



MEMORANDUM

TO: Village of East Aurora Board of Trustees
C/O Cathie Thomas, Village Administrator

FROM: Molly Gaudio, AICP
John Steinmetz, AICP

RE: 2018 ZONING CODE UPDATE EXECUTIVE SUMMARY

DATE: September 12, 2018

Originally implemented in 1961, the Village of East Aurora's Zoning Code (Chapter 285) still reflects many of the land use regulatory practices of its time. Most notable is the use of outdated terminology and procedures as well as the inclusion of language fostering auto-dependent development patterns. The code was updated in its entirety in 1990, and amended as necessary over the years to respond to the changing needs and preferences of the community. Although previous piecemeal amendments have served the Village in the interim, this update process allowed for a more comprehensive review and restructuring of the code.

It is important to note that this project is not a rewrite of the existing Zoning Code, but rather a strategic update of requirements and procedures to improve readability, enforceability, and alignment with current community preferences. You will find that although several sections of the existing code have been reorganized, the intent and language of the provisions remain unchanged. A comprehensive update approach was utilized to ensure continuity of language and procedures. This approach also simplifies the adoption process. By providing a complete Chapter 285 update, the Village will not have to itemize amendments and may pursue adoption of the Draft Code as a wholesale replacement to the existing.

The 2018 Zoning Code Update process began in February of 2017, with a Kick-Off Meeting with the project Steering Committee. Committee membership included representation from the Village Board, Planning Commission, Zoning Board, Code Enforcement, and Village residents among other stakeholders. The Committee remained engaged throughout the process, meeting regularly and providing both verbal and written feedback on all draft materials. Their role has been instrumental in the shaping of the Draft Code and consideration of public input.

Please note that changes proposed within the Draft 2018 Zoning Code were based upon the following:

- Our initial assessment of existing zoning districts, requirements, and procedures;
- Resident input from the public Zoning Workshop (April 5, 2017) and Open House (May 23, 2018);
- Recommendations of the Village's previously completed plans and studies; and
- Feedback from the project Steering Committee.

For more information on the initial zoning code assessment, public input, and previously completed plans and studies, please review the Zoning Assessment Memo dated April 13, 2017, and public input summary of the Open House.

Our approach to the revision of the zoning code was centered on two main goals: 1) Restructure the format of the code to be more user-friendly; and 2) Review, revise, and augment existing regulations as necessary to achieve the vision and development goals of East Aurora.

1) Restructure the format of the code to be more user-friendly. Reformatting the code included reorganizing the order of articles and sections, and altering how the regulations are presented to improve readability and clarity for users of the code. Listed below are the format changes we incorporated while drafting the replacement Chapter.

- Incorporated use and dimensional regulation tables by district to reduce the number of pages listing district requirements.
- Removed “cumulative” use and dimensional regulation references (e.g. Permitted Commercial (C) District uses include “Any use permitted in R-C District” and has a height restriction on dwelling that is the “same as R-C District.”).
- Regrouped all relevant application and review procedures in separate, clearly identified articles to reduce redundancy and potential conflicts of procedures, such as the development plan review process.
- Reorganized redundant and scattered special use regulations into a single, clearly identified article for ease of reference.
- Simplified yard requirements and other numerical regulations that are expressed in terms of calculations to reduce confusion and improve enforcement.

2) Review, revise, and augment existing regulations as necessary to achieve vision and development goals of East Aurora. The following is a listing of revisions and additions to the code by topic area.

- **Zoning District Names and Purpose Statements.** The existing zoning district framework for the Village did not accurately reflect the desired type and character of development within each zone. We revised the purpose statements to clarify the intent and applicability of each district, which resulted in the removal or alteration of existing district names. The table below shows the relationship between the existing districts and those proposed.

Existing Zoning District	Proposed
Single-Family Residential (R)	Single-Family Residential (SFR)
Group/New Townhouse Residential (R-G-N)	General Residential (GR)
General Residential (R-G)	Low Density Residential (LDR)
Residential-Commercial (R-C)	Limited Commercial Residential (LCR)
Commercial (C)	General Commercial (GC) Neighborhood Commercial (NC) Village Center (VC)
Commercial-Manufacturing (C-M)	Village Manufacturing (VM)
Mid-Main (M-M)	Mid-Main Overlay (MMO)
Manufacturing-Industrial (M-I) Manufacturing-Processing (M-P)	General Manufacturing (GM)
	Open Space (OS)

Generally, the residential and manufacturing districts remained the same in their intent and application. The existing C District, however, was broken down into three distinct commercial districts that differentiate between the three diverse commercial activity centers within the Village. An OS District was added to accommodate undeveloped areas and parklands. It should also be noted that the Mid-Main District was adapted into an overlay, which allows for a more consistent application of underlying use requirements while maintaining desirable design standards.

- District Use and Dimensional Requirements.** Once the purpose and intent of each district was clarified, the use lists and dimensional requirements were updated to match their desired character and function. Undesirable auto-oriented uses in pedestrian-oriented environments were restricted or prohibited, while new, compatible uses were integrated. The Class I, II, and III Building references were replaced with square footage limitations by use, removing the need to refer to the definitions article. The permitting of manufacturing uses along the Elm-Riley Corridor area was also reconsidered, providing for a more pedestrian-friendly, mixed-use development pattern. The tables below have been provided for ease of comparison between existing zoning district dimensional requirements and that of the proposed districts.

Existing Zoning Districts			
	Min Lot Size	Front Yard	Max Height
R	Res: 10,500 sf; 70 ft Nonres: 13,000 sf; 100 ft	25 ft Min 75 ft Max	Res: 35 ft; 2 ½ stories Nonres: 40 ft; 3 stories
R-G-N	SF: See R MF: 4,500 sf; 120 ft	See R	None, provided side yard is ½ building height
R-G	SF: 9,000 sf; 60 ft MF: 5,000 sf/unit; 120 ft	See R	See R
R-C	SF&2F: See R-G MF: 3,500 sf/unit; 100 ft	See R	Res: 35 ft; 2 ½ stories Nonres: 40 ft; 3 stories
C	Res: See R-C Nonres: None	Res: See R-C Nonres: 10 ft (buildings); 50 ft (parking)	Res: See R-C Nonres: 1 ½ height of tallest adjacent building
C-M	Res: See C Nonres: None	Res: See C Nonres: See C (except vehicle sales/service)	Res: See C Nonres: None
M-M	35,000 sf	Existing OR 30 ft Min	Existing OR 30 ft
M-I	None	10 ft 25 ft (opposite R District) 50 ft (Parking)	4 stories
M-P	1 Acre 100 ft	25 ft	45 ft

Proposed Zoning Districts			
	Min Lot Size	Front Yard	Max Height
SFR	SF: 10,500 sf; 70 ft Nonres: 13,000 sf; 100 ft	20 ft Min Res: 60 ft Max Nonres: 75 ft Max	Res: 35 ft Nonres: 40 ft
GR	SF: 10,500 sf; 70 ft 2F: 12,000 sf; 100 ft MF: 5,000 sf/unit; 100 ft	20 ft Min 75 ft Max	Res: 35 ft Nonres: 40 ft
LDR	SF: 9,000 sf; 70 ft 2F: 10,500 sf; 100 ft MF: 5,000 sf/unit; 100 ft	20 ft Min Res: 60 ft Max Nonres: 75 ft Max	Res: 35 ft Nonres: 40 ft
LCR	SF&2F: See LDR MF: 4,500 sf/unit; 100 ft Nonres: 13,000 sf; 100 ft	20 ft Min 75 ft Max	Res: 35 ft Nonres: 40 ft
GC	13,000 sf; 100 ft	10 ft Min 75 ft Max	45 ft
NC	35,000 sf; 75 ft	10 ft Min 50 ft Max	40 ft
VC	10,000 sf; 50 ft	0 ft Min 10 ft Max	Site Plan Review
VM	13,000 sf; 50 ft	10 ft Min 25 ft Max	40 ft
GM	43,560 ft; 100 ft	25 ft Min 75 ft Max	45 ft
MMO	See NC	See NC	35 ft; 2 ½ stories

- Mapping of Zoning Districts.** The application of the residential districts on the Village’s zoning map has generally remained the same, with some minor adjustments to district boundaries in order to better reflect existing neighborhood density and character. A map of existing single-, two-, and multi-family dwellings was utilized to help make such adjustments. The greatest changes to the Zoning Map are seen in the addition of the Open Space District and newly defined commercial districts. The areas surrounding both Uptown and Downtown are zoned as Village Center District on the draft map to protect and promote a traditional mixed-use development pattern. Many of the commercial areas adjacent to residential are proposed to be rezoned to Neighborhood Commercial, while the shopping plaza is the only remaining application of General Commercial. As previously noted, Mid-Main is proposed as an overlay district with Neighborhood Commercial as the underlying zoning.
- Nonresidential Building and Site Design Standards.** A significant portion of this update focused on design controls for nonresidential development. Language was based on the Commercial

Design Guidelines completed in 2015, which require that buildings are properly scaled and oriented to address the street, façades are composed to provide a visually appealing pedestrian realm, and design materials are regulated preserve architectural integrity. Landscaping requirements were also added that include screening and buffering techniques intended to enhance the public realm.

- **Vehicular Access and Parking Requirements.** Vehicular access, circulation, and parking was updated to accommodate pedestrian and bicycle activity. Off-street parking space requirements will be adjusted to meet modern industry standards for mixed-use activity centers and Village environments. Requirements have been added for the placement of parking lots to the side or rear of structures in residential and commercial districts, as noted in the commercial design standards.

The following tables include an outline of the Draft Zoning Code referencing the existing articles and sections that were relocated and/or amended in the update. Notes have been provided on the general nature of changes throughout each section.

DRAFT CODE OUTLINE	RELEVANT EXISING SECTIONS	SUMMARY OF EDITS
PART 1: INTRODUCTORY PROVISIONS		
Article 10. Enactment	Article I Enactment § 285-1 Ordaining clause § 285-2 Repealer § 285-3 Purpose § 285-4 Title § 285-5 When effective § 285-6 Validity	<ul style="list-style-type: none"> • Updated section references • Included transitional provisions • Removed unnecessary sections as noted at left
Article 11. Establishment of Districts	Article III Establishment of Districts § 285-9 Districts established; boundaries	<ul style="list-style-type: none"> • Updated districts as necessary • Added zoning map references
Article 12. Application of Regulations	Article IV Application of Regulations § 285-10 General application § 285-11 District group classification § 285-12 Areas not included within a district § 285-13 Conflict with other regulations Article V Classification of Uses § 285-14 Ranking of districts § 285-15 Interpretation of use § 285-16 Permitted use interpreted	<ul style="list-style-type: none"> • Updated section references • Removed unnecessary sections as noted at left
PART 2: ZONING DISTRICT FRAMEWORK		
Article 20. Residential Districts	§ 285-17 R Single-Family Residential District § 285-18 R-G-N Group/New Townhouse Residential District § 285-19 R-G General Residential District § 285-20 R-C Residential-Commercial District	
Article 21. Commercial Districts	§ 285-21 C Commercial District § 285-22 C-M Commercial-Manufacturing District	*See previous district comparison tables
Article 22. Manufacturing Districts	§ 285-24 M-I Manufacturing-Industrial District § 285-25 M-P Manufacturing-Processing District	
Article 23. Overlay & Special Purpose Districts	§ 285-23 M-M Mid-Main District	

DRAFT CODE OUTLINE	RELEVANT EXISTING SECTIONS	SUMMARY OF EDITS
PART 3: SUPPLEMENTARY REGULATIONS		
<p>Article 30. Regulations for Lots</p>	<p>§ 285-39 Lot for every dwelling; lot frontage on street § 285-42 Exceptions to height limitations § 285-43 Fences in R Districts § 285-44 Area and yards: corner lot modification § 285-45 Front yard exceptions § 285-46 Corner visibility § 285-47 Lot size exceptions for lots of record § 285-48 Usable open space for residence in C or M-I District § 285-49 Required approval for multiple dwelling conversions § 285-50 Projections into yards</p>	<ul style="list-style-type: none"> • Updated section references • Fences in rear yard permitted to 8 feet (up from 7 feet) • Fences in side/front yard permitted up to 4 feet (up from 3.5 feet) • Removed unnecessary sections as noted at left
<p>Article 31. Regulations for Certain Uses</p>	<p>Article VII Adult Uses § 285-26 Legislative intent § 285-27 Definitions § 285-28 Restrictions affecting adult uses § 285-29 Prohibition regarding public observation</p> <p>Article IX General Provisions as to Use § 285-33 Public buildings, public services and public utilities § 285-34 Radio, television, cellular phone, satellite or other § 285-35 Amateur (HAMS) communications station facilities § 285-36 Accessory uses § 285-37 Drive-through establishments § 285-38 Limitation on gasoline stations § 285-40 Temporary structures</p> <p>Article X Special Provisions § 285-53 Special provisions related to gasoline service stations and repair garages § 285-54 Satellite antennas</p>	<ul style="list-style-type: none"> • Updated section references • Added regulations for: accessory dwelling units, bed and breakfasts, hone occupations, outdoor sales, outdoor storage, and vehicle sales
<p>Article 32. Stormwater Management</p>	<p>Article XV Stormwater Management § 285-77 Findings; purpose § 285-78 Applicability; exemptions; conflicts with other requirements § 285-79 Review and approval of stormwater pollution prevention plans § 285-80 Stormwater pollution prevention plans required; contents § 285-81 Performance and design criteria for stormwater management § 285-82 Maintenance, inspection and repair of stormwater facilities § 285-83 Inspections; administration and enforcement; penalties for offenses</p>	<ul style="list-style-type: none"> • Updated section references

DRAFT CODE OUTLINE	RELEVANT EXISING SECTIONS	SUMMARY OF EDITS
PART 4: DEVELOPMENT STANDARDS		
Article 40. Off-Street Parking & Loading	Article VIII Off-Street Parking § 285-30 Required spaces § 285-31 Exemptions § 285-32 Special regulations	<ul style="list-style-type: none"> • Updated section references • Included NYSEDA parking requirements • Adjusted parking requirements to suit Village character/scale • Reduced required size of spaces (9 feet by 18 feet is standard) • Provided for shared/joint parking opportunities • Added loading space requirements • Added design standards
Article 41. Landscaping & Screening		*New to code
Article 42. Nonresidential Design Standards		*New to code: Based on Village’s Commercial Design Guidelines
Article 43. Village Center Design Standards		*New to code: Based on Village’s Commercial Design Guidelines
Article 44. Sign Regulations	Chapter 209 (Signs)	<ul style="list-style-type: none"> • Incorporated as Article, not Chapter • Updated requirements to be content-neutral • Included design standards
PART 5: ADMINISTRATIVE PROVISIONS		
Article 50. General Application & Review Procedures		*New to code: Based on existing procedures and NYS Village Law
Article 51. Site Plan Review	§ 285-41 Development plan requirements *Also includes development plan requirements listed under each district	<ul style="list-style-type: none"> • Updated section references • Incorporated review criteria • Updated application requirements • Clarified roles of Planning Commission and Village Board
Article 52. Special Use Permits	Article X Special Provisions § 285-51 Uses requiring special permits by Board of Trustees § 285-52 Temporary use permits	<ul style="list-style-type: none"> • Updated section references • Incorporated review criteria • Updated application requirements • Clarified roles of Planning Commission and Village Board
Article 53. Administration, Enforcement & Penalties	Article XII Administration, Enforcement and Penalties § 285-61 Enforcement § 285-62 Permits and fees § 285-63 Certificate of zoning compliance § 285-64 Inspections § 285-65 Penalties for offenses Article XIII Zoning Board of Appeals	<ul style="list-style-type: none"> • Updated section references • Identified powers and duties of the CEO, Village Board, Planning Commission, and Zoning Board of Appeals • Incorporated demolition permit requirements of Chapter 112

DRAFT CODE OUTLINE	RELEVANT EXISING SECTIONS	SUMMARY OF EDITS
	§ 285-66 Creation, appointment and organization § 285-67 Appointment of members, etc § 285-68 Board of Appeals procedure Chapter 58 (Planning Commission)	
Article 54. Variances		*New to code: Based on NYS Village Law
Article 55. Appeals Procedure		*New to code: Based on NYS Village Law
Article 56. Nonconforming Uses & Structures	Article XI Nonconforming Uses § 285-55 Continuation § 285-56 Change in use § 285-57 Discontinuance § 285-58 Restoration § 285-59 Repair or alteration § 285-60 Prior approved construction	<ul style="list-style-type: none"> • Updated section references • Amended text to include both uses and structures • Removed unnecessary sections as noted at left
Article 57. Zoning Map & Text Amendments	Article XIV Amendments § 285-69 Amendments § 285-70 Conditional amendments § 285-71 Petition for amendment § 285-72 Rehearing on petitions § 285-73 Protests § 285-74 Referral to Planning Commission § 285-75 Application fee upon filing of petition § 285-76 Additional notice required when reclassification of areas is proposed	<ul style="list-style-type: none"> • Replaced with language consistent with NYS Village Law
PART 6: TERMINOLOGY		
Article 60. Definitions	Article II Definitions § 285-7 Rules of construction of language § 285-8 Terms and words defined	<ul style="list-style-type: none"> • Updated section references • Removed irrelevant terms • Added new terms as necessary

We look forward to discussing the 2018 Zoning Code Update with you and reviewing the proposed amendments at the Board Training scheduled for Monday, September 17th at 5:30PM in Village Hall.

Sincerely,



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