



BUFFALO  
greencode

A New Zoning Direction  
for Buffalo

TECHNICAL REPORT

PREPARED FOR  
THE CITY OF BUFFALO  
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# A New Zoning Direction for Buffalo

The City of Buffalo is moving forward with a 21<sup>st</sup> century approach to zoning, designed to reinforce the mixed-use, walkable places that give the city its competitive edge.

This report outlines the proposed structure and approach for the City of Buffalo's Unified Development Ordinance, or UDO. The UDO represents the second and final phase of the Buffalo Green Code, a place-based economic development strategy designed to implement the smart growth and sustainability objectives of Buffalo's Comprehensive Plan.

The Green Code will result in a sweeping restructuring of the policies and regulations guiding the city's physical development, including the first citywide land use plan since 1977, and the first comprehensive zoning rewrite since 1953. It is designed to reinforce the mixed-use, walkable places that give the city its competitive edge.

The UDO will translate the detailed policy direction of Buffalo's Land Use Plan (currently in draft form) into a form-based code that addresses zoning, subdivision, and the public realm. It will consolidate land use regulations into a single user-friendly document that aligns and coordinates approval procedures, eliminates conflicts between related codes, and encourages high-quality development.

The UDO will emphasize physical form rather than separation of uses as its basic organizing principle. In the past century, most cities decided where buildings could go based chiefly on their use. This new place-based approach will allow Buffalo to shape a more vibrant and attractive city.

The UDO will significantly reform the way the city does business. Regulations will be sensible and clearly communicated. They will align with community goals and market and lifestyle trends. They will be accessible and understandable to the layman and the lawyer alike. They will provide neighbors and investors with more certainty and predictability about what can be built, where, and how.

Likewise, outmoded regulations will be removed. The existing zoning and subdivision ordinances will be replaced in their entirety; 46 urban renewal plans will be repealed, with any relevant provisions incorporated; and 20 overlay districts will be replaced by a coherent set of base zones. The Green Code is a rare

# WHAT'S BETTER ABOUT THE NEW CODE?

Some of the primary differences (what's in and what's out) between the current regulatory framework and the forthcoming UDO

WHAT'S IN	WHAT'S OUT
+ Standards address form, use, and pattern	- Standards address only use
+ Flexible use categories	- Laundry list of specific uses
+ Integration of complementary uses	- Separation of complementary uses
+ Building type standards	- Density-based standards
+ Standards on the form, location, and environmental performance of parking	- Minimum parking requirements
+ Building height limits, build-to lines, and build-to zones	- Floor area ratios, dwelling units per acre, minimum front yard setbacks
+ Form standards	- Architectural guidelines
+ Clear and objective rules	- Vague and discretionary rules
+ Private & public space are regulated in concert	- Street design is divorced from adjacent development
+ Subdivision standards help protect traditional lot & block patterns	- Subdivision standards degrade traditional lot & block patterns
- Lighting is regulated to minimize light pollution	- Excessive minimum light standards degrade quality of life
+ Concise and simple text supplemented by graphics	- Inaccessible legalese

opportunity for residents to reconsider the role that regulations play in the development of neighborhoods across the city.

This report outlines the basic framework into which much of the regulatory substance of the UDO will be placed. It doesn't directly address the specific parameters of standards themselves, as these will emerge from an ongoing public process. However, the basic structure, approaches, and tools outlined by this report set the stage for the community to start writing its smart growth and sustainability goals into law.

## What are the big ideas?

Some "big ideas" emerge from the proposed approach to Buffalo's new UDO:

- ▶ **Zone regulations will be tailored to context.** Form standards to encourage walkable, green urbanism will apply to Neighborhood Zones. District and Corridor Zones will be addressed by more flexible standards tailored to their respective functions.

- ▶ **Form will be emphasized more than use.** As a form-based code, the UDO will focus on what's most important in creating places where people want to live and invest. Endless lists of uses will be replaced by provisions that protect neighborhoods while allowing flexibility for mixed-use development. A conditional approval process will be introduced to handle tricky uses like corner taverns or bed and breakfasts.
- ▶ **Standards for public and private space will be synchronized.** The UDO will incorporate all the elements needed for quality placemaking, including both the public and private realms. For the first time, all oars in land use regulation will be rowing in the direction of smart growth.
- ▶ **Approval procedures will be consolidated.** The unified approach to the new ordinance will allow users to easily find all development approval procedures in a single document. User-friendly flow charts will increase the transparency of these procedures.
- ▶ **Standards will be objective and measurable.** Vague, discretionary requirements will be replaced with unambiguous standards, allowing streamlined approvals and more efficient and transparent administration.
- ▶ **Regulatory barriers will be removed.** The unnecessary impediments to walkable, compact development and the creative reuse of vacant land and structures will disappear and be replaced by standards that match existing and desired neighborhood character.
- ▶ **Transportation options will be emphasized.** For decades, zoning codes have required property owners to provide a set number of off-street parking spaces to encourage automobile use. The new UDO will not include minimum parking requirements, instead allowing the market to respond to changing lifestyle preferences and a range of transportation choices.

- ▶ **Green development practices will be encouraged.** The UDO will bring regulatory clarity to a range of emerging practices, including local food production, on-site and district stormwater management, and alternative energy production.

## How should I read this report?

This report is organized according to the proposed structure of the UDO. Following an opening section that outlines the basic approaches to assembling an accessible and user-friendly ordinance, the report provides an analysis of the UDO's ten sections, describing the objectives of each and how they will be achieved, and how the UDO will differ from the current zoning code.

The UDO will be divided into ten sections:

1. **General Provisions** will introduce the Unified Development Ordinance and Zoning Map, including the purpose and intent of the code, its application to land and structures, and rules governing the transition from the current code.
2. **Zoning Approvals** will address application procedures, the responsibilities of UDO administrators, general rules for processing applications, and notice requirements.
3. **Subdivision Approvals** will address the subdivision process, including requirements for minor and major subdivision applications and approval standards.
4. **Zones** will include the basic zoning requirements for neighborhoods, districts, and corridors.
5. **Form Standards** will include regulations on building types, building frontages, permitted encroachments, accessory structures and uses, signs, and parking.

6. **Use Standards** will include use definitions, use regulations, and temporary use regulations.
7. **Environmental Standards** will include standards for landscapes, stormwater management, outdoor lighting, and sensitive habitat protection.
8. **Thoroughfare & Subdivision Standards** will include standards for blocks, streets, streetscapes, and subdivision of land.
9. **Application of the Ordinance** will address the legal application of the UDO, including the control of text and graphics, nonconformity provisions, and enforcement procedures.
10. **Definitions** will include definitions for all technical terms used in the UDO.

## Principles for organization

To effectively implement the smart growth and sustainability policies of the Comprehensive Plan and Land Use Plan, the UDO will need to be easy to understand, clear and consistent in application, and subject to minimum interpretation. A few basic prerequisites for organizing the UDO will ensure that these objectives are met:

- ▶ **Clearly stated purpose and intent statements.** The intent behind land use regulations is often elusive, making the link between various standards and the goals and objectives of the community unclear. To ensure the ordinance is transparent and defensible, it will clearly indicate the intent of each set of regulations.
- ▶ **A system of compartmentalization.** A consistent, structured pattern from beginning to end will ensure the ordinance is simple to navigate, making it easy for users to find pertinent information. A system of compartmentalization, where similar items are grouped together by regulatory category and purpose, will improve organizational structure and usability. For example, all accessory structure and use provisions will be located within their own section, rather than scattered throughout the ordinance. This will ensure an organizational approach that minimizes the need to search for related regulation.
- ▶ **Appropriate use of cross-references.** Zoning ordinances often make it necessary to refer to a number of different sections to determine whether a particular action is allowed. For example, to determine what is permitted on a lot, one might start by looking at a zoning map to find the zoning district, then at the district regulations to determine use, bulk, and yard requirements, then at parking and sign regulations to make sure those are met, and so forth. The need to review multiple sections is sometimes unavoidable, but the process can be made easier by an intuitive organization of individual sections and cross-referencing to help the user find all related provisions.
- ▶ **Consistency in terminology.** The integrity of the ordinance will hinge on the internal consistency of its various details. Because different authors have written different amendments to the current zoning code, it is an amalgam of different voices that attorneys, planners, engineers, and others have provided. The UDO will ensure that language is consistent, straightforward, and accessible.
- ▶ **Liberal use of graphics.** The use of illustrations, tables, and matrices will make standards easier to understand and enforce. Key concepts, particularly with regard to the form of buildings and civic spaces, will be better communicated through such graphic elements.

## 1. General Provisions

This section will include the following:

- ▶ Title
- ▶ Purpose and Intent
- ▶ Authority
- ▶ Applicability
- ▶ Relationship to the Comprehensive Plan
- ▶ Relationship to Other Regulations
- ▶ Relationship to Private Agreements
- ▶ Transition from Prior Regulations
- ▶ Zones and Zoning Map
- ▶ Severability
- ▶ Effective Date

General Provisions will communicate the UDO's purpose and intent. It will establish its link to the Comprehensive Plan's smart growth and sustainability objectives, as well as outline policy intents such as preserving neighborhood character, protecting and expanding the employment base, ensuring transparent and predictable regulations, and promoting the public health, safety, and general welfare. It will also include necessary legal provisions, such as transitions from the previous zoning code, and the UDO's relationship to other regulations.

## 2. Zoning Approvals

This section will include the following:

- ▶ Ordinance Administrators
- ▶ General Application Process
- ▶ Summary Table of Zoning Approvals
- ▶ Text and Map Amendments
- ▶ Conditional Uses
- ▶ Site Plan Review
- ▶ Variances

- ▶ Administrative Exceptions
- ▶ Zoning Appeals
- ▶ Zoning Verification
- ▶ Ordinance Interpretation
- ▶ Sign Permit

Zoning Approvals will establish procedures that are predictable, easy to understand, and consistent in application. Each zoning approval—including process, timelines, and approval procedure—will be organized with the same logical format. Flowcharts will also describe these processes, from application submittal to final approval. Users will be provided information on which approvals are necessary, how to apply, and what type of notice is required. New types of zoning approvals will be introduced to manage uses that require more regulatory discretion as well as to provide more flexibility in administration.

Revisions to existing zoning approval procedures will occur in both the general application process and the specific zoning approvals. These revisions are focused on creating consistent, transparent, and logical approval processes. Key revisions are highlighted below:

- ▶ **Application.** The UDO will describe the general application process for various zoning approvals. Users will be able to easily identify which approvals they can apply for, what the submittal requirements are, and which city department is the initial point of contact.
- ▶ **Completeness.** A new requirement for completeness review will be added to the application process. This will require city staff to verify that all submittals for an application have been included prior to accepting and forwarding the application. This ensures that forwarded applications are complete, providing the information needed for review, and giving interested residents an opportunity to review materials prior to public presentation.

- ▶ **Notice.** When a public hearing is required, applicants will be aware of what types of notice—mailed, published, and posted—are required. These provisions will also describe what information is required for each type of notice and whether the city or the applicant is responsible for compliance. This helps to inform the public and prevent delays in application processing due to technicalities.
- ▶ **Time Frames.** Clear time frames for each step of the process, such as deadlines for a complete application to be heard at a public hearing, will be included to make administration more predictable. While deadlines must sometimes be modified during the approval process, specifying time frames will provide more clarity and predictability for the applicant and the public.
- ▶ **Site Plan Review.** Since the form-based approach of the UDO will include objective, measurable standards, it will be possible to move toward administrative approvals of routine development applications that meet the letter of the ordinance. The scope of site plan review can therefore be narrowed to address situations that require extra attention. However, it is anticipated the UDO will still require City Planning Board confirmation of any development application deemed to be in compliance with ordinance standards.
- ▶ **Conditional Approvals.** Certain uses should be permitted only after consideration of the impacts upon a particular location. Each conditional use will be evaluated on an individual basis to determine whether approval of the use is appropriate, looking closely at both location and operation. Incorporating a conditional approval process will streamline use permissions and allow tailoring of use permissions to Zones. Each Zone will have a list of permitted and conditional uses that relate to its particular form, function, and pattern. Conditional

approvals will also enable the city to take more control over contentious uses, such as delis, taverns, and retail sales of alcohol. During the ordinance drafting process, it will be determined which approval body, typically the City Planning Board or Common Council, is most appropriate to grant conditional approvals.

- ▶ **Administrative Exceptions.** A new administrative exception process will be included to enable flexibility in ordinance administration and reduce the number of cases that must be reviewed by the Zoning Board of Appeals. Administrative exceptions would be granted only for applications in which special circumstances applicable to the subject property prevent strict adherence to the letter of the ordinance. An example might be a building that cannot meet a build-to requirement due to an oddly shaped lot. These administrative exceptions would be granted by the Zoning Administrator without a public hearing, streamlining the process and reducing the burden on applicants and the Zoning Board of Appeals. Checks would be included in this procedure to ensure transparency and the ability of residents to appeal decisions to the Zoning Board of Appeals.
- ▶ **Interpretations.** The UDO will include a process for documenting written interpretations by the Zoning Administrator. This will result in a record of interpretation requests, leading to more predictable and consistent application of the regulations.
- ▶ **Zoning Verifications.** The UDO will include a zoning verification process, which is an approval issued by the Zoning Administrator stating that an application complies with the applicable regulations. An accurate record of new developments and uses would be maintained, helping prevent and identify illegal structures and uses, and build efficiencies into enforcement.

### 3. Subdivision Approvals

This section will include the following:

- ▶ Purpose of Subdivision
- ▶ Types of Subdivision Permitted
- ▶ Minor Subdivision Approval Process
- ▶ Major Subdivision Approval Process
- ▶ Subdivision Application Requirements
- ▶ Subdivision Standards

Subdivision Approvals will establish procedures for major and minor subdivisions that are easy to understand and apply. The subdivision standards in the UDO will focus on reinforcing traditional lot, street, and block patterns that facilitate all modes of transportation.

Two processes for subdivision will be established—one for minor adjustments and another for more significant divisions of land. Minor subdivisions will go through an expedited approval process with simple submittal requirements for actions such as lot line adjustments, consolidation of lots, and lot splits (in which a single lot is split into up to three separate lots of record). Major subdivisions involving splits into four or more lots or infrastructure improvements will require more review and detailed application submittals.

Rather than applying one-size-fits-all standards, subdivision regulations will be matched to the desired physical character of Zones identified in the UDO. Lot sizes, street dimensions, and block configurations will be required to adhere to standards of the underlying Zone in which the property is located.

Engineering standards found outside the UDO, such as technical specifications for street and sidewalk construction, or sewer and water connections, will be referenced.

### 4. Zones

This section will include the following:

- ▶ Establishment of Zones
- ▶ Neighborhood (N) Zones
- ▶ District (D) Zones
- ▶ Corridor (C) Zones

Zones will include basic zoning requirements for neighborhoods, districts, and corridors. A new Zone structure will be based on the “place types” identified by Buffalo’s Land Use Plan, and reflect their respective form, function, and pattern.

**Neighborhood (N) Zones** are functionally integrated places that share similar attributes:

- ▶ There is both a center and an edge; with the ideal size a quarter-mile from one to the other.
- ▶ Streets are designed to account for pedestrians, bicycles, and automobiles.
- ▶ There is a balanced mix of activities—work, schools, recreation, shopping—and a range of housing types.
- ▶ Priority is given to creating public space and locating civic buildings.

The Land Use Plan identifies five basic neighborhood types: Urban Core, Urban Center, General Urban, Urban Edge, and Suburban. N Zones will be the focus of form standards that address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and type of streets and blocks.

Many of the key requirements of N Zones will actually be attached to Building Type and other standards found elsewhere in the UDO, and cross-referenced. N Zones will include standards for maximum block size, minimum lot width and

# NEIGHBORHOOD ZONES

<b>N-1 Urban Core</b>	N-1D Downtown Hub	Downtown or regional hub of substantial scale with an intense mix of office, residential, & retail uses
	N-1E Downtown Edge	The edges of downtown composed primarily of connected, moderate-scale commercial block structures with consistent pedestrian-oriented frontages
	N-1S Secondary Employment Center	High-intensity centers containing a mix of light industrial, office, residential, & retail uses & many tall and large-footprint structures
<b>N-2 Urban Center</b>	N-2P P-Zone	Mixed-use neighborhood centers composed primarily of commercial block structures of varying height
	N-2O Open	Secondary neighborhood centers containing a mix of houses and commercial block structures, typically on the edges of more intense neighborhood centers
	N-2R Restricted	Compact areas beyond the centers of neighborhoods containing a wide range of housing types generally restricted to residential uses
<b>N-3 General Urban</b>	N-3P P-Zone	Mixed-use neighborhood centers composed primarily of commercial block structures rarely taller than two or three stories
	N-3O Open	Secondary neighborhood centers containing a mix of houses and commercial block structures, typically on the edges of more intense neighborhood centers
	N-3R Restricted	Moderately compact areas beyond the centers of neighborhoods composed mostly of detached houses generally restricted to residential uses
<b>N-4 Urban Edge</b>		Large lot residential areas composed primarily of single-family detached houses
<b>N-S Suburban</b>	N-SB Superblock	Residential areas typically composed of towers and/or garden apartments organized within “superblocks” Two sub-zones may be needed: <ul style="list-style-type: none"> <li>▶ N-SB-3, allowing structures up to 3 stories (garden apartments)</li> <li>▶ N-SB-15, allowing structures up to 15 stories (garden apartments &amp; towers)</li> </ul>
	N-SS Suburban Subdivision	Low density, residential-only subdivisions typically organized within limited-access block networks or culs-de-sac

area, minimum and maximum building height, and maximum building coverage. An example of how an N Zone section might appear in the UDO is on pages 11 and 12.

Regulations will be included that are unique to downtown, such as identification of key pedestrian streets, prohibitions on new surface

parking, stepback requirements for towers, and design standards for tower “tops.” Restricted Zones will include a conditional approval process for corner shops that provide daily goods and services for residents. Suburban Zones will not include standards addressing building type, allowing more flexibility in determining site characteristics.

# DISTRICT ZONES

<b>D-R Retail</b>	D-RC Retail Center	Retail campuses with prominent parking areas centered around one or more “big box” format buildings
	D-RS Retail Strip	Linear retail strip developments typically located at conventional suburban arterials, highway access points, or adjacent to existing retail centers
<b>D-I Industrial</b>	D-IO Office Park	Multiple-building office campuses
	D-IL Light Industrial	Light industrial parks or sites
	D-IH Heavy Industrial	Heavy industrial campuses or sites
<b>D-H Healthcare</b>		Integrated research and medical campus consisting of multiple buildings either on several contiguous blocks or within a “superblock”
<b>D-E Education</b>		Education campus consisting of multiple buildings either on several contiguous blocks or within a “superblock”
<b>D-O Open Space</b>	D-OO Olmsted	Large, meadow-like parks typically designed by Olmsted with a primarily passive, pastoral, or picturesque character
	D-OR Recreational	An open space designed to accommodate, in whole or in part, structured recreational & active uses
	D-OC Civic	A formal space that takes on the character of a civic green or plaza, usually of small to medium scale
	D-ON Natural	Naturalized open space or conservation area with no, or few, active uses aside from walking or biking trails

**District (D) Zones** are specialized places serving a predominant use, such as a college campus or industrial park. Although districts preclude the full range of activities of a neighborhood, they do not need to be suburban in character. The structure of the district parallels the neighborhood, with an identifiable focus that provides orientation and identity, as well as clear boundaries. D Zones will be addressed by more flexible use, design, and performance standards.

Retail Districts will include standards for building siting, landscape, and site circulation to elevate the design quality and environmental performance of such areas.

Industrial Districts will require less control over form and more over use to protect adjacent neighborhoods from adverse impacts. Light and heavy industrial uses will be distinguished by performance metrics, rather than long lists of permitted and prohibited uses, that measure impacts due to dust, smoke, odor, noise, vibration, or traffic. An “artisan industrial” classification—defined as low-intensity artisan-related crafts like small-scale metalworking, glassblowing, furniture making, pottery, and related items—will be included in Use Standards to create opportunities for some industrial uses to integrate with neighborhoods.

# N-3P P-ZONE (NEIGHBORHOOD CENTER)



## A. Purpose

**N-3 Urban General Neighborhoods** were largely developed along streetcar lines at the turn of the 20th century, and so have strong commercial districts at their cores. These neighborhoods tend to have larger lots, more space between houses, and deeper setbacks.

Hamlin Park, Kaisertown, University Heights, North Park, Riverside, and South Buffalo are examples of these neighborhoods.

The purpose of **N-3P** is to address mixed-use neighborhood centers composed primarily of street-fronting structures with ground floors that encourage pedestrian activity.

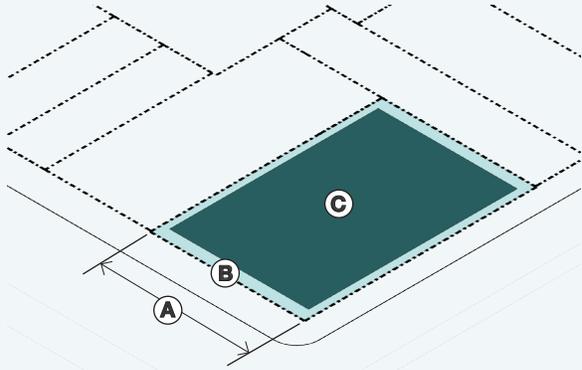
## B. Permitted Building Types

- |  |  |
|--|--|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #0070C0; margin-right: 5px;"></span> Carriage House | <span style="display: inline-block; width: 15px; height: 15px; background-color: #0070C0; margin-right: 5px;"></span> Shopfront        |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #A9A9A9; margin-right: 5px;"></span> Cottage        | <span style="display: inline-block; width: 15px; height: 15px; background-color: #0070C0; margin-right: 5px;"></span> Shopfront House  |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #A9A9A9; margin-right: 5px;"></span> Detached House | <span style="display: inline-block; width: 15px; height: 15px; background-color: #0070C0; margin-right: 5px;"></span> Commercial Block |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #A9A9A9; margin-right: 5px;"></span> Attached House | <span style="display: inline-block; width: 15px; height: 15px; background-color: #A9A9A9; margin-right: 5px;"></span> Tower            |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #A9A9A9; margin-right: 5px;"></span> Estate House   | <span style="display: inline-block; width: 15px; height: 15px; background-color: #A9A9A9; margin-right: 5px;"></span> Industrial Shed  |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #A9A9A9; margin-right: 5px;"></span> Stacked Units  | <span style="display: inline-block; width: 15px; height: 15px; background-color: #A9A9A9; margin-right: 5px;"></span> Loft Building    |
|  | <span style="display: inline-block; width: 15px; height: 15px; background-color: #0070C0; margin-right: 5px;"></span> Civic Building   |

## C. Site Development Standards

<b>Uses</b>	Section 6.2.2
<b>Accessory Structures &amp; Uses</b>	Section 5.5
<b>Permitted Encroachments</b>	Section 5.6.1
<b>Landscape</b>	Section 7
<b>Parking Design</b>	Section 5.7
<b>Signs</b>	Section 5.8
<b>Thoroughfare Design</b>	Section 8

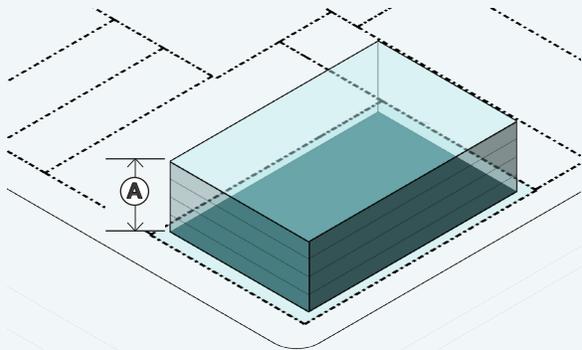
# N-3P P-ZONE (NEIGHBORHOOD CENTER)



## D. Lotting & Coverage Pattern

- A** Minimum Lot Width 15 ft.
- B** Minimum Lot Area 1,200 sf
- C** Maximum Lot Coverage 90%

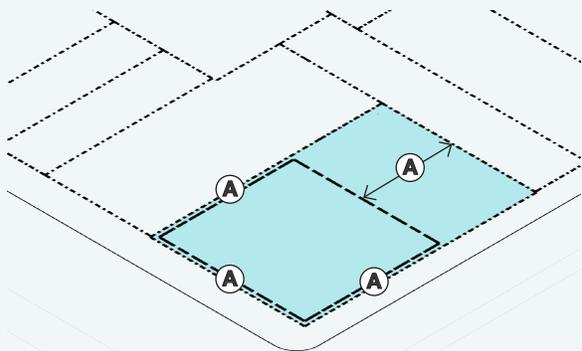
\* Additional lotting and coverage requirements may be established by building type



## E. Building Height

- A** Maximum Building Height 4 stories

\* Additional building height requirements may be established by building type



## F. Building Setbacks

- A** Minimum & Maximum Setbacks Defined by Building Type  
(See Section X - Buildings)

# CORRIDOR ZONES

<b>C-W Waterfront</b>		Lakes, rivers, & other waterbodies
<b>C-T Transportation</b>	C-TR Rail	Rail lines & yards
	C-TG Greenway	Pedestrian & bicycle trails
	C-TH Highway	Limited access highways or regional boulevards
	C-TM Metro Rail	Designated areas within the pedestrian sheds of Metro Rail stations

Medical and educational campuses will benefit from flexibility in the development of site interiors, as opposed to the perimeter, which will be required to provide proper transitions to adjacent Zones. These districts will allow the option of incorporating an institution’s campus master plan into a General Development Plan, which would describe anticipated development of the campus, including building location and size, parking areas and site circulation, use mix, and other elements. It would then be adopted as the “zoning” for the site, approved through a public process by the City Planning Board or Common Council.

Open Space Districts will address standards for open space design, a first for Buffalo. Olmsted, Recreational, Civic, and Natural Districts would include regulations matched to their particular function and character, and include formal review procedures similar to those established for private properties. For Olmsted Zones, improvements will be required to match the goals and objectives of *The Olmsted City: The Buffalo Olmsted Park System: Plan for the 21st Century*.

**Corridor (C) Zones** are linear systems of transportation, green space, or waterfront that both frame and connect neighborhoods and districts. They are composed of natural and man-made components, ranging from wildlife trails to railways and transit lines. The corridor is not the haphazardly residual open space buffering suburban enclaves, but a deliberate

civic element characterized by its continuity. C Zones will be addressed with a range of zoning approaches tailored to their particular function and character.

Highway & Rail Zones will address transportation uses and related accessory structures. The Metro Rail Zone will include standards that incorporate transit-oriented development (TOD) standards for properties generally located within a 5-minute (1/4-mile) walk of Metro Rail stations. Greenway Zones will include standards to ensure sensitivity to the natural environment and the safety of pedestrians and cyclists. Waterfront Zones will refine and update standards in the waterfront overlay districts of the current zoning code to take into account policy direction from the forthcoming Brownfield Opportunity Area (BOA) Master Plans and Local Waterfront Revitalization Plan (LWRP). Enhanced buffer requirements will be included to ensure public access and a healthier waterfront ecosystem.

## 5. Form Standards

This section will include the following:

- ▶ Measurement Methodologies
- ▶ General Site Development Standards
- ▶ Building Types
- ▶ Frontages
- ▶ Encroachments
- ▶ Accessory Structures and Uses
- ▶ Parking
- ▶ Signs

Form Standards will establish clear and predictable regulations allowing neighbors and investors to understand what can be built and how. These standards will emphasize traditional neighborhood character and walkable, mixed-use development.

This will be a significant departure from standards in the current zoning code. These are often out of sync with Buffalo's historic development patterns, resulting in frequent variances for routine development projects, new construction that disrupts community character, roadblocks to sustainable development, and disinvestment driven by the uncertainties that the standards have created.

A form-based approach will shift the emphasis to development typology, rather than use alone, acknowledging the mixed-use character of Buffalo's neighborhoods. This will eliminate inconsistencies between Buffalo's traditional urbanism and its land use regulations. Form Standards will address six areas:

**Building Types.** This will address standards for the building types delineated in the N Zones. Standards for each building type will address lot width, building height and siting, facade materials and transparency, parking configurations, and others. The following

building types (also listed in the table on page 14) will be addressed:

- ▶ **Carriage House.** A carriage house is an ancillary dwelling or home office located along an alley or at the rear of a principal dwelling. It is typically one or two stories and may integrate a garage at the ground level.
- ▶ **Cottage.** A cottage is a narrow dwelling on a narrow lot, ranging in height from one to three stories.
- ▶ **Detached House.** A detached house is a dwelling on a typical urban lot ranging from one to three stories.
- ▶ **Attached House.** An attached house is a narrow dwelling that shares a party wall with a structure on an adjoining lot, typically ranging in height from two to four stories. Duplexes, triplexes, and rowhouses are all examples of the type.
- ▶ **Estate House.** An estate house is a detached dwelling on a large lot, ranging in height from one to three stories.
- ▶ **Shopfront.** A shopfront is a one-story building typically used for retail or office uses oriented primarily to the pedestrian, in that the building is located adjacent to the front or corner lot lines and contains a highly transparent principal facade.
- ▶ **Shopfront House.** A shopfront house is a house with an attached shopfront.
- ▶ **Stacked Units.** A stacked unit structure is a structure of two or more stories that facilitates multiple units connected with one or more shared entries. Such structures are typically designed to accommodate residential uses, or office or hospitality uses where such uses are allowed. The ground floor may be raised above the grade of the sidewalk to ensure privacy for occupants. The heights and footprints of such buildings vary by neighborhood type, with the tallest

# BUILDING TYPES BY NEIGHBORHOOD ZONE

BUILDING TYPE	N1-D	N-1E	N-1S	N-2P	N-2O	N-2R	N-3P	N-3O	N-3R	N-3S	N-4-45	N-4-60
 Carriage House		●		●	●	●	●	●	◐	◐	◐	◐
 Cottage					●	●						
 Detached House					●	●		●	●	●	●	●
 Attached House		●			●	●						
 Estate House											●	●
 Stacked Units	●	●	●		●	●		●	◐			
 Shopfront			●	◐	◐		●	●				
 Shopfront House				●	●	◐	●	●	◐			
 Commercial Block	●	●	●	●	●	◐	●	●	◐			
 Tower	●											
 Industrial Shed			●									
 Loft Building			●									
 Civic Building	●	●	●	●	●	●	●	●	●	●	●	●

● Permitted    ◐ Conditional    ◑ Conditional, Corner Lots Only

# FRONTAGES BY BUILDING TYPE

FRONTAGE TYPE		CARRIAGE HOUSE	COTTAGE	DETACHED HOUSE	ATTACHED HOUSE	ESTATE HOUSE	STACKED UNITS	SHOPFRONT	SHOPFRONT HOUSE	COMMERCIAL BLOCK	TOWER	INDUSTRIAL SHED	LOFT BUILDING	CIVIC BUILDING
	Porch	●	●	●	●	●	●							
	Stoop	●	●	●	●	●	●							
	Arcade									◐	●		●	●
	Plaza						◐			◐	◐			●
	Courtyard						●			●	●			●
	Balcony	●	●	●	●	●	●			●	●		●	●
	Awning	●	●	●	●	●	●	●	●	●	●	●	●	●
	Canopy						●			●	●	●	●	●
	Porte-Cochère			●	●	●	●			●	●			●

● Permitted    ◐ Conditional

and largest being located in downtown or regional hub areas.

- ▶ **Commercial Block.** A commercial block is a structure of two or more stories designed to facilitate pedestrian-oriented retail or office uses on the ground floor, with upper floors designed for residential uses, or hospitality or office uses where such uses are allowed. The heights and footprints of such buildings vary by neighborhood type, with the tallest and largest being located in downtown or regional hub areas.
- ▶ **Tower.** A tower is a stacked unit or commercial block structure of twelve stories or more, typically limited to downtown or regional hub areas. It is usually slender, allowing maximum light penetration within the building and below to the sidewalk, and may exist as a freestanding structure, atop a larger base structure or “podium,” or within a plaza activated with daytime uses.
- ▶ **Industrial Shed.** An industrial shed is a single-story structure with a large footprint, often naturally lit with monitor or sawtooth roofs. Such structures are typically designed for industrial, office, or “big box” retail uses.
- ▶ **Loft Building.** A loft building is a multistory structure with large footprints, often designed with tall ceilings, expansive windows, and light wells to allow maximum penetration of natural light. It can be designed to facilitate a wide variety of uses, including industrial, office, retail, and residential.
- ▶ **Civic Building.** A civic building is a structure designed to stand apart from its surroundings due to the special nature of its use as a public facility. Civic buildings are often the most prominently sited and architecturally significant structures in a community.

**Frontages.** This will address facade elements such as porches, courtyards, balconies, and canopies or awnings, which articulate the facades of buildings and provide appropriate transitions between the public and private realms. The table on page 15 shows permitted frontage options by building type.

**Encroachments.** This will address standards for encroachments, which are architectural features such as eaves or bay windows that encroach into required yards.

**Accessory Structures & Uses.** This will include standards for a comprehensive set of accessory structures and uses, such as garages and fences, addressing dimensions and location on the lot. This will also include a range of accessory structures for emerging “green” practices:

- ▶ **Solar panels.** The UDO will allow solar panels on all principal and accessory structures, as well as private ground-mounted structures in rear yards. The regulations will include provisions on where they may be mounted (roof or freestanding), the maximum angle at which they can be mounted on the roof, and required setbacks for panels in relation to site conditions, such as neighboring properties and trees. There is typically concern regarding solar panels mounted on the front of principal buildings in residential zones. However, if a structure faces south, this may be the best location for solar panels. An option is to allow panels on the front façade of south-facing structures but to include design standards to minimize any negative aesthetic impact.
- ▶ **Residential wind turbines.** Residential wind turbines will be permitted for all principal and accessory structures as well. Regulations will address location, setback, height, and performance-based standards for noise and shadows tailored to the different types of

turbines (ground-mounted, roof-mounted, horizontal axis, vertical axis).

- ▶ **Geothermal systems.** Geothermal heating will be addressed by the UDO, which will limit any required heat pump to the side and rear yards.
- ▶ **Rain barrels and cisterns.** The use of rain barrels and cisterns will be allowed for all properties. The UDO can limit the location on the site, but it is not recommended to limit the number of rain barrels or cisterns to a specific number.
- ▶ **Chicken coops.** The City currently allows chicken coops through a chicken license requirement in the Property Maintenance Code. This license provision will remain in the Property Maintenance Code, but related standards will be moved into the accessory structure section of the UDO.
- ▶ **Apiaries/bee-keeping.** Like chickens, there has been significant interest to allow apiaries for private use on private property. The UDO will allow a set number of hive structures and colonies, with regulations for siting, fencing, water, swarm control, and queen replacement to ensure proper setup and maintenance. Standards can also require applicants to obtain consent from adjacent neighbors to address concerns of neighbors who may be allergic to bees.
- ▶ **Greenhouses.** Greenhouses will be permitted as an accessory structure and regulated in both permanent and temporary (hoop house) form for appropriate size, location, and setback.
- ▶ **Market gardens.** Market gardens both enhance local food production efforts and have the potential to conserve water on-site. The UDO will allow market gardens in all yards, including front yards, and allow the sale of produce from operators of market gardens. A conditional approval process and related standards will address more intensive urban agricultural uses, such as aquaculture facilities.

- ▶ **Farm stands.** Farmers' markets and farm stands provide opportunities for locally produced food to be sold within the community. Farm stands are temporary structures that should be permitted as part of a community garden or urban agricultural use, allowing for the sales of items grown at the site.
- ▶ **Miscellaneous accessory structures.** A range of "green" accessory structures and uses will also be allowed in the UDO. These are regulated simply by including a definition, limitations on their locations (typically the side and rear yards), and setbacks: compost facilities, laundry clotheslines, sub-surface or underground water tanks, outdoor structures used for protecting seedlings and plants from the cold, and other agriculture-related accessory structures.

**Parking.** This will address the form, placement, and environmental performance of parking areas. The UDO will not include a minimum parking requirement, leaving this issue to the market. Parking configurations will vary by Zone, and will incorporate the following standards to ensure that parking areas are properly located, attractive, and safe:

- ▶ Location of off-street spaces, including off-site locations
- ▶ Parking lot design, including dimensions, materials, lighting, pedestrian access, landscaping and screening
- ▶ Paving requirements to encourage pervious surfaces that allow water percolation
- ▶ Structured parking design
- ▶ Loading space design

Bicycle parking regulations currently in a separate city ordinance will also be updated and incorporated into the UDO. Minimum bicycle parking standards will typically apply

to multi-family dwellings and retail, office, industrial, medical, and educational facilities.

**Signs.** This will balance the needs of business and the protection of public health, safety, welfare, and aesthetics. Standards will permit products or services to be advertised consistent with the character of the respective Zones. Additional technical detail on sign control is provided below:

- ▶ **Permanent Signs.** The UDO will address all permanent sign types, including awning/canopy, ground-mounted, ground pole, electronic message, projecting, marquee, wall, and window signs, with a master sign table indicating which sign types are permitted in each Zone. Standards will address location, projection, materials, setback, height, area, brightness, message duration, sidewalk clearance, mounting, and others.
- ▶ **Electronic Signs.** Electronic signs, also called digital or LED signs, are signs on which informational content is changed or altered on a fixed display screen composed of electrically illuminated segments. The current zoning code limits their use to “conveying time, temperature, stock market quotations, or other information of a non-advertising nature.” The UDO will include a clear definition of these sign types as well as standards addressing their appropriate form and location.
- ▶ **Billboards.** The UDO will devote a section to billboards. Standards will comply with federal statutes, include updated provisions for electronic billboards, and address permitted locations, spacing requirements, and sign dimensions. A series of standards for illumination, brightness, and minimum duration of message must be included for electronic billboards. The UDO can also use electronic billboard permissions to encourage the removal of nonconforming

billboards by creating “trade-offs” of nonconforming existing billboards, i.e., if three nonconforming billboards are taken down, one new electronic billboard could be erected.

- ▶ **Classic Signs.** A “classic sign” designation may be necessary. This type of provision preserves specific historic and/or unique signs that would be considered nonconforming under UDO standards. A process may be added to designate “classic signs,” allowing them to be repaired, maintained, and moved to new structures without running into regulatory hurdles.
- ▶ **Master Sign Plan.** A master sign plan describes how a campus development will coordinate signs in terms of size, number, and placement. Many cities require master sign plans for retail strip developments, while others require them for any type of multi-tenant development, including multi-story and mixed-use buildings. For example, in a multi-tenant development, the master sign plan can be written so that only one ground sign (whether pole or monument) is permitted, identifying the name and address of the development and an identification sign for each business.

#### **A note about Local Historic Districts.**

The UDO will be consistent with protections established for Local Historic Districts. Form Standards will prescribe the basic urbanism—building disposition, placement, frontage characteristics—of Buffalo’s traditional neighborhoods. The UDO will direct users to additional regulations and approvals that apply in Local Historic Districts with a cross-reference to Preservation Standards located elsewhere in the City Code.

## 6. Use Standards

This section will include the following:

- ▶ Principal Use Definitions & Standards
- ▶ Temporary Use Definitions & Standards

Use Standards will establish fair and simple rules to help facilitate the mix of uses necessary to create strong neighborhoods and employment centers. All use standards will be consolidated into this section of the ordinance, with a master use table describing the permitted and conditional uses in each Zone.

There are three key contrasts between the approach for the forthcoming UDO and that of the current zoning code:

1. The current code employs a pyramid or cumulative use structure. For example, all uses permitted in the R-5 District are permitted within the C-1 District, with the addition of several new uses listed specifically for C-1. However, the R-5 District also permits all uses from lower-intensity residential districts (R-1 to R-4), creating a confusing structure that forces the user to reference multiple districts to determine what is allowed. By contrast, the new UDO will include a tailored list of permitted uses for each Zone.
2. The current code employs a confusing and inconsistent approach to use restrictions. For example, some base zoning districts permit additional uses that meet the district intent and a series of performance standards established by the Zoning Board of Appeals. Meanwhile, overlay districts subject various uses to a restricted use permit process requiring Common Council approval. This structure for restricting uses is difficult to understand and enforce. By contrast, the new UDO will include a conditional approval process that will make requirements more transparent for applicants, administrators, and the public.

3. The current code utilizes the specific use approach. For example, in certain overlay districts desired uses are listed; while in others prohibited uses are listed. This approach has fallen out of favor due to its complexity and inability to respond to new and emerging uses. By contrast, the new UDO will employ a flexible use approach that is more responsive to changing market conditions and lifestyle preferences. This will minimize the need for text amendments as new uses emerge.

The flexible use approach will group uses into larger land use categories, calling out only those specific uses that have distinct impacts. It will be a significant departure from the complicated use structure of the current code, which delineates a staggering 519 uses.

Each use listed in the master use table will be defined, and the definition will include examples of that type of use and specifically exclude uses that are not part of the flexible use definition. For example, the definition for “retail goods establishment” will specifically state that “adult bookstores” are not considered within that definition. This means that an adult bookstore must be specifically permitted within a Zone to locate there; it cannot come in under the umbrella of retail goods establishment.

Standards will also address a range of emerging uses, such as urban agriculture and alternative energy production. Community gardens will be allowed in all Zones, both as stand-alone uses and accessory to other uses, such as schools and places of worship. Urban agriculture is distinguished from community gardens in terms of the intensity of farming operations that take place on site. As with all farming operations, there are impacts that need to be mitigated, such as noise, dust, odor, and vibrations. The ability to create vertical farms should also be addressed in the UDO.

Temporary uses such as farmers’ markets, arts and crafts shows, sidewalk sales, and contractor

trailers will also be addressed under Use Standards. These will control impacts by requiring screening and siting, and identifying the Zones in which such uses are permitted. Cross-references to other city ordinances will be included.

**A note about corner shops.** Cities like Buffalo traditionally developed with corner shops integrated into residential neighborhoods. Popular establishments like Scharf’s and Betty’s come to mind. Over time, many buildings built to accommodate these uses have been converted to residential use or have become vacant. Further, many existing corner shops are now considered nonconforming; if such corner shops were to shut down, after one year they would not be permitted to reopen under the current nonconformity provisions. The UDO will remove barriers to the reestablishment of corner retail options while safeguarding neighborhoods where such uses are inappropriate. This can be accomplished with a conditional approval process for corner shops in select Zones, such as N-2R.

**A note about accessory dwellings.** The tradition of the “carriage house” or “granny flat” disappeared with the introduction of mid-20th century zoning. The new UDO will expressly allow carriage houses to be constructed or rehabilitated in the appropriate Zones. This will help homeowners generate supplementary income or accommodate aging parents or teenagers who need a separate space. It will also create hidden density tucked away in rear yards, helping the city to achieve its smart growth and sustainability objectives.

**A note about adaptive reuse.** Buffalo has many vacant civic buildings, such as schools and places of worship, that will need to be creatively reused to ensure their survival. The UDO will encourage adaptive reuse of such structures through exemptions from use standards that would otherwise force an applicant through the variance process. An adaptive reuse provision will include adequate protections for neighbors, while giving investors

the flexibility they need to find new uses for important landmarks.

**A note about vacant land.** Zoning typically assumes a healthy real estate market, which is not necessarily the reality in every section of the city. The UDO will allow a range of vacant land management strategies—constructed wetlands, natural growth areas, urban farms, and others—that respond to the realities on the ground. This strategy will encourage ongoing stewardship of vacant land as the hard work continues to return economic value and activity to every neighborhood.

## 7. Environmental Standards

This section will include the following:

- ▶ Landscape Standards
- ▶ Stormwater Management Standards
- ▶ Environmentally Sensitive Area Protection
- ▶ Exterior Lighting Standards

The current zoning code does not contain comprehensive environmental standards, so many regulations in this section will be new to Buffalo’s regulatory practice. Environmental Standards will address four areas:

**Landscapes.** This will address standards for landscaping, including screening for certain noxious uses such as refuse containers, loading areas, and drive-throughs; on-lot landscapes for campus environments; and mature tree preservation. The standards will permit a range of screening alternatives to make compliance less onerous, and include detailed specifications to ensure quality. Basic landscape design standards will also be provided for certain Zones, including minimum planting sizes, species diversity, and maintenance requirements. Design standards will also include local ecosystem considerations, such as permissions for natural lawns, a prohibition on invasive exotics, and a drought-tolerant landscape requirement.

**Stormwater Management.** This will provide performance-based standards for stormwater management to permit on-site and district stormwater strategies. These standards will be derived from the Buffalo Sewer Authority’s forthcoming CSO Long-Term Control Plan being negotiated with the Environmental Protection Agency

#### **Environmentally Sensitive Areas.**

This will address required site plans for development applications on lands containing an environmentally sensitive area, such as wetlands, floodplains, or sensitive habitat. The site plan would also have to include a Natural Resource Management Plan that details the specific management and protection measures to be applied.

**Exterior Lighting.** This will include standards for exterior lighting with a view to minimizing light pollution. A full range of exterior lighting standards will be crafted, including the design and intensity of building-mounted lighting, light poles, neon lighting, and illumination of signs and structures. Many of the “best practice” standards for exterior lighting will be incorporated from the Model Lighting Ordinance of the International Dark Sky Association and Illuminating Engineering Society of North America. These standards will be calibrated to local conditions and enforcement capacities.

## **8. Thoroughfare & Subdivision Standards**

This section will include the following:

- ▶ Block Standards
- ▶ Street Standards
- ▶ Lot Standards

Thoroughfare and Subdivision Standards will create standards for blocks, streets, and lots to ensure a high quality public realm. As a form-based code, the UDO will establish a clear relationship

between the private and public realms, allowing for an integrated approach to development. Standards will help restore traditional patterns where they have been lost over time, and ensure that new development meets the community’s smart growth and sustainability objectives.

Thoroughfare and Subdivision Standards will address three areas of regulation:

**Blocks.** This will address standards for the design of blocks with a view to reinforcing a balanced, multimodal roadway network that serves pedestrians, cyclists, transit riders, motorists, and freight. Standards will focus on maintaining connectivity to help provide multiple routing options for users, establishing an appropriate network density matched to desired land use patterns, and creating a high quality public realm.

**Streets.** This will address standards for right-of-way width, traffic and parking lane width, curb radius, sidewalk width, and tree canopy; as well as design specifications for pedestrian and bicycle facilities referenced in the Complete Streets Ordinance. Standards will be refined to relate to the character of Zones, and pre-approved thoroughfare assemblies and pedestrian and cyclist facilities will be depicted with user-friendly tables and illustrations.

**Lots.** This will address standards for the creation of lots with a view to reinforcing traditional development patterns. Lot width and area regulations will be addressed by Zones.

## **9. Application of the Ordinance**

This section will include the following:

- ▶ Text and Graphics
- ▶ Nonconformities
- ▶ Enforcement

As in any ordinance, clear standards must be in place so users understand how to apply

the UDO. To facilitate this, Application of the Ordinance will address the following:

**Text & Graphics.** As a graphic ordinance, many regulations will be illustrated rather than communicated through text, so the UDO will state that these graphics serve as controlling regulations. In instances where both text and illustrations are used to communicate regulations, the UDO will make clear that the text controls in case of a conflict.

**Nonconformities.** Although many nonconformities will be eliminated when Zones are revised, some structures and uses will remain nonconforming. Provisions will clearly address three types of nonconformities: uses, structures, and lots of record. Nonconformity provisions will allow uses and structures that have been grandfathered to be maintained, but limit their expansion and encourage their eventual elimination.

Updated nonconformity provisions will describe what types of changes or alterations are permissible for uses, structures, and lots of record. For example, normal repair, replacement, restoration, or improvement will be permitted for any structure devoted to a nonconforming use or a nonconforming structure, so long as it does not create any new nonconformity; and structural alterations to a structure containing a nonconforming condition will be permitted, so long as they do not create any new nonconformity.

Nonconforming lots of record will be inevitable, though the more flexible lot width and area requirements of the UDO will minimize their incidence. The lot of record exception of the current zoning code will be carried over to the new UDO, so property owners will have certainty they can improve nonconforming lots without encountering regulatory obstacles.

Finally, because the UDO will be form-based, it will create inevitable nonconformities with

structures that do not meet the new form standards. The nonconformity provisions will allow these structures to continue until rehabilitation is undertaken, at which point the structure will need to comply with any form standards that apply to that action.

**Enforcement.** Provisions such as the issuance of violations and associated penalties derive from New York State Zoning Enabling Legislation, which will be referenced. This will allow the city to modify its enforcement procedures as state statutes change, without requiring an amendment to the UDO.

## 10. Definitions

This section will include the following:

- ▶ Interpretation of Definitions
- ▶ Definitions

Definitions will clearly define all key terms within the UDO. They will be comprehensive and include all technical terms employed, minimizing the need for interpretation. Certain definitions for non-technical terms, such as uses or sign types, will be listed here with cross-references to the section of the UDO where they are defined. Where appropriate, definitions will include illustrations for ease of understanding.

## Conclusions

The Green Code will give Buffalo an entirely new planning and development framework. It's an exciting opportunity for all Buffalonians, and will be successful only through their ongoing involvement and input. Please stay tuned to [buffalogreencode.com](http://buffalogreencode.com) for more information as this process unfolds.



PREPARED FOR  
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MAYOR BYRON W. BROWN  
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