

# EPA Technical Assistance for Sustainable Communities: Building Blocks

## Technical Assistance Tool: Sustainable Design + Development

Campbell, NY

April 24-25, 2013

To: David Tenant, Town of Campbell Supervisor  
Marv Rethmel, Zoning Administrator  
Alicia Jamison, Comprehensive Plan Coordinator

CC: Nicolette Barber, Town Planning Consultant

From: Chris Duerksen, Clarion Associates  
Roger Millar, Smart Growth America

Date: May 7, 2013

Re: Smart Growth Code Workshop and Suggested Next Steps As Outcome Of Technical Assistance

### 1. Overview/Background

- The evening public meeting on April 24 was opened by Town Supervisor David Tennent who has been a prime mover for smart growth and sustainable development initiatives in the town. Attendees included representatives of the planning board, town staff, and citizens at large—a total of about 20. There appears to be significant support for smart growth and sustainability measures among citizens who attended the evening meeting, including the town supervisor (who is the equivalent of a mayor) and planning board.
- At the April 25 all-day workshop a well-rounded working group of about 15 people (including the town supervisor, planning board members, town staff, business community members, and regional and state officials) reviewed the recommendations for smart growth code amendments from the SGA/Clarion team. The town supervisor, planning board members, and key town staff such as the zoning administrator all expressed support for the development code amendments that were discussed by the working group.
- Already the community has taken some important strides to promote smart growth:
  - Completed the first phase of a rewrite of the towns comprehensive plan (completion of the plan is slated for July 2013)
  - Begun work on an updated emergency response plan,
  - Completed a major economic development strategy,
  - Produced an initial draft of zoning code amendments, some of which embrace smart growth principles and comprehensive plan goals,
  - In the process of creating a third water district that will promote more compact development in the town.
- In the past, the town has undergone serious flooding. Much of the built part of the community in the central hamlet is located either in the floodway or floodplain of the Cohocton River and its tributaries. While the town is reportedly in good fiscal shape, it lost population between 2000 and 2010, and the local economy continues to struggle to a certain extent. Kraft Foods is the only major employer, and many people commute to work in Corning and surrounding communities. The town does have a small, but very attractive Main Street that contains many buildings that would appear to be eligible for historic preservation status. All of them lie in the floodplain or floodway.
- Much of the town's land area is devoted to agriculture or forestry. Dairy farming is still viable, and farmers raise crops such as rye, barley, winter wheat, corn, and hay. There are seven gravel mining

## EPA Technical Assistance for Sustainable Communities: Building Blocks

operations in the town (3 active), and a working group member estimated that there are significant gravel deposits that could be mined in the future. The looming economic development engine as well as environmental challenge for the town is the prospect of fracking—the hydraulic fracturing of rock underground to release trapped natural gas. There is currently a moratorium in New York on fracking, but reportedly the state is nearing a decision on whether to allow fracking to proceed. If it does, fracking in or near the town could fuel significant development and have major environmental impacts.

- Politically, the town is reported to be quite conservative when it comes to new regulations. Family incomes are below the state average, and most of the housing is very modest. There are a few commercial establishments in the town and two small grocery stores. There is very limited public transit, and consequently most travel is by auto.

### 2. Key Issues Addressed during the Site Visit

There was general agreement on three main topics identified by town officials for further detailed analysis in terms of potential code amendments as discussed below. The town's goals in each of these three areas are discussed in greater detail in the draft comprehensive plan vision statement:

- Community Character and Appearance—Preserve and enhance the town's attractive rural, small town character that is highly valued by current residents.
- Safe Growth and Flood Resiliency—Address the town's significant flooding and stormwater management issues.
- Economic Development— Promote economic development in a way consistent with the town's attractive character and natural resources.

The SGA/Clarion team conducted a detailed audit of the town's zoning and subdivision regulations to determine where amendments should be considered to help implement the town's goals in each of these three general areas. The team's recommendations were offered to the working group in a PowerPoint presentation, which was followed by an in-depth discussion as recounted in the following section.

### 3. Targeted Smart Growth Code Issues and Recommendations Discussed during the Workshop

This section summarizes the three key smart growth issues discussed at the Day 2 workshop and recommendations for potential zoning code and other town ordinance amendments. The recommendations are set forth in two categories—priority amendments that should be pursued immediately within the next few months and longer-term revisions that may need more discussion and study before new code language is proposed. In each category, the working group discussed removing barriers in the existing codes, creating incentives, and filling regulatory gaps.

- a. **Community Character and Appearance:** Ensure protection of the town's attractive residential areas and improve the appearance of new commercial and multifamily development.

#### **Priority Amendments/Low-Hanging Fruit**

- i. Reduce excessive commercial off-street parking requirements: The town's off street parking standards set forth in Section 11.3 of the zoning ordinance are some of the most demanding the SGA/Clarion team has seen anywhere in the nation (1 space/100 square feet for commercial development and 1/200 for office). In contrast, in nearby Bath, NY, the zoning code requires only 1 space/300 square feet of commercial development.

## EPA Technical Assistance for Sustainable Communities: Building Blocks

These excessive parking requirements not only are expensive for new businesses to meet (new surface parking spaces can cost \$3,000-5,000 each), they lead to large areas of pavement that increase stormwater runoff and are unattractive due to lack of landscaping. The town could easily reduce these standards to 1 space/300 square feet of commercial and office development. The town should also review its multifamily parking requirements which also could probably be somewhat reduced.

- ii. Consider incentives for tree protection: One of the town's greatest assets from both a livability and character perspective are the mature trees throughout the hamlet and beautiful forests that cover the hills above the valley. However, the zoning and subdivision regulations contain only very vague language encouraging developers to preserve trees and vegetation on development sites. While the town has not had any major developments recently that has resulted in significant tree removal (except for some timber operations), residential developments like Aurene in the nearby Town of Erwin show how poor site planning and lack of protective standards can result in clear-cutting on steep slopes. Moreover, most parking lots in the town and in adjoining jurisdictions are marked by a conspicuous lack of any landscaping. In amending its parking lot regulations and stormwater management standards as suggested by the SGA/Clarion team, the town should whenever possible offer incentives to promote protection. For example, if the town adopts parking lot landscaping requirements, it should offer incentives to developers who maintain existing mature trees. Other communities such as Clayton, Missouri (a suburb of St. Louis) grant two times credit for each tree preserved towards any tree planting requirements. The team suggests that the town staff carefully review an American Planning Association PAS report on tree conservation to get a sense of modern tree protection provisions and incentives adopted in other communities across New York and the USA.

### **Longer-Term Priority Amendments (More study/discussion needed)**

- iii. Adopt clear, simple parking lot landscaping standards: The town currently has no requirements for interior or parking lot landscaping regulations that have been adopted by most progressive communities in New York and the nation. For example, Bath, NY, requires a minimum of 8% of the area of any parking lot to be landscaped and installation of a 6-foot high perimeter fence or evergreen hedge to buffer adjacent uses. As discussed above, lack of parking lot landscaping coupled with the town's excessive off-street parking requirements is a recipe for ugly expanses of pavement in the community that will exacerbate stormwater management problems facing the town. We strongly suggest the town require a minimum amount of landscape area in all larger parking lots (e.g., 5+ spaces). To illustrate, the town might require vegetated islands and a minimum number of trees per 10 parking spaces or a minimum percent of each parking lot area to be landscaped with trees and bushes.
- iv. Adopt clear, simple commercial and multi-family design regulations: If fracking is allowed to proceed by the State of New York, it is likely the town will receive applications for new commercial development, probably first in the form of franchise restaurants and lodging. The track record in other communities who have experienced fracking-related growth is that the town will see proposals for bare-boned low-cost franchise designed buildings that

## EPA Technical Assistance for Sustainable Communities: Building Blocks

will detract from the community's attractive character. Currently, the town does not have any standards in the zoning code to ensure that new commercial buildings will be attractive and fit the community's established small-town character. The result will likely be more poorly designed franchise commercial buildings lacking any landscaping that do not fit the hamlet's attractive atmosphere. More building like this could hamper economic development efforts related to tourism as discussed below. We suggest the town consider simple standards that reflect key features of attractive existing buildings in the community like pitched roofs, front entries that face the street, and a minimum of two stories or 24 feet in height. There are numerous communities in New York and across the country with such standards that the town could review as a starting point for further discussion. If adopted, new design standards should be administered by staff, not by a new design review board that would add another layer of development approvals.

The same is true of multi-family building design. Campbell should anticipate a growing demand for multi-family units in the region due to demographic changes and financial reasons (e.g., difficulty in qualifying for mortgages on single-family homes). There are examples throughout the region of poorly designed multifamily development that resemble rectangular shoe boxes with windows punched in the façade. As with commercial buildings, we recommend the town consider simple standards that address key features of attractive existing buildings in the community like pitched roofs, front entries that face the street, landscaped front setback areas, and off-street parking to the side or rear of buildings.

- v. Consider controls on electronic signage: The current zoning law contains a number of standards governing the size and location of signage. However, there is a significant gap that should be addressed—none of the current regulations address electronic signs. More and more institutions (like schools and churches) and businesses are installing electronic signs that are often very bright and have changeable copy and flashing text. There are already a number of examples in Campbell. Unless the town acts to address these and other aspects of electronic signage, the result may be a hamlet lined with bright, flashing signs that will seriously detract from the community's attractive atmosphere. The SGA/Clarion team will supply the town with a memo on the subject that Clarion drafted for Pittsburgh, PA, which recently adopted controls on such signage.
- vi. Discuss preferred location of multifamily and small-lot single family developments: In addition to the appearance of multifamily structures, the town should also discuss where such developments should be allowed in the community. In some jurisdictions, multifamily development has been allowed to site willy-nilly in isolated locations away from services and too far away from schools and commercial stores to allow residents to walk instead of drive. This dispersed development pattern encourages more driving and undercuts the hamlets compact building pattern.

**b. Prevent Flood Damage and Improve Storm Resiliency**: Flooding and stormwater management are major issues in Campbell. Most of the developed area of the town lies in a floodway or floodplain. These areas have flooded with regularity over the past 100 years, often with devastating results. The town has adopted some relatively modern floodplain regulations in Article 6 of the zoning code, although we suggest a few significant changes below. However, its

## EPA Technical Assistance for Sustainable Communities: Building Blocks

stormwater management regulations are practically nonexistent. While the state reportedly regulates all developments over one acre and requires stormwater and erosion control best management practices, smaller developments are only legally subject to the very weak guidelines in the zoning and subdivision ordinances. While the staff points out it imposes some additional stormwater and erosion control measures on these smaller projects, more clear, certain standards should be codified. Moreover, in the town should also consider other methods to reduce stormwater runoff that can exacerbate flooding locally such as reducing impervious surfaces (e.g., parking lots) and utilizing green infrastructure techniques discussed below.

### ***Priority Amendments/Low-Hanging Fruit***

- i. Stream Buffers: Vegetated buffers along streams are critical in maintaining water quality and also allowing space for stormwater to disperse and infiltrate. Section 11.10 of the zoning law currently requires a 50-foot setback for all structures from the streambank, but does not designate which streams are subject to this standard or define streambank. Additionally, there are no clear restraints on removing vegetation in the buffer area. Scientific studies show that a 100-foot non-disturbed buffer is needed to preserve water quality and to adequately manage stormwater. We recommend the town consider an immediate amendment to Section 11.10 that restricts vegetation removal in the 50-foot buffer area except for trails, approved utilities and roads, emergency flood response, and similar activities. In the longer-term, the town should discuss and seriously consider increasing the buffer to a minimum of 100 feet.
- ii. Stormwater Management: In its code audit, the SGA/Clarion team recommended that the town move quickly to adopt a set of clear, modern stormwater/erosion control standards for developments not regulated by the state. In response, the working group suggested the town adopt the current state stormwater management guidelines that apply to developments larger than one acre to smaller projects. This would allow staff to implement uniform requirements they are familiar with throughout the community. We concur with that suggestion. In addition, the town should amend sections 11.2 (streets and pavement design) and 11.10 (drainage systems and erosion control) of the zoning code to make clear that green infrastructure techniques such as pervious pavement, roadside rain gardens, and green roofs are not only encouraged but the preferred method of stormwater management.
- iii. Off-street parking requirements: As discussed above, the current off-street parking regulations in the zoning code for commercial development are some of the most demanding that the SGA/Clarion team has seen in development codes across the U.S. For example, while Article VI of the zoning code allows some flexibility in meeting off-street parking requirements through techniques such as shared parking, it requires one space per 100 square feet. Many communities require only 1/300 or 400 square feet. Moreover, an increasing number of jurisdictions allow adjacent on-street parking to be counted against off-street requirements. Excessive off-street parking results in more pavement, more runoff, and less compact, walkable development. The town should also consider maximum parking limits to ensure that any future large-scale projects do not

## EPA Technical Assistance for Sustainable Communities: Building Blocks

provide parking far in excess of what is necessitated by a new development. Many local governments impose a 110-125% maximum limit over the minimum off-street standards.

### **Longer-Term Priority Amendments (More study/discussion needed)**

- iv. **Parking lot landscaping:** As noted, the town currently has no requirements for interior or parking lot landscaping regulations which have been adopted by most progressive communities in New York and the nation. Lack of parking lot landscaping coupled with the town's excessive off-street parking requirements is a recipe for ugly expanses of pavement in the community that will exacerbate stormwater management problems facing the town. We strongly suggest the town require a minimum amount of landscape areas (e.g., vegetated islands and a minimum number of trees per 10 parking spaces or a minimum percent of each parking lot to be landscaped with trees and bushes). The town should also consider allowing stormwater to drain into depressed landscaped areas (instead of elevating landscaped areas and placing curbs around them) thus reducing offsite stormwater runoff.
- v. **Steep Slope Protection:** One of the most effective things any community can do to manage stormwater and control runoff is to protect existing vegetation and limit development on hillsides and steep slopes. The town's current zoning law has steep slope development guidelines in Section 11.9 which applies to slopes in excess of 15%. However, they are very vague (e.g., "desirable vegetation should be retained"). Additionally, very steep 25% slopes "shall not, to the greatest extent possible, be developed." These standards are virtually unenforceable. We recommend that Campbell review modern steep slope protection standards in places like Park City and Salt Lake County, UT (copies of which the team will send to town staff). Regulations should address issues such as driveway length and grade, height of retaining walls, and vegetation protection. Many communities ban development on very steep slope in excess of 25-30% even if certified safe by an engineer because of issues related to erosion control, stormwater management, and firefighting (It is very difficult and dangerous to fight fires on steep slopes.).
- vi. **Tree protection:** Currently, the zoning and subdivision regulations contain only very vague language encouraging developers to preserve trees and vegetation on development sites. While the town has not had any major developments recently that has resulted in significant tree removal (except for some timber operations), residential developments like Aurene in the nearby Town of Erwin show how poor site planning and lack of protective standards can result in clear cutting on steep slopes. The tree protection ordinance of Clayton, Missouri, a progressive suburb of St. Louis might serve as a model for the town to consider. It requires developers to protect existing trees to the maximum extent feasible and install fencing to protect mature trees during construction. Recognizing that not all trees can always be protected on infill and redevelopment sites, as an alternative the Clayton ordinance permits replacement on a caliper inch for caliper inch basis any trees removed (or payment into a city tree planting fund). On larger rural parcels, the town might require maintaining a specified minimum percentage of the existing tree canopy on a site (e.g., 80%) rather than focusing on individual large trees as has been done in Franklin, TN, a suburb of Nashville.

## EPA Technical Assistance for Sustainable Communities: Building Blocks

- vii. Floodway development. While the town's current floodplain regulations in Article 6 of the zoning code have some modern provisions (e.g., requiring a two-foot elevation above the base flood elevation for new construction), they also allow development in the floodway if an engineer certifies it will not increase base flood levels. The town should seriously consider banning all new development in the floodway for reasons of human safety, and because such construction can also increase flood velocities and other hazards for downstream properties. Many communities across the United States that have experienced repeated and devastating flooding such as Lake County, IL, and Fort Collins, CO, have taken this step.
- c. **Economic Development:** Campbell has lost population over the past decade, and its economy has struggled. At the same time recent resident surveys indicate a desire for more services nearby. For example, the town does not have a large, full-service grocery store. Additionally, the 2010 Economic Development Strategy sets forth a number of economic development goals related to preservation of agriculture and promotion of tourism. One of the major challenges the town will face is encouraging such growth while protecting the town's existing attractive character.

### **Priority Amendments/Low-Hanging Fruit**

- i. Live-work units: Live/work units--incidental residential units attached to businesses and allowed in commercial areas--are becoming increasingly popular. They aid small business people (artists, personal services, restaurants, etc.) from a work perspective while bringing 24-hour presence to commercial areas and help owners from a financial perspective by producing more income. Increasingly, many communities both small (Fredericksburg, VA) and large (Chicago, Oakland, Seattle), allow live-work units in commercial areas. However, the town's zoning code does not allow this type of residential unit in its neighborhood or highway business commercial zone districts. The town should consider amending its zoning code to define this use and specifically allow it in the neighborhood business and highway commercial district permitted use lists.
- ii. Create a new true agriculture zone district and allow broader use of rural, farm-related enterprises that can be carried out in a compatible fashion. The town's current agricultural zone district (AR Agricultural Residential) might better be called an "anything goes" district given the wide open use list that allows everything from mines and manufacturing to hotels and restaurants, subject only to site plan review. The town staff has recommended significant changes to the codes use districts, but we recommend that if the town is serious about protecting viable farms and prime agricultural land, it create a new "true" agricultural zone district. This new district might be denominated A1 Agricultural District in which only agricultural and directly related uses would be allowed. The use list would include rural enterprise type uses on farms such as bed and breakfast establishments, small conference and meeting facilities, small wedding and special event facilities, and similar endeavors that would allow farmers to augment their income in a fashion compatible with primary agricultural uses. We also suggest the current AR district become an A2 district. The revamped A2 district would allow the wider range of uses the staff is recommending in the draft AR district zoning revisions they shared with the

## EPA Technical Assistance for Sustainable Communities: Building Blocks

consulting team, with a special permit process being required for potentially incompatible uses such as hotels or automobile repair shops.<sup>1</sup>

Once these text amendments are adopted, the town should in the longer term carefully map the new boundaries of these two districts considering such factors as location of prime agricultural lands/soils, presence of current viable farming operations, and existing development patterns (e.g., where is residential development already located).

- iii. Allow farmers markets in appropriate zone districts. The current zoning code does not appear to allow farmers markets in any zone districts. Farmers markets can not only be a local asset and gathering place but help attract tourists and visitors from around the region. This use should be carefully defined (e.g., some codes only allow sale of local produce and food processed items while others allow importation of produce and other goods) and then permitted in the new agricultural districts as noted above and in other areas (e.g., the neighborhood business areas along Main Street). Operational standards typically address size, hours of operation, and similar features.

### ***Longer-Term Priority Amendments (More study/discussion needed)***

- iv. Mining and fracking overlay districts:<sup>2</sup> The town currently has a number of operating gravel mines and gravel reserves that reportedly would be economic to develop. Currently Section 11.15 of the zoning law contains some basic standards that address issues such as reclamation, accessory uses, and fencing the town can build on. According to town staff, additional controls are typically negotiated in the site planning process. Instead of this case-by-case approach which can be time consuming and full of uncertainty for all parties involved, we suggest the town create a new “floating” gravel mine overlay district. The new district would incorporate the current standards in Section 11.15 and add new standards based on conditions imposed by staff to current mines to govern aspects of gravel mining not under the purview of state regulation and control. When a prospective mine operator proposed to open a new gravel mine, he would apply to have the floating, unmapped zone district applied to his property along with local standards to ensure its compatibility. By requiring a rezoning of the property through application of an overlay district, the town would be able to exercise greater and more precise control of gravel mining operations.

Similarly, the town should consider a fracking overlay district that would be drafted and be applied in much the same fashion as the gravel mining overlay. Issues to be addressed in standards would typically include access, location of material and equipment storage, lighting, and the like.

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<sup>1</sup> As discussed at the workshop, use of a special permit process combined with site planning approval will give the town far more effective legal control over uses than the current site planning process alone.

<sup>2</sup> Overlay zoning is a regulatory tool that creates a special zoning district placed over an existing base zone(s) and that may include standards and other provisions on top of those in the base zone district that must be complied with in addition to or in place of those in the base zone district. These additional standards and provisions typically protect specific resources or guide development within a special area. The overlay district can share common boundaries with the base zone or cover only a portion of the base zone.



## EPA Technical Assistance for Sustainable Communities: Building Blocks

- v. Safe growth area. It is no secret that the town has very few areas for major residential, commercial, or industrial development that do not lie in a floodway or floodplain. A key recommendation of the 2010 Economic Development Strategy is to have the town identify areas for safe....or at least safer...future development. We agree and recommend this process be started during the current comprehensive plan deliberations. Once these areas are identified, the town should try to focus its capital investments (e.g., water lines) in these areas to foster appropriate development. The town should also continue exploring provision of some type of community sewer treatment for these areas.
  
- vi. Explore historic district status for Main Street. The SGA/Clarion consulting team was struck by the many attractive, historic structures along Main Street between Interstate 86 and the high school. Many other communities have built upon such assets to improve their local economies through tourism while at the same time protecting their essential character. The town should work with local property owners and with the New York State Preservation Officer to explore designation of Main Street and its environs as a National Register Historic District. Such designation brings with it incentives such as federal tax credits for renovation and gives the town more say in federally funded or permitted projects that might have adverse impacts on the district. Moreover, it provides an exception to Federal Emergency Management Agency restrictions on renovation and rehabilitation of structures located in floodplains and floodways. Assuming that the town wants the hamlet to continue to exist in its current location, there needs to be reinvestment in the structures that are currently in the floodway and floodplain. The creation of a National Register Historic District would provide the mechanism for reinvestment within the regulatory constraints of the floodplain ordinance. A strong plan for flood forecasting and response would need to be developed in concert with the creation of the district.

### 4. Implementation Strategy

The working group spent the last half of the afternoon session discussing implementation strategies. The town has a running start on implementation, because staff has already drafted proposed amendments to the zoning law that mirror a number of the recommendations in the SGA/Clarion code audit. Staff of the regional planning agency and county also offered their assistance in this process. They bring to the table knowledge of relevant progressive code provisions adopted by other area local governments.

To further inform the code revision process, the town should convene interested parties to meet with town officials to discuss potentially controversial topics such as commercial design standards, mining and fracking regulations, and Main Street historic district designation. The working group also discussed utilizing the soon-to-be updated town website as a vehicle to keep citizens informed of proposed code amendments and solicit input.

Given the economic situation in the region and town, members of the town board and working group expressed concern about new regulations that might impede needed development and growth. The consensus was to focus on removing regulatory barriers and providing incentives for sustainable development whenever possible to achieve town smart growth goals. A number of the proposed short-

## **EPA Technical Assistance for Sustainable Communities:** Building Blocks

term code amendments do exactly that—for example, reducing the currently onerous off-street parking standards.