

## XIV. LAND USE AND ZONING

### LAND USE AND ZONING

Land use planning involves making decisions about how to categorize various land uses, how to assess the interaction among land uses, and, at the same time, determine how to best use and preserve valuable built and natural resources. On a regular basis, planners, planning boards, and City officials must make difficult land use choices that will dictate the function and appearance of the built and natural environment for the foreseeable future. It is a weighty responsibility, but one that can be met confidently with appropriate guidance from the Comprehensive Plan and well-developed implementing regulations.

The City's current land use regulations have sustained several of Cortland's greatest assets: the small city atmosphere, attractive downtown, and pleasant residential neighborhoods. However, Resident Survey respondents clearly expressed that private property and public infrastructure maintenance, housing densities, and parking must be better managed in the future. In fact, 67% of Resident Survey respondents favored adoption of site and building design guidelines, while nearly 73% called for development of energy conservation regulations to govern future development. Resident Survey respondents also specifically noted several land use issues that should be addressed during the comprehensive planning process: neighborhood preservation, parking and traffic circulation, and protection of the water supply. Deteriorating properties and streetscapes was cited as a major factor that would influence respondent's decision to leave Cortland. The City's land use and zoning regulations need to be revised to better address concerns and desires. A revision process was begun several years ago and was halted during the development of this Plan. That revision work can serve as a foundation for a more thorough re-writing of the Zoning Code as detailed below.

### LAND USE CLASSIFICATION AND ZONING

Each parcel of land in the City is classified and coded for tax purposes according to its current land use. Although there may be circumstances where a single parcel has more than one use, the parcel is classified according to its primary use. For example, there may be a residence with vacant acreage, or some other ancillary use, but the parcel will be classified and coded as residential. Each parcel also sits within a zoning district that governs the use and dimensional requirements for the parcel.

Table 7 illustrates the land use classifications for each parcel in the City. While it does not show the separation of single-family, two-family, or three-family residential uses, nor differences in the types of commercial properties, these distinctions are important for planning purposes. In general, land use classifications should roughly correspond to, or be duplicated by, local zoning. This is largely true in the City of Cortland. The table compares land use



classifications by acreage and by the percentage (of total acreage) of each currently found within the City. According to tax records, there are approximately 2,098 acres (excluding roadways and the Tioughnioga River), or 3.3 square miles, of developable land in the City.

**TABLE 7  
COMPARISON OF LAND USE**

Land Use	Acreage	Percentage of Total Land Use	Number of Parcels
Residential	817	39.0%	3916
Agriculture	57	2.7%	2
Community Service	270	12.9%	94
Vacant	260	12.4%	337
Commercial	358	17.1%	642
Recreation	68	3.2%	17
Unclassified	17	0.8%	15
Industrial	147	7.0%	28
Public Service	101	4.8%	15
Wild, Forest, Conservation	3	0.1%	2
<b>TOTAL</b>	<b>2,098*</b>	<b>100%</b>	<b>5,068</b>

\* Total acreage derived from 2006 Real Property Services Tax Data, 2,098 acres or 1.6 square miles, differs from the total land area of 1.7 square miles as reported by the 2000 U.S. Census.

**Residential Use Classification** - Residential land use accounts for 39% of the total (by acres) in the City. This acreage is divided into 5,068 parcels of which 3,916 are classified as residential, comprising 79% of the total number of parcels in the City. Among these 3,916 parcels, 78% are classified as single family residential, 16% of the parcels are classified two-family residential, and 3% of parcels are classified three family residential. Only 3% of the parcels are classified as multi-family. What these numbers don't account for is rental housing. Many parcels that are currently rental housing are classified as commercial land rather than residential land use and are therefore not reflected in the figures for residential use. Thus, the tax records do not present a full picture of how many acres and parcels are actually in use for residential purposes.



What is clear from Resident Survey responses, as well from public opinion voiced at meetings held in conjunction with the Comprehensive Plan preparation, is that market-rate housing of all types is needed in the City to allow senior citizens to age-in-place, allow empty nesters and retirees to downsize from single-family homes to smaller units, and to accommodate young professionals, as well as young families with children. Since a diverse population is critical for the long-term economic viability of the City, the City must reconsider all zoning districts, including allowable uses within, and the desirable intensity of use in the residential zones. As part of this process, the City should assess the adequacy of all housing types (single family, two family, three family, or multi family) to determine the types of units required to meet future demographic needs.

Although the City is primarily built-out, there are opportunities to expand the residential land use within the City through re-use and infill development. According to Real Property tax records, industrial land use accounts for 7% of the classified land uses in the City, but these 28 parcels account for only about half of all industrially zoned land. There are commercial uses within the industrial zones and areas of vacant land. In fact, 12% of the City's total land use, comprised of 337 parcels, is classified as vacant. Since a number of the vacant parcels are situated in industrially zoned areas, there may be an opportunity for mixed use, mixed density development. With careful planning, development of these lands could accommodate future housing needs, although the City must be careful to retain sufficient industrial zoned properties for economic development purposes.

There are a handful of small areas where the City may want to consider residential zoning changes. This includes up-zoning parts of Maple Avenue from R-2 to R-1 to curb the decline of the street as has proved effective in areas near the college; up-zoning parts of the East End Neighborhood from R-2 to R-1, and down-zoning the first block of Tompkins Street from R-4 to PO (Professional Office) since that may better reflect current uses.

**Commercial Use Classification** -Although commercial uses are scattered throughout the City, the most intense concentration of commercial land use in the City is within the Central Business zoning district. The other area of intense commercial use is in the northeast quadrant of the City near the I-81 interchange. In spite of growth in this I-81 area, there are also abandoned properties, underused properties, and some vacancies, particularly in Riverside Plaza. An intense redevelopment effort is needed here, not only to cure the visual blight derived from vacant and abandoned properties, but also to prevent further encroachment of commercial uses into the residential zones on Clinton Avenue. The City is already undertaking a planning effort to address these issues. The East End Strategic Plan, a neighborhood revitalization plan, will be completed in 2010 and will complement the goals and recommendations of this comprehensive plan.

**Industrial Use Classification** - Only 7% of the land use in the City is currently classified for industrial use according to Real Property tax records. Almost all of the parcels currently in use for industrial purposes are situated on industrially zoned land. However, more than half of the industrially zoned land is not used for industrial uses according to Real Property tax records. Many industrially zoned parcels are currently classified as a commercial land use, and others



are vacant. There is significant opportunity in these areas for infill development that could accommodate new businesses or mixed use, mixed density development. It is important to note that some of these properties have environmental concerns that could impact the desirability of these sites for sale and redevelopment.

**Community Service Use Classification** - Nearly 13% of the land use in the City is currently classified as community service. Included among the 94 parcels are schools, the fire and police stations, public library, government offices, churches, the hospital, and community associations. The bulk of these parcels are part of SUNY Cortland, which is situated primarily on land zoned R-1 (single family residential). The balance of these parcels are scattered throughout the City and sit in various zoning districts.

Survey respondents and Steering Committee members feel that the City should consider consolidation of or sharing of municipal services. Given the current state of the economy, this may become a necessity. Thus, although there is no report of conflict between the community service uses and the underlying zoning districts, because some of these uses are on large parcels and the uses may expand or contract in the future, the City should consider establishing a Public Service floating zone or overlay zoning district to manage redevelopment of these parcels in the future.

## REVIEW OF LAND USE REGULATIONS

Land use regulations are laws enacted by the local governing body for the regulation of any aspect of land use and community resource protection, including zoning, subdivision, special use permit, and site plan regulation, and any other regulation that prescribes the appropriate use of property or the scale, location, or intensity of development. Land use regulation is not restricted to controlling existing buildings and uses; it is also designed to guide future development. The City of Cortland has adopted two major land use regulations, a zoning code and subdivision regulation. There are additional regulations in the City Code related to animals, flood management, adult entertainment, and the removal and planting of trees. The City also recently passed a Rental Permit Law.

All City land use regulations need to be reviewed and updated to conform to State law and the updated Comprehensive Plan. Once revised, the laws should be reviewed on a regular cycle to ensure continued compliance with State law, to take advantage of contemporary land use planning methods and tools, and to meet the changing needs of the community.

**Zoning Code** - The basic purpose and function of zoning is to divide a municipality into residential, commercial, industrial, or other districts (or zones), that are for the most part separate from one another, with the use of property within each district being reasonably uniform. Within these three main types of districts there generally will be additional restrictions that can be quite detailed, including specific requirements as to the type of buildings allowed, location of utility lines, restrictions on accessory buildings, building setbacks from the streets and other boundaries, size and height of buildings, number of rooms, floor space or area and



cubic feet, and minimum cost of buildings. These restrictions may also cover frontage of lots; minimum lot area; front, rear, and side yards; off-street parking; the number of buildings on a lot; and the number of dwelling units in a certain area.

The current Zoning Code was adopted in 2003, by Local Law No. 4-2003, repealing the previous zoning code, which had been in place since 1978. The zoning code includes nine base zoning districts and three overlay districts, supplemental regulations and other substantive regulations governing parking, fencing, buffers, signs, nonconforming uses and structures, site plan review, variances, special use permits. The existing zoning districts include:

- Four residential districts: R-1, R-2, R-3, and R-4;
- Four commercial districts: CB, Central Business; GB, General Business; PO, Professional Office; and SD, Service District
- One industrial zone, GI, General Industrial.

Overlay districts include:

- Historic District
- Flood Way Zone District
- Flood Hazard District.

There is no zoning district for community services and uses, or for parks or conservation. Map 18 at the end of this Section depicts the current zoning districts. Although these districts generally suit the City's demographic and land use needs, the code needs extensive revision, not only to refine the existing zoning districts, but also to address several pressing land use issues currently facing the City.

At a minimum, the uses allowed in each zoning district and the area standards must be reviewed and revised. For example, the purpose statement in each of the four residential zoning districts is only one sentence long and each district is entitled, "Residential District", rather than a more descriptive title that shares the intent of the zone. The CB District, has no area regulations yet there are many buildings with front, rear, and/or side yards. Home occupations are allowed in all four residential districts, but not in any of the other zoning districts which accommodate commercial uses but also allow single family homes. Somewhat minimalist in nature, the code has very basic regulatory provisions and terse policy and purpose statements (where they even appear), resulting in a code that is highly prone to subjective interpretation. Better defined standards, more definitions, detailed purpose statements, and more zoning tools would enhance the zoning code significantly.

A good barometer of the effectiveness of a zoning code is to assess the number of variances granted. A variance is a mechanism for granting relief from zoning code provisions; it is a permitted departure from strict enforcement of the code as applied to a particular piece of property. There are two types of variances: area variances and use variances. An area variance is used to provide relief to the landowner from dimensional requirements of the zoning code such as setbacks. A use variance allows landowners to use their land in a way that is not permitted in the specific zoning district in which the land is situated. The generally accepted



legal standard for granting a use variance is undue hardship; area variances are assessed based on a balancing test that weighs the need for relief against potential negative affects on the neighborhood. Variances should be granted as a last resort, as an exception rather than the rule. In Cortland, more than 90% of all variance requests are granted. This figure is a example of how the current zoning code fails to properly regulate land use in the City (such as unrealistic or impractical regulations, and could also be indicative of a lax Zoning Board of Appeals (ZBA). Better defined regulatory standards, more definitions, detailed purpose statements, refined procedures for boards and commissions, and more zoning tools would enhance the efficacy of the City's zoning code.

In addition to the need for a comprehensive review and revision of the existing zoning code, there are a number of other pressing zoning issues that must be addressed by the City in the form of new land use regulations or modifications to the zoning code.

**Housing Density Overlay Districts** - Although there is abundant student housing in the City, in recent years there has been a marked increase in the use of single family residential homes to student housing, particularly in the area surrounding the SUNY Cortland campus. While this is neither illogical nor unexpected, much of the conversion activity has taken place in areas zoned R-1 with a concurrent variance request for more lot coverage for tenant parking. This negatively affects the single family aesthetic and fundamental purpose of the R-1 district. In spite of plentiful student housing options and slowing growth in the student population at SUNY



Cortland, there remains a demand for additional student housing in the City. Development of student-centric neighborhoods that cater to the requirements of a young and active, yet transient, population might repress the transition of single family residences near the College.

The City should develop a Housing Density Overlay District(s) (HDOD) to help address these concerns. Individual student-centric neighborhoods/ HDOD's may have differing needs to create the desired character. For instance, in one neighborhood the desire may be to increase both the density of persons and the density of units as opposed to another neighborhood where only the allowed density of persons may be allowed. Therefore, the City may wish to establish a series of districts, for instance, HDOD-1, HDOD-2, and HDOD-3 in order to meet the needs and establish the character of each district. All of the HDOD's should require landscaping, open space, buffers to adjacent uses, parking requirements, design standards, and possibly an incentive scheme to encourage the development of certain amenities, although these requirements may vary by district. Similar overlay districts may also be suitable for meeting other housing needs in the community, such as housing for empty nesters, (see also Section VI. *Housing*).

**Preservation of Single Family Neighborhoods** - More than one-third of the City is currently zoned R-1. However, a significant portion of the land zoned R-1 is occupied by SUNY Cortland



with nearly again as much land in the R-1 zone currently classified as vacant according to Real Property Service tax records. In spite of there being 3,050 parcels dedicated to single family residential use, Resident Survey respondents and citizens commenting on the planning process in a variety of forums indicated that there is a need for more single family housing options in the City. While there are thriving single-family residential neighborhoods in the City, these neighborhoods face encroachment by the hospital, by the College, student housing, and commercial development. As detailed in the Section IV. *Housing*, many single family homes, especially near the College, have been converted to student dwellings thereby changing the face of the neighborhood and the character of the underlying zoning district. Although the City has adopted a Rental Permit Law, the law may not provide significant protection to single family neighborhoods. The City must proactively move to preserve single family neighborhoods as the current zoning code is not providing sufficient protection

**Need for Mixed Use Development** -The City has an unmet need for market rate and higher end housing that is not oriented to the student population. There is also a significant dearth of housing that will allow City residents to age in place. Development of market rate condominiums or townhouses, with amenities and services desired by retirees and empty nesters is needed. Likewise, the City lacks sufficient housing options that cater to young to mid-career professionals. The failure of the City to meet the demand of these groups may result in out-migration to surrounding areas such as Cortlandville, Ithaca, and Syracuse. The City cannot afford to lose this demographic, as it provides economic balance in the City. Mixed use developments that accommodate a variety of housing types in a single development and include retail and service establishments that serve local residents and the surrounding neighborhood will contribute to retaining a diverse population mix within the City.

**Deteriorating Structures and Infrastructure** - Respondents to the Resident Survey and citizens attending public meetings held in conjunction with the Comprehensive Plan planning process, repeatedly emphasized a concern with property maintenance, property deterioration, and aging infrastructure, such as sidewalks and curbs, throughout the City. A significant percentage of land within the City is zoned commercial and industrial and some of these parcels harbor abandoned, vacant, or dilapidated buildings. Although Code Enforcement actively seeks to enforce the property maintenance code, the adoption of a vacant buildings law would enhance the ability of Code Enforcement to deal with such properties



**A number of historic buildings in the City are at risk of being lost due to neglect and deferred maintenance. Regulations should be enacted to prevent “Demolition by Neglect” and provide the Code Office with the enforcement tools they need to address severely deteriorated, and often vacant, properties before demolition is the only alternative.**



while moving toward elimination of visual and structural blight in the City (see also Section XIII. *Code Enforcement*).

**Sustainable Development** - Sustainable development has been defined in many ways, but the most frequently quoted definition is from *Our Common Future* (World Commission on Environment and Development (WCED). Oxford: Oxford University Press, 1987 p. 43.): *sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.* Another definition holds that sustainable development is maintaining the delicate balance between the human need to improve lifestyles and feelings of well being on one hand, and preserving natural resources and ecosystems on which we and future generations depend. All definitions of sustainable development require that we see the world as a system—a system that connects space and a system that connects time.

“Smart Growth” is bundle of techniques and concepts that represent the real possibility for local governments to attract growth while maintaining a sense of place and preserving the natural environment, that is, Smart Growth is used to implement a program of sustainable development. The historical development pattern of the Cortland is consistent with smart growth principles in that there is a concentrated core of commercial use surrounded by residential uses of varying intensity. Larger lot residential development has taken place on the fringe of the City, but unlike larger metropolitan areas where development of the urban fringe engenders urban sprawl, this is not the case in Cortland but is instead an appropriate use of the land. What Cortland lacks is a mechanism for infill development of urban parcels, a mechanism for mixed use, mixed density projects, and a plan to make the City more walkable through a network of greenways and open space. The City could immediately initiate some smart growth planning while it undertakes a larger review of zoning and land use in the City. Immediate actions include Installing community gardens, installing bike racks, encouraging purchase of local produce and crafts at a farmer’s market, all of which enhance a community’s sense of place. Likewise, fostering development of the urban forest, adopting a landscape code, encouraging the use of green infrastructure, developing bike trails to wean citizens from dependence on the automobile, utilizing green building techniques, and encouraging energy conservation measures and alternative energy not only preserves natural resources, but creates long term sustainability for the community. These actions are possible now with low to moderate investment.



The Noss Technology Park is on the site of the former Wickwire manufacturing complex and is being readied for redevelopment.

**Site Plan Review** - Zoning laws do not regulate the micro-details of site development such as traffic circulation and congestion, unsightly design, noise, drainage, architectural features, lighting, and the impact on adjacent sites. Site plan review is a way to ensure that proposals to develop individual parcels meet development policies and regulations, as well as commonly accepted design practices within a community. Site plan review





laws, adopted as a supplemental regulation in a zoning code, or as a stand alone ordinance, allow the review of elements above and beyond the use and dimensional requirements established by the zoning ordinance. Pursuant to General Municipal Law § 27-a.2., a site plan review law must specify the land uses that require site plan review and the required site plan “elements”.

A “site plan” as defined by state law is simply “a rendering, drawing or sketch prepared to specifications and containing the necessary elements . . .”. The site plan elements are the features that must be included on the site plan drawing and further described in the accompanying narrative. Section 27-a.2. *General Municipal Law*, provides that parking, means of access/egress, screening, signs, architectural features, landscaping, the location and dimension of buildings, and adjacent land uses and physical features meant to protect adjacent land uses are acceptable site plan elements. Additionally, a municipality may require any additional elements as specified by local law. Other elements might include streetscapes, ecological considerations, pedestrian circulation, vehicular traffic, and drainage. The concept sketch following this Section shows the types of site plan elements that should be included for commercial developments. Regulations guiding building design, form, massing, materials, etc., would typically be implemented under a “Minimum Design Standards” law rather than the site plan review process (see Section IV. *Commercial Resources*).

Decisions of the reviewing board (Planning Board, ZBA) must be based on the elements contained in the site plan law. Ideally, the site plan regulation will contain standards and criteria, both quantitative and qualitative, which further refine the elements and guide the reviewing board in its decision-making process. For example, the landscaping element might include criteria that specifies that the developer will preserve certain natural features, “insofar as possible”, or review the adequacy of trees, shrubs, and other landscaping. These are qualitative standards. Or, they may require a front building setback of 30 feet, a quantitative specification. Thus, even though the reviewing board’s authority is limited, detailed review standards, coupled with the State Legislature’s broad granting of power allowing municipalities to include “any additional elements”, gives municipalities far-reaching authority to consider and regulate individual development proposals through the site plan process.

Similar to the rest of the zoning code, the City’s site plan review regulation is minimalist in nature, providing vague guidance to the decision making board. Yet, site plan review is one of the most important elements of the existing zoning code, not only because it dictates the standards for individual developments, but also because all uses permitted by Special Use Permit are subject to site plan review (which constitutes a critical review when non residential uses are proposed in residential districts). The term “site plan” is not defined in the City’s Zoning Code and the form of the submission is left totally to the discretion of the Planning Commission. There is no prescribed format for the application, for the site plan drawing, or for the accompanying narrative. There are no standards or criteria accompanying the required elements to provide guidance for the reviewing board or the applicant. Although site plan review can be used to consider ecological implications of development, this is not enumerated in the current law. Even though site plan approvals are actions under SEQRA, there is no reference to the SEQRA process in the regulation.



Since site plan review is one of the most powerful planning tools that local governments can utilize in exercising planning powers, the City's existing site plan review law needs to be reviewed and revised with an eye toward articulating quantitative and qualitative standards of review, expanding the specific purview of review, defining site plan and the requirements for submissions, and refined review procedures. The adoption of design standards and architectural guidelines will also significantly enhance the site plan review process since an objective set of standards would govern what is otherwise and often subjective review process. A lengthy and subjective review process is a concern with developers, and clear design standards provide them with reassurance that their project proposals are being developed in conformance with City expectations.

**Subdivision Control** - Zoning laws and land use regulations specify minimum lot sizes, permitted uses for the lots, and building locations (setbacks, frontage, etc). A map showing the buildings on a developed lot is called a site plan. A subdivision regulation provides for review and approval of how parcels of land are divided for development, which is often shown on a plat.

Adopted in 1979 and revised in 2002, the City of Cortland Land Subdivision Regulations, replace Chapter 15A of the 1969 Code of Ordinances. Subdivisions are now regulated by Chapter 250, City of Cortland Code, which requires sketch plan review of all applications and distinguishes between major and minor subdivisions. Although fairly comprehensive with the requirement of numerous supplementary reports, the regulation has several deficiencies. First, the code contains only an oblique reference to the State Environmental Quality Review Act (SEQRA) requirements. At a minimum, the subdivision regulations should cross-reference the appropriate section(s) of the SEQRA regulations. Second, the regulation does not address lot line adjustments. Finally, procedures are not clearly defined. Although adoption of the updated Comprehensive Plan will necessitate review and revision of the subdivision regulation, in a City that is largely built-out, the regulations will primarily need to be updated to conform to State laws and to comply with comprehensive plan recommendations.

## REVIEW OF ZONING TOOLS

Careful planning includes determining which zoning tools are most appropriate for a particular jurisdiction and how they should be used. For example, form based zoning codes, which eliminate strict use-based zoning districts and instead regulate development by the form and design of building envelopes are not particularly well-suited to small municipalities, particularly those that are primarily built-out. Transfer of development rights programs are useful in jurisdictions with large, very-active real estate markets or in places where there is a need to preserve farmland or other natural spaces. Following is a discussion of the zoning tools, appropriate for the



**Cluster housing, such as these attached townhomes, efficiently utilize limited space and can be a good choice for infill development. They also provide a housing choice that is scarce in the area.**



City of Cortland, that are most likely to minimize threats and preserve what residents value about the community.

**Mixed Use Developments and Clustering** - The City of Cortland does not have regulations governing mixed-use or clustered developments. Clustering housing units within a larger development, or on a single parcel, is an innovative planning tool that allows developers to maximize density yet preserve open space or conserve natural resources such as trees or waterways. The concept of clustering housing units in close proximity to one another within the development envelope, allows for efficient infrastructure patterns and minimal disruption to surrounding natural resources by reducing the overall development footprint. Although individual lot sizes are smaller, the subdivision will have significant open space that acts as a large lot shared by all residents. Clustered housing in a mixed-use development allows separation of retail and service uses from residential uses, but does not sacrifice density. Clustered subdivisions often include nature trails or conservation areas on undeveloped land within the development. Because there is limited developable land in the City, clustering housing units on individual infill lots would allow for a variety of housing types to accommodate changing demographics in future years. Appropriate changes to the zoning code would be required to implement any clustering scheme.

**Small Business Development: Home Occupations.** According to the 2000 U.S. Census report, over four million people, 3.3% of the nation's population, work from home. Although the Resident Survey represents a small sample of the total population in Cortland, seven percent of survey respondents reported that they use their property for something other than a residence, with 53% of these respondents reporting a home business.

Home occupations are defined in the Cortland Zoning Code as, "A commercial activity which is permitted by Special Use Permit and is conducted by the property owner at his residence and is so insubstantial or incidental nor is it so commonly associated with the residential use as to be regarded as a residential accessory use, but nevertheless such commercial activities can be conducted without any significant adverse impact on the surrounding neighborhood." Home occupations are allowed by Special Use Permit in any residential zoning district in the City with conditions imposed that relate to employees, storage, use of habitable space, and emissions, odors, noise, vibration, fumes, and the like. The zoning code does not provide any examples of acceptable home occupations, rather it enumerates several businesses that are prohibited, such as real estate offices and appearance enhancement services. Even though single family residences are allowed in the GB, PO, and SB zoning districts, home occupations are not permitted.

Although a primary concern with home occupations is the potential for increased traffic or parking in the neighborhood, or other activities incompatible with residential use and enjoyment, the City regulation neither encourages nor discourages home occupations. One way to expand allowable home occupations while protecting the neighborhood is to identify various types of home occupation (home crafts, home based business, office in the home, in-home sales and service), or divide home occupations into "major" and "minor" with specific performance standards for each type depending upon the host zoning district. Some



jurisdictions allow up to one employee unrelated to the occupants of the dwelling, currently the City does not. Likewise, signage variations, relaxed parking requirements such as allowing for some off-street parking, and allowing multiple businesses in one dwelling will expand the opportunity for home occupations. Allowing home occupations in residential areas would serve the dual purpose of preserving primarily single-family neighborhoods while expanding the opportunity for small businesses and entrepreneurship in the City. Finally, rather than relying exclusively on the Special Use Permit process, the City should develop specific regulations governing home occupations.

**Small Business Development: Mixed-Use Infill** - Another method for expanding the opportunity for small business is to establish and allow, where appropriate, mixed use, mixed density infill development in residential neighborhoods such as the R-2, R-3 and R-4 zones. Infill development is defined as development or redevelopment of a site that exists between two already developed lots that is compatible and consistent with, and respectful of, the character and scale of the existing neighborhood. An example of such a project might include a retail or service establishment on the first floor of a building with medium density residential dwelling units on the upper floors, or a corner grocery. The current zoning code does not have provisions for mixed density infill development or mixed-use projects. Any alterations to the zoning code that would allow mixed-use infill development must be carefully crafted to ensure that such development enhances neighborhoods and does not detract from their character.

**Small Area Planning Initiatives** - There are several significant small area planning initiatives already being pursued by the City, such as the South End Strategic Plan and the East End Strategic Plan. Other initiatives could include redevelopment of brownfield sites scattered throughout the City, and development of regulations to enhance gateways into the City. Taken together, these relatively small scale planning programs could positively impact the character of the entire City. For example, with the adoption of a Gateway Overlay zoning district, attention could be focused on landscape requirements, site design, signage, and appropriate site plan review standards which enhance and protect the visual and aesthetic integrity of the gateway, preserve the historic character of the City, and promote proactive improvement of existing developed properties.



**Overlay Zoning** - Overlay zoning is a regulatory tool that creates a second, mapped zone that is superimposed over a conventional “base” zoning district. The provisions of the base zone remain intact, but the overlay identifies additional provisions that attach to the overlay district which are intended to protect a specific resource or guide development within a special area. Overlay zones typically provide for a higher level of regulation than the base zone, but may also be used to permit exceptions or less restrictive standards (fewer parking spaces in a downtown or transit station area, or more density in an economic development area, for example). The overlay district can share common boundaries with the base zone or cut across base zone boundaries.



Overlay zoning districts are often used for natural resource protection or to provide development guidance in specific areas. For example, overlay zones may be applied to protect environmental or historical resources or to encourage or discourage specific types of development. Land within an historic overlay district may be subject to requirements that protect the historical nature of the area (e.g., materials, façade design). A community might use incentives along a transit corridor to encourage higher development densities, target uses, or control appearance. This comprehensive plan proposes that overlay districts be developed and adopted to guide more intense residential development, to stimulate aquifer protection, and to guide development at the gateways to the City.

Overlay districts can be used to manage development in or near environmentally sensitive areas, such as groundwater recharge areas, e.g., to ensure water quality and quantity; special habitat, e.g., for species or feature protection; or in floodplains, e.g., to prevent flood damage). In Cortland, special attention must be paid to groundwater recharge areas to protect the City's drinking water. Common requirements to manage development in or near environmentally sensitive areas may include modified building setbacks, density standards, lot sizes, impervious surface reduction, vegetation requirements, or restricting uses. Structural requirements could include building floor height minimums and flood-proofing to high water level. The overlay district would detail these requirements.

Any governmental unit with the power to create zoning districts can create an overlay district. There are three basic steps to creating an overlay district. First, it should have a clearly defined purpose, e.g., to protect drinking water, preserve historical character, or minimize erosion from storm water runoff. Second, the areas that will make up the district must be specifically identified. Mapping district boundaries will depend on the natural or cultural resources and the geographic areas that relate to achieving the purpose of the district. For example, if the purpose of the zone is to protect groundwater, important groundwater recharge areas and areas prone to pollution, such as fractured bedrock or areas with a high groundwater table, should be mapped. Third, specific rules must be developed that apply to the overlay district that are different from the base zone. In a groundwater recharge overlay district for example, provisions may restrict development or provide development guidelines that require the capture and filtering of water runoff. The procedures for adopting an overlay district are the same as for adopting any zoning or rezoning provision; the overlay provisions, as well as changes to the zoning map, must be approved and adopted by the local governing body after the appropriate public hearings are held.

Several other factors are important to consider in adopting an overlay. It is critical that the zoning provisions offer clear guidance to both property owners and the governing body charged with approving proposals. Zoning requirements must be applied equally over all properties within the district. The ordinance not only must comply with any state and federal regulations, but must also be consistent with the goals, objectives, and policies of the municipality's comprehensive plan. It is important that the local governing body invite the public to fully participate in the process and fully explain the reasons for supporting the overlay district boundaries. An educational program will help increase awareness and compliance with the new requirements. Administration of the overlay can be incorporated into the existing subdivision or



site plan review process, or, in the case of individual parcels, a streamlined site plan review process can be developed for Aquifer Protection Special Use Permits.

**Green Infrastructure** - Infrastructure is the substructure or underlying foundation, upon which continued growth depends. When people hear the word infrastructure they think of roads, sewers, utility lines, and other “gray” infrastructure, such as hospitals, schools, prisons, and other social infrastructure. Taken together, these comprise the built infrastructure.

Green Infrastructure is a concept that originated in the United States in the mid-1990s and highlights the importance of the natural environment in decisions concerning land use planning. In particular, there is an emphasis on the “life support” functions provided by a network of natural ecosystems, with an emphasis on interconnectivity to support long-term sustainability. As it is practiced today, green infrastructure can be implemented on a macro scale, such as a regional system of greenways and open spaces, or on a micro scale, such as modifications to individual parcels to address stormwater runoff.

Green infrastructure means different things to different people. In a primarily built-out jurisdiction such as the City of Cortland, micro applications are more likely. A City policy relating to green infrastructure might require or encourage installation of vegetated swales or berms on industrial properties, allow green roofs, allow diversion of rain water to gardens with downspout diversions or rain water collection barrels, or use of pervious surfaces such as eco-friendly pavers in driveways and parking lots rather than concrete or asphalt (the current zoning code requires impervious pavement). Since the term “green infrastructure” can simply be a reference to maintaining the natural environment, it can also be implemented by creating a network of urban ecosystems in the form of planting and maintaining numerous shade trees, installing and maintaining landscaping, use of vegetated berms, and installation of community gardens. Incentives can be incorporated into zoning ordinances to promote use of green infrastructure.

**Sign Regulation** - Signs are vital for communication and play a significant role in defining community character. Poorly located, improperly constructed, too large, or too numerous signs can be detrimental to a community’s character, reduce the effectiveness of communication, and cause traffic safety issues. Conversely, a well-designed sign regulation can result in the creation of positive images of the community once the regulation is put into place and it is followed.

Sign controls generally seek to limit the size and shape of signs, although sometimes municipalities seek to regulate content. The U.S. Supreme Court has placed limits on the authority of a municipality to control sign content. Regulating sign content will often result in a constitutional violation of freedom of speech. A content-neutral regulation



**Well written and illustrated signage regulations promote the use of signs that fit with the desired community character, such as this Lowe’s sign in the Adirondack Park.**



applies to any sign, regardless of the message conveyed, or the identity of the messenger, focusing only on the time, place, and/or manner in which the sign is displayed. These regulations generally classify signs by type including, for example, freestanding, projecting, wall, or roof signs. Lastly, content-neutral sign regulations address physical or dimensional characteristics such as height, face size, and location. The City sign regulations are content neutral.

Sign regulations will need to be amended if the City makes comprehensive changes to its zoning ordinance, such as modifying the uses allowed in the various zoning districts, or expanding the opportunity for home occupations. The City may also wish to consider adopting an amortization schedule for non-conforming signs (see also Section IV. *Commercial Resources*).

## GOALS AND IMPLEMENTATION MEASURES

**GOAL 62:** Enhance and preserve the visual and aesthetic integrity of the major gateways into the City including the Exit 11 Gateway, the Homer Avenue Gateway, and the Port Watson Street Gateway.

### IMPLEMENTATION MEASURES:

- A) Develop and adopt a Gateway Overlay zoning district, or a new zoning district/classification, with site plan and building design guidelines. The intention of such a district is to create aesthetically pleasing and visually inviting entrances into the City.
- B) Define the appropriate boundaries for gateways to the City.
- C) Develop signage and an informational brochure for public distribution to direct traffic entering the City to commercial centers and other points of interest within the City.

**GOAL 63** Adopt design standards and architectural guidelines for all new commercial and multi-family development and major renovations.

### IMPLEMENTATION MEASURES:

- A) Develop design guidelines that require and/or preserve desired architectural features that are consistent with the character of the City on a neighborhood basis. Require that new development or redevelopment match the scale, size, and proportion of existing buildings.



- B) Develop a separate design guidelines ordinance for the downtown historic district to preserve the traditional historic and commercial character of Main Street and to ensure all new development and major renovations are appropriate to the downtown.
- C) Major renovations to existing non-conforming properties should be subject to design guidelines so as to bring them into closer compliance with adopted design standards.

**GOAL 64.** Eliminate visual and structural blight in the City.

**IMPLEMENTATION MEASURES:**

- A) Develop and adopt a vacant buildings law and prohibit demolition by neglect.
- B) Amend zoning code with definitions and clarifications as needed to ensure that all properties meet or exceed the standards of the NYS Property Maintenance Code.
- C) Proactively use Code Enforcement to address structural blight on exteriors of commercial and residential buildings.
- D) Prohibit the demolition of structures to accommodate new surface parking except under rare circumstances and where such demolition will not interrupt the rhythm of the streetscape. New parking areas should be adequately buffered.

**GOAL 65:** Increase opportunities for growth and development of retail and commercial establishments within the City.

**IMPLEMENTATION MEASURES:**

- A) Amend zoning code and zoning map to allow mixed-density, mixed-use development at appropriate locations throughout the City, including on infill lots, thereby enhancing the opportunity for neighborhood retail and commercial establishments.
- B) Amend zoning code to create a section governing home businesses and develop provisions that establish regulations for signage, on-site storage, parking, and employees. Revise and clarify the definition in allowability of home business.
- C) Ensure that all zoning decisions and design reviews are completed in a timely and streamlined manner.





**GOAL 66:** Beautify the City and promote a sustainable built environment.

**IMPLEMENTATION MEASURES:**

- A) Adopt a landscape code that requires planting of shrubs, flowers, and trees in and around parking lots, commercial properties, rental properties, and continuing maintenance thereof.
- B) Within landscape code, specify buffers between commercial use and residential uses; integrate such provisions with buffer section of zoning code.
- C) Within landscape code, require dense landscaping on commercial properties where there are more large areas of unbroken pavement.
- D) Within landscape code, include provision for amortization of grandfathered properties and standards for compliance upon a change in use, ownership, or occupancy, or upon major renovations.
- E) Within landscape code, include provision that requires review and consideration before vegetative cover is removed or the tree canopy altered. Include criteria for review, mitigation, and removal. .
- F) Amend zoning code and develop standards to allow use of pervious paving materials and other green technologies (not including gravel or stone) in parking lots and driveways where appropriate.
- G) Develop incentives within zoning code to encourage developers and property owners to utilize green building techniques and materials, green infrastructure, and to seek LEED certification.
- H) Develop and adopt bicycle rack ordinance to support non-motorized transportation.

**GOAL 67:** Preserve single family residential neighborhoods.

**IMPLEMENTATION MEASURES:**

- A) Amend zoning code to provide increased opportunities for development of medium to high-density cluster-style housing that increases housing opportunities and options for different segments of the population while preserving existing single and two family neighborhoods.
- B) Restrict the development of parking lots in R1 and R2 Districts and enforce maximum lot coverage percentages.



- C) Amend zoning code (Section 300.75) to prohibit ancillary parking on another lot in the R-1 and R-2 zoning districts.
- D) Work with Cortland Regional Medical Center officials to direct growth toward non-residential properties, particularly northward along Homer Avenue, and to minimize impact of expansions, facilities, amenities, parking, and site activities, on residential properties adjacent to and surrounding the hospital facilities.
- E) Enact more stringent standards for rezones in R-1 and R-2 neighborhoods.
- F) Continue to restrict the number of unrelated persons living in single units to three, except in Density Overlay Districts (see below).

**GOAL 68:** Foster development of vibrant, higher density student-centric neighborhood(s) within walking distance of the College campus and downtown in order to provide desirable, high-quality living experiences for students while preserving and enhancing nearby owner-occupied, single family neighborhoods, (Also see Section VI. Housing)

**IMPLEMENTATION MEASURES:**

- A) Create and adopt High Density Housing Overlay District(s) to allow for higher residential densities at appropriate locations in close proximity to the college and downtown in order to enhance economic opportunities for the downtown and reduce development pressures on predominantly owner occupied R-1 districts.
- B) Consider allowing more than three unrelated persons per unit in the High Density Housing Overlay District(s).
- C) Zoning requirements in the High Density Housing Overlay District(s) will include design guidelines, enhanced provisions for required landscaping, parking, and lot coverage, allowances for mixed uses, and incentives for the provision of recreational facilities or other amenities that appeal to the target market.
- D) Use overlay district zoning to provide for mixed density, mixed use, urban corridor along and near eastern Groton Avenue from Main Street to Homer Avenue.

**GOAL 69:** Undertake a comprehensive review and revision of the City zoning code and other land use regulations.

**IMPLEMENTATION MEASURES:**

- A) Appoint an Advisory Committee with at-large members and qualified professionals to initiate comprehensive review and revision of the zoning code, zoning map, and other



land use regulations; and to make recommendations for amendments to the zoning code to ensure consistency with the Comprehensive Plan.

- B) As part of the zoning code review and revision, evaluate allowable uses in each zoning district to ensure that appropriate zoning is in place to meet current and future demographic and development needs of the community.
- C) As part of the zoning code review and revision, develop new zoning regulations or new zoning districts, including overlay districts, that accommodate infill, mixed-density and/or mixed-use neighborhood commercial, and cluster housing development.
- D) As part of the zoning code review and revision, modify sign regulations for high-rise and shared signs. Adopt an amortization schedule to bring all signs into conformance within five to ten years.
- E) As part of the zoning code review and revision, emphasize connectivity within the City by including provisions that require sidewalks in new developments, pedestrian trails, and/or bicycle paths.
- F) As part of the zoning code review and revision, review the professional qualifications required for members of all advisory boards and commissions to ensure that each board has appropriate professional representation in the substantive area governed by the board.
- G) Revise the zoning code and zoning map within twelve months of the Comprehensive Plan adoption.
- H) Revise all other land use regulations (not contained in zoning code) within 18 months of Comprehensive Plan adoption.
- I) Develop any new land use regulations required or recommended by Comprehensive Plan within 24 months of Comprehensive Plan adoption.
- J) As part of zoning code review and revision, amend the code to specify a periodic review of all land use regulations at a minimum of every five years to assess consistency with the comprehensive plan, compliance with state law, and to ensure that said regulations meet the changing needs of the community.

**GOAL 70:** Strengthen the effectiveness of the zoning code by utilizing enhanced site plan review procedures.

**IMPLEMENTATION MEASURES:**

- A) As part of enhanced site plan review, the impact of any new development on emergency services should be considered.



- B) As part of enhanced site plan review, the impact of any new development on natural resources, such as wetlands, flooding, and the sole source aquifer, should be considered.
- C) Require site plan review when development proposals involve changes to the physical attributes of a parcel; when vehicular or pedestrian traffic, or site ingress or egress is changed; or when a variance is requested/required prior to development.
- D) Require new development projects to install underground utilities.

