combination with those of the base district.

The PD process or a TND district provide a framework for detailed site planning, however, most of the planning is generally left to the developer. An alternative mechanism that communities have used is the adoption of a Specific or Regulating Plan. These plans are analogous to a PUD Master Plan that becomes part of a zoning map. They are master plans comprised of a series of maps and text provisions adopted by the municipality to govern development in specific areas; they typically address the following design elements. (American Planning Association 2004 31-32)

- The street, alley, and block structure
- Requirements for build-to lines, yards and building massing
- The horizontal and vertical mixing of uses
- The placement of landscaping elements
- Parking locations and requirements
- The location of public spaces and civic buildings
- Architectural standards addressing building type and basic elements rather than detailed design
- Land uses, with standards that are relatively flexible

The preparation of a Regulating Plan can be expensive and time

consuming, although once developed, many of their elements can be used by other developers and “plugged” into plans for other areas. Communities need to ensure that these plans are flexible enough to accommodate changes in market conditions or other factors over time. To ensure their continued relevance these plans should be subject to review and revision without requiring new approvals. Regulating Plans are also used to provide design guidance with form-based codes.

## 2.4 SUMMARY OF TRENDS DRIVING MIXED-USE ZONING AND DEVELOPMENT

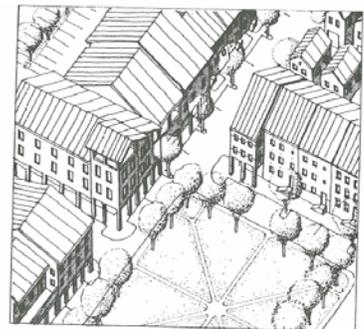
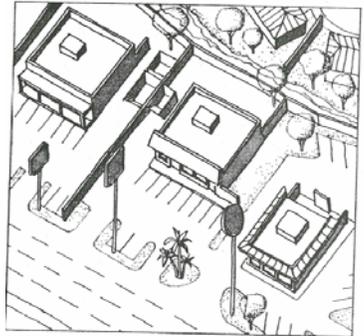
As noted above, traditional, or neo-traditional forms of development featuring higher densities and mixed-uses began to emerge during the late 1990s. While suburban forms of development have continued, this new form of development has grown in popularity and practice, as a result of several trends that are discussed below.

### 2.4.1 New Urbanism

New Urbanism is a design movement that emerged in the late 1980’s and 1990’s in response to traditional suburban development, with its emphasis on large-scale separation of uses, dependence on automobiles, and strip development. Based on the premise that places should be walkable, New Urbanism promotes development that is interconnected, fine-grained, human-scaled, and mixed-use. It features human-scaled neighborhoods as the building blocks of sustainable communities and regions. Based on a series of principles, from the regional scale down to individual buildings, New Urbanism is inspired by traditional patterns of city and town development prevalent before the rise of the automobile. The following statement, from the Charter of the New Urbanism, illustrates these core principles:

“Neighborhoods should be diverse in use and population; communities should be designed for the pedestrian and transit as well as the car; cities and towns should be shaped by physically defined and universally accessible public spaces and community institutions; urban places should be framed by architecture and landscape design that celebrate local history, climate, ecology, and building practice.” (Congress for the New Urbanism 1996).

New Urbanism has been an influential concept in both greenfield



Suburban strip commercial development contrasts with the integrated, mixed-use development of New Urbanism (Steuteville and Langdon 2009 28).

and redevelopment projects throughout the country. While many of the best-known examples of New Urbanism are early greenfield developments like Seaside and Celebration, Florida, new-urban infill projects and redevelopment is growing in many older cities and towns. Redevelopments of suburban sites are also increasingly common (see discussion of greyfield redevelopment and retail/lifestyle centers).

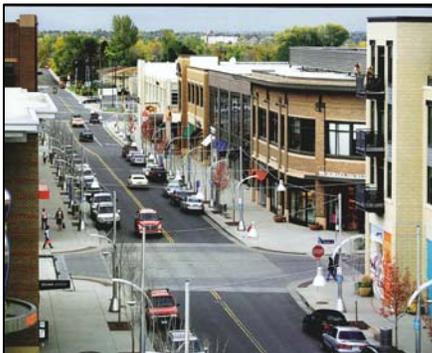
While mixed-use projects can be complex to develop, proponents of New Urbanism assert a number of potential benefits, including: longer-term market value, a decrease in automobile travel and associated environmental benefits, efficient land use, investment in established urbanized areas, the provision of varied housing types, and the potential to create walkable downtown areas or a sense of place. There has been a push to codify New Urban principles and enable mixed-use, dense, pedestrian-oriented developments typically not permitted with conventional zoning codes (see discussion of form-based codes).

## 2.4.2 Greyfield Redevelopment

Across communities throughout the United States, a generation of regional malls and strip centers are in decline. Although regional malls in prime locations remain healthy, an increasing number of secondary retail centers have become vacant or are seriously underperforming (Congress for the New Urbanism 2005 8). These economically obsolete retail sites have been termed “greyfields.”

A number of factors and retailing trends have contributed to the observed rise in greyfields, including: department store consolidation; over retailing that renders uncompetitive those centers with obsolete features and substandard tenant lineups; the rise of online shopping; significant competition within the trade area; and poor highway access or visibility. These trends have been exacerbated by the recent economic downturn (see discussion of retail and lifestyle centers).

Despite these shortcomings, greyfields typically exhibit a number of characteristics that make them attractive sites for redevelopment. Greyfields are often underutilized sites in desirable infill locations within largely built-out communities. Well-served by existing infrastructure and transportation facilities, they also are relatively large parcels that present significant redevelopment opportunities (Chilton 2004 2-4).



Before and after of Belmar, Colorado  
Top: Congress for New Urbanism 2005  
Bottom: Dunham-Jones and Williamson  
2009

Greyfields present a range of redevelopment options, including:

- *Mixed-use town center or urban district*  
Based on the tenets of New Urbanism, town centers feature a mix of uses, high-density, an emphasis on public spaces, a high percentage of lot coverage, buildings with entrances directly on public streets, small, walkable blocks, and a high degree of connectivity within and to the outside of the site. Examples of greyfields redeveloped as town centers include Belmar, Colorado and Mizner Park, Florida.
- *Single-use redevelopment*  
Involves demolishing existing retail structures and replacing with big-box retail or another single use, such as an office park, apartments or condominiums, an entertainment complex, or civic facilities.
- *Adaptive reuse*  
Retains existing retail structures and adapts them, typically for a single use, such as a call center, church, or educational institution.
- *Development of additional uses*  
Retains existing retail and adds another use or uses to the site, such as entertainment, offices, a hotel, or residences.
- *Reinvested retail*  
Retains and updates existing retail structures (Congress for the New Urbanism 2005 10-12).

Redevelopment of greyfields is a complex process that must consider market conditions, ownership and anchor tenant status, site and location factors, municipal and community capacity, and developer and lender capacity. The redevelopment process often involves extensive community involvement, public-private partnership, and an approach customized to local conditions.

### **2.4.3 Retail and Lifestyle Centers**

The recent economic downturn has had, and will continue to have, an effect on retail development. As described in the “Emerging Trends in Real Estate: 2010” report by the Urban Land Institute (ULI) and Price Waterhouse Cooper, “Two decades of consumer bingeing on easy credit fostered an overstored America – malls, strips, big boxes, and leisure centers crowd together along every

major suburban road” (Miller 2009 51)

It is expected that top-tier regional malls located at interstate exchanges and grocery-anchored shopping centers will continue to attract prime retailers, resulting in the consolidation of space in the best centers. As a consequence of this consolidation, second and third-tier retail centers will face increasing vacancies and decreasing value and rents. This trend is exacerbated by the continued closure of retail stores: department store consolidation, loss of local mom-and-pop retailers, and another round of “big box” failures. Shopping centers won’t disappear – there just will be need for fewer stores per capita (Miller 2009 49-51).



Milford Marketplace, a lifestyle center in Milford, Connecticut.

The ULI Report describes the likely future for greyfield retail centers and potential reuse strategies: “next-generation projects will orient to infill, urbanizing suburbs, and transit-oriented development” (Miller 2009 12). It is likely that some malls and strip centers will be bulldozed for new town center projects and mixed-use development.

Once considered the ultimate shopping experience, malls have suffered over the last decade. Lifestyle centers emerged as a retailing trend in the late 1990’s as an alternative to malls. These open-air centers offer upscale fashion and home furnishing centers without department stores. Sometimes referred to as “town centers,” these centers often follow some new urban principles, but may not offer a mix of uses. Instead, many lifestyle centers focus on retail uses in an open-air, pedestrian-friendly format. The 2010 ULI Report indicates that the recent economic downturn has pushed lifestyle centers, with their emphasis on high-end retailers, out of fashion.

#### **2.4.4 Public / Private Partnerships**

While public/private partnerships have been in use for many years, their application in development projects has been growing recently. Public/private partnerships are “creative alliances” formed between a government entity and private developers to achieve a common purpose and are an alternative to the traditional confrontational development process (Urban Land Institute 2007 10-11).

While such development is complex and costly, public/private partnerships have been pivotal to the success of numerous greyfield redevelopment and town center projects throughout the

country, including Belmar, Colorado and Park Forest, Illinois. Roles municipalities have played include: creating a public financing structure, such as tax increment financing or tax abatements; investing in public infrastructure and amenities; improving the regulatory and development review process; facilitating public visioning and review; coordinating with other public agencies; and assisting with land assembly and subdivision (Congress for New Urbanism 2005 40-41). The potential benefits of such partnerships include economic and fiscal benefits, enhanced community amenities, and increased economic development.

#### **2.4.5 Demographic Considerations**

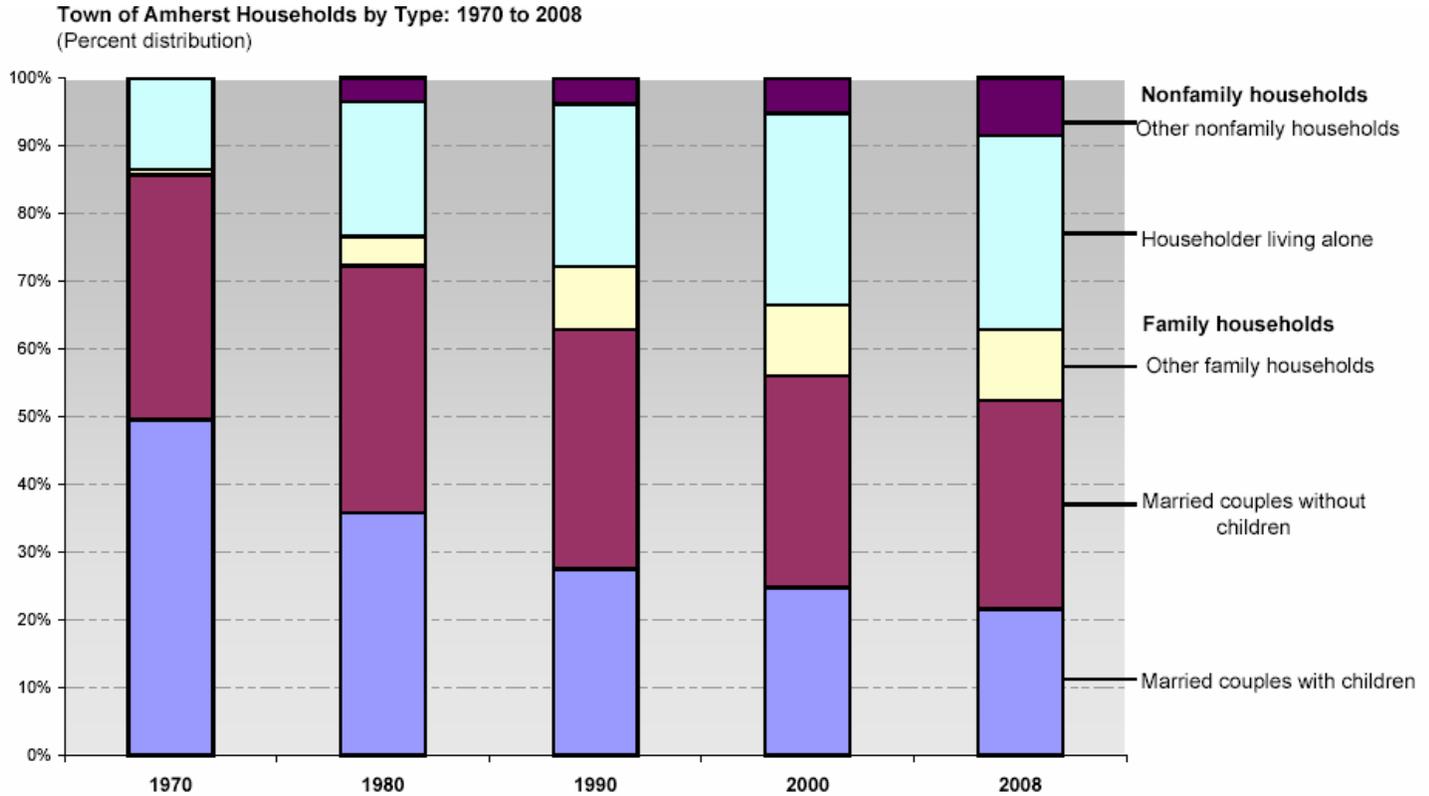
A number of demographic trends are redefining the “typical” suburbanite and are creating demand for new types of development and housing. Nationally, suburbs are becoming more diverse, in terms of race, household size, income, and age. Households, no longer dominated by couples with children, now have greater numbers of seniors, singles, and childless couples. These demographic shifts suggest that different development solutions are needed to meet contemporary needs – such as a range of housing types to accommodate all lifestyles at different life-cycle stages (Urban Land Institute 2008 6).

Household diversity in Amherst has followed these national trends. In 1970, half of all households were married couples with children; by 2000, that number had dropped to 25 percent. Householders living alone now account for approximately 28 percent of all households in Amherst (U.S. Census Bureau).

The Town is also becoming older. Approximately 29 percent of residents are aged 55 and older. The population of 75 years and older increased by approximately 40 percent between 1990 and 2008, making this age group the fastest growing in the Town in the past decade. Recent estimates indicate that households with one or more people aged 65 and over now outnumber households with one or more people less than 18 years of age. (U.S. Census Bureau)

In mixed-use projects across the country, niches among the existing population have shown demand for mixed-use housing. Empty-nesters, seniors, young adults, and newly formed families are among those seeking the greater convenience, sense of place, and active environment that a mixed-use, pedestrian-oriented

center can offer (Urban Land Institute 2008 6).



### 2.4.5 Economic Considerations

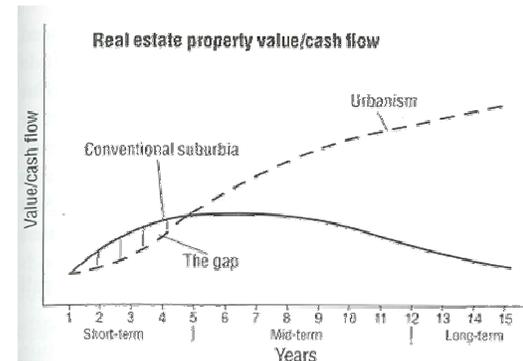
The complexity and relative newness of higher-density mixed-use developments located in suburban areas often leads to a perception of higher risk and thus reluctance by investors and developers to vary from past practices. In the past many developers felt as though single-use/purpose development was “safer”, that “the mixture of uses and housing types multiplies the variables, which to some people suggests that more things could go wrong (Steuteville and Langdon 2009 236). As new-urban forms of development have gained acceptance, the perceived risk has diminished, although this varies by market and location. In regions where these developments have yet to be built investment practices may remain conservative. Supporters of New-Urbanism acknowledge this risk but argue that the diversity of development that comes with mixed-use is a proven way to “manage risk”. They point out that buildings housing a variety of uses make for versatile spaces that can more easily respond to changes in markets for housing, retail, and office space: “Buildings in urban

neighborhoods can change over time, for example first floor professional offices can be converted to retail and vice-versa. Single-use buildings and single family homes generally can't be easily modified and because they are located in areas where only single-uses are permitted it is difficult to introduce new uses into such areas.

Studies performed by private and government agencies have found that developments exhibiting new-urban design principles generate premiums that yield home values up to 25% higher than homes in other areas. The Urban Land Institute also reports that new-urban town centers perform better than typical shopping centers in characteristics such as lease rates, occupancy rates and sales per square foot. Moreover, most also had residential components that outperformed their markets in rental rates and sales prices. (Steuteville and Langdon 2009 237) While new-urban projects generally cost more to build than conventional developments (5-7% more), their corresponding increase in value appears to offset those costs.

While traditional developments are more profitable than conventional suburban development, they also require more effort up-front and this can serve as a deterrent. New-urban developments require higher initial investments in time, design, engineering, and financing. The benefits from such development require a longer-term perspective because financial returns typically lag behind those for conventional suburban developments. Conventional suburban development generally involves a 5-7 year period of growth before it hits peak value or return. New-urban finance experts argue that traditional urban and new-urban development cannot be viewed as a 5-7 year asset; rather investors need to take a longer view into a middle (5-12 year) or longer (12-15 year) term, that these will yield much higher returns from 5-7 years and beyond. Experts also note that developers who are willing to increase their ratio of equity to debt from approximately 25:75 to 40:60, spending more money up front to build a higher quality place without significant debt are more likely to develop these types of projects. (Steuteville and Langdon 2009 238-239)

Traditional forms of development offering higher density and mixed-use buildings also appear to benefit municipalities through increased tax revenues. Fishkind and Associates, a fiscal analysis firm, found that when growth follows a "new-urban" plan of higher density buildings and open spaces, municipalities can expect to reap a net fiscal benefit that can be 25-35% higher than



Source: Steuteville and Langdon 2009 239

lower density developments as these centers require smaller expenditures on infrastructure and other amenities. (Steuteville and Langdon 2009 237-238) Another consideration for municipalities is the use of public financing to incentivize traditional developments. Many communities use tax increment financing (TIF) as a means of initiating costly infrastructure and public utilities that “get projects off the ground”. The use of TIF to support these projects is common in mid-western states such as Minnesota and Illinois and southwestern states.

When developers consider the economic feasibility of high density mixed-use projects, several socio-economic, market, and construction factors are important considerations. Anderson, Brosnan, Kennedy, and Bise (2005) have studied the economics of density; the following are some of their conclusions.

1. The primary residents of higher density developments are generally students, young adults age 20-30, and baby boomers or “aging hipsters”.
2. Age is and will continue to be an important consideration as the baby boom population is projected to increase from 15% to 23% of the total national population.
3. Baby-boomers are seeking alternatives to the suburban lifestyle and rigors of home maintenance.
4. National retailers are not easily attracted to these developments, most interest is by small local businesses.
5. Businesses and industries tend to like to cluster and those that locate in more urban or higher density environments are those for which personal communication is important for the transaction, this includes professional services, attorney offices, government, and the technology sector. They get value for paying higher rent and is easier to attract the talented labor pool they are seeking.
6. Density drives land values and land values are also affected by the public perception of the likelihood of success whatever the density is. Denser forms of development typically must overcome a negative public perception; once that perception is overcome and density is accepted, it drives the land value because of the amenities associated with such developments.

7. Higher density generally means higher building heights. There are economies of scale and lower costs as density increases, up to a point. When building heights exceed three to four stories, construction type, parking requirements and safety codes can drive the cost/square foot beyond feasibility.
8. Density drives parking requirements and surface lot area that can be developed. The cost for structured or subterranean parking spaces is considerably higher than in a surface parking lot.
9. There has to be a market for higher-density development. Developers will have to be coerced into building at a higher density than what the market may justify. If the market is not there for higher density the development industry will not respond.
10. As noted above, the economic risks for this form of development can be high, some of the measures that can be taken to minimize these risks include: creating one successful district before proceeding to other areas of the community; build upon a landmark or local hotspot that already has a draw to it; encourage smaller projects instead of one large mega-project, have a plan for small developers who can build infill projects. These approaches diversify risk and allow room for experimentation.
11. Incentives are often used to entice higher density projects, among these incentives are: increased allowable densities where there is a market; encourage mixed-use higher density projects in areas zoned for commercial uses where increased density may be less controversial; reduce setback and yard requirements; reduce open space requirements and create “urban sized” interesting spaces; be flexible with parking ratios; and expedite the approval processes.

As noted from the discussion of demographic trends above, there is reason to believe that compact, walkable, mixed-use communities and housing will perform well in the future. Young “millennials” and older baby-boomers are moving toward the urban living experience simultaneously. Market realities, especially for housing indicate that urban living is “cool” after decades of suburban flight, that large lot suburban housing may be overbuilt – especially for the aging population of Western New York, and that the rising environmental and monetary costs of energy and

transportation will make living in compact neighborhoods more desirable. The trends discussed above suggest that Amherst may be well positioned for redevelopment and transformation to this form of development.



## **Chapter 3 – Research and Current Practices**

### **3.1 INTRODUCTION**

Amherst's Bicentennial Comprehensive Plan contains several policies and recommendations that formed the basis for amendments to the Town Zoning Ordinance that were intended to encourage and permit higher density and mixed-use development. New zoning districts such as the Traditional Neighborhood Development (TND) and the Planned Development District (PDD) were introduced as floating zones to permit and encourage new-urban forms of development. As Anderson et al. (2005) note, however, simply having mixed-use designated on a plan is not sufficient to get the development community to respond. Additionally, participants at the Redevelopment Summit commented that despite the aforementioned amendments to the Town's development regulations, constraints to mixed-use new-urban development remain.

#### **3.1.1 The Amherst University Town Center**

Recent evidence that these new districts do not sufficiently provide the appropriate regulatory framework for new-urban development was the review and approval of Benderson Development Corporation's University Town Center proposed for the former Gun Club Property on Maple Road. A traditional mixed-use lifestyle center that meets many of the tenets of new-urbanism, the University Town Center project required rezoning from Community Facilities (CF) to General Business (GB) and Multi-Family Residential Six (MFR-6), as the TND and PDD districts were not sufficient. Consideration of this case illustrates challenges to redevelopment that remain in the revised Code.

The first action required for development of the University Town Center project was the rezoning of the property from CF and R-3 to GB and MFR-6, which was initiated in 2007. Based upon pre-development conferences with Benderson representatives, the GB zoning district, requested for the majority of the site, was not the applicant's first choice; other districts were considered but did not fit with the requirements of the proposed development:

- The Traditional Neighborhood Development District (TND) was compatible with the project's purpose and

mixed-use nature, but required a minimum 40 acres which exceeded the 33 acres available. Additionally, the TND did not permit hotel use, an important component of the project.

- The Planned Development District (PDD) included a schedule of required percentages of residential/non-residential uses, which was felt to be overly restrictive.
- The Shopping Center District (SC) allowed all the desired project uses, but the dimensional standards would have constrained the project design.
- Extending the New Community District (NCD) was also considered but would have required re-opening the original UDC contract from the 1970's and unduly complicate the process.

The GB district was selected as the only viable alternative and one that permitted the widest variety of commercial uses, including hotels.

In addition to the standard Code provisions, the Town desired to have input on the layout and design features of the site since this project would be the first mixed-use development in Amherst and be located on a highly visible site. Therefore, the applicant provided a set of Architectural Design Guidelines that included standards for building design, construction, appearance and setting. Specific guidelines stipulated acceptable design of facades and roofs, building materials and color schemes.

The applicant also prepared a Development Agreement for inclusion with the rezoning materials, the purpose of which was to produce a development that complied with the overall mixed-use purpose of the TNB, minus the prescriptive regulations. The Agreement's stated purpose was:

“To provide for a mixed residential-commercial use within GB that has the appearance of a project within the Traditional Neighborhood Development District without limiting this development Project to the “Dimensional Standards” or the “General Development Standards” set forth in Section 5-6 of the Town of Amherst Zoning Law.”

The Agreement did, however, as a result of public input, include its own dimensional requirements by limiting building height and



Proposed building elevations for University Town Center.

total square footage of a single retail user to 50,000 square feet to prevent a “big box” tenant.

The Architectural Design Guidelines and Development Agreement were included with the rezoning approval which was granted in 2008. The project gained site plan approval by the Planning Board in 2009.

Without a clear provision for rezoning that could accommodate the University Town Center project, the applicant, in conjunction with the Town, had to modify the GB district by including supplemental documents that produced the desired outcome. This required variances granted by the Zoning Board of Appeals (ZBA).

This project exemplifies some of the challenges that confront communities seeking to permit new-urban forms of development even with mixed-use zoning districts. To identify constraints posed by the current Ordinance and other development practices, the Planning Department sought the perspectives of subject matter experts (SME) and considered examples of successful developments in other areas. The following sections describe the results of this research.

## **3.2 SUBJECT MATTER EXPERT INTERVIEWS**

In an effort to learn more about the challenges of new-urban development and deficiencies with Amherst’s existing Code, Planning Department staff conducted semi-structured interviews with personnel from the local development community in February 2010. The interviews were conducted at the company offices and generally followed the questionnaire in Appendix B. The following is a summary of responses to several of the questions from the interview questionnaire.

### **3.2.1 Mixed-Use Development**

The purpose of these questions was to learn about specific provisions of the current code that inhibit development of mixed-use and new-urban forms of development the Town is seeking. All of the respondents cited a need for flexible building setbacks, parking, and landscaping requirements to enable more creative site design. Additionally, many of these code provisions that apply to the NB, GB and SC districts actually inhibit or prohibit redevelopment efforts. In many cases buildings and areas that exhibit traditional forms of development cannot be constructed as

such under the existing commercial and mixed-use district in the Zoning Ordinance.

#### Questions

1. In what ways do the current provisions of Amherst's commercial and mixed-use zoning districts inhibit or prohibit development proposals that meet the Town's goals for development and redevelopment?
2. What specific modifications to the Town's commercial development regulations would encourage or ensure that a project is truly mixed-use without prescribing specific types and amounts of uses?
3. Do mixed-use developments require a residential component to be economically feasible and successful?

The developers interviewed recommended the following adjustments.

#### Responses

- Any new districts should be implemented as floating zones that can be requested and considered on a case-by-case basis.
- The uses permitted in the TND district are limited, more flexibility of uses is needed.
- Greater flexibility for site requirements such as parking, building envelope and landscaping could be negotiated through a planned development process associated with zoning districts that are less prescriptive.
- The requirements for new development should not necessarily be the same for a redevelopment project, suggesting a need for a broader programmatic approach to redevelopment beyond modifications to zoning.
- The ability to consider an alternative parking plan provides flexibility, however, its review and approval represents an additional requirement that can prolong decisions on projects; it was recommended to roll this process into a "unified approval process" and specify timeframes within which boards must act on proposals.
- While residential development and a critical mass of people

are keys to creating the vibrancy necessary to support mixed-use developments, they are not necessary components of a project. These projects can rely on nearby residences in close proximity to provide such support.

- The live-work-play concept that is often ascribed to mixed-use and new-urban developments as an important advantage can be difficult to attain. While live-work-play is an important aspect of new-urban development, developers find that some people don't necessarily want to live where they work as the business portions can present nuisances for residents. There are also annoyances to this form of development that make upper-story units more likely to be rentals rather than owned. Offices are also a primary upper-floor use in many mixed-use projects located in the northeast.

### **3.2.2 Density/Intensity**

As with the questions about mixed-use, these questions were intended to learn about what specific provisions of the Zoning Ordinance may be inhibiting higher-density development. The Town's Code currently permits building heights to 65 feet in most of its primary commercial districts (OB, GB, SC, MS), but does not regulate density through other means such as floor-area-ratio (FAR). Bulk and area, parking, and landscaping provisions all influence density and intensity; as with land uses, greater flexibility with these provisions is necessary to encourage higher density and more intensive developments.

#### Questions

1. Higher density/intensity forms of development can be more efficient and sustainable. In what ways does the existing code inhibit or prohibit higher density/intensity forms of development?
2. What specific modifications to the Town's commercial and mixed-use development regulations would encourage or ensure that a project includes high density/intensity elements that are economically feasible?
3. What specific measures of density and intensity (e.g. number of units, floor area ratio, and height) should the Town use to provide architects and engineers with the most flexibility in design of mixed-use projects?

4. What influences do the Building Code and construction techniques have on building height and economic feasibility of higher density development?

The interview participants provided the following insights.

#### Responses

- The maximum allowable height of 65 feet in most of the districts is sufficient. In most projects, height is driven by the intended land uses and costs associated with methods of construction. The economics of building height change between 4 to 5 stories as the materials and methods change from wood frame to steel and concrete.
- Taller buildings and thus higher density may be feasible; however, parking requirements and higher costs of alternative parking methods (underground or structured) often constrain building height. The costs of constructing underground or structured parking are generally 10 and 20 times more expensive than the costs for surface parking spaces, respectively.
- While the Code allows for 65 foot buildings, sometimes the actual height is driven by the concerns of surrounding residents and acquiescence to their wishes. Building height significantly impacts project design and uncertainty over the “acceptable” rather than “permitted” height has deleterious affects on a project.
- Developers must consider the life-cycle of a building and tenant expansions plans in project design. Many office clients want to be able to expand and prefer doing so horizontally rather than vertically. This can make vertical mixing for large tenants difficult.
- Standards for regulations specifying yards, parking and other site considerations should be expressed as minimums and maximums to provide greater flexibility. The parking standards for many communities tend to “over-park” a site as too many spaces are required. The interview participants stated that most tenants know their parking requirements and are not likely to under-park themselves; in many cases prospective tenants specify their minimum parking requirements. Some communities, e.g. Monroe County, have undertaken studies to survey parking use and derive “local” standards to be used for comparison and

consideration as alternatives to national standards. (Monroe County 2007) In another community, the parking required under the ordinance was decreased at the request of a developer and based upon their experiences. A land bank was established to reserve an area that could be used to expand parking to meet the community requirements if the parking provided by the tenant proved inadequate; use of this area has not been necessary.

- Many communities use the floor-area-ratio (FAR) to specify density. Most interview participants indicated no preference for using FAR over other measures such as height or square footage.

### **3.2.3 Pedestrian Oriented Development**

Site design and surrounding context are significant factors in shaping development that is oriented to walking and pedestrian activities. Context is particularly important as new-urban communities should not be planned as self-contained entities, but should blend with their surroundings. While much of Amherst has been developed as an automobile oriented suburb, there are many areas that are walkable and the built environment and characteristics are consistent with contemporarily constructed new-urban communities.

#### Questions

1. What specific elements of the existing commercial and mixed-use districts in the Zoning Ordinance can be altered or augmented to encourage pedestrian oriented elements of design for neighborhood, community, and regional scale centers?
2. In addition to modifying development regulations, what actions can the Town take to encourage development of commercial centers that are accessible to alternative modes of travel that include walking, bicycling, and use of public transportation?

Interviewees recommended that the Town focus its efforts on maintaining its existing walkable areas; most are located in established areas south of Sheridan Drive, and target specific areas for efforts to create new walkable communities, other responses follow.

#### Responses

- Sites close to trails and neighborhoods with extensive sidewalk networks would be good locations for new-urban developments.
- The first 16 feet of a building are within the pedestrian realm and this is a space to ensure that building characteristics are oriented to passers-by. Building fenestration is particularly important as windows, doors and other openings create interesting spaces and experiences for pedestrians.
- Parking does not have to be located in the front of buildings, so long as motorists are able to identify where parking is available and how to access those areas. Providing a small number of parking spaces that are visible from the street and lead to a larger lot is a method of preserving the street side block face and creating safer walking areas.

### **3.2.4 Other Related Issues**

In addition to the questions above, the interviews also included several questions that explored other considerations for new-urban forms of development, these are discussed below.

#### **Question**

1. What economic factors and thresholds influencing the design and construction of commercial centers should the Town consider as it modifies or augments the existing commercial and mixed use zoning districts?

#### **Responses**

- The primary economic factors that affect commercial development are parking, landscaping and yard requirements. Developers need to have firm expectations for these requirements and how they will be enforced as they design a project. Subjective enforcement of design guidelines and code provisions result in uncertainty and risk that developers may not be willing to assume. Communities need to strike a balance between providing guidance and offering flexibility for design. Many recommend a process oriented, planned development approach that affords flexibility to establish and reach agreement on site design. One interview participant recommended the use of performance measures or

objectives rather than strict percentages as an approach to guiding development.

- Many mixed-use projects in Upstate New York feature public financing and land assembly to support private/institutional partnerships that are critical to economic feasibility because it assures developers of a steady source of revenue. This is an arrangement has been a key for UB and developers involved with the downtown medical campus.
- Redevelopment incentives and regulatory flexibility should be targeted to specific areas where the community wishes to encourage such activity. The boundaries of these areas should also be flexible. Communities should be prepared to accept “net improvements” to an area and not get hung-up on “fixing” an entire area. Successful projects often provide momentum for other projects that contribute to overall success.

#### Question

2. Contemporary large scale mixed-use commercial centers (several examples were enclosed with an interview guide sent in advance to participants) are being designed as planned developments. In what ways could Amherst modify its regulations and development processes to encourage/accommodate this form of development?

#### Response

- An efficient one-stop development review process including zoning, site plan, variances and other authorizations would be helpful, development-by-right provisions within a planned development process would be beneficial.

#### Question

3. Many communities are using “form-based” codes to regulate development/redevelopment of commercial centers at all scales. What experiences do you have with such codes? What insights would you impart to the Town as it considers using form-based or similar provisions in its code?

#### Responses

- Form-based codes are generally supplemented by design guidelines that often vary in their level of detail and application. Some developers find that these are too restrictive and can have a detrimental affect on the economic feasibility of projects; though negotiated guidelines are better. Guidelines can be suggestive and helpful in narrowing points of contention or communicating community expectations.
- Several participants noted that the composition and personalities of municipal boards, including planning and zoning, strongly influence their approach to project feasibility and design. Form-based codes can allow for significant flexibility, however developers are often wary of how boards may use that flexibility to make changes to site design that can render them economically infeasible.

#### Question

4. Lifestyle Centers have been developing across the United States over the last decade, will this form of development continue as a dominant model of mixed-use commercial center? What other models are emerging that might influence how Amherst's development regulations might be altered to maintain their relevance as trends evolve or emerge?

#### Responses

- None of the participants foresee much potential for development of additional lifestyle centers within Amherst. The exclusive nature of the tenants they attract and added expense of building features and amenities generally limit their economic feasibility.
- Lifestyle centers remain a viable model of retail development in a suburban environment, not in urban places.
- The interview participants generally agreed that higher-density mixed-use forms of development will continue to grow in popularity. They also noted that density can be worrisome for people and that developers and the community need to be prepared to help alleviate these concerns through education and negotiation.

The following are other responses not associated with specific

questions:

- Many developers employ an approach to site design that is consistent with the flexibility that is typical of contemporary new-urban practices. Town adoption of more flexible code provisions and review processes would be consistent with this practice.
- The town needs to continue and even expand its use of financial incentives such as the 485-B zones to make higher density mixed-use developments feasible.
- With a resurgence of interest in “urban” living and lifestyles Amherst will be competing with the City of Buffalo for people who are seeking to live in such places. The City has an obvious advantage as it already has buildings and places that attract interest in this form of development. Amherst must be thoughtful about the location and quantity of such development, allowing for market forces to help determine the pace and location of these projects. Planners and municipal officials need to be aware of the “leverage” they have with development. Western New York is not always the most attractive location for national firms and tenants; this affects a community’s ability to influence building design, materials and other features that may be desired.
- The willingness of lenders in Upstate and Western New York to finance mixed-use development is growing. Alternatively funding for “single-use buildings” is becoming more difficult to obtain and stand alone buildings are becoming less desirable as investments.

### **3.3 MIXED-USE DEVELOPMENT CASE EXAMPLES**

There are several examples of higher-density mixed-use commercial developments throughout the United States that provide useful experiential information for consideration. Planning Department Staff identified exemplary projects at various scales in other communities. Staff contacted planning and zoning officials in the corresponding communities to learn about the development regulations and practices that lead to these successful projects. The Table below compares the population and household income for the communities discussed below. Site plans are provided in Appendix C.

<b>Community</b>	<b>Total Population (persons)</b>	<b>Median Household Income (\$)</b>
Amherst, NY	120,065	64,216
Austin, TX	746,835	51,004
Park Ridge, IL	38,448	91,674
Pittsburgh, PA	295,988	34,834
St. Louis Park, MN	44,106	56,231
Westlake, OH	31,356	69,641

Source: United States Bureau of the Census: 2006-2008 American Community Survey 3-Year Estimates

### 3.3.1 Small-Scale

#### **Uptown Park Ridge, Park Ridge Illinois** (northwest of Chicago) Mixed-use development

- Site Area: 5.5 acres
- Retail space: 80,000 SF
- Residential: 189 units (165 condominiums and 24 rowhouses)
- Parking: 550 spaces below grade – constructed by developer, owned by the City
- Transit: Walking distance to commuter rail station (service to Chicago)



Project background: The City purchased two auto dealerships and lands over an existing municipal underground water reservoir for this site. An initial redevelopment concept was prepared as part of a downtown master plan and a TIF district was established. The City engaged a planning and development firm to prepare a detailed plan concept and development guidelines, test the plan’s market and economic feasibility, and solicit developers. A number of issues related to height, design, materials, uses, and traffic flow were addressed through the concept plan. An RFP/Q for developers was issued. Proposals were evaluated by City staff and consultants in accordance with planning, design, and financial objectives. The project also required negotiation of a redevelopment agreement that focused on delineating public/private portions of the site.

Development regulations: The project site was identified in the City’s Comprehensive Plan (2002) as one of four “target areas” with detailed recommendations. The site was the top priority for new mixed-use development and it was recommended to be the focus of the City’s initial redevelopment efforts. Illustrative plans were developed as part of the Comprehensive Plan. The development of the project was guided by the Redevelopment Agreement and not a specific zoning district.

### 3.3.2 Medium-Scale

#### **Excelsior and Grand, St Louis Park, Minnesota**

(southwest of Minneapolis)

Mixed-use development



Site area: 16 acres  
 Retail space: 88,000 SF, 16 small scale establishments, largest Trader Joes ~ 15,000 SF  
 Residential: 644 units  
 Parking: 1,090 spaces surface and structured  
 Transit: Bus and transit available nearby  
 Project Cost<sup>1</sup>: \$150 million, 20% public

Project background: Located approximately 5 miles southwest of downtown Minneapolis and 3 miles off I-35W, the site was the location of blighted single-use properties. This is a mixed-use development with no regional tenants and may be the first LEED designed Neighborhood development in the Country. This was a complicated redevelopment project involving public financing (the City uses TIF for many projects) from several sources. The project was initiated by the City in 1996 through a series of public charrettes and other participatory activities to define a vision and sketch out a plan for the area. The project was completed in 2007 and the City Planning Director indicated that the review process for this and other redevelopment projects can be long (years).



The community and developers were accustomed to working through planning and zoning for these areas. The Comprehensive Plan includes mixed-use as a category; however there is no mixed-use development “by-right.” Development proposals for these areas are reviewed as planned developments and the City often writes code to fit the development request during the review process. The Plan may also be amended if appropriate. The proposal and review process began with visioning sessions where

stakeholders defined design and parameters of the “customized code”. In redevelopment projects the City often calls a “time-out” on a project and work through the planning process with the developers and neighbors to establish design guidelines and other factors such as density, and art in public places. The community also had to work out some issues related to street width to allow vehicular access for trash trucks and delivery vehicles.

Development regulations: The Comprehensive Plan projected mixed-use for the area. The City developed a floating mixed-use zoning district in its ordinance based on new-urban principles that regulates mixing of uses and density/intensity. Mixed-use projects are not allowed by right and the City requires such projects to undergo planned development review with formulation of a development agreement and approval by the City Council. The development review agreement becomes the regulating document.

### 3.3.3 Large-Scale

#### SouthSide Works, Pittsburgh, Pennsylvania

Mixed-use, Town/Village Center

Site Area: 37 acres  
Retail space: 288,143 SF (35%)  
Office space: 524,860 SF, Class A (65%)  
Residential: 83 units  
Parking: 2,426 spaces  
Transit: Bus  
Project Cost<sup>1</sup>: \$208,700,000

Project background: Constructed on the site of a former steel mill a few miles east of Fort Pitt along the south side of the Monongahela River and approximately 1 mile from the intersection of I-376 and the Birmingham Bridge, South Side Works represents a successful brownfield redevelopment project with significant public and private financing. The City’s Urban Redevelopment Authority (URA) maintains a stake in oversight and ownership, continuing as a partner with private interests. The site required major remediation efforts and infrastructure investments. The centerpiece of the public financing of the project was a TIF Plan that generated \$25 million in proceeds. All taxing interests, the City, County and school district participated in the TIF Plan. Private investment in this project is estimated at \$250 million.

Development regulations: The development of this project was



guided by the City of Pittsburgh Zoning Ordinance under its Urban Neighborhood Commercial District (UNC). The provisions of this Ordinance and the district are similar to other “Euclidean” based codes, with specific regulations and standards guiding development. There was little design guidance provided beyond density, bulk, massing and parking standards.

**The Domain, Austin Texas** (northwest of downtown Austin)  
Mixed-use lifestyle center

Site Area: 57 acres  
Retail space: 700,000 SF  
Office space: 75,000 SF, Class A  
Other: Westin Hotel  
Residential: 390 units  
Parking: Primarily surface parking  
Transit: Bus



Project background: The initial Domain development site consists of 57 acres and stands on the former site of Century Oaks Park, a multi-purpose facility for IBM employees and their families. It is built upon a site located along the Mo-Pac Expressway approximately 5 miles west of I-35. The zoning on the site was major industrial-planned development (MI-PDA). This mixed-use component, a lifestyle center (57 acres) is comprised of regional scale retailers (Macy’s and Neiman Marcus) anchoring a Main Street with several buildings along the street front housing first floor commercial uses and upper floor Class A office space and apartment units. The development also includes a Westin Hotel. When fully developed, the Domain development is projected to have a commuter rail connection to downtown and other communities to the north. Within a decade, more than 6,000 residents and 17,500 employees are projected to live and work at the complex.

Development regulations: The project was reviewed through a planned development approach that was used to prepare a conditional zoning overlay district that became the basis for the project approved by the City Council. The overlay only applies to the project site. The City has nearly 80 overlays that are related to specific developments throughout Austin. The City’s Comprehensive Plan, approved in 1975, does not provide much guidance for this type of development; an update to the Plan is currently underway.

**Crocker Park, Westlake, Ohio** (west of Cleveland)  
Mixed-use, Town/Village Center

Site Area: 75 acres  
Retail space: 610,000 SF (73%)  
Office space: 225,000 SF, Class A (27%)  
Residential: 368 units  
Parking: 3,039 spaces (includes 2,394 structured parking spaces)  
Transit: Bus  
Project cost<sup>2</sup>: \$480,000,000

Project background: Located approximately 15 miles west from downtown Cleveland and less than one mile off the I-90. The City of Westlake is mostly built-out and has high average household incomes, but is generally underserved by retail services. The project was integrated with an existing automobile-oriented retail center that was built in 1992 and remains to the north. “Crocker Park is very different from a mixed-use point of view,” says Christopher Noble, vice president of Stark Enterprises. Noble points out that Crocker Park is not a lifestyle center, but a mixed-use suburban town center. “We basically are building the city’s desire for a mix of uses with pedestrian connectivity.” Voters in the City of Westlake were generally in favor of Crocker Park, and approved a referendum to allow mixed-use development on the site. The key design features of Crocker Park are its Main Street and Crocker Park Boulevard, two streets that offer good traffic circulation as well as on-street parking. A roundabout at the intersection of the two streets allows the western half of Crocker Park Boulevard to be closed for street festivals or farmers’ markets. (Newberg 2004) The development also features four separate parking structures.

Development regulations: Initiated in the mid-1990’s, development of mixed-use projects such as Crocker Park were not permitted under the community’s traditional, or “Euclidean” zoning ordinance. Crocker Park was rezoned to Planned Unit Development (PUD) and was developed using a PUD process. To ensure that land use was balanced within the development, an agreement with Stark Enterprises specified use ratios that limit retail and residential uses for each phase to 35% and 50% respectively. The Crocker Park PUD is also governed by two design documents: 1) Design Guidelines – Mixed Use Area of Crocker Park; and 2) Sign Criteria and Master Sign Plan. These documents provide an extensive set of form-based guidelines and a



design manual that regulates buildings and development allocations; architectural styles, parking, streetscape, storefronts and other features. New storefronts and signs in Crocker Park are approved by the City and must comply with the design documents.

-----  
1 – Cost data provided in ULI (2008)

2 – Cost data from:

[http://retailtrafficmag.com/management/casestudy/retail\\_community\\_think\\_050](http://retailtrafficmag.com/management/casestudy/retail_community_think_050)

1/



## Chapter 4 – Comprehensive Plan & Zoning Assessment

### 4.1 INTRODUCTION

In order to identify consistencies and inconsistencies between stated intentions, accepted principles, and actual zoning practices, a comprehensive assessment was completed of the Town's Comprehensive Plan and its development regulations. This assessment, summarized in Appendix D, consisted of the following steps:

1. *Determining assessment scope and content:* The assessment consisted of reviewing the Bicentennial Comprehensive Plan, Zoning Code, and Subdivision Regulations. Specific zoning districts reviewed included: the General Business (GB) Shopping Center (SC), and Traditional Neighborhood Development Districts; Planned Development District (PDD); and the Traditional Neighborhood Business District (-TNB).
2. *Developing review criteria:* Two sources were used to develop the criteria – the Smart Growth Audit Checklist (Morris 2009 33-39) and elements of New Urban zoning (American Planning Association 2004 12-23). These criteria represent a series of principles that characterize successful town center and higher-density, mixed-use, developments. The assessment table also contains commentary and principal rationales for each of the criteria.
3. *Comparing documents with assessment criteria:* An assessment was made of each of the criteria and the extent that each is met by the Town's Plan and development regulations. Where appropriate, the individual districts under review were assessed separately.
4. *Summarizing findings:* Conclusions from the assessment will help guide what zoning modifications are necessary; these are summarized below.

## 4.2 FINDINGS

Mixed-use zoning can be accomplished through a variety of types of districts, including: Planned Unit Development, an Overlay District, and a By-Right District. Each of these types is currently included in the Town's Zoning Code and was reviewed as part of this assessment.

The Planned Development District (PDD) is a Planned Unit Development approach. The advantages of such an approach is that it is location specific and it can be less threatening than by-right districts that affect properties town-wide and it can be written to meet specific site requirements. The disadvantages include high administrative review requirements and possible application to only a specifically designated area. In general, the PDD district is structured to include few specific standards, but rather, a number of general development standards that are intended to promote flexibility and a variety of physically and functionally integrated land uses (Atlanta Regional Commission 13-14). The prescribed mix of uses may limit the district's application, however, and its development standards may not fully address the desired characteristics of a mixed-use center.

The Traditional Neighborhood Business overlay district (-TNB) was also reviewed. As an overlay district, it has the advantages of not changing existing development rights and the ability to be reused in other areas. A disadvantage is it can be more difficult to interpret (Atlanta Regional Commission 13-14). While the -TNB overlay district is intended to be used in older commercial areas and smaller redevelopment sites, some of its components, such as the building design requirements, may be useful to consider in drafting regulations for larger sites.

The General Business (GB), Shopping Center (SC), and Traditional Neighborhood Development (TND) districts are all By-Right Districts, which means they each detail uses and standards that apply, by-right, to all properties with that zoning designation. The advantages of by-right zoning are they are easier to interpret, can apply town-wide, and can be specifically tailored. The disadvantages are they can be procedurally challenging (especially if updating existing zoning that is widely distributed across the community) and they are not effective if a new a by-right district is created and properties are not rezoned under that designation (Atlanta Regional Commission 13-14). The GB and SC districts do permit a mix of uses, including upper-story residential, but have a number of requirements, such as large setbacks, that make it



Open and public spaces take a variety of forms in mixed-use centers, such as boulevards, plazas, greens, and parks (Urban Land Institute 2008).

difficult to develop a higher-density center. The TND district also permits a mix of uses, including a number of housing types. Like the PDD district, it also prescribes a certain mix of uses which is heavily weighted towards office and residential use, and may therefore be of limited application.

Additional findings, by category, are described below:

#### **4.2.1 Density**

- The current regulations governing lot coverage, yards, minimum parking requirements, and open space likely preclude higher-density development. Options for zoning revisions to address these issues include:
  - Relax yard requirements, including the large setbacks required for yards abutting specific streets, such as Sheridan Drive.
  - Flexible open space and internal landscaping requirements.
  - Lower parking requirements.
  - Require minimum densities, through the use of minimum building height, minimum FAR or residential units per acre.
  - Offer density bonuses for mixed-use.

#### **4.2.2 Land Use**

- Regulations to achieve a true mix of uses – uses that are integrated, balanced, and mutually-supportive – can be challenging for several reasons. First, requirements for a specific mix of uses have only been somewhat successful, as firm targets for mix percentages do not respond well to changing market circumstances. Second, not all mixed-use centers are created equal. Depending on location, context, and market conditions, a mixed-use center may have a greater focus on, for example, office or residential uses. Mix percentages do not account for variations in the types of mixed-use centers. Both the PDD and TND districts require a specific mix of residential, public and civic, office, and commercial uses. Comparing these requirements with those of several of the case studies indicates that the required percentages would not permit the development of centers of this type. The required percentages could be revised. A more flexible approach to encourage a mix of uses would be to use a density bonus incentive. The overall goal of requirements or incentives for

mixed use is to ensure that a development is being designed to take advantage of the benefits mixed-use offers.

- While permitting a mix of commercial uses, the Zoning Code lists uses in detail, differentiating, for example, between different types of retail by the product they sell. A more effective and flexible approach may be to group uses by category (i.e. “retail”), as is done in the PDD district, or for maximum flexibility, list only uses that are prohibited.
- Another issue crucial to the success of mixed use centers is the degree of integration of the district. For example, multiple uses may be provided on a site, but if they are not easily accessible by multiple transportation modes, either because of the lack of connections, large distances, or barriers (such as walls, berms, or fences), then the site will not function as an integrated mixed-use center. The issue of integration could be better addressed through various site and building design requirements or performance standards, for example, by limiting the use of internal buffers, such as fences.
- Both the TND and PDD districts have requirements for housing. Residential is clearly an important component of many mixed-use centers, however, it may not be required in all types of centers (such as an entertainment/retail complex) or if residential is located in close proximity. Providing incentives may also be an option if housing is provided. Also, maximum residential densities should be reviewed and possibility increased, as these may act as a disincentive to providing housing.
- Active ground floor uses, such as retail and services should be required where appropriate, as is the case for the –TNB overlay district.

### **4.2.3 Infill and Redevelopment**

- Except for the –TNB overlay district, which was specifically drafted for use on small, infill and redevelopment sites in older commercial areas, the districts under review contain dimensional requirements that would limit their use on smaller sites. Minimum district sizes may not be necessary.

#### 4.2.4 Open Space and Natural Resources

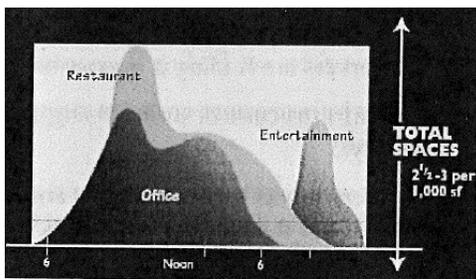
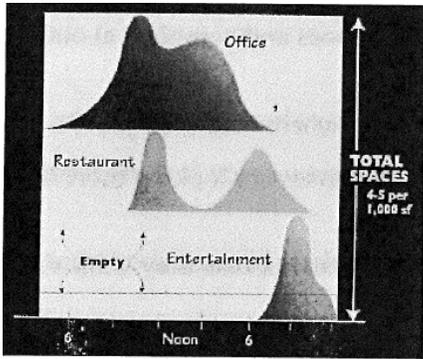
- Open and public space that is well integrated with adjacent uses is typically a central feature of successful mixed-use centers. The districts reviewed generally did not account for this type of open space. The PDD district, while it does require a large amount of open space, includes a series of standards that may not fully account for the types of open and public space typically observed in mixed-use centers.
- Additionally, landscaping options for urban-settings, including the provision of street trees, needs to be addressed.

#### 4.2.5 Housing

- The assessment indicated that the Zoning Ordinance permits (not requires) a wide mix of housing types in both the PDD and TND districts.

#### 4.2.6 Transportation

- Because of their importance as an organizing element in shaping the public realm and creating a sense of place in mixed-use centers, streets (as well as the resulting blocks) are typically carefully designed. The Town's street standards should be reviewed for their application in a mixed-use setting. For example, the minimum sidewalk width could be increased in pedestrian-oriented settings and standards for on-street parking could be provided.



#### 4.2.7 Parking

- Because minimum on-site parking requirements have a direct effect on the amount of density permitted on a site, minimum parking requirements should be reduced wherever possible. This is especially important when there is a mixing of uses that have varying times of parking demand and as a result, can share parking. The –TNB overlay district reduces requirements for a number of uses and the TND district provides maximum parking ratios. In addition, the alternative parking plan is an option in all districts, which provides a

Due to variances in the time of peak parking demand, a mix of uses can result in less overall parking being needed (Atlanta Regional Commission 3).

means of achieving a lower parking requirement. Options for revising parking requirements include:

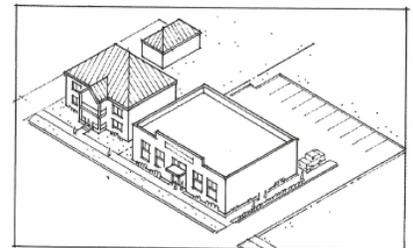
- Reducing minimum and/or providing a maximum parking requirement for specific uses, or providing a range of required parking.
  - Differentiating parking requirements further by use. For example, different types of retail may have different parking demands.
  - Streamlining the alternative parking plan process and/or permitting by-right certain reductions allowed by the alternative parking plan (i.e. on-street or shared parking).
- Other considerations that are not fully covered in the Zoning Code include prohibiting parking in front of buildings and clearly articulating the requirements for pedestrian connections in parking lots.

#### 4.2.8 Building and Site Design

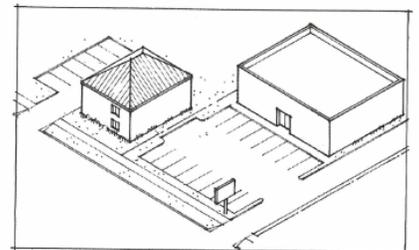
- High-quality building design adds to the sense of place of a mixed-use center and encourages pedestrian activity. While there are currently a number of building design standards in the Zoning Code, additional standards may be appropriate. Such standards should not dictate a specific architectural style or be subjective in their application, but rather, focus on specific elements, such as: location of entryways, amount of blank wall permitted, amount of windows (building “transparency”) required, and the ratio of building height to street width. A model may be the –TNB overlay district, which proscribes a series of building standards intended to result in buildings that promote pedestrian activity.
- Several site design issues are either not addressed, or addressed incompletely, by the Zoning Code, such as the use of build-to-zones and maximum permitted block length.

The findings of this assessment and the approaches to revisions discussed above and in Appendix C indicate that there are several courses of action the Town may consider for amending the Comprehensive Plan and Zoning Ordinance. Tasks 3 and 4 of the Scope-of-Work involve formulation of proposed amendments to address the findings. Among the options under consideration will be amending the existing Plan and Code provisions; introducing

**COMPATIBLE STREET FRONTAGE**



**INCOMPATIBLE STREET FRONTAGE**



Site characteristics, such as the location of off-street parking, have an important effect on the resulting character and functionality of a development (APA 2004 23).

new forms of Code provisions, such as a larger-scale commercial overlay or form-based approach with design guidelines; and/or implementation of a planned development approach or option for existing commercial and mixed-use districts.



## References

Anderson, B. R. Brosnan, P. Kennedy and C. Bise. 2005. *The Economics of Density*. Presentation at the National American Planning Association Conference March 19-23 2005. San Francisco, CA.

Atlanta Regional Commission. *Quality Growth Toolkit: Mixed-Use Development*. Available at:  
[www.atlantaregional.com/local-government/local-planning/best-practices](http://www.atlantaregional.com/local-government/local-planning/best-practices)

American Planning Association. 2004. *Codifying New Urbanism: How to Reform Municipal Land Development Regulations*. Planning Advisory Service Report 526. Washington, D.C.: American Planning Association.

American Planning Association and Sendich, E (Ed). 2006. *Planning and Urban Design Standards*. Hoboken, NJ: John Wiley and Sons.

Chilton, K. 2004. *Greyfields: The New Horizon for Infill and Higher Density Regeneration*. Louisville, KY: Center for Environmental Policy and Management.

Congress for the New Urbanism. 1996. *Charter of the New Urbanism*. Available at: <http://www.cnu.org/charter>.

Congress for the New Urbanism. 2005. *Malls into Mainstreets*. Chicago, IL: Congress for the New Urbanism.

Dunham-Jones, E. and J. Williamson. 2009. *Retrofitting Suburbia*. Hoboken, NJ: John Wiley & Sons, Inc.

Mandelker, D. 2007. *Planned Unit Developments*. Planning Advisory Service Report 545. Washington D.C.: American Planning Association.

Miller, J. 2009. *Emerging Trends in Real Estate 2010*. Washington, D.C.: Urban Land Institute (ULI) and Price Waterhouse Cooper.

Monroe County. 2007. *Statistical Analysis of Parking by Land Use*. Rochester, NY: Monroe County Department of Planning and Development.

Morris, M. 2009. *Smart Codes: Model Land-Development*

*Regulations*. Planning Advisory Service Report 556. Washington, D.C.: American Planning Association.

Newberg, S. 2004. "Town centers open around the US". *New Urban News*, December 2005. Available: [www.newurbannews.com/TownCentersDec04.html](http://www.newurbannews.com/TownCentersDec04.html).

Rouse, D. and N. Zobl. 2004. "Form-Based Development Codes". *Zoning Practice*. Washington, D.C.: American Planning Association (APA).

Schmitz, A. and J. Scully. 2006. *Creating Walkable Places: compact Mixed-Use Solutions*. Washington, D.C.: The Urban Land Institute (ULI).

Schwanke, D. 2003. *Mixed use Development Handbook (2<sup>nd</sup> Ed)*. Washington D.C.: The Urban Land Institute (ULI).

Steuteville, R. and P. Langdon. 2009. *New Urbanism Best Practices Guide (4<sup>th</sup> Ed)*. Ithaca, NY: New Urban News Publications.

Spigel, M. and V. Kasen. 1984. *Encyclopedia of Community Planning and Environmental Management*. New York NY: Facts on File Publications.

Strungys, A. 2008. "The Five Steps to a Hybrid Code". *Zoning Practice*. Washington, D.C.: American Planning Association (APA).

Urban Land Institute. 1999. *Shopping Center Development Handbook*. Washington, D.C.: Urban Land Institute.

Urban Land Institute. 2007. *Ten Principles for Designing Successful Town Centers*. Washington, D.C.: Urban Land Institute.

Urban Land Institute. 2008. *Creating Great town Centers and Urban Villages*. Washington, D.C.: Urban Land Institute.

## **Appendix A**

### **Definitions**

**Building height**<sup>1</sup> – The vertical distance from the finished grade line at the foundation to the highest point of the roof.

**Density**<sup>1</sup> – a ratio of population, residential units or floor area of development to a unit of land area, such as a square mile, hectare or acre. Zoning ordinances generally establish maximum residential densities – i.e. number of residences per acre as well as floor area ratios for other parts (generally non-residential) of a development.

**Euclidean zoning**<sup>1</sup> – A shorthand way of referring to a zoning ordinance of the type approved by the US Supreme Court in a landmark case: Village of Euclid v. Ambler Realty Co. The term refers to ordinances that are divided among use districts of increasing intensity (e.g. ranging from residential to industrial). The uses permitted in each district can be cumulative.

**Floor area ratio**<sup>1</sup> – The ratio between the amount of floor area permitted to be constructed on a building lot and the size of the lot. Floor area ratio is intended to regulate bulk while allowing a developer certain freedom to decide the height of a building and its placement on the lot.

**Lifestyle center**<sup>2</sup> – A shopping center or mixed-used commercial development that combines the traditional retail functions of a shopping mall with leisure amenities oriented towards upscale consumers. Lifestyle centers, which were first labeled as such by Memphis developers Poag and McEwen in the late 1980s and emerged as a retailing trend in the late 1990s, are sometimes labeled "boutique malls". They are often located in affluent suburban areas.

**Minimum lot size**<sup>1</sup> – A zoning ordinance provision that specifies the minimum size that a building lot must be for a building to be constructed legally at the site. Many communities will have a range of residential zoning districts with a commensurate range of minimum lot sizes.

**Tax increment financing (TIF)**<sup>3</sup> – A financing technique that allows a local government or redevelopment authority to target a group of contiguous properties for improvement – a TIF district – and earmark any future growth in property tax revenues in the

district to pay for initial and ongoing improvements there. The growth in tax revenue is the tax increment.

-----  
Endnotes

1 - Spigel, M. and V. Kasen 1984

2 - [http://en.wikipedia.org/wiki/Lifestyle\\_center\\_\(retail\)](http://en.wikipedia.org/wiki/Lifestyle_center_(retail))

3 - American Planning Association and Sendich, E (Ed) 2006

## **Appendix B**

### **Developer Interview Guide**

#### Commercial Zoning Subject Matter Expert Interview Guide

This Guide provides background material from the Town's Comprehensive Plan and sample questions to assist with preparation for an interview. Excerpts from the Plan and current Zoning Ordinance are also enclosed for fuller consideration. Complete copies of the Town's Plan and Zoning Ordinance are available on the Town's Website at: [www.amherst.ny.us](http://www.amherst.ny.us); use the keywords "*comprehensive*" and "*zoning*" to access the corresponding Web pages.

There are currently several older and obsolete commercial centers in Amherst with potential for redevelopment using contemporary design approaches such as new urban principles, lifestyle centers, neighborhood/village centers. The Comprehensive Plan proposes mixed-use and higher density forms of development as a means of improving the built form and sustainability of commercial centers as they mature and evolve. Following are selected Goals, Objectives and policies from the Comprehensive Plan addressing commercial and mixed-use development/ redevelopment, associated page numbers from the Plan are listed.

#### Overall Land Use Goal (p.17)

- An interconnected mix of land uses that includes revitalized older neighborhoods and commercial corridors, quality new development, vibrant activity centers, agriculture and green spaces throughout the community.

#### Selected Objectives (p. 17)

- Promote the development/redevelopment of walkable higher density, mixed-use centers surrounded by lower density development.
- Encourage reinvestment in older neighborhoods and commercial corridors in Amherst.

#### Selected Policies

- 3-1. Expand provisions and incentives for mixed-use development in designated activity centers. (p. 17)
- 3-2. Encourage compact, pedestrian-friendly development through planned residential options, including but not limited to neo-traditional design. (p. 19)

- 3-9. Rezone and/or provide incentives for reuse of underutilized/obsolescent properties for economically viable uses. (p.27)
- 3-10. Tailor commercial zoning districts to the unique physical characteristics of older commercial areas in need of revitalization. (An important recommendation of the Plan is to promote revitalization of Amherst’s older commercial areas is to replace the “one-size fits all” General Business district...) Specifically the Plan recommends that new zoning classifications address the following: (p. 28)
  - Mixed-uses such as residential over ground floor retail or office and live-work structures
  - Design standards to promote pedestrian friendly development
  - Reduced parking requirements through shared arrangements or credits

The interview with Town staff will be conducted in a semi-structured format; following are sample questions that will be explored. Most will be open-ended questions that are likely to result in discussion of related issues; participants will be free to address other issues that will assist the Town with this initiative.

### **Mixed-use**

1. In what ways do current provisions of Amherst’s commercial and mixed-use zoning districts inhibit or prohibit development proposals that meet the Town’s goals for development and redevelopment?
2. What specific modifications to the Town’s commercial development regulations would encourage or ensure that a project is truly mixed-use without prescribing specific types and amounts of uses?
3. Do mixed-use developments require a residential component to be economically feasible and successful? What proportion of a development should be residential, commercial, or office? How are these proportions determined?

### **Density/Intensity**

5. Higher density/intensity forms of development can be more efficient and sustainable. In what ways does the existing code inhibit or prohibit higher density/intensity forms of development?
6. What specific modifications to the Town's commercial and mixed-use development regulations would encourage or ensure that a project includes high density/intensity elements that are economically feasible?
7. What specific measures of density and intensity (e.g. number of units, floor area ratio, and height) should the Town use to provide architects and engineers with the most flexibility in design of mixed-use projects?
8. What influences do the Building Code and construction techniques have on building height and economic feasibility of higher density development?

### **Pedestrian Oriented**

1. What specific elements of the existing commercial and mixed-use districts in the Zoning Ordinance can be altered or augmented to encourage pedestrian oriented elements of design for neighborhood, community, and regional scale centers?
2. In addition to modifying development regulations, what actions can the Town take to encourage development of commercial centers that are accessible to alternative modes of travel that include walking, bicycling, and use of public transportation?

### **Related Issues**

1. What economic factors and thresholds influencing the design and construction of commercial centers should the Town consider as it modifies or augments the existing commercial and mixed use zoning districts?
2. What design and construction standards do you recommend be used to regulate commercial and mixed-use site and building features such as: lot area, lot width, setbacks and

yards, building height, building separation, parking, landscaping, and storm water management?

3. Contemporary large scale mixed-use commercial centers (see enclosed examples) are being designed as planned developments. In what ways could Amherst modify its regulations and development processes to encourage/accommodate this form of development?
4. Many communities are using “form-based” codes to regulate development/redevelopment of commercial centers at all scales. What experiences do you have with such codes? What insights would you impart to the Town as it considers using form-based or similar provisions in its code?
5. Lifestyle Centers have been developing across the United States over the last decade, will this form of development continue as a dominant model of mixed-use commercial center; what other models are emerging that might influence how Amherst’s development regulations might be altered to maintain their relevance as new trends evolve or emerge?

## Appendix C – Case Study Site Plans

### 1. Uptown Park Ridge, Park Ridge, Illinois



### 2. Excelsior and Grand, St. Louis Park, Minnesota



### 3. SouthSide Works, Pittsburgh, Pennsylvania

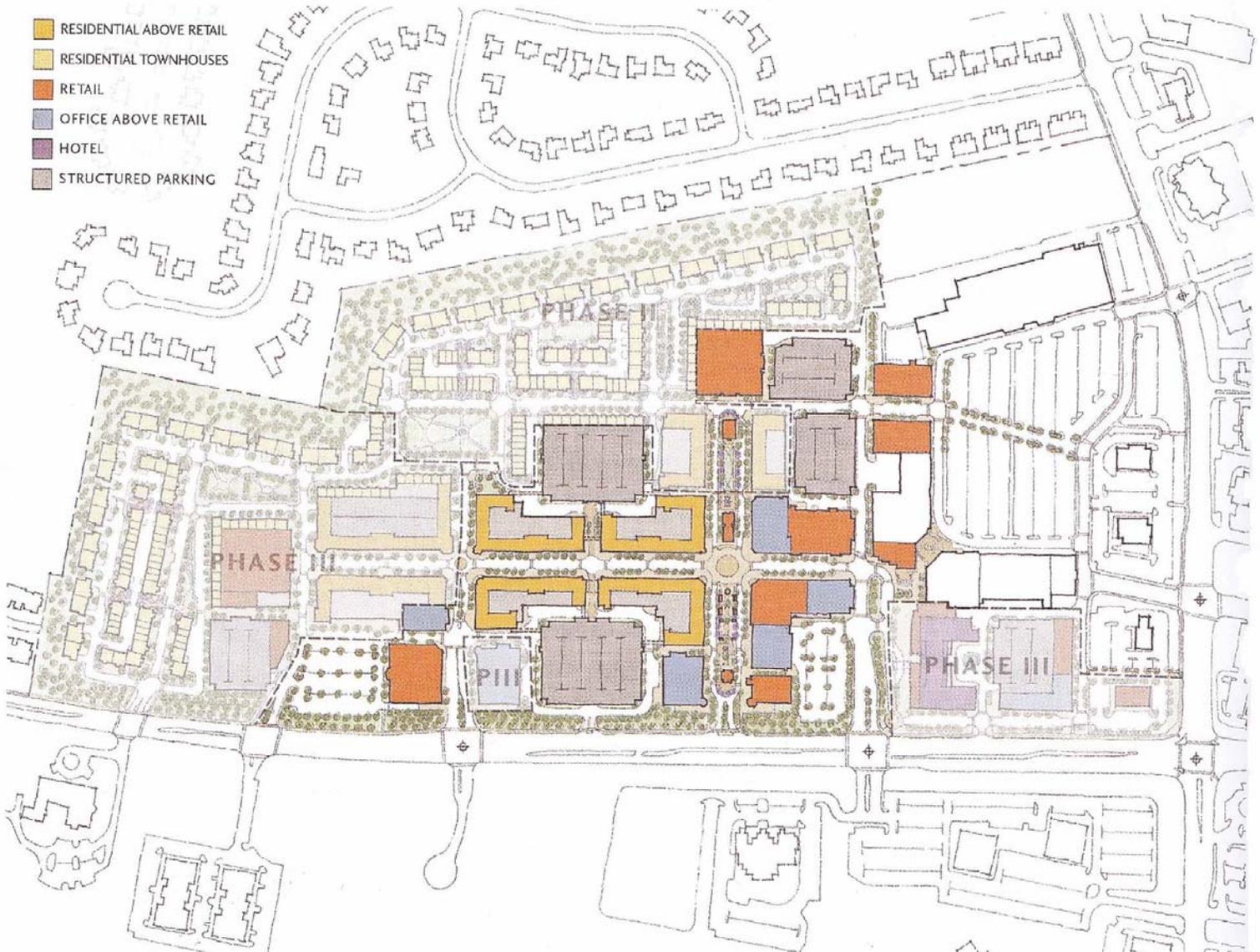




5. Crocker Park, Westlake, Ohio

# Crocker Park

WESTLAKE, OHIO  
[www.crockerpark.com](http://www.crockerpark.com)



**Appendix D: Analysis of Comprehensive Plan and Land Use Regulations**

Plan / Code Characteristic	Document	Yes	No	Mixed	Comments
<b>Direction of Growth</b>					
<i>Commentary: Efficient land use means that undeveloped land within built-up areas should be used rather than left vacant as it saves on the consumption of land at the urban fringe and often can make use of existing infrastructure (e.g., roads, water and sewer line capacity, etc.). Local governments cannot be smart about infill development unless they have provided an inventory of vacant lands that can serve as infill development sites. A land use plan is smart when it studies the capacity of infill land, determines the capacity of that land for new residential units and commercial square footage, and poses policies, strategies, and regulations supportive of development on infill sites.</i>					
Do land-use policies favor an inward "direction of growth" toward existing developed areas (where such areas exist), that is higher-density, mixed-use, and pedestrian-friendly, instead of promoting or favoring new development on the fringe of developed areas (i.e., "greenfield")?	Comprehensive Plan	<b>X</b>			A number of goals, policies, and objectives are identified in the Town's Comprehensive Plan that promote an inward "direction of growth" and that emphasize higher-density, mixed-use development in existing developed areas. The Plan also recognizes the need to promote reinvestment in the Town's older commercial centers. Specific policies addressing these issues include: 3-1: Expand provisions and incentives for mixed-use development in designated activity centers. 3-3: Modify provisions of the Suburban Agricultural District to reduce conversions of rural to suburban development patterns. 3-4: Reduce future new commercial development in North Amherst and along highway strips. 3-8: Consider tax incentives for reinvestment, revitalization, and redevelopment of commercial properties and housing in older areas with less emphasis on new "greenfield" development. 3-9: Rezone and/or provide incentives for reuse of underutilized / obsolescent properties for economically viable uses. 3-10: Tailor commercial zoning districts to the unique physical characteristics of older commercial areas in need of revitalization. 7-3: Give priority to repairs to existing infrastructure systems, rather than extensions to serve new greenfield development. 7-4: Redefine the boundaries of Sanitary Sewer District No. 16 in the northern part of the Town to exclude rural areas designated for protection and include areas designated for more intensive development.
Does the land-use analysis identify in quantitative terms (i.e., number of acres and preferably buildout potential in numbers of units) what the potential is for residential infill development?	Comprehensive Plan		<b>X</b>		While the Plan identifies the goal of encouraging higher density residential uses in mixed-use developments and other appropriate locations, it does not quantify this infill development potential in terms of acres or number of residential units.
Are there specific policies that promote and encourage infill development (where such areas exist)?	Comprehensive Plan			<b>X</b>	As stated above, there are a number of Plan policies that speak to the need for promoting redevelopment in already established centers. However, more specific policies relating to the promotion of infill development may be needed.
Does the land use plan contain an analysis of redevelopment potential? If it finds there is redevelopment potential, does the land use analysis identify what the redevelopment potential means in terms of new housing units and square footage of nonresidential development?	Comprehensive Plan		<b>X</b>		While numerous Plan policies stress the importance of redevelopment, it does not contain a quantitative analysis of this redevelopment potential. Such an analysis would require a land use assessment to identify areas or parcels with redevelopment potential.
<b>Density</b>					
<i>Commentary: Underuse of residential and nonresidential lands, due to building at lower densities than planned and/or zoned, results in the consumption of land for uses faster than planned, often at the urban fringe. One way to strive for more efficient use of land is to establish minimum densities in areas where it is important to achieve higher densities (such as pedestrian-oriented centers). Higher density helps to generate a critical mass of activity that supports mixed-use and pedestrian activity.</i>					
Do land use policies encourage the establishment of minimum (not just maximum) densities to promote the efficient use of lands designated for higher densities? Alternatively, does the plan address any findings that density allowances in the land use plan and zoning district have been underutilized?	Comprehensive Plan		<b>X</b>		
Do land use regulations establish minimum densities to promote efficient use of lands designated for higher densities?	Zoning Ordinance				

	General Business (GB)		X		No minimum or maximum nonresidential densities are established in the GB district. Upper-story residential dwelling units are permitted and are regulated by minimum floor area requirements.
	Shopping Center (SC)		X		No minimum or maximum nonresidential densities are established in the SC district. Upper-story residential dwelling units are permitted and are regulated by minimum floor area requirements.
	Planned Development District (PDD)		X		The PDD district does not require an overall minimum project density. There are regulations for specific uses. Upper-story dwelling units are required to be provided for no less than 10 percent of total nonresidential floor area, with a maximum of 15 units per acre. There is no minimum density required of other residential units; however, maximum density is capped at 50 percent of total nonresidential floor area. Public and civic uses are required to be provided for no less than 5 percent of total nonresidential floor area.
	Traditional Neighborhood Development (TND)		X		The TND district does not require an overall minimum project density, although there is a requirement for a minimum building height of 26 feet. There are regulations for specific uses. Upper-story dwelling units are required to be provided for no less than 10 percent of total nonresidential floor area, with a maximum of 200 percent. There is no minimum density required of other residential units; however, maximum density is capped at 10 units per acre. Public and civic uses are required to be provided for no less than 5 percent of total residential floor area; office uses 30 percent, and all other commercial uses, 5 percent. Commercial tenants, other than office, are limited to a maximum gross floor area of 25,000 square feet.
	Traditional Neighborhood Business (-TNB)		X		The -TNB overlay does not require a minimum density, although there is a requirement that new buildings have a minimum building height of 26 feet.
<i>Commentary: Specific zoning regulations, such as those for setbacks and building height, often act to prohibit higher-density, mixed-use developments. The signature characteristic of "Euclidean" zoning is the separation of uses and their dispersion through minimum-lot size requirements and other dimensional standards.</i>					
Do minimum lot sizes allow for urban-sized lots? (5,000 – 6,000 square feet)	Zoning Ordinance	N/A			Single-family residential units are not permitted in the GB, SC, and -TNB districts.
	Planned Development District (PDD)	X			The PDD permits single-family residential, patio homes, zero lot line homes, single-family attached dwellings, multifamily attached dwellings, and senior citizen housing. While there are no specific standards specified for single-family residential lots, and it is not clear what standards would apply, both patio homes and zero lot line homes have a minimum lot area per dwelling of 5,000 square feet.
	Traditional Neighborhood Development (TND)	X			The TND permits single-family detached units (minimum lot size 4,500 sf interior lot; 5,800 sf corner lot); attached dwelling (up to four units); patio home (minimum lot size 5,000 sf), upper-story dwellings, and zero lot line homes (minimum lot size 5,000 sf).
Do regulations for maximum lot coverage, building height, and other dimensional requirements permit higher-density development?	Zoning Ordinance		X		Section 2-5-3 (Minimum Distances to Principal and Accessory Structures for Specific Streets) provides large (90-135 feet) minimum setbacks for yards abutting a number of streets; these requirements supersede the minimum setback requirements provided in any district. Such large setbacks would act to decrease permitted density in these areas.
	General Business (GB)			X	No maximum building coverage; building height maximum of 65 feet. Yard requirements (front 60/75 ft; rear 15/25 ft; side 10/25 ft (greater if adjacent to residential), may act to decrease permitted density.
	Shopping Center (SC)			X	No maximum building coverage; building height maximum of 65 feet. Yard requirements (front 100 ft; rear 50 ft; side 50 ft (could be greater if adjacent to residential), may act to decrease permitted density.
	Planned Development District (PDD)			X	While the PDD does not contain specific limits on building coverage or dimensional requirements, the district does require that a minimum of 25 percent of the total land area remain as open space. This requirement has the effect of regulating the density that would be permitted on a site.
	Traditional Neighborhood Development (TND)			X	The maximum building coverage permitted in the TND is 55 percent. The maximum permitted building height is 50 feet. Yard requirements are as follows: front: none; rear: 0 or 15 ft; side: 0 or 15 ft. While setbacks are minimal in this district, the limits on building coverage and height may act to limit higher-density development.
	Traditional Neighborhood Business (-TNB)	X			There is a maximum impervious coverage limit of 90 percent. The maximum building height permitted is 3 or 4 stories, depending on location. Yard requirements are as follows: front: none; rear: 0 or 15 ft; side: 0 or 15 ft.
<b>Land Use</b>					
<i>Commentary: Mixing of land uses is a major tenet of smart growth and new urbanism. Plan policies and land-use regulations should provide for and even encourage mixed land uses, especially residential and commercial. Such mixtures bring many activities of daily life within close proximity. It is generally agreed that mixing land uses allows for walking, shorter trips, and reduced vehicle miles traveled, which can help to improve air quality and relieve traffic congestion. A mix of mutually supporting uses can also help to create vitality and a sense of place to an area.</i>					
Does the land use plan designate areas, where appropriate, for mixed-use development?	Comprehensive Plan	X			Figure 6 (Conceptual Land Use Plan) designates areas for mixed-use and mixed-use activity centers.

Do plan policies discuss opportunities and encourage the mixing of land uses at the building, site, and neighborhood levels?	Comprehensive Plan	X			Section 3.3.3
Does zoning provide at least one or more zoning districts that allow mixes of residential and commercial uses?	Zoning Ordinance	X			All of the districts under review (GB, SC, PDD, TNB, and –TNB) permit a mix of residential and commercial uses. In three of these districts – GB, SC, and –TNB – residential use is limited to upper-story residential units. Permitted commercial uses include retail, restaurant, service, and office. It should be noted that permitted commercial uses are enumerated in detail, for example, specific types of retail are listed separately, such as “drug store,” “hardware store,” and “home furnishing store.”
Are there requirements for a certain mix of land uses?	Zoning Ordinance				In reviewing some of the case studies examined as part of this project, the following mix of land uses is described: Excelsior and Grand – Total nonresidential floor area: 100% commercial; residential density (all upper-story): 50 units/acre (472% of total nonresidential floor area) Crocker Park – Total nonresidential floor area: 27% office and 73% commercial; residential density: 5 units/acre Birkdale Village – Total nonresidential floor area: 16% office and 84% commercial; residential density: 7 units/acre
	General Business (GB)		X		GB contains no requirements for mixed use.
	Shopping Center (SC)		X		SC contains no requirements for mixed use.
	Planned Development District (PDD)	X			The PDD district requires a specific mix of residential, public and civic, office, and commercial uses: Upper-story residential Minimum 10% of total nonresidential floor area; maximum 15 units/acre All other residential Maximum of 50% of total nonresidential floor area Public and civic 5 – 50% of total nonresidential floor area Commercial 0 – 50% of total nonresidential floor area Office 0 – 50% of total nonresidential floor area
	Traditional Neighborhood Development (TND)	X			The TND district requires a specific mix of residential, public and civic, office, and commercial uses: Upper-story residential Minimum 10% of total nonresidential floor area; maximum of 200% All other residential Maximum of 10 units / acre Public and civic 5 – 50% of total nonresidential floor area Commercial 5– 15% of total nonresidential floor area Office 30 – 80% of total nonresidential floor area
	Traditional Neighborhood Business (-TNB)		X		The –TNB overlay contains no requirements for mixed use.
Do the future land use plan and zoning ordinance allow for compatible, small-scale neighborhood commercial uses (e.g., a corner store) adjacent to or within residential neighborhoods?	Comprehensive Plan and Zoning Ordinance			X	Not expressly, though it is assumed.
Is it required that a specified percentage of new housing units be within walking distance of public schools, parking, and neighborhood retail?	Zoning Ordinance		X		The GB, SC, and -TNB districts have no requirement for housing. The PDD district has a general requirement that pedestrian ways be provided that connect residential areas with other residential areas, community facilities, schools, recreational areas, commercial areas, and public transportation, but the percentage of housing units within walking distance of such facilities is not regulated. The TND district, while containing in its purpose statement the goals of encouraging walking and placing civic buildings and community facilities in prominent sites, does not contain any specific requirements.
Are active ground-floor uses (such as retail) required where appropriate?	Zoning Ordinance		X		Active ground-floor uses are not required in the GB, SC, PDD, or TND districts.
	Traditional Neighborhood Business (-TNB)	X			The –TNB overlay requires that all new structures provide commercial retail shops, services, restaurants, or public and civic uses at the ground floor level directly facing and clearly visible from the sidewalk or public way.
Are upper floors of mixed-use buildings permitted to contain a mix of dwelling units, offices, and miscellaneous compatible nonresidential uses?	Zoning Ordinance			X	Upper floors of mixed-use buildings in all of the districts under review are permitted to contain a mix of residential, office, and other nonresidential uses. However, both the PDD and TND are potentially limited by the required mix of uses described above.
Are a mix of housing types or lot sizes allowed or required (i.e., specifying minimum densities in certain areas)?	Zoning Ordinance				
	General Business		X		Upper-story dwelling units only are permitted. No minimum residential densities are required.

	(GB)				
	Shopping Center (SC)		X		Upper-story dwelling units only are permitted. No minimum residential densities are required.
	Planned Development District (PDD)	X			For PDD districts containing only residential uses, a balance of housing types is required, and must include a minimum of three of the following housing types: single-family residential, patio home, zero lot line home, single-family attached dwelling, multifamily attached dwelling; and senior citizen housing. When a PDD contains a mix of residential and nonresidential uses, there is a requirement that upper-story units be provided totaling 10% of the total nonresidential floor area; no other mix of housing units or types is required.
	Traditional Neighborhood Development (TND)	X			A mix of housing types is allowed in the TND district, including: single-family detached, attached dwellings (up to four units), patio homes, upper-story dwellings, and zero lot line homes. There is no requirement for a specific mix of housing types or lots, although upper-story dwelling units must be provided for a minimum of 10% of total nonresidential floor area.
	Traditional Neighborhood Business (-TNB)		X		Upper-story dwelling units only are permitted. No minimum residential densities are required.
<i>Commentary: A community's zoning regulations should provide reasonable and fair opportunities for diverse housing types and price ranges. Local governments can do this by reducing minimum lot sizes, eliminating or lowering minimum house sizes, allowing accessory apartments, and providing for apartment development where needed.</i>					
Are accessory dwellings allowed as of right within residences, as well as within detached garages and other accessory structures?	Zoning Ordinance		X		Accessory dwelling units, or "auxiliary housing units," as they are called in the Town's Zoning Ordinance, require approval of a special use permit by the ZBA. There are also a number of standards that auxiliary housing units must adhere to, including: a) limited to no more than two family members, one of which must be 60 years old or handicapped; b) the unit cannot exceed 500 square feet; and c) the permit is valid for a period of two years, and must be renewed thereafter. The PDD district does not specifically mention auxiliary housing units (note – PDD does not list any permitted accessory uses). The TND district, although there is a listing of permitted accessory uses, does not include auxiliary housing units.
Do regulations provide for an appropriate mixture of housing and jobs, or do the regulations result in predominantly single-family residential developments with no jobs nearby?	Zoning Ordinance			X	The GB and SC districts, being primarily commercial districts, promote the development of a traditional suburban form: commercial and office uses separate from residential subdivisions. The PDD district is intended to provide a "variety of physically functionally integrated land uses," and as such, requires a mix of uses. Similarly, the TND district is intended to provide for "fully integrated, mixed-use, pedestrian-oriented neighborhoods." The mix of required uses in the TND district is weighted towards office development. If this resulting mix is sufficient to result in an appropriate mixture of housing and jobs is uncertain and difficult to determine.
<b>Infill and Redevelopment</b>					
<i>Commentary: Infill and redevelopment activity in established centers has a number of potential benefits, including: the revitalization of older areas, decreased pressure to develop greenfield sites, and more efficient use of existing infrastructure. Zoning regulations should account for the characteristics of existing centers and establish context-sensitive regulations that will promote appropriate redevelopment.</i>					
Do minimum lot sizes and setback requirements reflect the smallest practical lots in the neighborhood to increase allowable densities in infill locations?	Zoning Ordinance				
	General Business (GB)		X		The dimensional requirements of the GB district, including its large setback requirements (i.e., 60/75 feet front yard setback), do not work well on small sites that predominate older commercial areas and that are likely candidates for infill development.
	Shopping Center (SC)		X		The dimensional requirements of the SC district, including a minimum lot area of 5 acres and a minimum front yard of 100 feet, preclude its use on small infill sites.
	Planned Development District (PDD)		X		The minimum district size of 10 acres would preclude the PDD district's use on small infill sites.
	Traditional Neighborhood Development (TND)		X		The minimum district size of 40 acres would preclude the TND district's use on small infill sites.
	Traditional Neighborhood Business (-TNB)	X			The dimensional requirements of the –TNB overlay are appropriate for small infill sites. The only lot requirement is a minimum lot width of 30 feet; setbacks are minimal and should permit higher densities.
Is the review and permitting procedure for infill projects below a specified size threshold streamlined?	Zoning Ordinance		X		There is no streamlined review and permitting procedure specific to infill projects. It should be noted, however, that the proposed –TNB overlay district will make new buildings or additions of less than 10,000 square feet a minor site plan, requiring administrative approval only.

Are on-site parking requirements reduced or eliminated for small-lot infill projects, allowing parking demand to be fully or partially satisfied by on-street, shared, or remote parking?	Zoning Ordinance				
	General Business (GB)		X		Projects developed under GB zoning must comply with the minimum parking requirements established in Section 7-1. The alternative parking plan is an option; however, reductions in required parking under the alternative parking plan require a separate approval by the Commissioner of Building.
	Shopping Center (SC)		X		Projects developed under SC zoning must comply with the minimum parking requirements established in Section 7-1. The alternative parking plan is an option; however, reductions in required parking under the alternative parking plan require a separate approval by the Commissioner of Building.
	Planned Development District (PDD)			X	It is unclear what the minimum parking requirements are in the PDD district. While the development standards for the district state: "the design criteria set forth in this Section are intended to provide desirable latitude and freedom to encourage variety in the location, arrangement and type of uses . . . to achieve the efficient sharing of parking and loading facilities by multiple uses. Therefore, in lieu of specific minimum parking and loading requirements and other similar considerations, the following performance standards apply." Listed as one of the standards, however, is that parking areas shall meet the requirements of Section 7-1, which contains the schedule of minimum parking requirements.
	Traditional Neighborhood Development (TND)			X	The TND district specifically states that the minimum parking requirements of Section 7-1 apply. The alternative parking plan is an option; however, reductions in required parking under the alternative parking plan require a separate approval by the Commissioner of Building.
	Traditional Neighborhood Business (TNB)		X		The –TNB overlay district reduces the minimum required parking for several uses, including: professional office, retail sales and service, and shopping center, however, it does not specifically reduce the requirements for small infill sites. The alternative parking plan is also an option; however, reductions in required parking under the alternative parking plan require a separate approval by the Commissioner of Building.
Do building codes have provisions that allow rehabilitation of older buildings to not meet current standards, except when those provisions are essential for health and safety?	Building Code		X		

**Open Space and Natural Resources**

*Commentary: Open and public space, such as boulevards, greens, plazas, and landmark intersections that is well integrated with adjacent uses is typically a central feature of successful mixed-use centers. Landscaping should also be appropriate to a mixed-use setting, contributing to the overall sense of place.*

Do zoning districts require a minimum open space ratio (i.e., a percentage of land areas for each development must be open space)?	Zoning Code				
	General Business (GB)			X	The GB district has no minimum open space requirements. The amount of interior landscaped area required is based on the size of the parking lot.
	Shopping Center (SC)			X	The SC district has no minimum open space requirements. The amount of interior landscaped area required is based on the size of the parking lot.
	Planned Development District (PDD)	X			The PDD district requires a minimum of 25 percent of the total land area, less the amount used exclusively for nonresidential purposes, be in open space.
	Traditional Neighborhood Development (TND)			X	The TND district has no minimum open space requirements. The amount of interior landscaped area is based on the size of the parking lot.
	Traditional Neighborhood Business (TNB)		X		While the –TNB district does not establish a minimum open space ratio, it does establish a maximum impervious coverage of 90 percent.
Do land use regulations require developers to consider connecting open spaces and greenways to existing destinations and open space?	Zoning Code		X		In the PDD district (the only district under review requiring open space), there a number of open space standards, including the requirement that any public or common open space be located and organized to be readily accessible by foot and bicycle to residential populations (Section 5-4-3 E(3)(b)). This is the only requirement that would have any bearing on the location of open space, and the connection to existing open spaces is not required or encouraged.

Do land use regulations permit and encourage the creation of public spaces, of various sizes, within mixed use developments?	Zoning Code				
	Planned Development District (PDD)			X	The PDD district focuses on public open spaces and may not fully account for the variety of public spaces typically observed in mixed use developments, such as boulevards, greens, plazas, and landmark intersections that are integrated with adjacent uses. Privacy between buildings and streets is specifically required (Section 5-4-3 B(1)(f)), which runs counter to the case studies in which mixed-use buildings are used to help shape the street as a public realm. The PDD district requires that at least 70 percent of the total open space be in private ownership open to the public or in public or common ownership. Permitted types of open space includes, for example: land left in its natural state, areas for active and passive recreation, parks or landscaped/wooded areas, and pedestrian and bicycle circulation systems. It is required that such proposed uses be appropriate to the scale and character of the district.
	Traditional Neighborhood Development (TND)		X		The TND district has no requirements for the provision of public spaces.
Do land use regulations require the planting of shade trees along roads and within parking lots?	Zoning Code and Subdivision Regulations			X	The landscaping regulations require that shade trees be planted within parking lots (Section 7-2-3 A(3)) and the Subdivision Regulations require that street trees be planted along new public roadways. However, there is no requirement that street trees be planted along private streets, either in residential subdivisions or along new roads or boulevards that are part of a mixed-use development. Note that Section 5-4-3 B(2)(c) in the PDD district speaks to landscape treatments for public and private plazas and roads, but is not clear in its intent by stating that such requirements are in lieu of other Town requirements for trees in public street rights of way.
Are there options for providing landscaping in an urban setting where there are minimal or no setbacks (i.e., street trees, planters, etc.)?	General Business (GB)		X		Projects developed under GB zoning must comply with the standard Landscape Regulations (Section 7-2-3), which does not offer urban-setting landscaping options.
	Shopping Center (SC)		X		Projects developed under SC zoning must comply with the standard Landscape Regulations (Section 7-2-3), which does not offer urban-setting landscaping options.
	Planned Development District (PDD)			X	The PDD district offers flexibility in its landscaping and building arrangement requirements. There are a number of performance standards that must be met; these focus on the arrangement of buildings and open space and emphasize screening and privacy between uses. While flexible, these standards may not sufficiently address the goals of urban-setting landscaping, which is to aid in place making and help shape the public realm, with less focus on screening between uses.
	Traditional Neighborhood Development (TND)			X	The TND district allows for the Planning Board to approve alternative landscape improvements in lieu of strict compliance with the landscape standards in Section 7-2-3A(2) (required landscaped area adjacent to buildings) and 7-2-3A(3) (interior landscaped area), provided that such improvements are in accordance with the purpose of the TND district and the purpose of the Landscaping, Buffers, and Screening section of the Zoning Code. This flexibility may not be sufficient to address the issue of urban-setting landscaping, whose use is likely limited more by Section 7-2-4 (Buffers and Screening). There may also be a need for additional performance standards to help guide the approval of alternative landscaping improvements.
	Traditional Business Development (TNB)	X			The –TNB overlay district specifically provides for landscaping options that are in keeping with a higher-density setting. Where a front yard is less than ten feet, Section 7-2-3A(2) would not apply; alternative “at-grade” landscaping options for the front of the building include: raised planters, window boxes, hanging baskets, vines, or another method approved by the Planning Director. Where side or rear yards are less than ten feet, Section 7-2-4B does not apply. Where space and conditions permit, landscaping shall be provided to soften the appearance of buildings and paved areas.
Does the comprehensive plan discuss the issue of air quality and identify policies and implementation measures to protect air quality?	Comprehensive Plan	X			Policy 4-9: Reduce air quality emissions by pursuing Comprehensive Plan strategies such as compact, mixed-use development patterns; tree planting; transit and other alternatives to automobile use, etc; also refers to Chapters 3, 4, and 6 as contributing to air quality improvement.
<b>Housing</b>					
Does the comprehensive plan establish a policy of providing for a wide range of housing types (detached, single-family, duplex, manufactured home, apartment, etc.)?	Comprehensive Plan	X			Policy 8-2: Promote the development of a variety of housing types.
Do the use provisions allow for a wide range of housing types by right?	Zoning Ordinance	X			In the GB, SC, and –TNB districts, housing is limited to upper-story residential units. In both the PDD and TND, a wider variety of housing types are allowed (not required), including: single-family detached, attached dwelling units, patio homes, zero lot line homes, and upper-story units.
Do local regulations allow for mixed-income housing developments?	Zoning Ordinance	X			Because both the PDD and TND allow a variety of housing types, including apartments, attached dwelling units, and small lot single-family detached, it is reasonable to assume that the variety of housing types would allow for mixed-income housing.
Does the zoning ordinance provide flexibility with regard to house sizes (i.e., do they allow small-sized units versus establishing large minimum floor areas for all dwelling units)?	Zoning Ordinance			X	The Zoning Ordinance does establish minimum floor areas for all dwelling units. The minimum floor area for most single-family units is 1,200 square feet (1 story units) and 1,400 square feet (2 story units). Minimum floor areas required for attached, multi-family, and upper-story dwelling units is as follows: 400 sf (0 bedroom); 640 sf (1 bedroom); 760 sf (2 bedroom); 1,000 sf (3 bedroom); 1,200 sf (4 bedroom). It is unclear whether these would be considered large or if these are reasonable minimum floor area requirements.

Transportation					
Does the comprehensive plan include a transportation element that addresses long-range needs for roads, sidewalks, bicycle paths, and transit (where appropriate)?	Comprehensive Plan	X			
Do local transportation policies provide for the maintenance of current roads and existing transportation systems before providing new facilities?	Comprehensive Plan	X			Policy 6-5: Undertake a capital program to maintain or improve the efficiency of the existing road system.
Have street standards been revised to lower any excessive requirements for local streets?	Various land use regulations			X	<p>The Town's street standards are contained in the Subdivision Regulations. There is a requirement in the Zoning Code that the design and construction standards for private streets must meet all applicable specifications for public streets, unless modified by a site plan (Section 7-6-4B). Minimum pavement width is as follows:</p> <ul style="list-style-type: none"> <li>Local streets - 28 feet – this is lower than what would be considered “excessive,” (29-36 feet for local streets)</li> <li>Local collector – 28 feet</li> <li>Collectors – 32 feet</li> <li>Minor arterials – 24 feet with a 13 foot median</li> <li>There is also an option for a narrow residential street, with a minimum pavement width of 24 feet. It is required that a narrow residential street be used in conjunction with an alley.</li> </ul> <p>Street standards should be reviewed for consistency with applicable case studies to determine if any should be revised.</p>
Do land use regulations encourage or require the provision of bike paths and other biking facilities?	Various land use regulations		X		There are no provisions in the GB, SC, TND, or –TNB districts that require the provision of bike paths or other biking facilities (such as bicycle parking). The Town's street standards have an option for bicycle lanes for collectors and minor arterials.
	Planned Development District (PDD)	X			The PDD district requires that the local circulation system provides for safe bicycling routes throughout the district. These may be coincident with pedestrian ways, and shall be separated from the motorized vehicle system wherever feasible.
Do development regulations require the installation of a sidewalk along existing public streets within and abutting the development, where such sidewalk does not already exist?	Various land use regulations	X			Sidewalks are required along the entire street frontage of a lot or parcel that abuts an arterial, collector, sub-collector, or local street when the lot or parcel is developed. Sidewalks must be five feet wide along arterials and four feet on all other streets (Chapter 83 of the Town Code).
	Planned Development District (PDD)	X			There are a number of pedestrian circulation requirements in the PDD district, including: the requirement that pedestrian ways connect residential areas with other residential areas, community facilities, schools, recreational areas, commercial areas, and public transportation; and pedestrian walks, malls, and landscaped areas should be separated, wherever possible, from general vehicle circulation.
<i>Commentary: Many suburban street standards require excessive pavement widths for streets (e.g. 29 to 36 feet for local streets). Reducing street pavement width standards (e.g., to 24 feet) reduces development costs and impervious surfaces and may increase safety by lowering vehicle speeds. Street standards should also address pedestrian and bicyclist needs. While reduced standards can be helpful, attention must also be paid to issues such as snow storage and removal.</i>					
Are street and sidewalk standards sufficient to address safety, access, and the pedestrian experience?	Various land use regulations			X	The minimum required sidewalk width of 4/5 feet may not be sufficiently wide for pedestrian-oriented areas. It is unclear if other street standards (pavement width, travel lane width, planting strip, etc.) are sufficient and appropriate for mixed-use, pedestrian-oriented areas. It should be noted that streets are an important organizing element and public space in many mixed-use developments and are often carefully designed.
Do land use regulations encourage, if not mandate, the provision of interparcel connections (vehicular, pedestrian, and bike) between individual developments, where compatible?	Various land use regulations			X	Section 7-6-5 of the Zoning Code contains provisions for private access easements (cross-access and shared access), which may be required across any lot fronting on an arterial or collector street in order to minimize the number of access points and facilitate access between and across individual lots. This section specifically deals with vehicular access; there are no requirements for pedestrian or bike connections between parcels.
<i>Commentary: A major cause of traffic congestion, in addition to an over reliance on automobile travel, is the way road systems have been built. Conventional thinking calls for local roads to empty onto collector roads, which often empty onto a single (or few) arterial(s). Because only one or a few major routes of travel are provided, all traffic is concentrated onto those few roads, resulting in traffic congestion. An alternative approach is to provide a road network with more than one means of through travel in any given area. Street connectivity also aids in pedestrian and bicycle travel.</i>					
Are streets required to connect, except where topography or other physical barriers make such connection impossible?	Various land use regulations			X	Residential subdivisions containing more than 30 lots with internal roads or access to any public road are required to achieve a connectivity ratio of not less than 1.40 (ratio of links to nodes or intersections). The Planning Board may permit a lower connectivity ratio based upon site constraints. There is no such requirement for street connectivity within mixed-use or commercial developments.
Do street cross-sections clearly show the desired building frontages, build-to lines, sidewalks, planting strips, and travelway elements?	Various land use regulations			X	The Town's street cross-sections show requirements for the right-of-way (travelway, sidewalks, utility easement), but do not include building frontages or build-to-lines. It should be noted that the Context-Sensitive Highway Design project included such elements on its street cross-sections, however, these are not regulatory and are advisory only.

**Parking**

*Commentary: Minimum parking requirements in land use codes are often excessive, not taking into account actual demand, opportunities for shared parking, and other options, such as on-street parking and transit. Excessive parking results in large amounts of impervious surface coverage, decreased permitted density, and the erosion of the pedestrian environment. The need for on-site parking should be more carefully evaluated to determine whether alternatives are available that will allow a reduction.*

Do land use regulations reduce or eliminate minimum on-site parking requirements in locations planned for pedestrian activity?	Zoning Ordinance				
	General Business (GB)		X		Projects developed under GB zoning must comply with the minimum parking requirements established in Section 7-1. The alternative parking plan is an option; however, reductions in required parking under the alternative parking plan require a separate approval by the Commissioner of Building.
	Shopping Center (SC)		X		Projects developed under SC zoning must comply with the minimum parking requirements established in Section 7-1. The alternative parking plan is an option; however, reductions in required parking under the alternative parking plan require a separate approval by the Commissioner of Building.
	Planned Development District (PDD)			X	It is unclear what the minimum parking requirements are in the PDD district. While the development standards for the district state: “the design criteria set forth in this Section are intended to provide desirable latitude and freedom to encourage variety in the location, arrangement and type of uses . . . to achieve the efficient sharing of parking and loading facilities by multiple uses. Therefore, in lieu of specific minimum parking and loading requirements and other similar considerations, the following performance standards apply.” Listed as one of the standards, however, is that parking areas shall meet the requirements of Section 7-1, which contains the schedule of minimum parking requirements.
	Traditional Neighborhood Development (TND)			X	The TND district specifically states that the minimum parking requirements of Section 7-1 apply, although maximum parking ratios are established (see discussion below). The alternative parking plan is an option; however, reductions in required parking under the alternative parking plan require a separate approval by the Commissioner of Building.
	Traditional Neighborhood Business (TNB)	X			The –TNB overlay district reduces the minimum required parking for several uses, including: professional office, retail sales and service, and shopping center, however, it does not specifically reduce the requirements for small infill sites. The alternative parking plan is also an option; however, reductions in required parking under the alternative parking plan require a separate approval by the Commissioner of Building.
Do land use regulations include maximum parking ratios (i.e., a cap on the number of parking spaces that can be built in a particular development)?	Zoning Ordinance		X		There are no limits on the number of parking spaces that can be built (through the establishment of maximum parking ratios) in the GB, SC, PDD, or –TNB districts.
	Traditional Neighborhood Development (TND)	X			The TND district establishes two maximum parking ratios: 1 space per 300 square feet of gross floor area for all office uses and one parking space per 500 square feet of gross floor area for all other uses. It should be noted that other parking requirements, such as the schedule of minimum parking requirements, are measured by net floor area, not gross.
Do parking regulations provide for reductions in on-site spaces, for example, where on-street, municipal, or shared parking or transit is available?	Zoning Ordinance	X			Section 7-1-7 of the Zoning Code establishes the standards for an alternative parking plan, which is intended to provide an option for specific developments or uses that require a different amount of parking than the standards established by the schedule of parking requirements. A number of specific parking alternatives can be considered, including off-site, shared or valet parking or the proximity of public transportation (note – on-street parking is not specifically mentioned). Such reductions are not as of right, however, and require a separate approval by the Commissioner of Building.
Is the creation of municipal or shared parking lots and garages encouraged by permitting landowners to dedicate portions of their lots for shared parking?	Zoning Ordinance		X		The creation of municipal or shared parking lots is not specifically covered by the Zoning Code.
Is off-street parking prohibited in front of buildings?	Zoning Ordinance			X	Off-street parking in front of buildings is not prohibited in the GB, SC, or PDD districts. It is prohibited in the TND and –TNB districts.
Is access to parking areas encouraged from alleys or side streets wherever possible?	Various land use regulations		X		Nonresidential uses are specifically prohibited from taking direct access to local streets, except where no higher street classification is available (Section 7-6-3 A). Alleys are not specifically covered by the Zoning Code.
Is on-street parking allowed in places where it can be safely provided?	Various land use regulations			X	The Town’s street standards require one parking lane on collectors; the other street specifications provide standards for parking lanes if they are provided. There are no standards provided to guide the allowance of parking lanes.
Are parking areas required to be pedestrian-friendly through the use of pathways, trees, walkways, and pedestrian-scale lighting?	Zoning Ordinance			X	Walkways are specifically required for parking lots containing more than 180 spaces; Section 7-2-3A(3)(h) details a number of design standards for these “parking lot pedestrian medians.” In general, the Zoning Code states that pedestrian walks are required to be provided between parking areas and buildings to assure pedestrians’ safety, although there are no specific requirements for these walkways (Section 7-1-8 D). Landscaped islands with trees are required for parking areas. The minimum percentage of the parking area that must be landscaped increases with the size of the parking lot, but is not required for lots less than 3,000 square feet in size. Parking, loading, and stacking areas shall be illuminated only to the extent necessary to insure the public safety and in accordance with the Code’s lighting standards (Section 7-3). Within parking lots, the maximum lighting fixture height is 25 feet, while within non-vehicular pedestrian areas, the maximum lighting height is 15 feet. The requirements may not sufficiently address smaller parking lots.
	Planned			X	The PDD district has a general requirement that pedestrian connections between parking areas and buildings be along walkways to the extent necessary to

	Development District (PDD)				assure pedestrian safety (Section 5-4-3 A(1)). There is another statement that “landscaped, paved and comfortably graded pedestrian walks shall be provided, particularly from building entrances to adjacent buildings, play areas, parking areas and streets.” Lighting is not specifically mentioned.
Is the construction of multilevel parking garages, where economically feasible, encouraged to have ground-floor retail uses or be hidden in the middle of a block?	Zoning Ordinance		X		The design of parking garages is not covered in the Zoning Code.
<b>Building and Site Design</b>					
<i>Commentary: High-quality building design adds to the sense of place of a mixed-use center and encourages pedestrian activity. Standards need not dictate a specific architectural style, but rather, focus on specific building elements, such as: location of entryways, amount of blank wall permitted, and amount of windows (building “transparency”) required.</i>					
Are there standards for building and site design to ensure that development is high-quality and fits in with surrounding development? For example, are entries, fenestration, building proportions, roof types and pitches, signs and building materials addressed?	Zoning Ordinance				
	General Business (GB)			X	Building design in the GB district is governed by Section 4-8-6, which outlines a number of permitted building materials for the street façade; limits the amount of blank wall area; and requires storefront display windows and a covered pedestrian walkway on retail facades. Other building design issues, such as building proportion and fenestration, are not covered.
	Shopping Center (SC)			X	Building design in the SC district is governed by Section 4-8-6, which outlines a number of permitted building materials for the street façade; limits the amount of blank wall area; and requires storefront display windows and a covered pedestrian walkway on retail facades. Other building design issues, such as building proportion and fenestration, are not covered.
	Planned Development District (PDD)			X	Building design is not specifically addressed in the PDD district. There is a general statement that the district is intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space, and landscape features. There are a number of performance standards for yards, building setback and spacing and building height and shape, landscape features and building arrangement; these stress proper light, air, and views and privacy between adjacent buildings from streets, parking, and recreation areas. There are two specific aesthetic standards: a) materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc. shall be of good appearance and easily maintained; and b) the sides and rear of all buildings shall be designed in such manner as to avoid undue sacrifice of amenity and design values when viewed from side and rear vantage points.
	Traditional Neighborhood Development (TND)			X	Building design in the TND district is governed by Section 4-8-6, which outlines a number of permitted building materials for the street façade; limits the amount of blank wall area; and requires storefront display windows and a covered pedestrian walkway on retail facades. Other building design issues, such as building proportion and fenestration, are not covered.
	Traditional Neighborhood Business (TNB)	X			
<i>Commentary: An appropriate relationship between the width of the streetscape and the height of buildings creates a comfortable sense of enclosure, making the public street feel like an “outdoor room.” Spatial enclosure created by height-to-width ratio in urban spaces with a strong sense of place generally ranges from 1:1 to 3:1.</i>					
Are setback and height requirements adequate to maintain or create appropriate ratios between the height of buildings and the distance between facades? (spatial enclosure generally ranges from 1:1 to 1:3).	Zoning Ordinance			X	While minimum building heights are established in the TND and –TNB districts, the issue of appropriate ratios between building height and street width has not been determined. Minimum building height is not addressed in the GB, SC, and PDD districts.
Are height requirements given in stories instead of feet to account for variations in floor-ceiling height?	Zoning Ordinance		X		
<i>Commentary: Block lengths reflective of traditional patterns (generally no greater than 300 to 500 feet) encourage pedestrian activity, create connectivity of streets, and provide variety in the pedestrian experience. Shorter block lengths are particularly critical in mixed-use areas.</i>					
Do maximum block lengths reflect traditional patterns (generally no greater than 300-500 feet) to encourage pedestrian activity, create connectivity of streets, and provide variety in the pedestrian experience?	Subdivision Regulations		X		The requirements in the Subdivision Regulations for block dimensions are as follows: 1,800 feet for blocks containing a majority of lots 75 feet and over in width; and 1,200 feet for blocks containing a majority of lots less than 75 feet. There are no requirements for block dimensions specific to nonresidential or mixed use developments.

*Commentary: Two specific building standards help to effectively shape streets as a public space: the use of zero or minimal front building setbacks and a minimum percentage of lot frontage built-out with building façade. Both of these features help enclose the street and encourage pedestrian activity.*

Are "build-to lines" or "build-to zones" used rather than setbacks?	Zoning Ordinance				
	General Business (GB)		X		Building setbacks, and not "build-to lines" or "build-to zones" are used in the GB district.
	Shopping Center (SC)		X		Building setbacks, and not "build-to lines" or "build-to zones" are used in the SC district.
	Planned Development District (PDD)		X		There is a general statement in the PDD district that the district is intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space, and landscape features. Specific building setbacks or build-to lines are not established.
	Traditional Neighborhood Development (TND)	X			The TND district contains a "build-to zone." There is no minimum front yard required; a maximum front yard of 6 feet is established.
	Traditional Neighborhood Business (TNB)	X			The –TNB overlay district contains a "build-to zone." There is no minimum front yard required; a maximum front yard of either 6 feet or 15 feet is established, depending on the "subzone" a parcel is located in.
Is a minimum percentage of lot frontage required to be built out with building façade?	Zoning Ordinance		X		The GB, SC, PDD, and TND districts have no requirements for a minimum percentage of the lot frontage to be built out with building façade.
	Traditional Neighborhood Business (TNB)	X			The –TNB overlay district requires either 50 or 60 percent of the frontage to be built out with building façade, depending on the "subzone" a parcel is located in.
For mixed use zones, is a well-defined public realm (street, boulevard, square, or combination) a required defining element of the development? Are there requirements that the public realm be well-defined and integrated with adjacent uses?	Zoning Ordinance		X		Besides the PDD district, the districts under review have no requirements for public space. And as discussed above, the PDD requirements for open space do not fully account for a well-defined public realm that is integrated with adjacent uses.
Do the land use regulations provide any performance standards specific to mixed-use, higher-density settings (i.e., lighting, noise, specific use standards)?	Zoning Ordinance		X		The only performance standards are applicable to industrial uses (Section 7-9).
<b>Permitting Process</b>					
Does the process for planned development provide for flexibility while promoting options for higher-density, mixed-use forms of development?	Zoning Ordinance			X	The process for a planned district rezoning is detailed in Section 8-4. This process should be reviewed and compared to successful planned development processes. The PDD district, while providing flexibility, does not generally provide development standards that are geared towards an integrated, mixed-use development.
Does the building code provide flexibility with regard to restoring historic structures, as opposed to providing rigid requirements that discourage such restoration?	Building Code		X		
Is a by-right process established for facilitating the development of buildings that contribute to the density, mix of uses, and urban quality?	Zoning Code		X		The GB, SC, PDD, and TND districts do not have a by-right process for approving development of a specific character.
	Traditional Neighborhood Business (TNB)			X	The –TNB overlay district establishes a by-right approval process, however, the trigger for this process is the square footage of the building.
Do land use regulations have any provisions for incentives?	Zoning Code		X		

