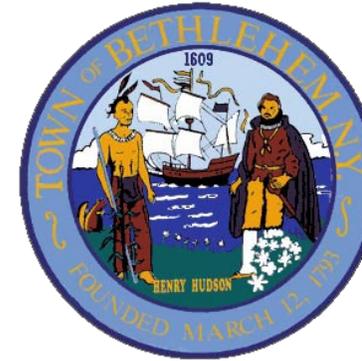


# Town of Bethlehem

## Zoning & Subdivision Update

Public Workshop | May 31, 2023



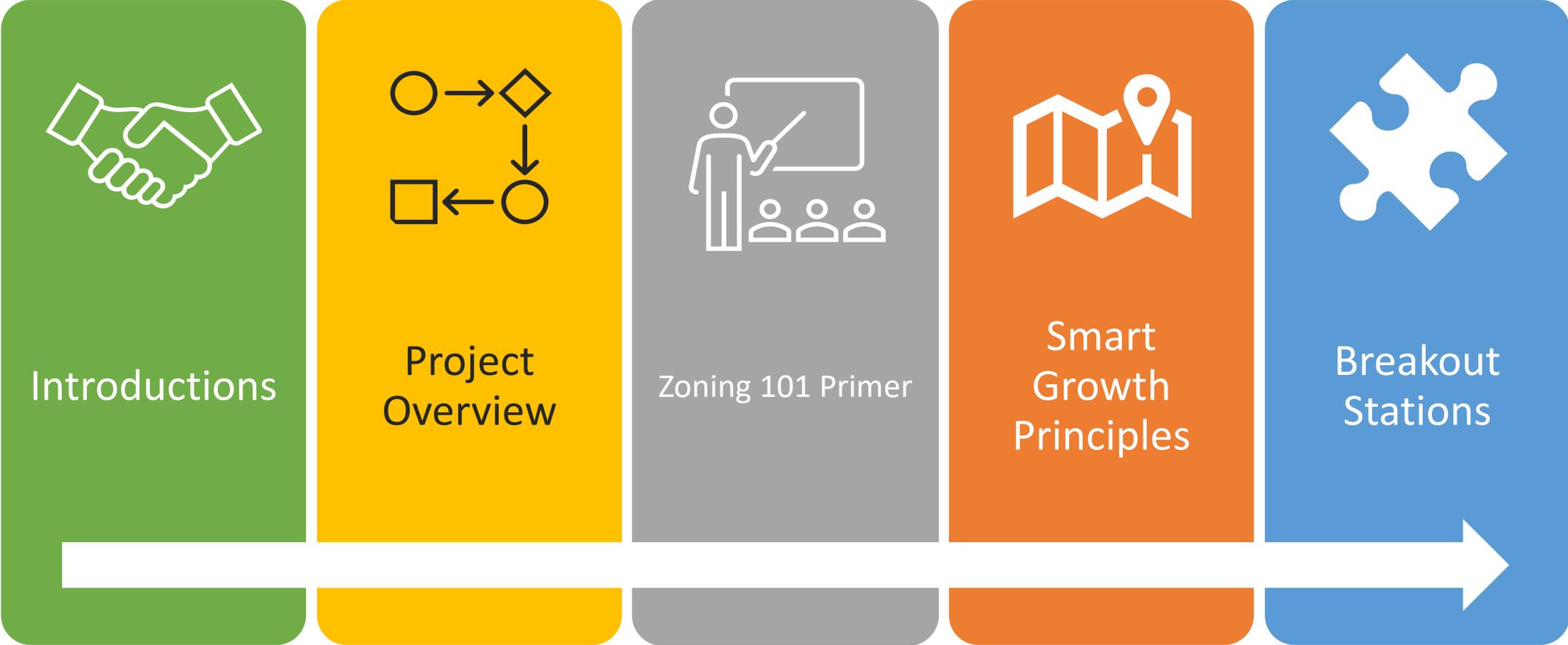
This effort directed by the 2022 Comprehensive Plan Update regulatory recommendations.

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



Department of State

# Tonight's Agenda



# Introductions



## Bergmann Team

### INTRODUCTIONS



- Primary Contact
- Team Management & Oversight
- Lead Community Engagement Activities
- Lead All Codification Efforts
- Document Production



**John Steinmetz, FAICP**  
Planning Principal



**Molly Gaudioso, AICP**  
Project Manager



**Liz Podowski King, RLA, AICP**  
Lead Designer & Public Engagement Specialist

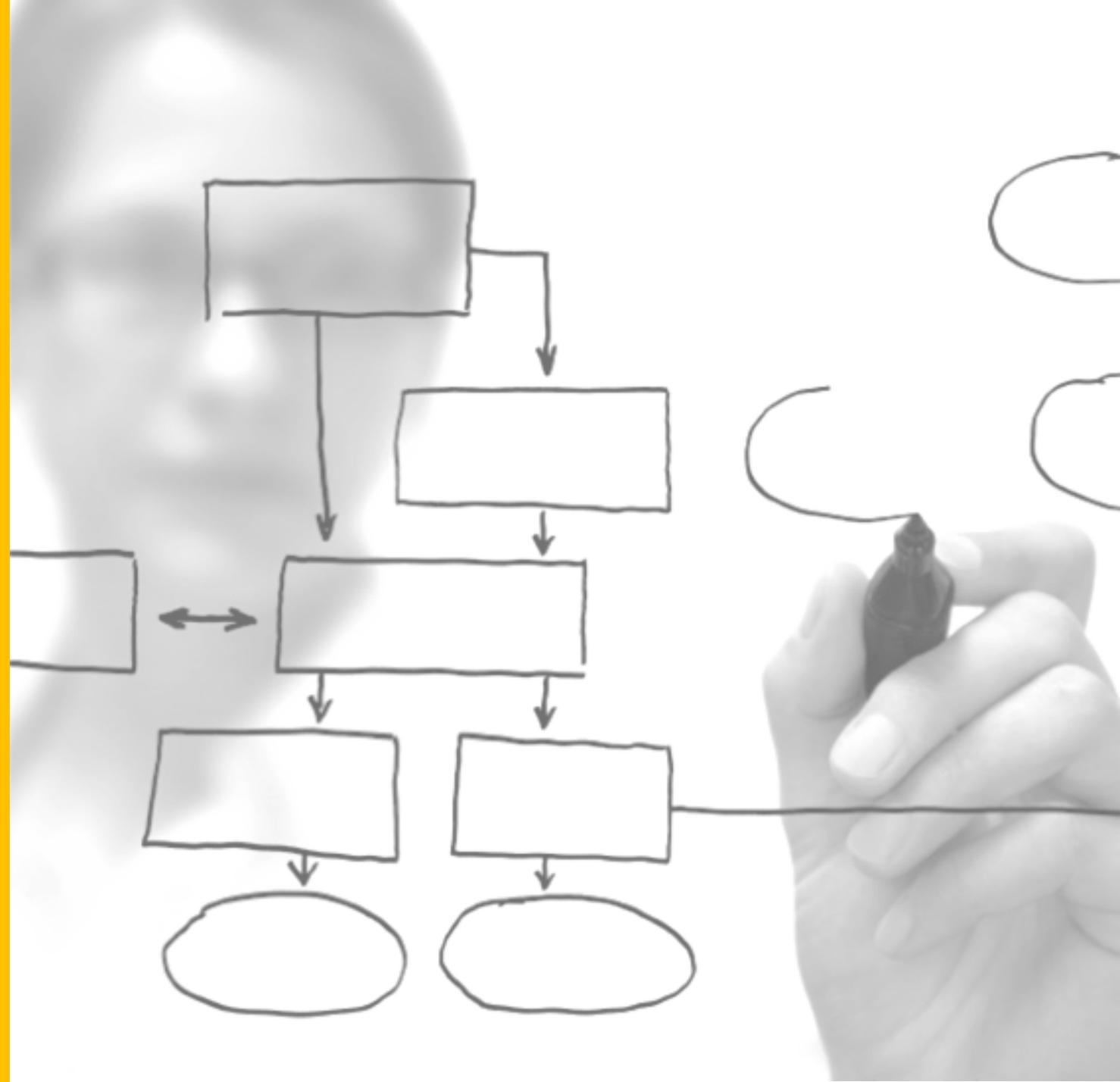
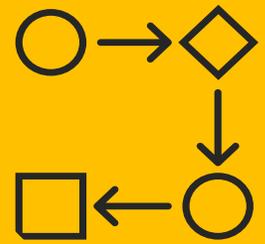


# Our Experience

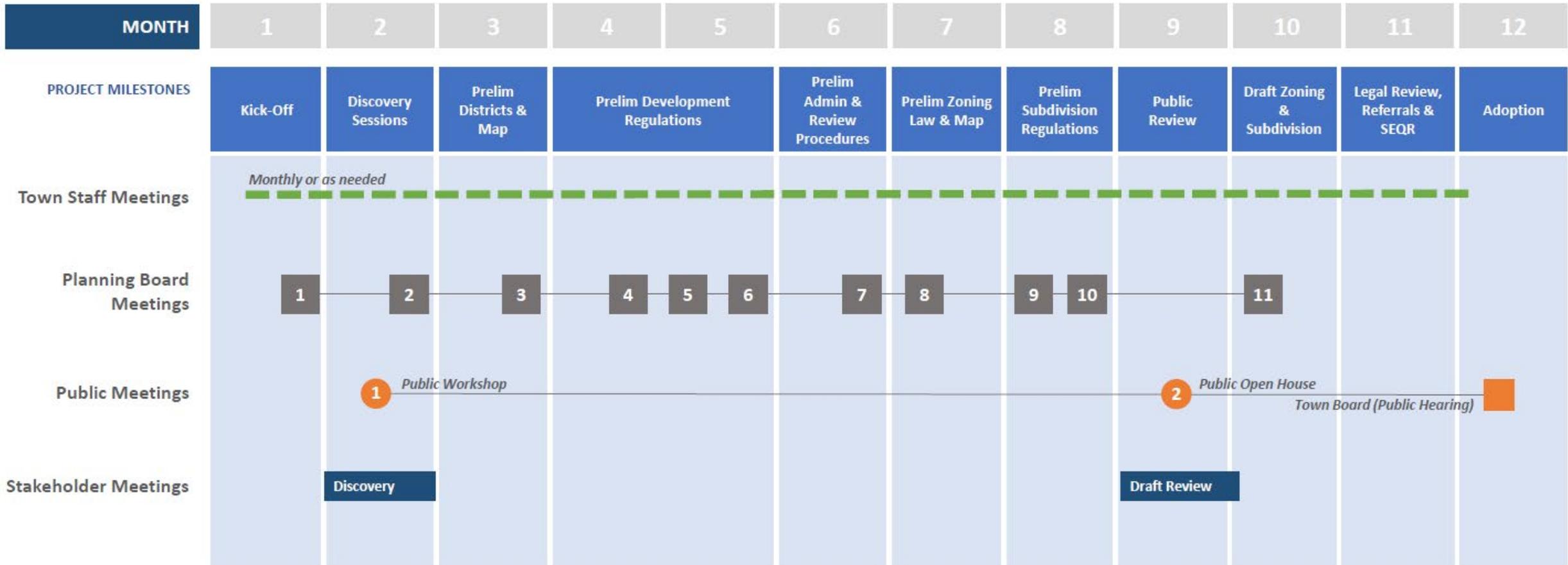
- 50+ Comprehensive & Long-Range Planning Efforts
- 40+ Zoning & Land Use Regulation Projects
- 13+ Joint Planning & Zoning Updates
- **~ Effectively Translate Policy into Code Language ~**



# Project Overview



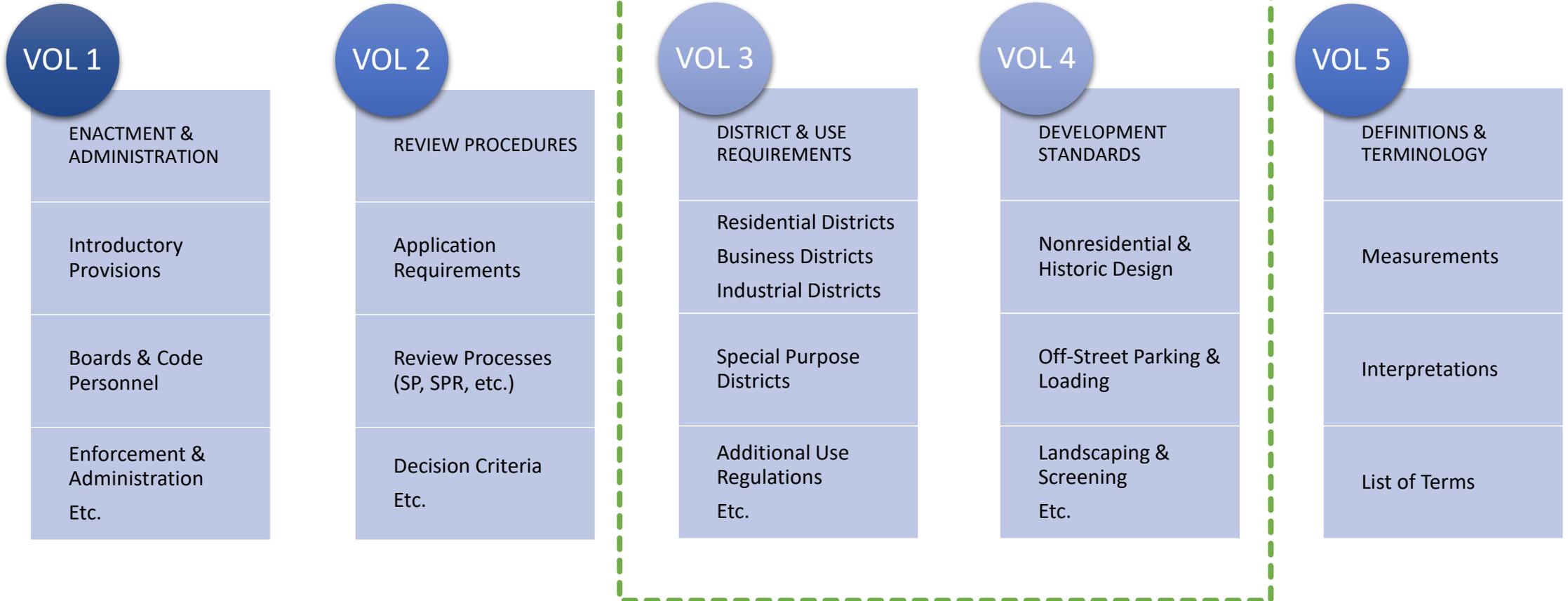
# Project Process & Timeline



**\*These tasks follow & incorporate all required tasks of the DOS Work Plan**



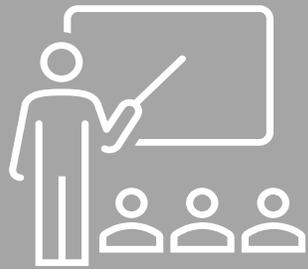
# Zoning Code Topic Areas of Focus



**\*Also includes Subdivision Regulations**



# Zoning 101 Primer



## Zoning History

### ZONING 101



- NYC had first city-wide zoning code in 1916
- US Supreme Court upheld zoning in 1926 in Euclid Ohio v. Ambler Realty Co
- This case is the namesake of “Euclidean Zoning”
- Zoning is part of Police Power to ensure the health, safety, and welfare of the public
- Many communities still do not have zoning or land use laws



# Zoning 101 Primer

## ZONING IS...

- Law
- A means to regulate investment
- Applicable to private property
- One of a series of chapters in municipal codes
- Connected to other land use based chapters

## ZONING CAN...

- Accommodate & Facilitate Change
- Encourage Place-Making
- Be an Asset or Counter-Productive

## ZONING IS NOT...

- Intended to be selectively enforced
- Applicable to public rights-of-way
- A catch-all for every land use issue
- A replacement for building code or construction standards

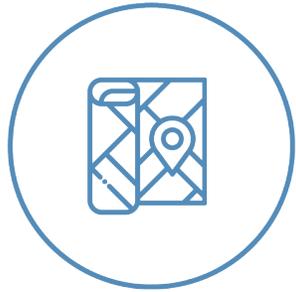
## ZONING CANNOT...

- Create Change
- Create Places

~ Zoning does NOT address on-street parking, curfews, speed limits, etc. ~



# Four Main Zoning Types or Approaches



**EUCLIDEAN  
OR  
TRADITIONAL**



**PERFORMANCE**

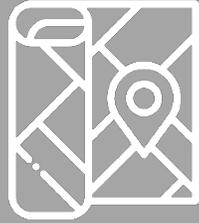


**FORM BASED**

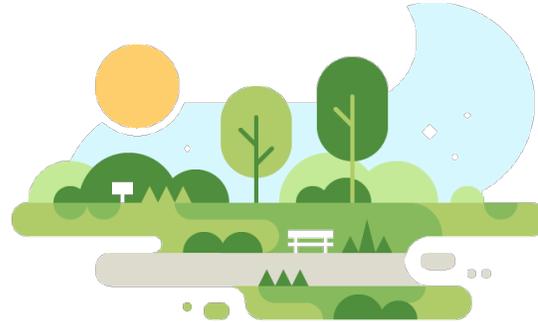


**HYBRID**

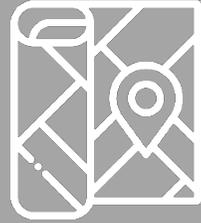
# Euclidean



- “Separation of Uses”

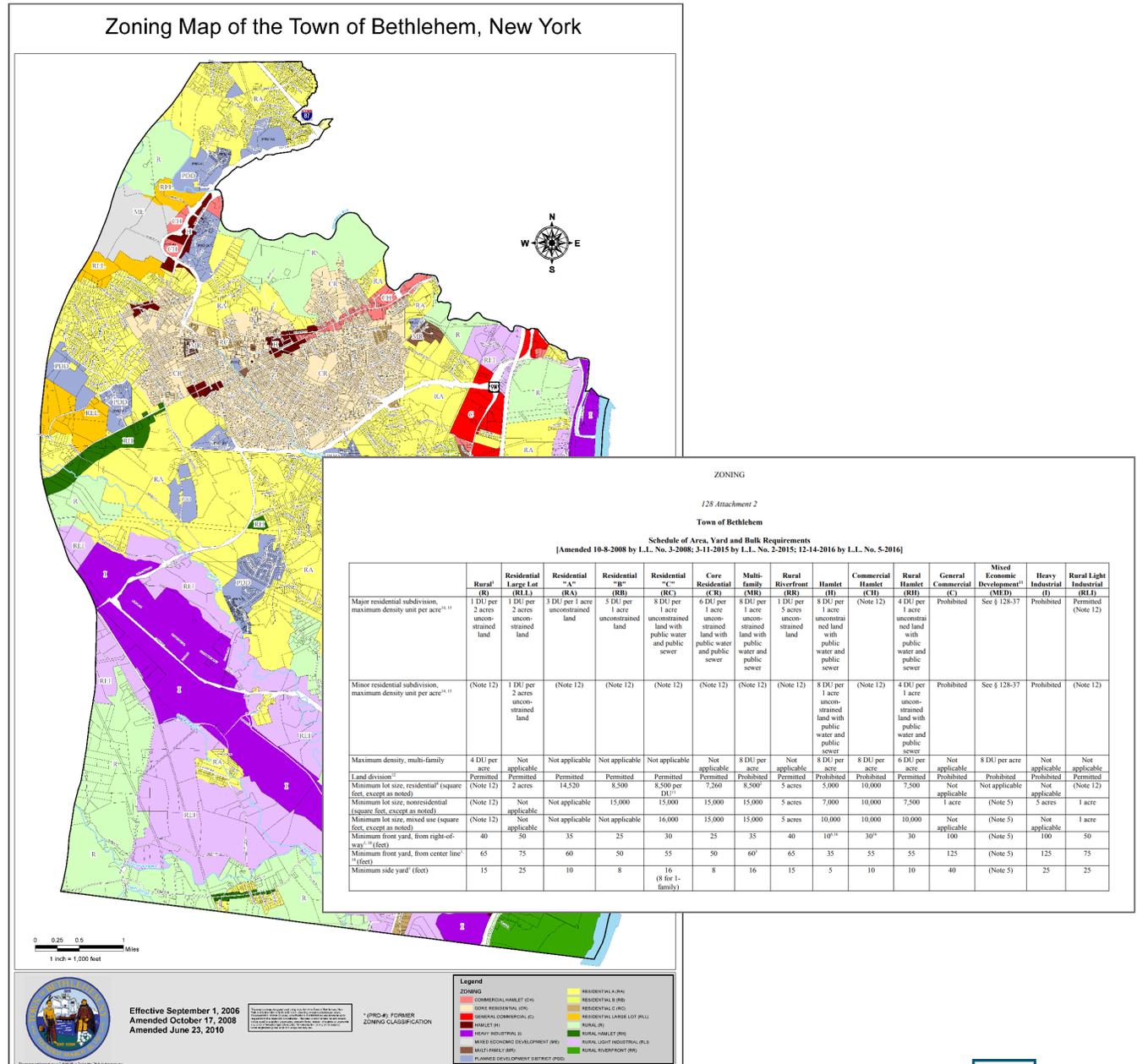


# Euclidean



- Mapped Districts
- List of Permitted Uses
- Dimensional Requirements
- Strong on “Don’t Do’s”
- Intended to be Self-Administering
- Limited Discretion

Zoning Map of the Town of Bethlehem, New York



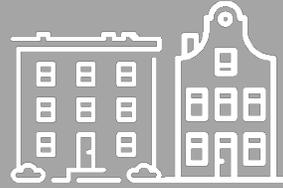
# Performance



- Lane Kendig developed first code in 1973
- Developed in response to the rigidity of Euclidean Zoning
- Focuses on IMPACT rather than USE
- Specifies standards of intensity
- Noise, Lighting, Traffic, Floor Area Ratio, etc.
- Flexible & can readily accommodate new technologies
- Costly to implement (ongoing staff training & equipment, etc.)



# Form Based



- Focuses on DESIGN rather than USE
- Community's physical form is its most important characteristic
- Recycle buildings for a variety of uses

## Used to Be a Pizza Hut

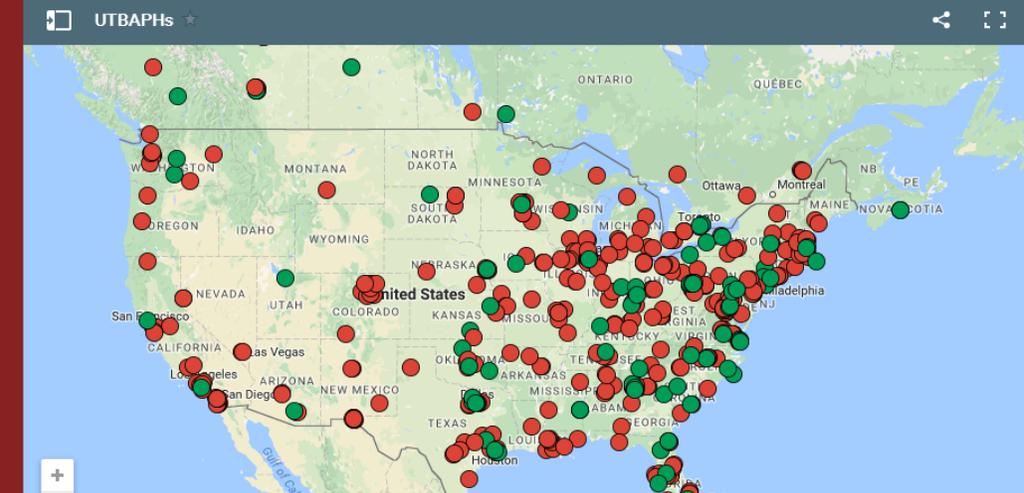
These beautiful structures, most likely now devoid of the table-top Pac Man machines, dot the American landscape. Some provide ethnic food, some, used cars, and a rare few are now municipal buildings. Whatever their current purpose, we can always be reminded of the mediocre pizza that was once served in these establishments. That, and those red plastic cups.

Submit your photos of establishments that used to be Pizza Huts to: [utbaph@gmail.com](mailto:utbaph@gmail.com)

[Home](#) [Map of Locations](#) [Facebook](#) [Twitter](#) [Google+](#) [Foursquare](#) [Contact](#)

Like 4.3K people like this. [Sign Up](#) to see what your friends like.

Map Area



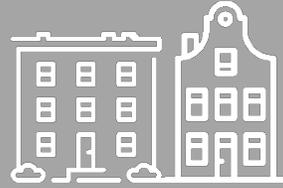
# Form Based



- “Used to be a Pizza Hut”

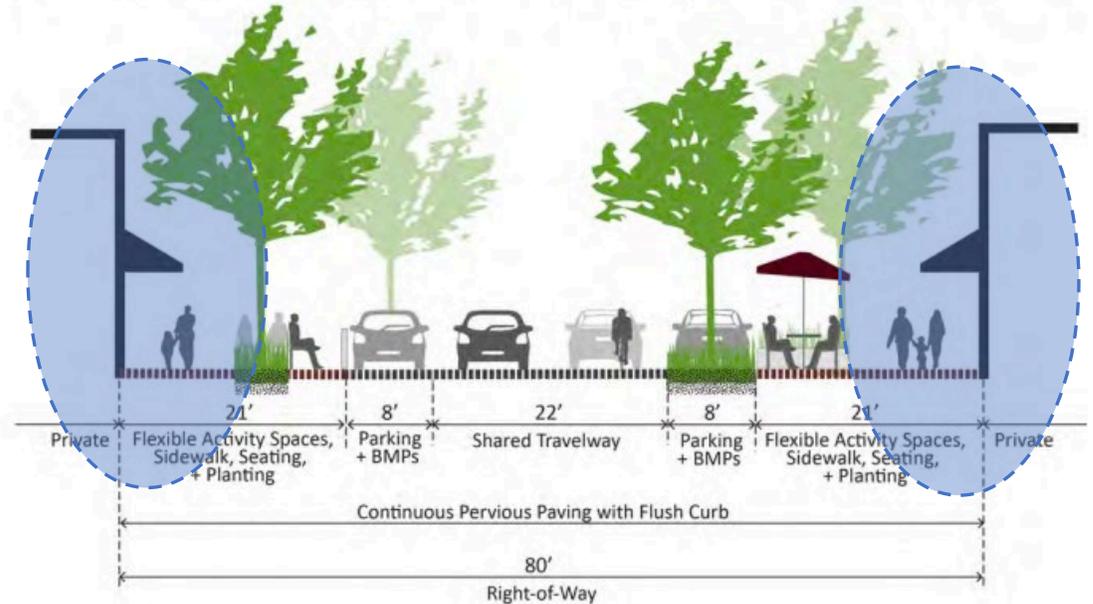


# Form Based



- Public realm is a priority
- Preceded by vision or design charrette

Norfolk Ave (Rugby Ave to Wisconsin Ave, Looking Northwest)  
Proposed Section Long Term: Shared Street with Stormwater Best Management Practices (BMPs)



Zoning doesn't regulate the public realm but helps to frame and direct the relationship between private property and the streetscape.

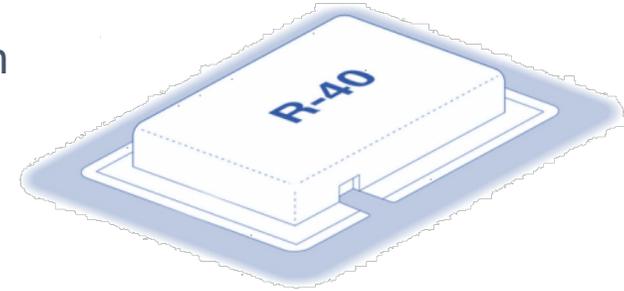


# Hybrid Code

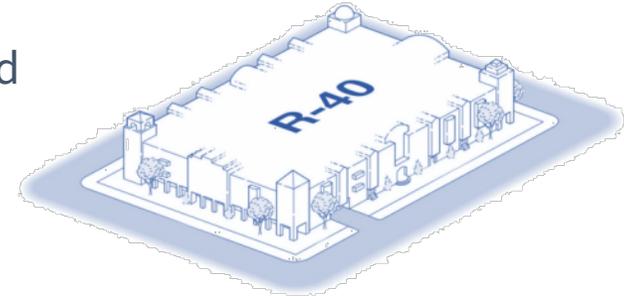
Borrow the Best from Each...

- **Euclidean:** Use, Setbacks, & Bulk Requirements
- **Performance:** Development impacts
- **Form Based:** Design Standards & Guidelines

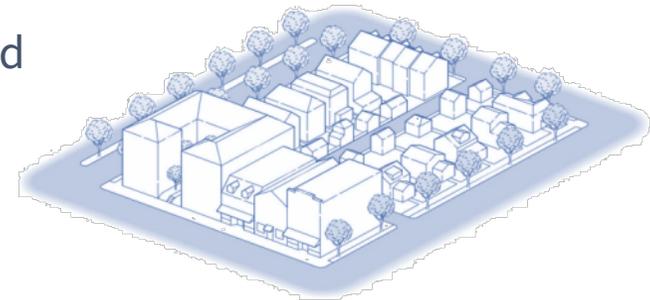
Euclidean



Form-Based

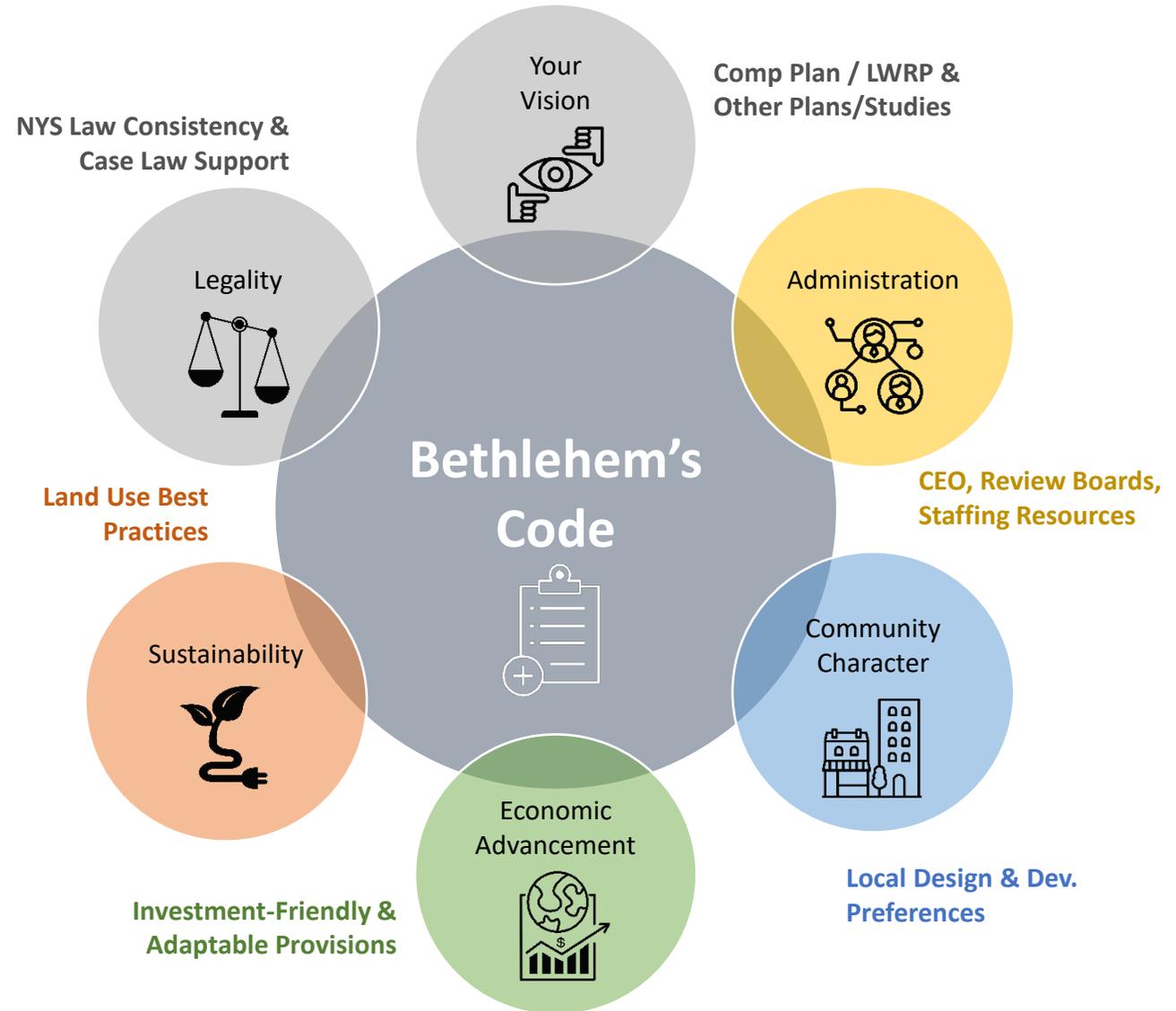


Hybrid



# Best Practice

- Use specific, measurable regulations
- Incorporate existing technical resources
- Provide certainty in administration & flexibility in practice
- Unify development regulations & procedures



## ZONING 101



## Other Tools

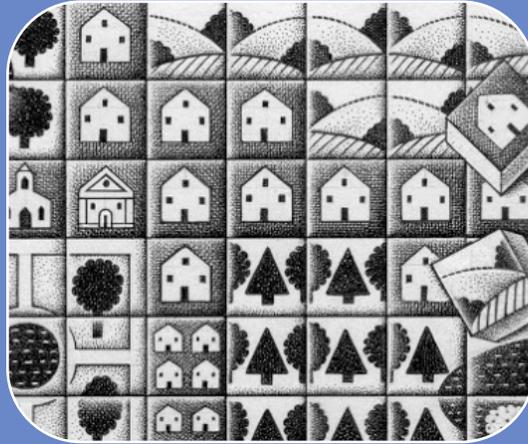
- Design Guidelines & Standards
- Overlay Districts
- Planned Unit Developments
- Clustering
- Incentive Zoning
- Special Purpose Districts
- Etc.



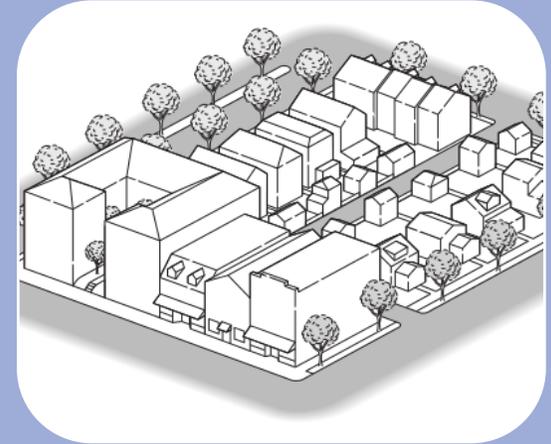
# Spectrum of Control



No Local Regulation



Some Local Regulation



Heavy Local Regulation



**How much influence do you have? How much do you want?**



# The Nexus Between Planning & Zoning

“Zoning regulations should be carefully constructed to make sure they will help carry out municipal planning goals. Some communities don’t pay enough attention to the translation of those goals into the drafting of their zoning regulations. The result often brings frustration with zoning itself as a technique, when in reality the problem is that the zoning regulations have not been carefully enough constructed. This will in turn frustrate the achievement of municipal planning goals.”



# One Piece of the Puzzle

## ZONING 101



# Planning & Zoning Catch 22

## PRE-REGULATION



Organic Settlement  
Localized communities  
Low impact uses  
Pride in character

## EUCLIDEAN ERA & SUBURBAN SPRAWL



Inorganic Development  
Isolated communities  
Separation of uses  
Destruction of character

## INFILL & REPAIR

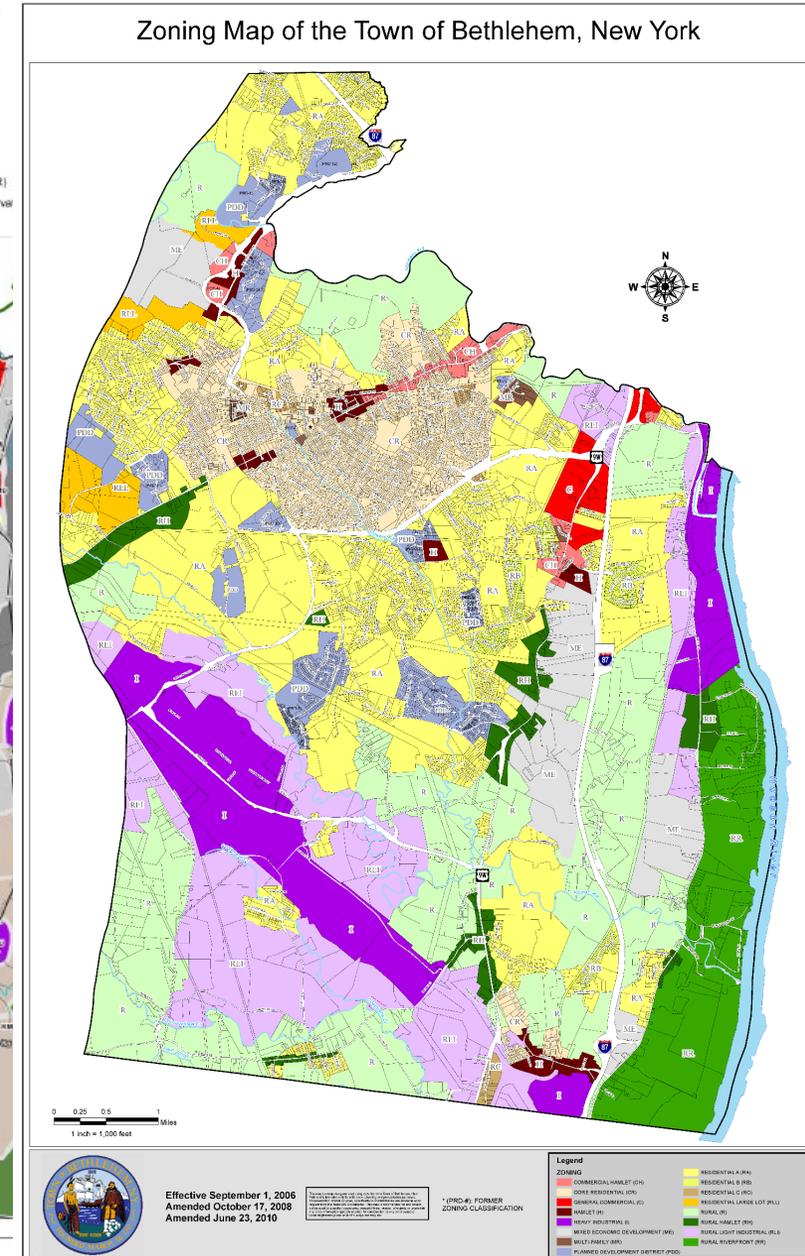
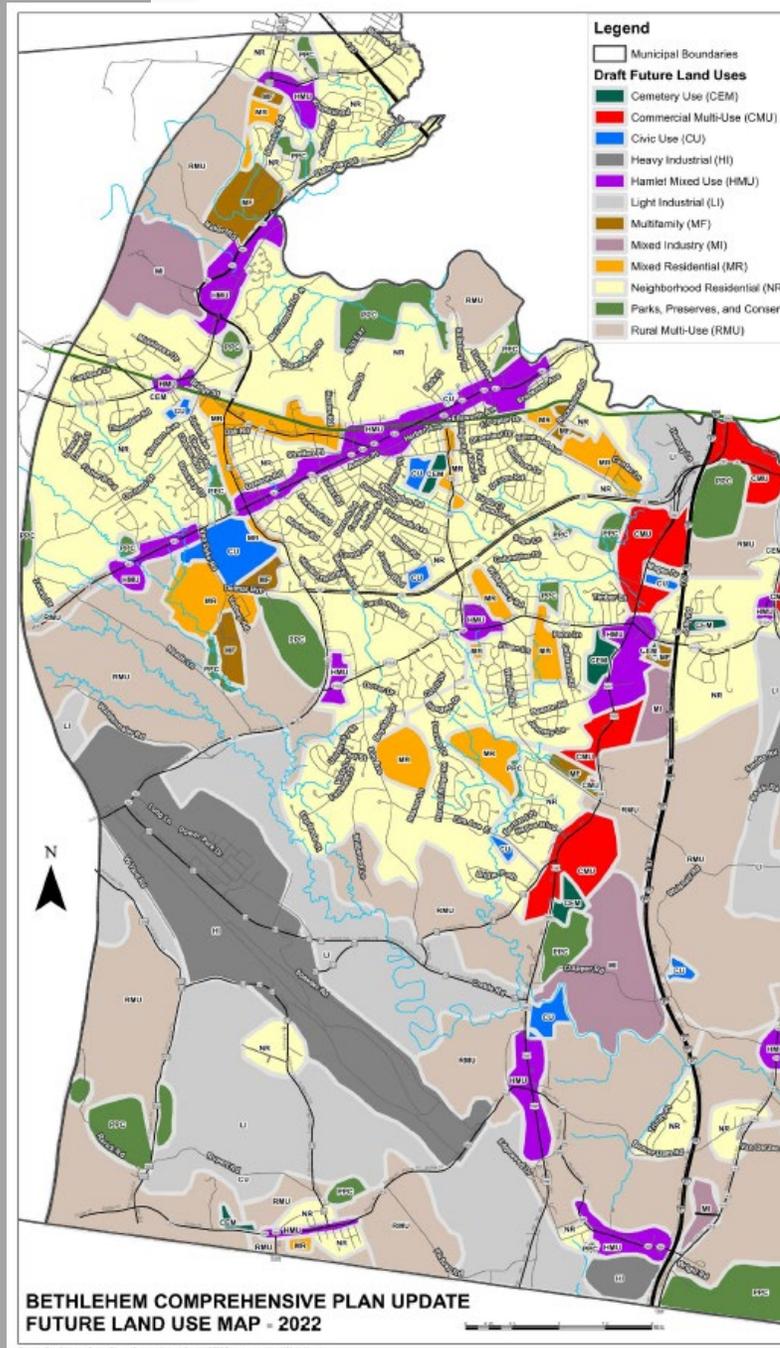


Smart Growth Trends  
Contextual Communities  
Design over use  
Definition of character

# Best Practice

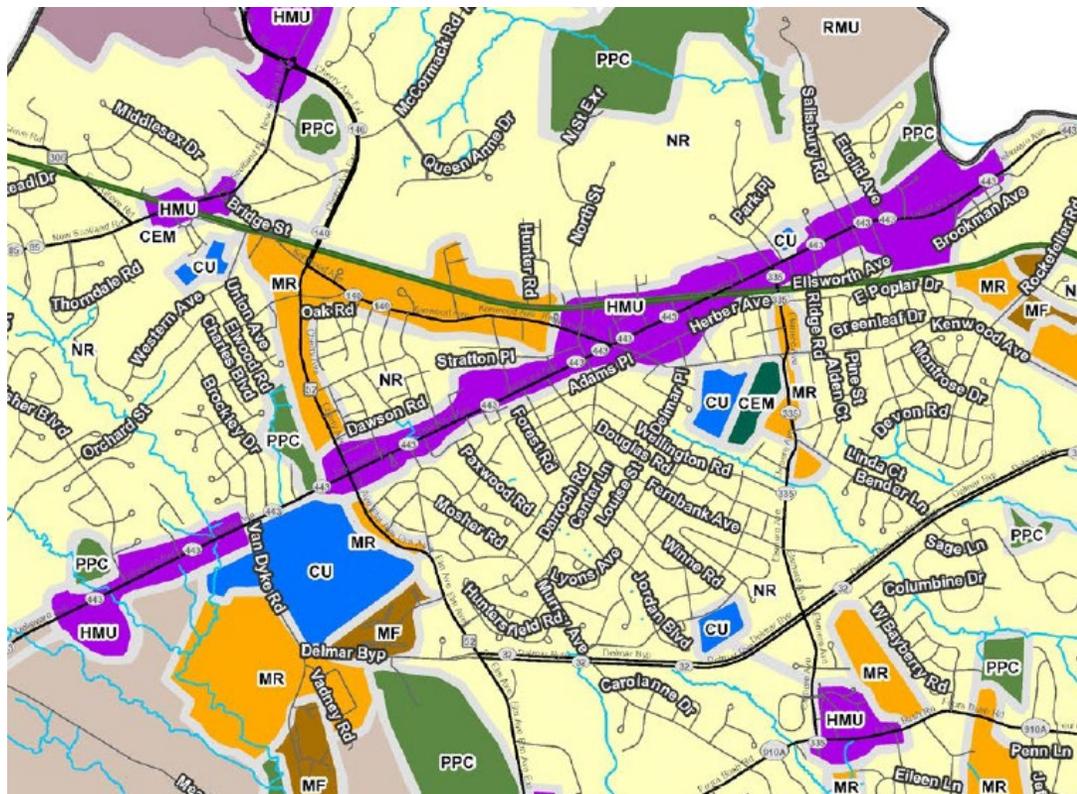
NYS TOWN LAW §272-a, 11(a)

“All town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section.”

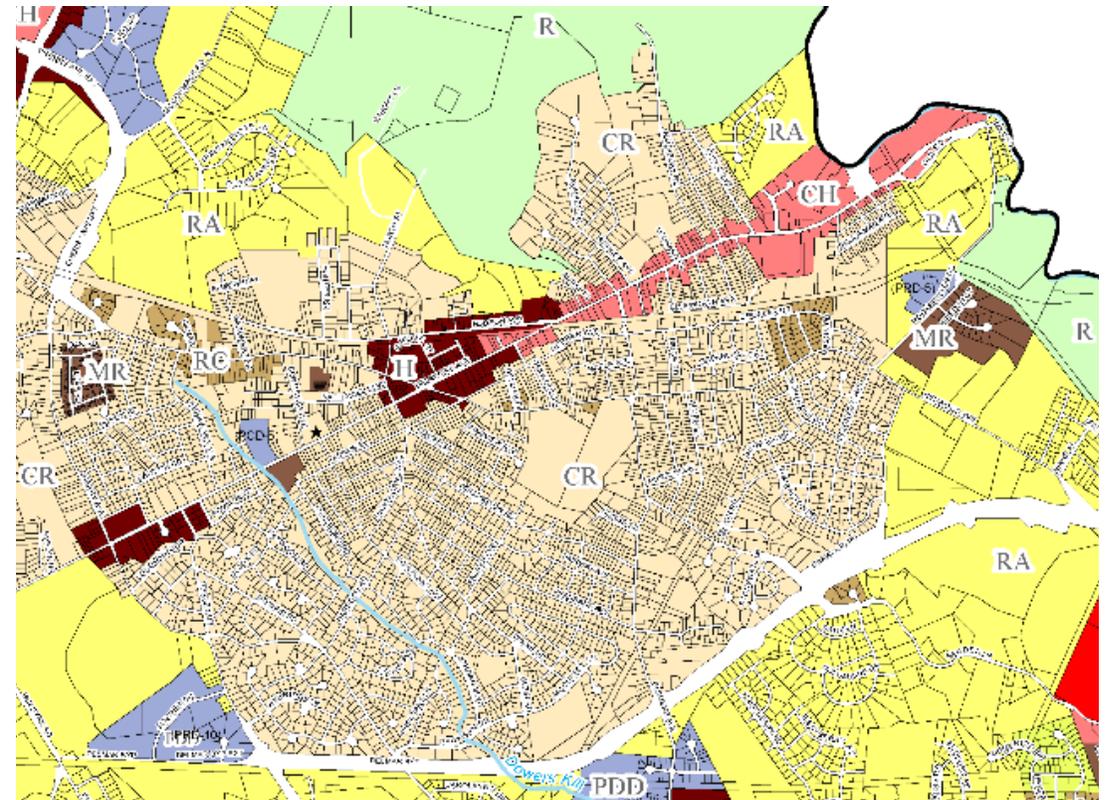


# Defining Boundaries

## FUTURE LAND USE MAP



## CURRENT ZONING



# Smart Growth Principles



**"Smart growth" covers a range of development and conservation strategies that help protect our health and natural environment and make our communities more attractive, economically stronger, and more socially diverse.**

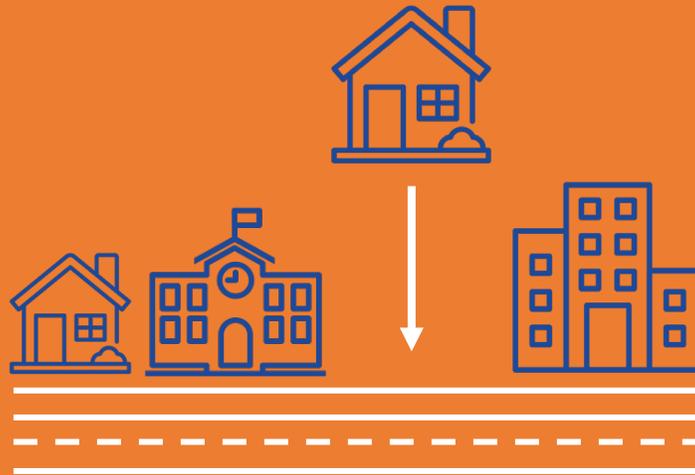


# SMART GROWTH PRINCIPLES

## 1. Mix land uses



## 2. Take advantage of compact design



## 3. Create a range of housing opportunities and choices



# Value per Acre

Covington, GA

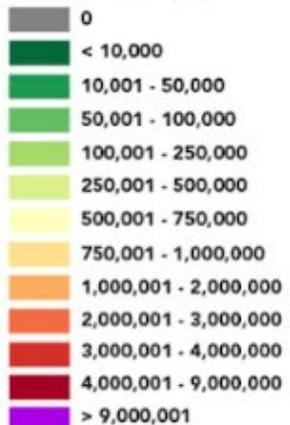


**Clark's Grove Peak**  
\$11M per acre

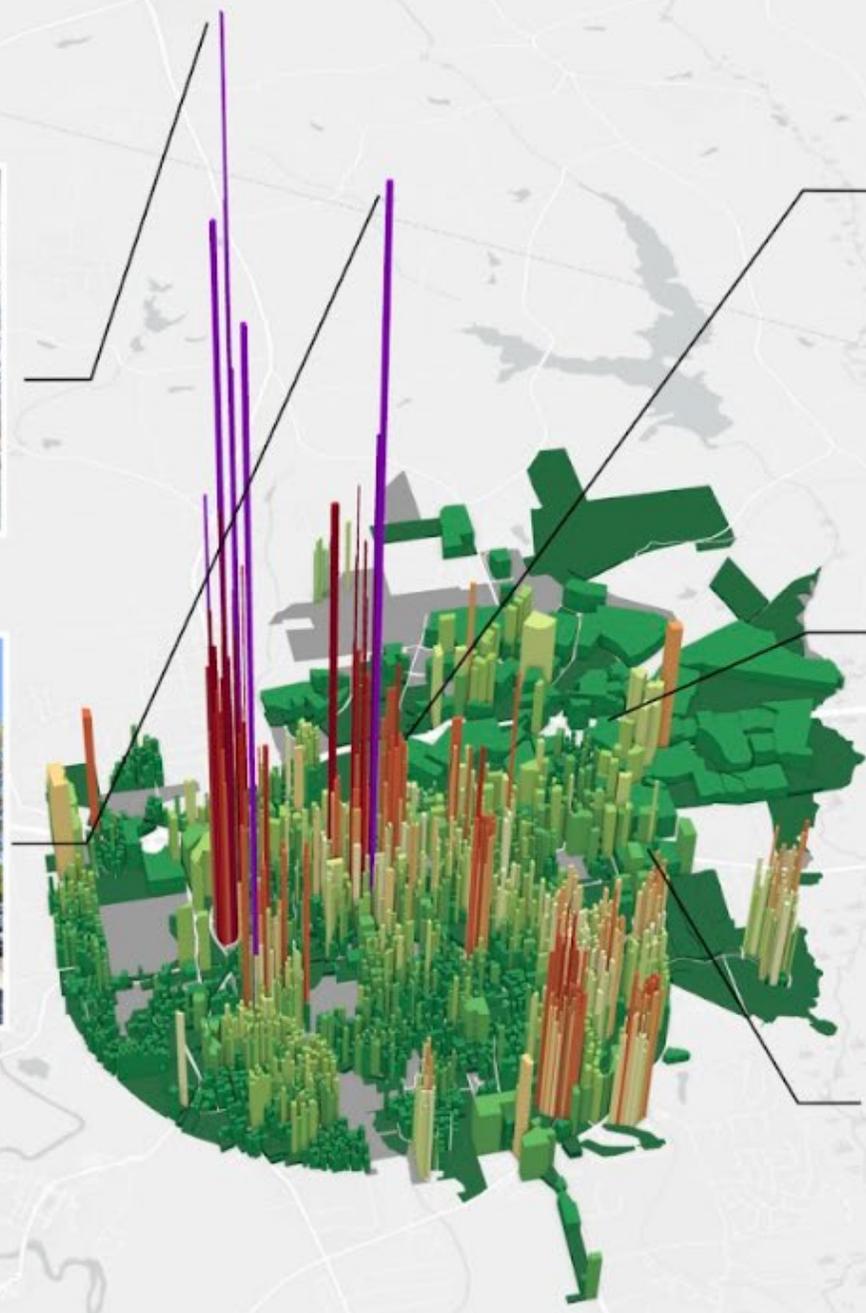


**Downtown Peak**  
\$5.2M per acre

## Taxable Value Per Acre (\$)



Source: Newton County Assessor



**Old Walmart**  
\$0.33M per acre



**New Walmart**  
\$0.24M per acre



**Old, Old Walmart**  
\$0.19M per acre

Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

# Housing Variety & Housing Affordability



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Opticos Design, Inc.



# SMART GROWTH PRINCIPLES

4. Create walkable neighborhoods



5. Foster distinctive, attractive communities with a strong sense of place

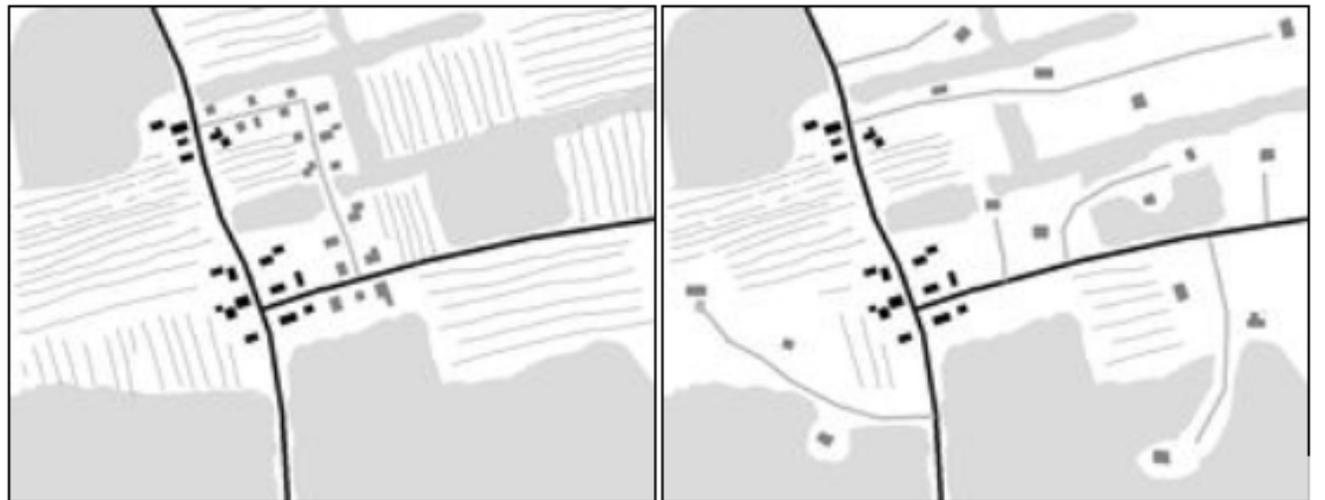


6. Preserve open space, farmland, natural beauty, and critical environmental areas



# What is a smart development pattern?

- Take advantage of existing infrastructure
- Direct development to preserve open space and farmland
- Connected neighborhoods



SOURCE: VERMONT NATURAL RESOURCES COUNCIL

# SMART GROWTH PRINCIPLES

7. Direct development towards existing communities



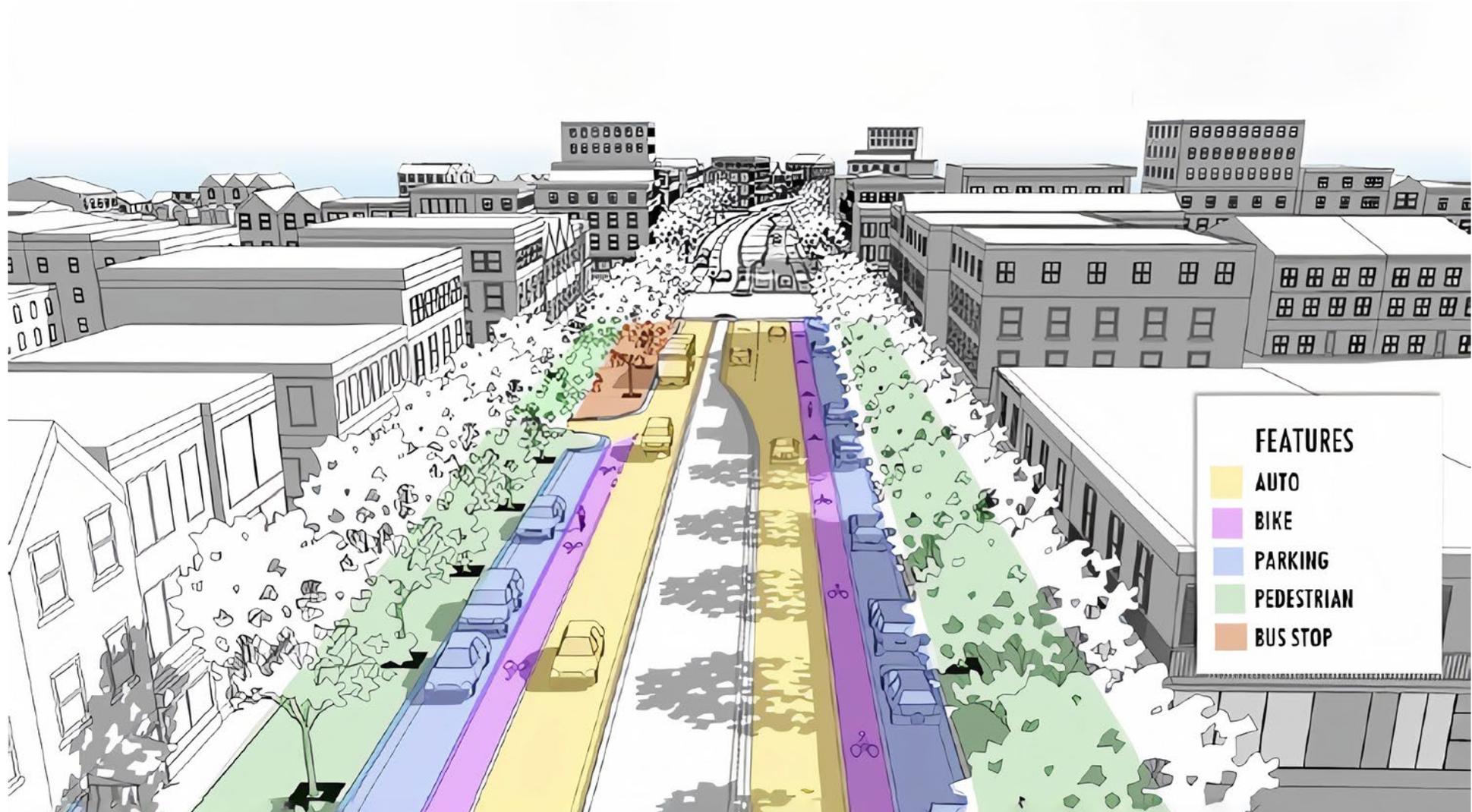
8. Provide a variety of transportation choices



9. Make development decisions predictable, fair, and cost effective



# Transit Oriented-Development Features



SOURCE: RENAISSANCE PLANNING



# SMART GROWTH PRINCIPLES

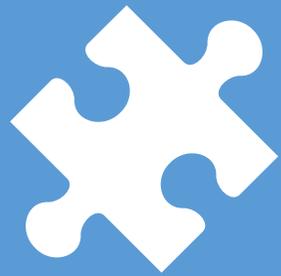
10. Encourage community  
and stakeholder  
collaboration in  
development decisions



**“Above all, it’s about helping every town and city become a more economically prosperous, socially equitable, and environmentally sustainable place to live, helping everyone flourish.”**

**- Smart Growth America**

Let's Hear from  
You!



# Breakout Activity Stations

- Watercourse & Floodplain Regulations
- Watercourse Buffer Regulations
- Wetland Regulations
- Small-scale Solar
- Large-scale Solar
- Development Character Areas



# Development Preference Survey

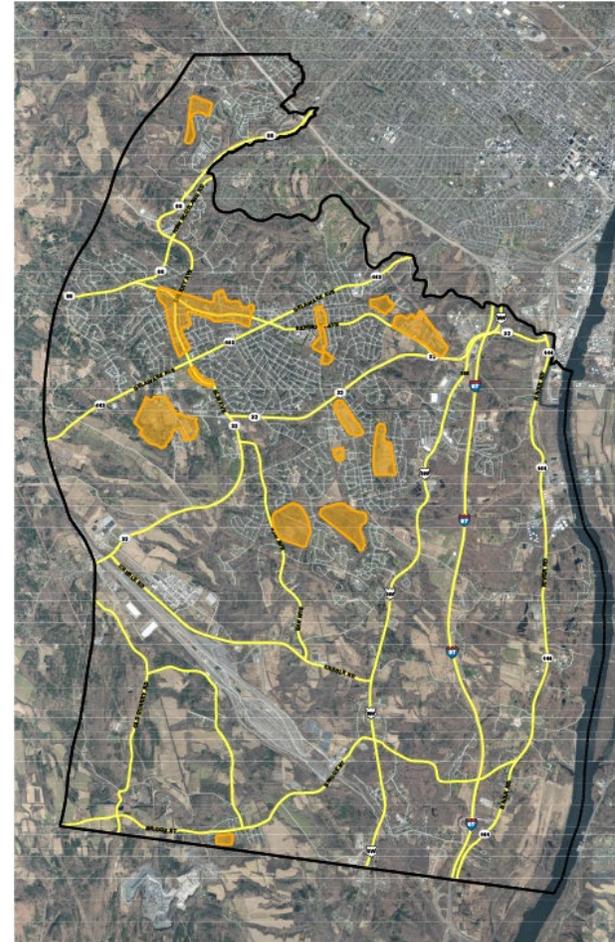
## Purpose:

- Determine your attitudes towards different types of development
- Demonstrate various design practices and typologies
- Determine if current requirements reflect the desired design and use of various character areas

## Bethlehem Code Update | Development Preference Survey

### MIXED RESIDENTIAL (MR) AREAS

**Comprehensive Plan MR Description.** Mix of single family, two-family, three family, and multifamily uses both existing now and in the future. A balanced mix of different residential uses should be found in new developments providing a diversity of housing types. Design guidelines provide for transition areas that border to existing residential neighborhoods. Compatibility and consistency with surrounding residential scale and architecture is important. [Yellow in the map below]



# Development Preference Survey

Consider your OVERALL impression of the development example.

- Building Design
- Parking
- Landscaping
- Etc.

1. Which of the following images depict a desirable development style for Mixed Residential areas? (select all that apply)



Small-lot Single-family



Small-lot Single-Family



Three-Family



Attached Townhomes



Multi-Family



Attached Townhomes



Accessory Dwelling Unit



Multi-Family



Patio Homes

# Development Preference Survey

Tell us why & how!

2. **What building and site design elements of the above images do you like? What don't you like?**

3. **How should the zoning code address your development preferences?**

- 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.



# Ways to Stay Engaged

- Send comments and questions to [bethlehemforward@townofbethlehem.org](mailto:bethlehemforward@townofbethlehem.org)
- Visit [www.townofbethlehem.org/940/Zoning-Update](http://www.townofbethlehem.org/940/Zoning-Update)
- Visit the website or scan the QR code to take the Community Development Preferences Survey!

**Scan me for the survey!**

