

Town of Bethlehem

Zoning & Subdivision Update

Planning Board Meeting | August 1, 2023



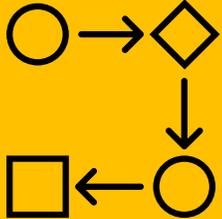
This effort directed by the 2022 Comprehensive Plan Update regulatory recommendations.

Project partially funded through the NYS DOS Smart Growth Planning & Zoning Grant Program.



Department of State

Tonight's Agenda



**Project
Progress**



**Code
Assessment**



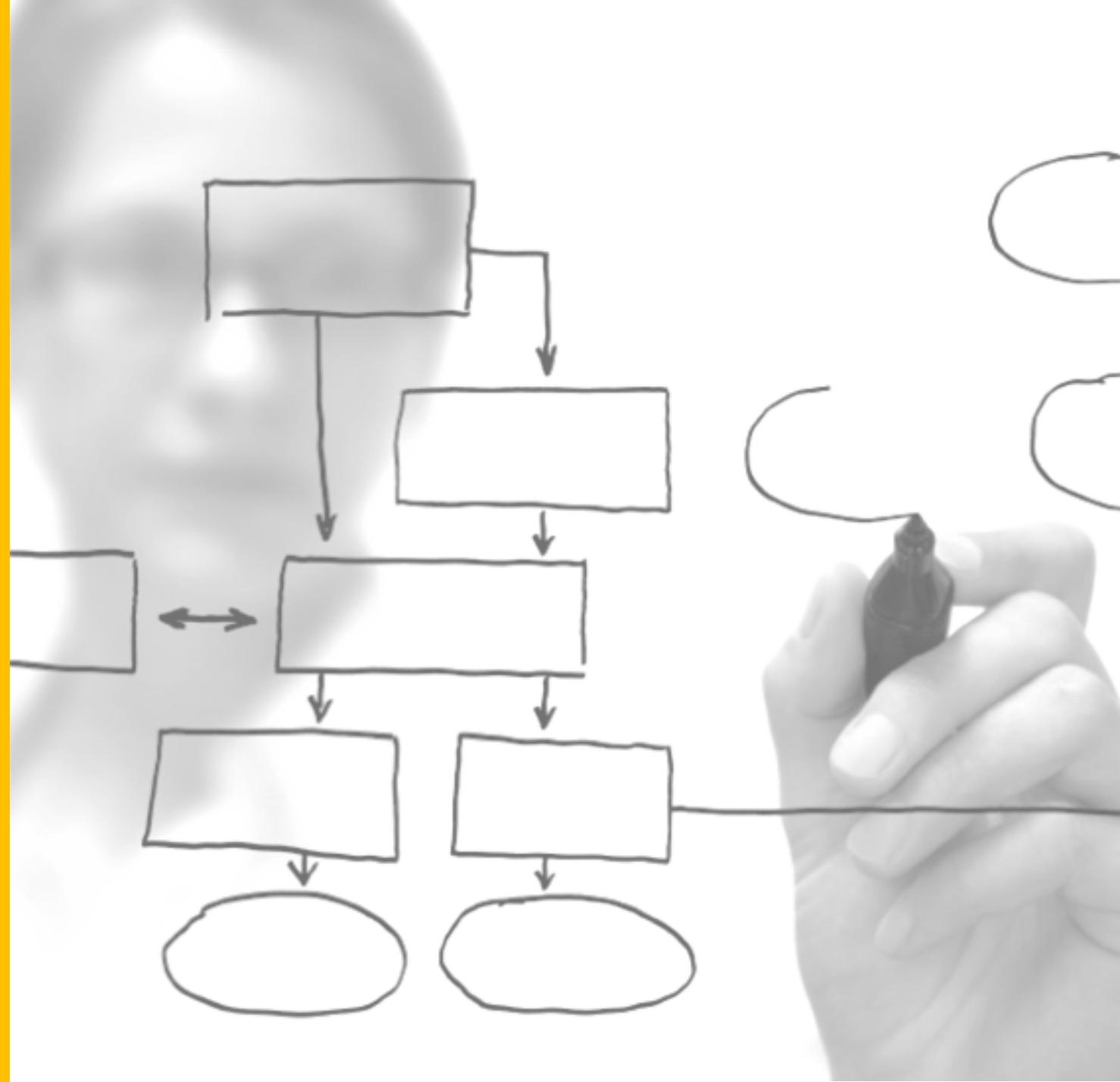
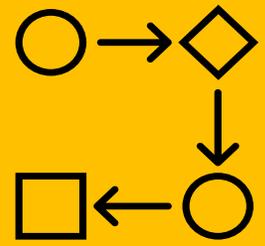
**Public Input
Summary**



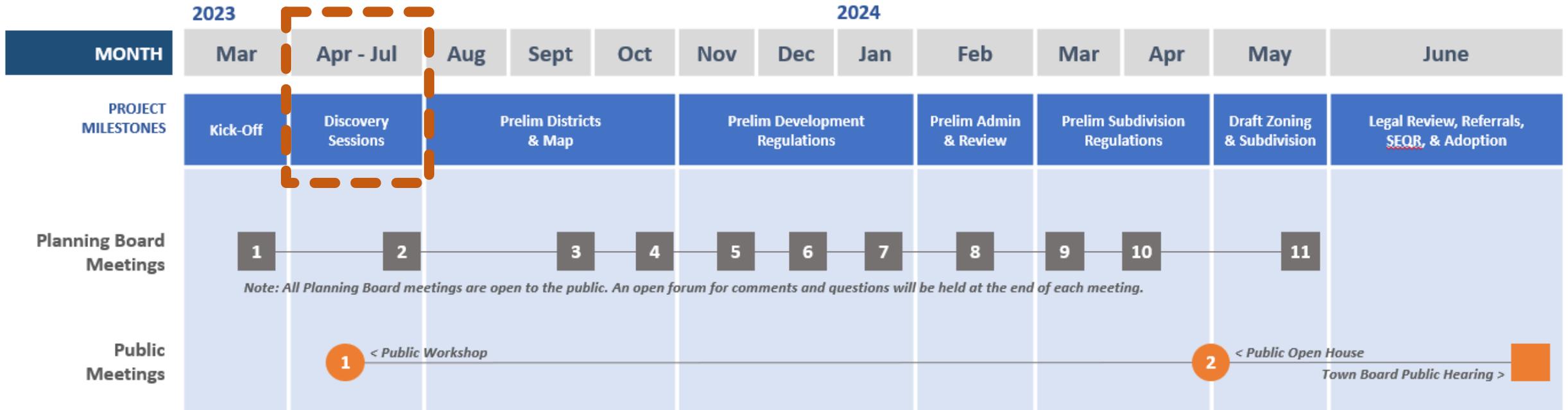
Next Steps



Project Progress



Schedule Update



NOTES:

- We are at the end of the “Discover Sessions” phase
- Adjustments to schedule made for timing of PB meetings and extended time for public input
- Meeting dates are approximate



Task Items

Task	Status
1 Project Kick-off	Complete
2 PB Meeting #1 Community Engagement Plan	Complete
3 Community Tour Public Workshop Stakeholder Interviews	Complete
4 Existing Code Assessment	In Progress



Public Input Opportunities



Ongoing Methods

1. Planning Board Meetings
2. BethlehemForward@townofbethlehem.org

Future Events

1. Community Open House (Anticipated May 2024)
2. Stakeholder Follow-up (Following Draft Development)
3. Town Board Public Hearing (Anticipated June 2024)



Code Assessment



CODE ASSESSMENT

Purpose



- Keep track of plan and study recommendations
- Summarize key issues with respect to format and content
- Facilitate a common understanding of potential solutions and anticipated code amendments
- Guide our approach as we begin to review and revise specific code sections

we are introducing the concepts today to help provide context for report



Report Content

CODE ASSESSMENT



Before we begin drafting, we need to know where we're going

1. Project Background & Goals
2. Stakeholder & Public Input
3. Previous Plans & Studies Overview
 - *CP Recommendations – Esp. those in RFP*
 - *Smart Growth Principles*
4. Key Zoning Issues & Opps Summary
 - *Format & Organization*
 - *District & Use Regulations*
 - *Development Standards*
 - *Administrative & Review Procedures*
5. **Proposed Outline & Update Approach**



Proposed Code Outline

Part 1. Introductory Provisions

10. Establishment & Applicability

11. Zoning Map

12. Review Bodies

13. Enforcement & Penalties

14. Nonconformities

15. Terminology

Part 2. District & Use Regulations

20. Residential Districts

21. Mixed Use Districts

22. Industrial Districts

23. Special Purpose Districts

24. Planned Development Districts

25. Additional Use Regulations

26. Supplemental Regulations

27. Energy System Regulations

Part 3. Design & Development Standards

30. Nonresidential Building & Site Design

31. Circulation, Access, Parking & Loading

32. Landscaping & Screening

33. Open Space & Land Conservation

34. Signs

35. Exterior Lighting

Part 4. Application & Review Procedures

40. General Application Procedures

41. Building Permits

42. Development Plan Review

43. Special Use Permits

44. Subdivision

45. Planned Developments

46. Incentive Zoning

47. Variances & Appeals

48. Amendments



Proposed Update Approach

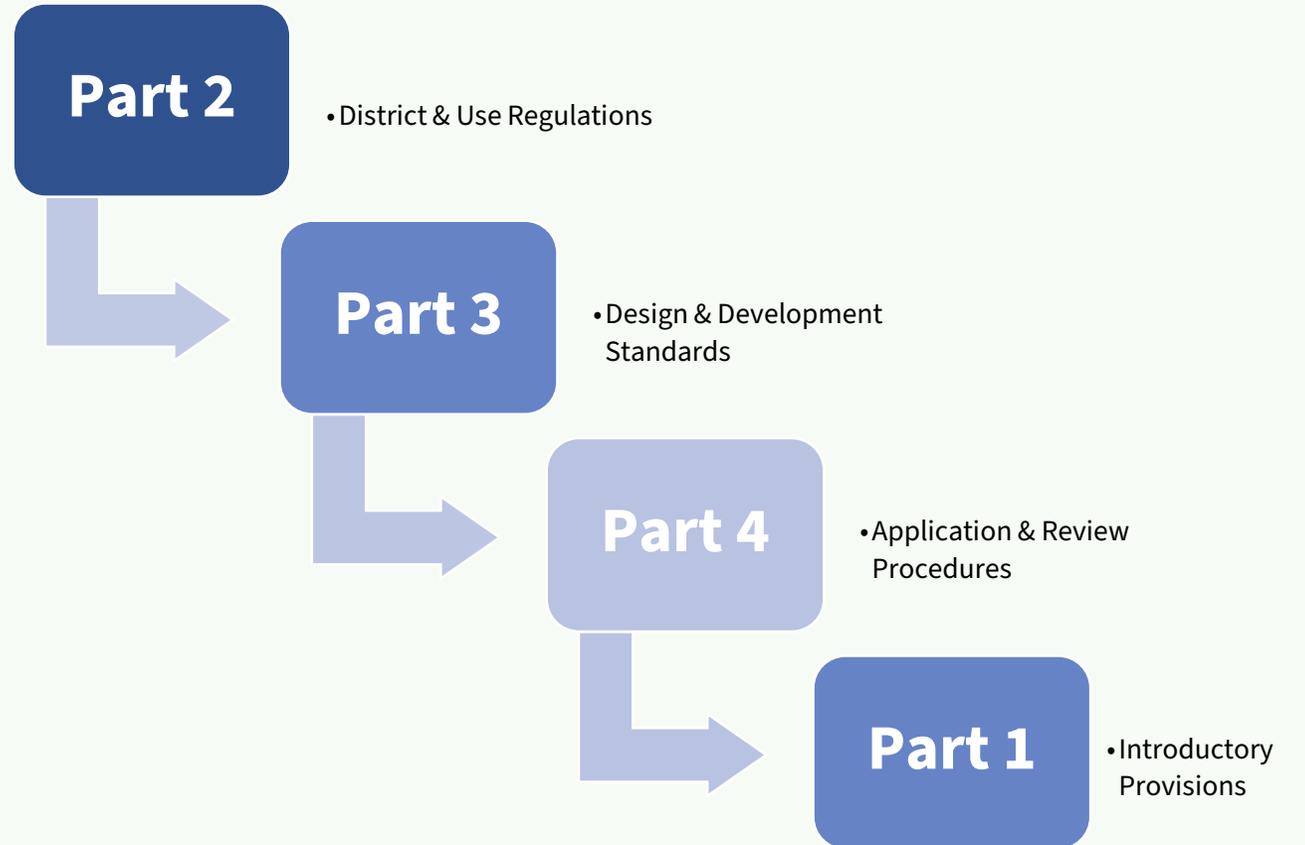


NOTE: Meeting dates are approximate



Order of Zoning Topics/Sections

CODE ASSESSMENT



Outline is our roadmap for the update...

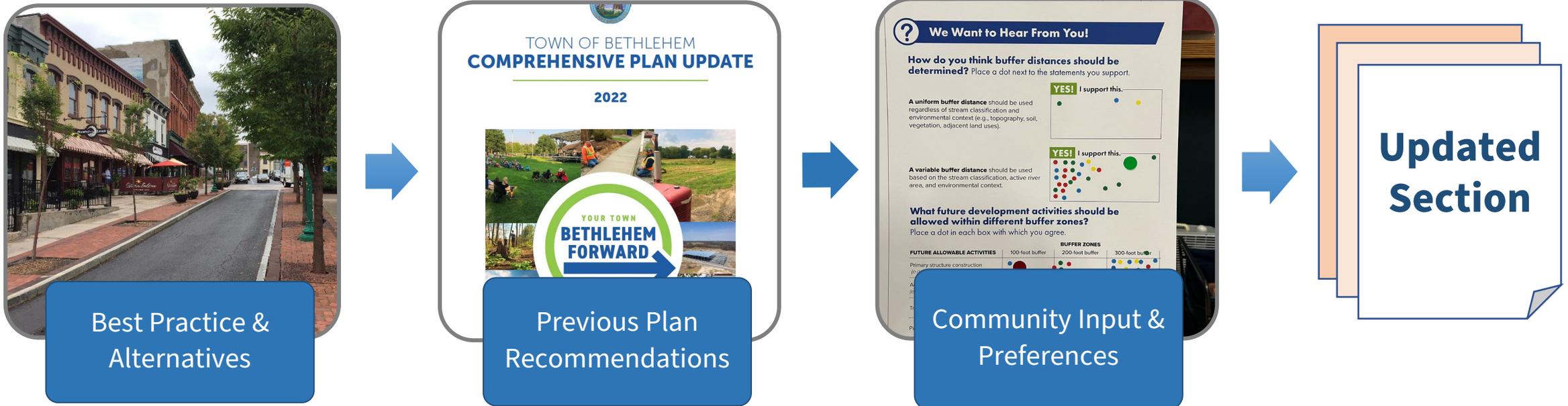
Part 2. District & Use Regulations

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations
Article 20. Residential Districts	<p>§128-24 District purposes* Article XIII. Use and Area Schedules* §128-26 Residential Large Lot District §128-27 Residential "A" District §128-28 Residential "B" District §128-29 Residential "C" District §128-30 Core Residential District §128-31 Multifamily District <i>*Applies to all proposed district articles.</i></p>	<ul style="list-style-type: none">• Review and revise applicability and purpose of districts to ensure they are achieving intent (May remove, combine, or add new districts)• Adjust boundaries as necessary to support direction of Comp Plan• Update use lists to address Comp Plan recommendations for varied housing types; Implement a Mixed Residential District• Ensure dimensional and bulk requirements fit existing and desired development patterns; reduce nonconformities, where applicable• Relocate design standards to Part 3• Reference development standards and additional use regulations, where applicable

- Shows how existing code sections will fit in new format
- Outlines key revisions & considerations
- Identifies areas of focus



Context for Reviewing/Revising Code Sections...



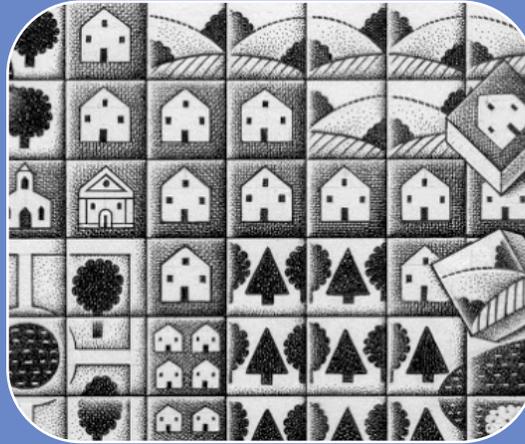
At each step we will present and review the following as relevant to the topic area:

- Issues, opportunities, & alternatives
- Comprehensive Plan Guidance
- Public Input

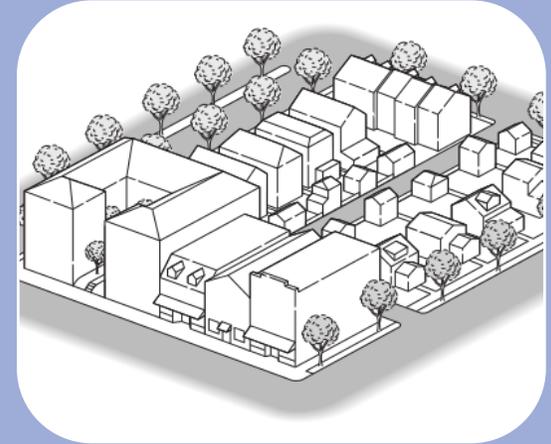
Spectrum of Control



No Local Regulation



Some Local Regulation



Heavy Local Regulation

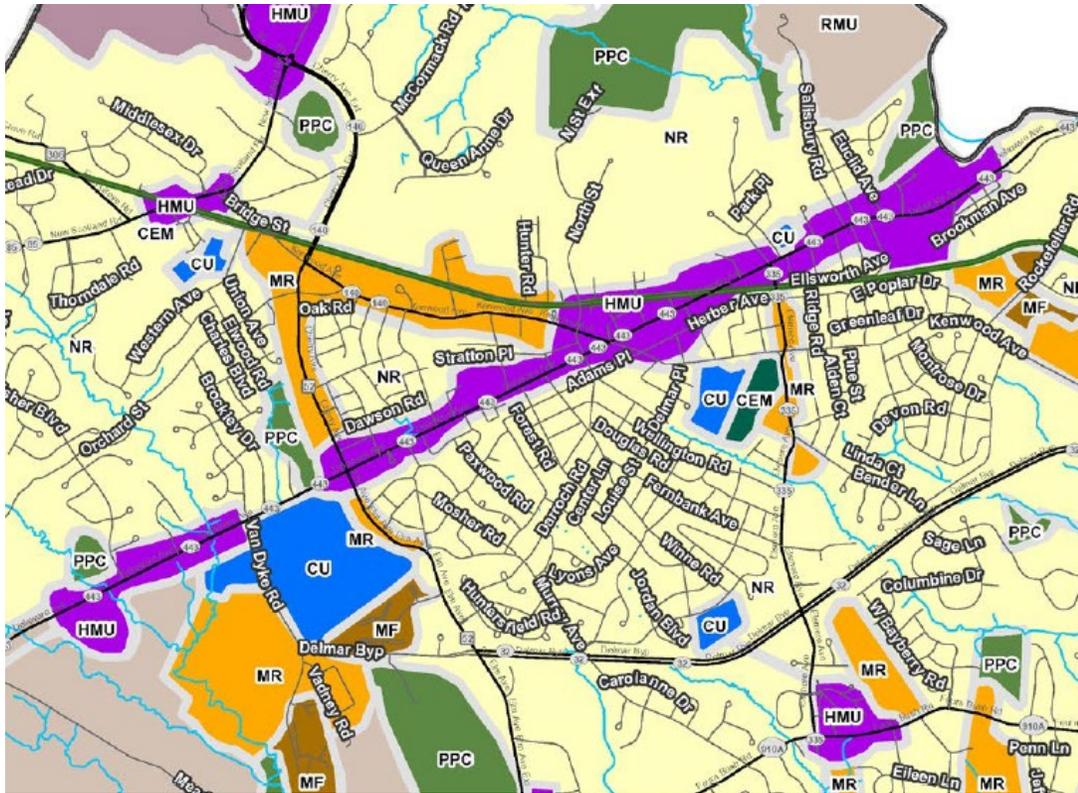


We will discuss this spectrum as it relates to alternatives for all topic areas.

Difference Between Planning & Zoning

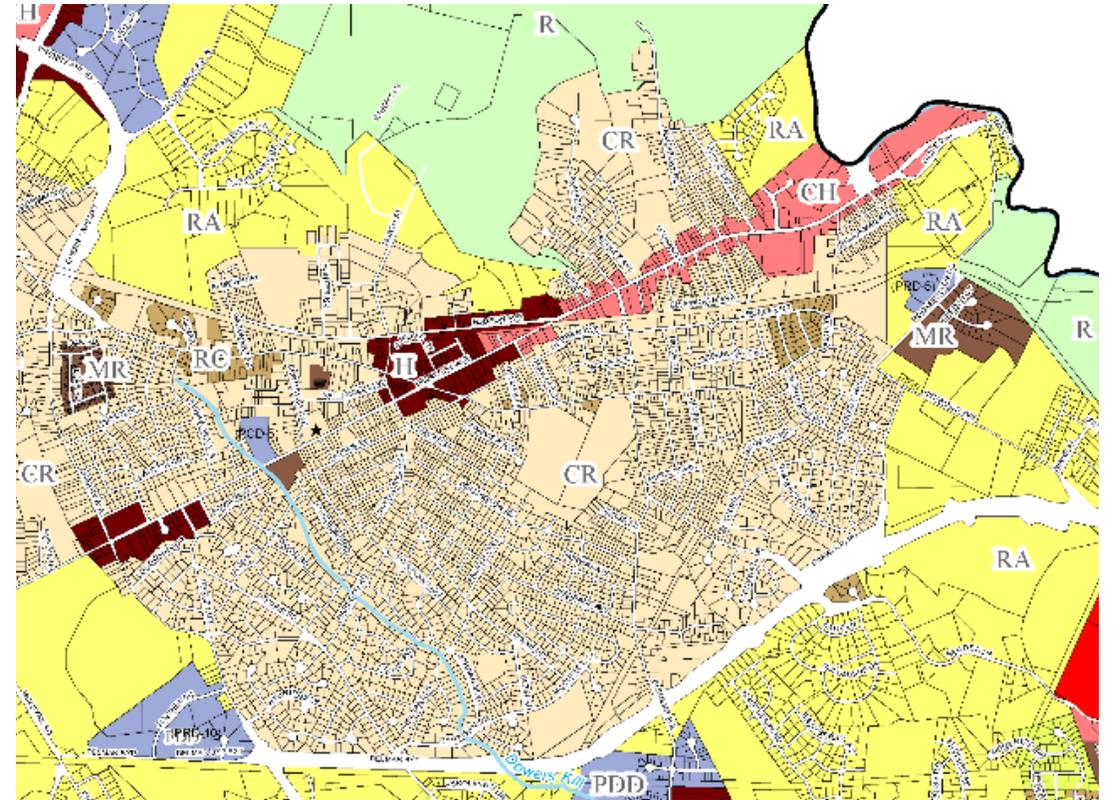
Guiding Policy Document

COMP PLAN LAND USE MAP



Local Law

ZONING MAP



Land Use Planning vs. Zoning

Comp Plan Land Use Areas

- Neighborhood Residential
- Mixed Residential
- Multifamily
- Rural Multi-Use
- Hamlet Mixed Use
- Commercial Multi-Use
- Heavy Industrial
- Light Industrial
- Mixed Industry
- Civic Use
- Parks, Preserves, & Conserved Lands
- Cemetery Use

Zoning Districts

- Residential A
- Residential B
- Residential C
- Residential Large Lot
- Core Residential
- Multi-Family
- Rural
- Rural Riverfront
- Rural Hamlet
- Hamlet
- Commercial Hamlet
- General Commercial
- Mixed Economic Development
- Rural Light Industrial
- Heavy Industrial
- Planned Development



Public Input Summary



Methods of Input To-Date

NOTE: The activity boards from the May 31st Public Workshop were adapted as an online survey to allow for additional feedback.

- Development Preferences Survey
- Workshop Activity Boards & Survey
- Stakeholder Interviews
- Email Comments



Development Preferences Survey (DPS)

PUBLIC INPUT SUMMARY



Purpose: Reveal resident and stakeholder preferences regarding different land use types, building and site design characteristics, and regulatory approaches

Method:

- Show images of varying development styles for four land use character areas in the Comprehensive Plan
- Select images depicting an appropriate development style for the area
- Evaluate photos on one's overall impression of the use, building, and site design elements shown in the image.

Regulatory Preference:

- REQUIRE
- ENCOURAGE
- DON'T REGULATE
- NO OPINION

Regulatory Considerations

Need to start defining appropriate:

- Building Height
- Setbacks
- Building Design Elements
- Site Design Elements
- Etc.

WHAT DOES HAMLET MIXED USE LOOK LIKE?



Rank 1

Image 5

Selection Rate: 82%



Rank 10

Image 8

Selection Rate: 5%

DPS RESULTS

Highlights



312 Respondents – of which 97% were Town residents

Overall Favorable Development Trends

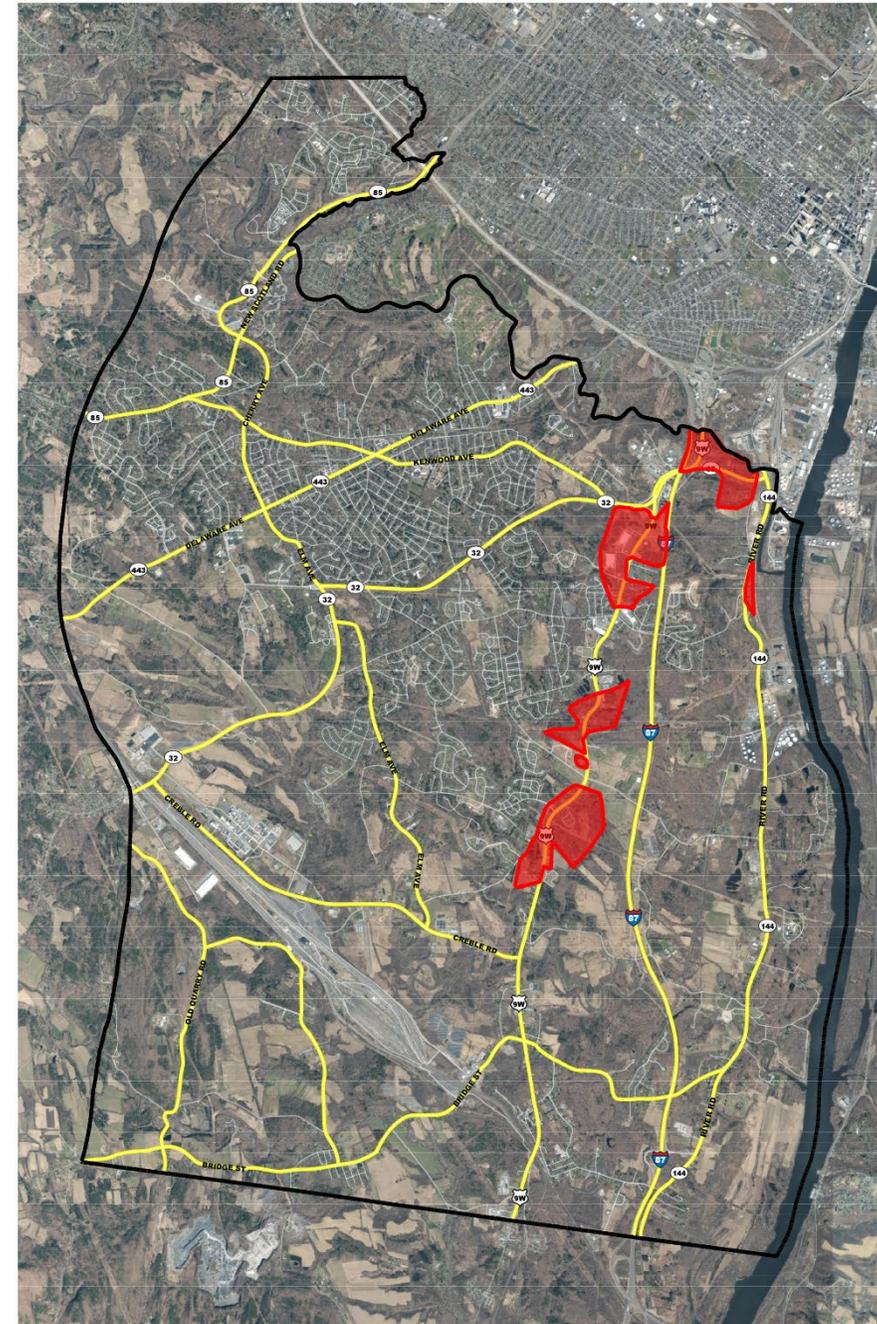
- Walkable, pedestrian-friendly environments
- Connectivity between neighborhoods and activity centers
- High amounts of landscaping and screening, including trees and green spaces
- Visually interesting building facades; High quality architectural features



Commercial Multi-Use (CMU)

Land Use Area – Comp Plan Context

Predominately commercial business (retail, restaurant, service business, shopping plazas, etc.) in separate buildings with some mixed-use or multifamily buildings and these areas are easily accessible by major roads. Infrastructure is available or located nearby. These areas are more auto-oriented; however, pedestrian accommodations should be provided when the surrounding area supports multi-modes of travel (e.g. sidewalks, bus stops) or making connections to neighborhoods.





CMU – Most Selected Images



Rank 1

Image 7
Selection Rate: 86%



Rank 2

Image 9
Selection Rate: 58%





CMU – Least Selected Images



Rank 9

Image 2

Selection Rate: 24%



Rank 10

Image 4

Selection Rate: 24%

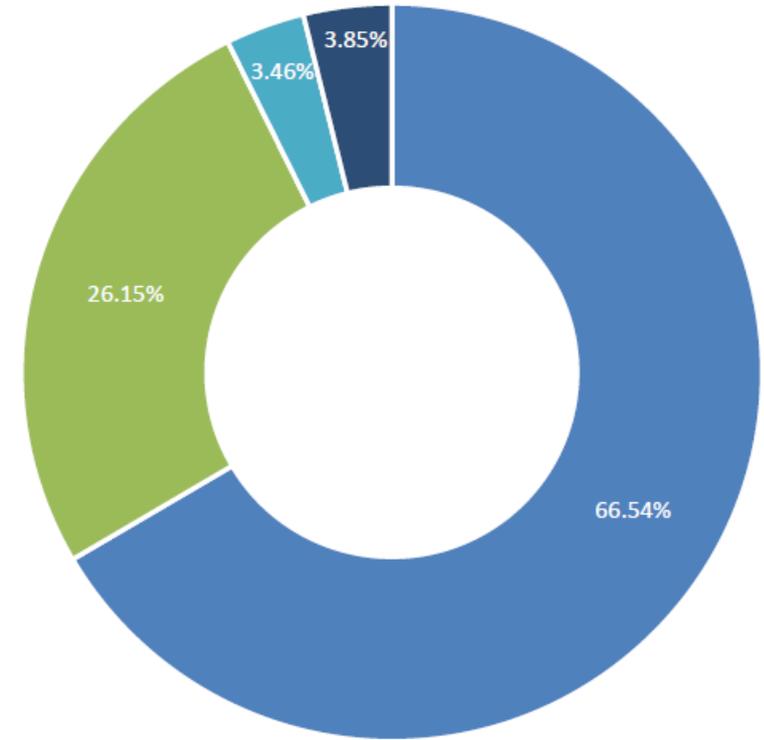


Commercial Multi-Use (CMU)

Regulatory Preferences

67% support REQUIREMENTS

3% oppose regulation

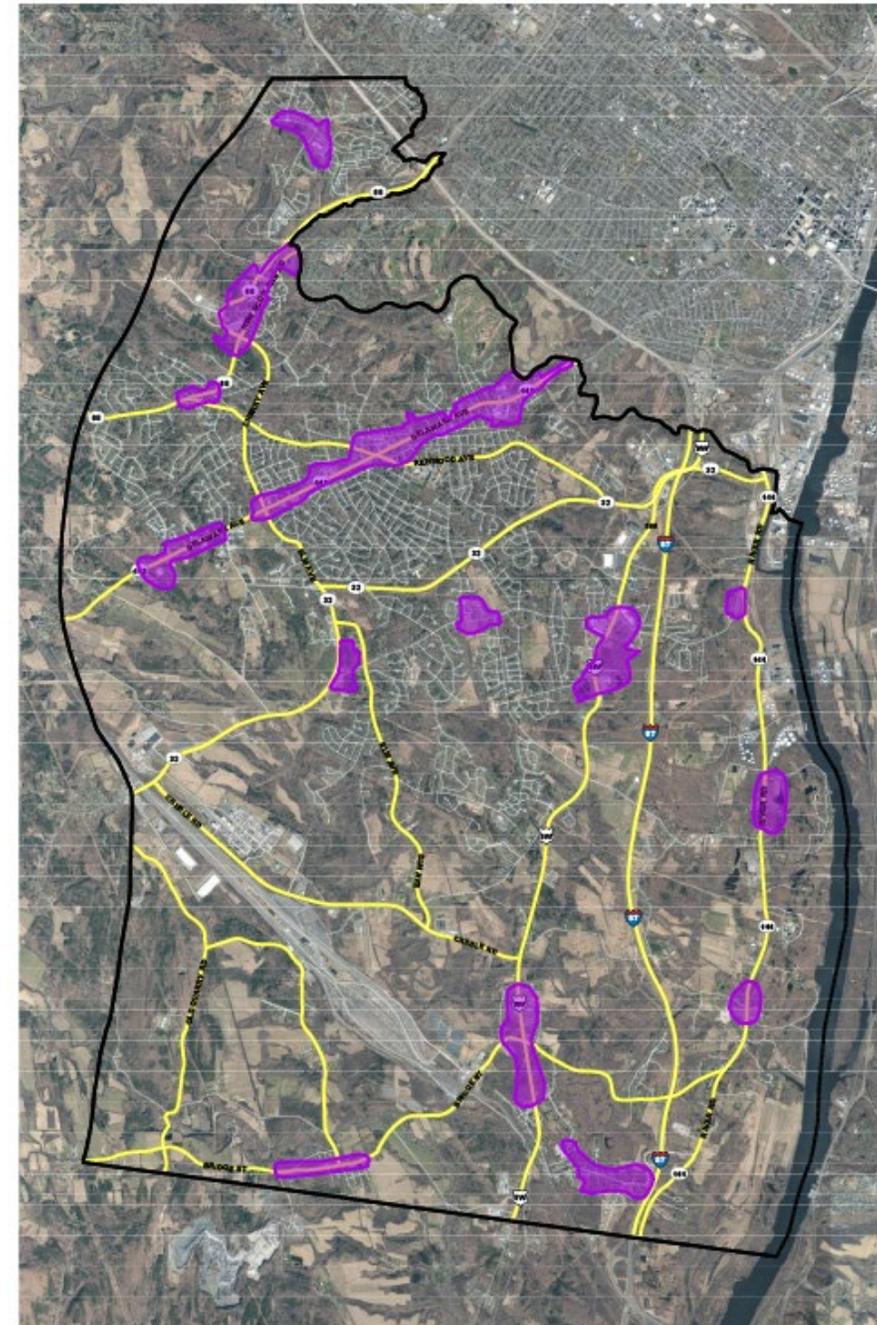


-  The code should REQUIRE development to follow preferred building and site design practices and prohibit those that are undesirable.
-  The code should ENCOURAGE (not require) development to be consistent with preferred building and site design practices.
-  The code should NOT REGULATE development design and character.
-  I have no opinion on regulation for development design and character.

Hamlet Multi-Use (HMU)

Land Use Area – Comp Plan Context

Mix of residential and commercial uses of varying sizes, with mixed use buildings common (commercial and residential in the same building). Commercial use may also include former residences that have been converted into office or service businesses. Design guidelines and/or form-based zoning are encouraged. A transit-oriented development approach is encouraged in these areas to allow for a mix of uses that emphasize pedestrian-oriented environments and encourage the use of public transportation.





HMU – Most Selected Images



Rank 1

Image 5

Selection Rate: 82%



Rank 2

Image 9

Selection Rate: 65.5%





HMU – Least Selected Images



Rank 9

Image 4

Selection Rate: 6%



Rank 10

Image 8

Selection Rate: 5%

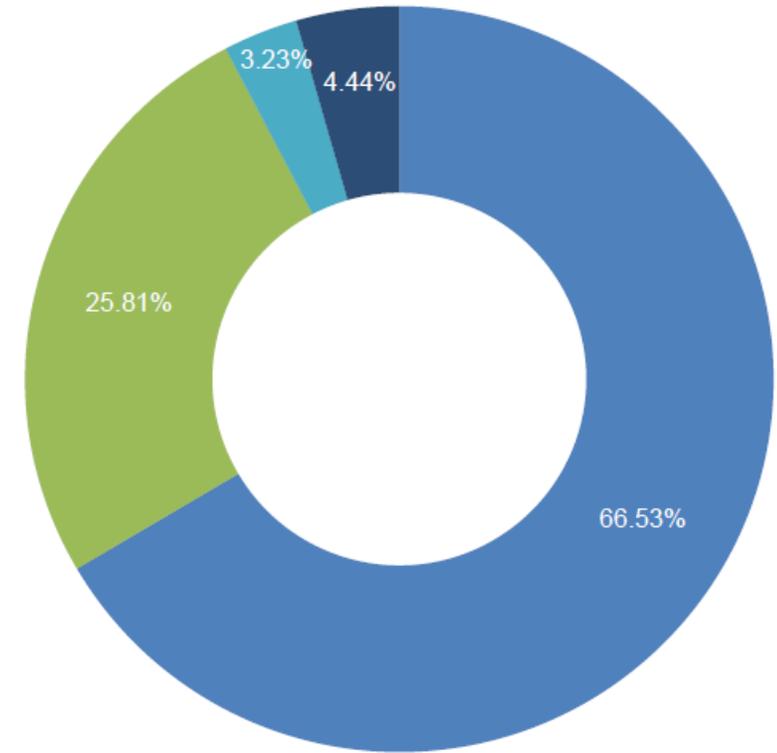


Hamlet Multi-Use (HMU)

Regulatory Preferences

67% support REQUIREMENTS

3% oppose regulation

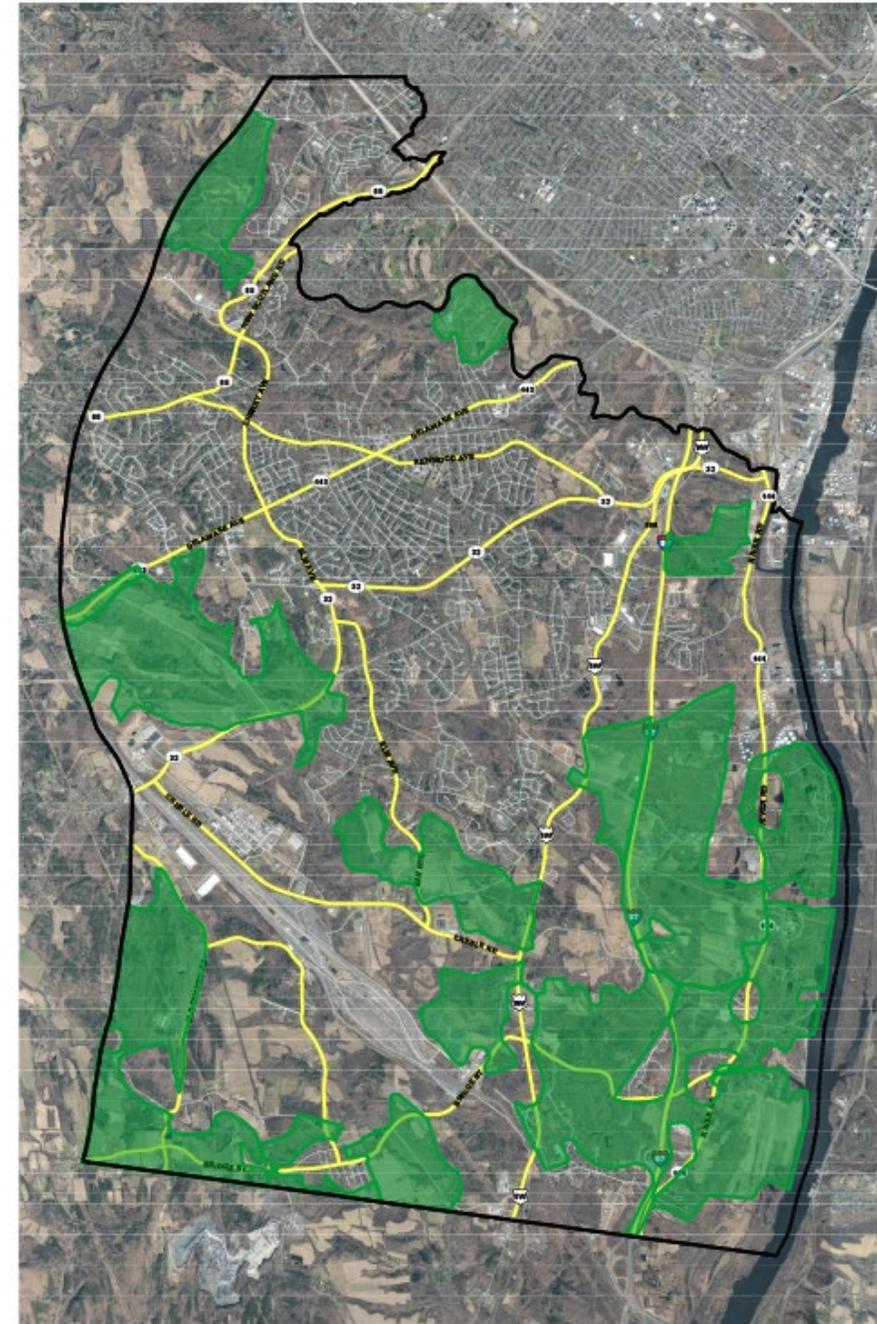


-  The code should REQUIRE development to follow preferred building and site design practices and prohibit those that are undesirable.
-  The code should ENCOURAGE (not require) development to be consistent with preferred building and site design practices.
-  The code should NOT REGULATE development design and character.
-  I have no opinion on regulation for development design and character.

Rural Multi-Use (RMU)

Land Use Area – Comp Plan Context

Low density residential and commercial uses due to limited infrastructure available. Multiple uses on a single parcel may be found to maintain a rural livelihood and support agriculture/farming activities. Multiple uses differs from mixed-use in that multiple uses typically are not found in the same building, although they can exist. Agriculture is present or the land contains prime farmland or farmland of statewide importance soils.





RMU – Most Selected Images



Rank 1

Farm Stand

Selection Rate: 88%



Rank 2

Farmland

Selection Rate: 84%



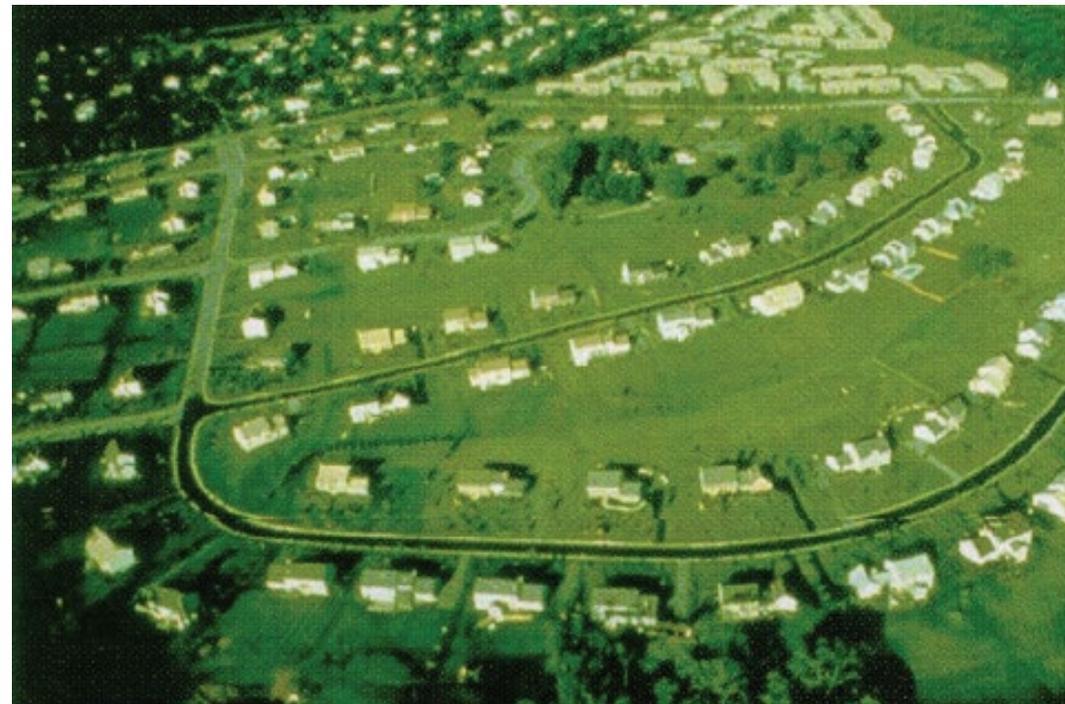


RMU – Least Selected Images



Rank 9

Multi, Primary Structures
Selection Rate: 16%



Rank 10

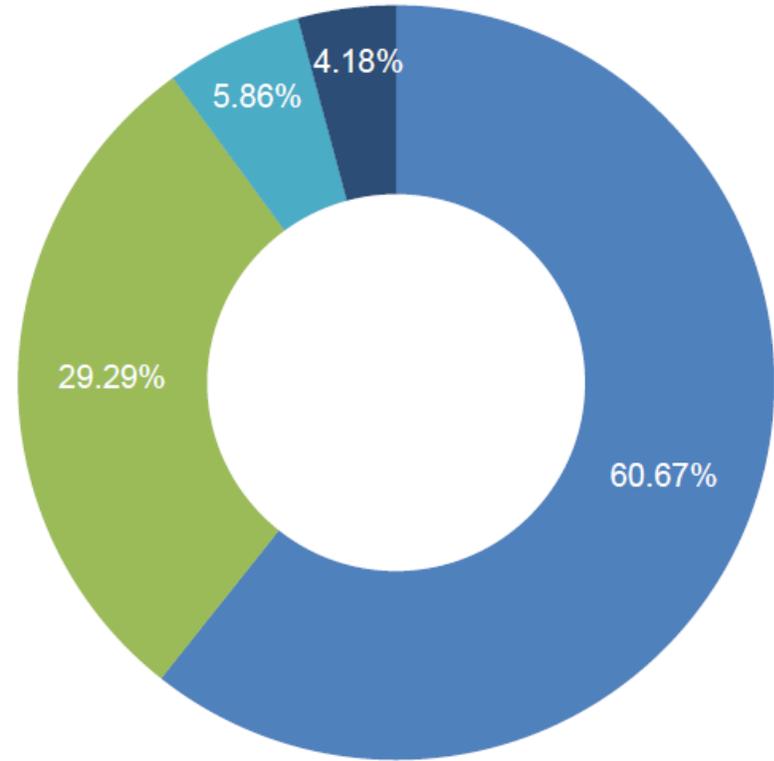
Residential Subdivision
Selection Rate: 14%

Rural Multi-Use (RMU)

Regulatory Preferences

61% support REQUIREMENTS

6% oppose regulation



-  The code should REQUIRE development to follow preferred building and site design practices and prohibit those that are undesirable.
-  The code should ENCOURAGE (not require) development to be consistent with preferred building and site design practices.
-  The code should NOT REGULATE development design and character.
-  I have no opinion on regulation for development design and character.



MR – Most Selected Images



Rank 1

Patio Homes
Selection Rate: 77%



Rank 2

Small-Lot Single Family
Selection Rate: 72%





MR – Least Selected Images



Rank 9

Attached Town-homes
Selection Rate: 25%



Rank 10

Small-lot Single Family
Selection Rate: 25%

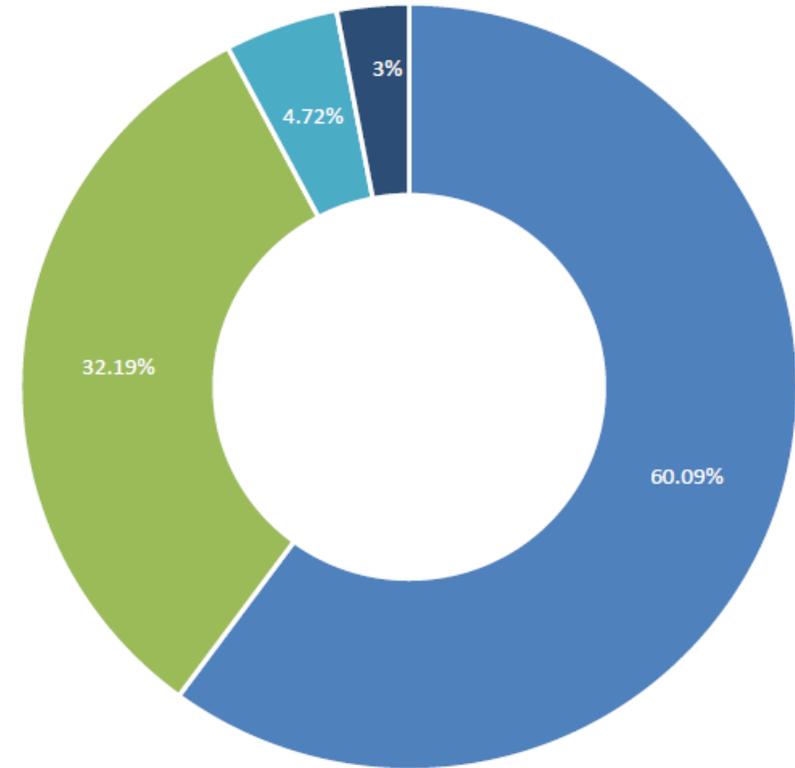


Mixed Residential (MR)

Regulatory Preferences

60% support REQUIREMENTS

5% oppose regulation



-  The code should REQUIRE development to follow preferred building and site design practices and prohibit those that are undesirable.
-  The code should ENCOURAGE (not require) development to be consistent with preferred building and site design practices.
-  The code should NOT REGULATE development design and character.
-  I have no opinion on regulation for development design and character.

Stakeholder Interviews

PUBLIC INPUT SUMMARY



WHO?

- Large Landowners
- Developers
- Housing Developers
- Small Businesses
- Bethlehem Tomorrow

WHAT?

- Experience with code
- Issues & opportunities
- Land use & development considerations
- Code revision considerations



Stakeholder Interviews

- Discussions reveal process is a bigger issue than originally anticipated
- Addressing code clarity and predictability is one solution

Housing Developers

July 5, 2023 @ 12:00 PM
July 6, 2023 @ 1:30 PM

I. CODE EXPERIENCE

1. Review Process

- Some individuals who have represented housing and office developers stated they had great experiences with staff despite the town having a reputation for being difficult to work with.
- Bethlehem is the only town they know with a Planning Board that expects a response from the developer for every comment made - people can make vague comments, bring up issues out of the blue, or come in and make comments even when public hearing is closed.
- Review and approval process could be faster - 12 months would be ideal.

2. Code Regulations

- Biggest issue with housing projects is that they often need a parking ratio reduction and density variance of some type; Limits opportunities when trying to put as many units in a close-knit community so they can be connected to amenities (clubhouse, etc.)
- Often need height variance to accommodate a density that will work for the site (4-story).

II. BARRIERS TO AFFORDABLE HOUSING

1. Funding

- The Town is well-intentioned when it comes to affordable housing, but the local review process doesn't fully appreciate the financial side of the equation with how long it takes deals to get funded (on both affordable and market rate).
- Construction costs increased 30% over time of an application; a project that takes multiple years to get approved is unlikely to get funded.

2. Outside Factors

- Residents are going to be the Town's worst enemies when it comes to making affordable housing projects work; NIMBY voice is strong.
- Housing inventory is very low so it's driving prices higher than they've ever been – Driving people out

III. CONSIDERATIONS FOR CODE REVISIONS

1. Future Development

- The Town should have a "Floating Senior Overlay" District
- Don't want floating zone, but overlay would be good – include a minimum acreage requirement and amount of set aside open space.
- Should be an overlay district because it would allow you to go right to Planning Board (wouldn't have to go to Town Board like PUD); cuts out an extra layer of review since TB would be setting direction by mapping it to start.



Next Steps



Code Assessment

NEXT STEPS



Consultant Team

- Provide full Draft Report by August 11th

Planning Board

- Review Draft Report
- Send comments and/or questions by August 31st



Preliminary Districts & Map

NEXT STEPS



ARTICLE 21: COMMERCIAL DISTRICTS

§ 285-21.1 COMMERCIAL DISTRICTS ESTABLISHED

A. The commercial districts are listed in Table 21.1 below. When this zoning law refers to a commercial district it is referring to one of the following:

TABLE 21.1:
Commercial
General Cor
Neighborhood
Village-Cent

to the existing pedestrian-friendly and site design.

§ 285-21.3 COMMERCIAL USE

§ 285-21.4 COMMERCIAL LOT & YARD REQUIREMENTS

The lot and yard requirements listed in Table 21.4 below apply to all commercial districts within the Village.

TABLE 21.4: COMMERCIAL LOT & YARD REQUIREMENTS

Land Use	GC
A. Minimum Lot Size	
Single-Family Dwelling	9,000 SF
Two-Family Dwelling	10,500 SF
Multi-Family Dwelling	3,500 SF/DU ¹
Nonresidential Use	13,000 SF
B. Minimum Lot Width	
Single-Family Dwelling	60 Feet
Two-Family Dwelling	70 Feet
Multi-Family Dwelling	100 Feet
Nonresidential Use	100 Feet
C. Front Yard	
Residential Use	25 Feet MIN 75 Feet MAX
Nonresidential Use	10 Feet MIN 75 Feet MAX
Accessory Use/Structure	-
D. Minimum Rear Yard	
Residential Use	15 Feet
Nonresidential Use	10 Feet OR 25 Feet ²
Accessory Use or Structure	5 Feet
E. Minimum Side Yard	
Residential Use	10 Feet
Nonresidential Use	10 Feet
Accessory Use/Structure	5 Feet

Notes:

- (1) SF/DU indicates square feet per dwelling unit.
- (2) When adjacent to a residential use, the larger yard requirement applies.

TABLE 21.3: COMMERCIAL DISTRICT USE LISTS

Land Use	Zoning District		
	GC	NC	VC
Commercial			

§ 285-21.5 COMMERCIAL BULK REQUIREMENTS

The bulk requirements listed in Table 21.5 shall apply to all commercial districts within the Village.

TABLE 21.5: COMMERCIAL DISTRICT BULK REQUIREMENTS

Land Use	Zoning District		
	GC	NC	VC
A. Maximum Building Height¹			
Single/Two-Family Dwelling	35 Feet	35 Feet	35 Feet
Multi-Family Dwelling	35 Feet	35 Feet	35 Feet
Nonresidential Use	45 Feet	40 Feet	SPR ²
Accessory Use/Structure	15 Feet	15 Feet	15 Feet
B. Maximum Lot Coverage³			
Single/Two-Family Dwelling	35%	35%	35%
Multi-Family Dwelling	35%	35%	35%
Nonresidential Use	50%	40%	SPR ²
Accessory Use/Structure	25% of Rear Yard	20% of Rear Yard	20% of Rear Yard

Notes:

- (1) Or the average building height (with +/- 1 foot margin) on the block.
- (2) SPR indicates that the bulk requirements of any newly constructed building and maximum lot coverage for any building or use shall be subject to review and approval through the Site Plan Review process (Article 51).
- (3) Or the average lot coverage on the block.

§ 285-21.6 ADDITIONAL REGULATIONS

All other applicable requirements of this Chapter, including but not limited to Regulations for Certain Uses (Article 31) and Development Standards (Part 4), shall also apply to uses in the Village's commercial district.



Public Comments & Questions

