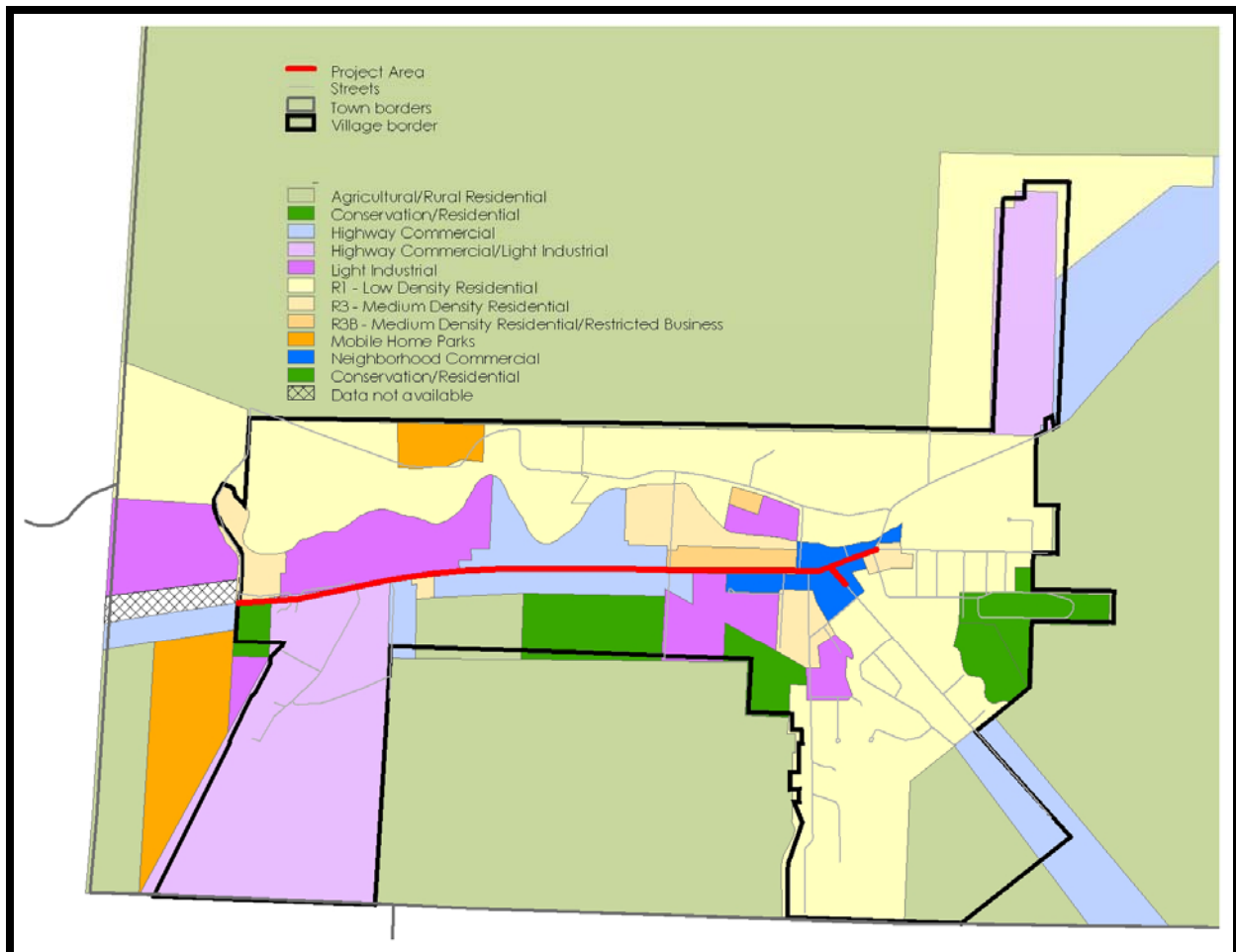


5. Existing Regulatory Conditions

Comprehensive Plan

The existing comprehensive plan does not put any added emphasis on good design in the downtown area, but the plan does list a pedestrian friendly, attractive downtown central business district (CBD) as a goal. The resident survey responses seem to reflect that the citizens of the village desire this as well. It appears from the survey that West Main Street is more important in this regard than the downtown area of Main Street, possibly because downtown is already relatively pedestrian friendly, compared to the west end.

Map 5 - Zoning



Zoning

The following Zoning Districts are most relevant to the Main Street project area:

- Neighborhood Commercial
- Medium Density Residential/Restricted Business (R3B)
- Light Industrial
- Highway Commercial

Residence/Restricted Business District (R3B).

This district encompasses the north side of Main Street between Church and West. This part of Main Street is characterized by large, older homes, that have mostly been converted to office, institutional, or multi-family dwelling uses. The physical requirements in the R3B District are largely governed by its companion residential zone, R3 (Medium density residential).

In this district, the minimum lot size is 11,250 square feet (over 1/4 acre). Maximum lot coverage is 30%. These regulatory numbers create a standard where 70% of the lot is mandated open space. These percentages should be reviewed and possibly modified to reflect what has traditionally been the coverage percentage on village lots in Arcade.

While the 11,250 square foot minimum lot size is generally within the existing pattern of development, it may be considered inappropriately large for a village core area. With public water and sewer available, lots for detached homes can be as small as 4,000 square feet and for attached townhouse style development, as small as 2,500 square feet. Although a departure from the established pattern in this area, the village may wish consider re-zoning portions of this district. Sited and designed correctly, smaller lots and “infill” townhouse or patio home style development could be considered as a way to add value to these parcels and potentially increase the residential population density. More residents within walking distance of downtown help make pedestrian-oriented retail that much more viable.

The stated minimum lot width in the zoning is 80 feet. Unless rezoning occurs as detailed above, this is probably an appropriate minimum width that respects the general established pattern. An examination of the existing lot widths in this area show that lots widths have traditionally been as narrow as 40 feet in this part of Main Street, although range up to 110 feet in width.

Minimum setbacks are 25 feet, which is close to what existing setbacks are on this part of Main Street. However, it is very important to mandate *maximum* setbacks as well. Maximum setbacks prevent new buildings from being built too far back on the lot and interrupting the regular pattern of building fronts. In this case, a maximum setback of about 30 feet is recommended.

On a positive note, there is a provision in the zoning that parking is not allowed in front of the house/business. This is a critical point, as front yard parking typically produces an unattractive streetscape, especially in a neighborhood of older, historic structures, and acts as a strong deterrent to pedestrian activity.

Neighborhood Commercial

In the neighborhood commercial district, which includes most of the traditional central business district (CBD) along Main Street from Water Street west to Prospect Street, there are zoning issues that should be addressed.

The maximum floor area is 2,000 square feet, but the minimum lot size is 10,000 square feet. Maximum lot coverage is 20%. These figures create a regulatory standard where, if a new structure was built in downtown Arcade, 80% of the lot is mandated open space. This much open space will either end up as landscaped area or parking. In a traditional small town Main Street, such as downtown Arcade, 80% open space is inappropriate and not in keeping with the historic pattern of development.

The 10,000 sq. foot minimum lot size (almost 1/4 acre) is also inappropriately large for a village downtown. A 10,000 square foot lot, given traditional village lot depths of 75 to 150 feet, yields lot widths of 67 to 133 feet, clearly too wide for a village Main Street. In order to encourage pedestrian activity, lot widths should be relatively narrow, so that people can walk past multiple storefronts in a short distance, rather than a long stretch of blank wall.

The stated minimum lot width in the zoning is 75 feet. Lots in village downtowns should be closer to 25-50 feet in width, as the goal is for a continuous line of building fronts. An examination of the existing lot widths in this area show that lots widths have traditionally been as narrow as 20 feet in downtown Arcade and more typically in the 25 to 40 foot range. In addition to lowering the minimum lot size and lot width requirements, the code should be changed to mandate a *maximum* lot width. This figure, perhaps 60-75 feet, would prevent a new structure from being too wide and out of scale with the downtown pattern.

The Zoning also states minimum front, side, and rear yard “dimensions” which is assumed to mean “setback.” The setbacks are far too large. The front setback is 50 feet if parking is involved, and 30 feet if there is no parking in front. The side setback is 13 feet from a non-residential use and 50 feet from a residential use. Again, the goal in a downtown area is for building fronts to come up to the sidewalk, and for their sides to abut the next structure. Minimum front setbacks should be 0 and maximum setbacks, under special circumstances (to allow for café dining, courtyards, entrance-ways, etc.) should be no more than 15 feet. Minimum side setbacks from another mixed-use or non-residential building should be 0. Off street parking should be prohibited in front of any building in the downtown area, so the language referring to a 50 foot front setback if parking is involved should be removed.

The maximum building height is three stories, which is a good standard. However a *minimum* height should also be stated. A minimum height of about 18 feet requires buildings that are only one story tall to achieve enough height and “bulk” to reinforce the existing downtown pattern (which is mostly two storey buildings) and help frame the street.

A concept that should be considered for the zoning regulations in this district is something

known as a “fenestration ratio.” This simply means the amount of window openings in a building. A blank wall has a fenestration ratio of 0. A wall in which windows cover half the wall’s surface area has a ratio of 50%. Windows, especially retail display windows, greatly contribute to a pedestrian friendly environment. The displays add interest to the street and give people a reason to walk by. At night, lit display add a secondary level of lighting to the street, contributing to a feeling of security. Often, people within the building can also look out the windows, onto the street. These “eyes on the street” also contribute to safety and security. If the market cannot support retail uses in every storefront, service and office uses can also utilize display windows and contribute to the attractiveness and walkability of the downtown area. Imagine how much more pleasant it is to walk past a display window with a view into the store or office than it is to walk past a blank wall.

Examples: The building types shown below contribute to, or detract from, the attractiveness and walkability of the street largely due to regulations in zoning codes.



Above: Poor Main Street building type: setback with parking in front, long blank wall, low fenestration ratio, modern-looking building materials (Monroe Avenue, Rochester, NY)



Above: Better Main Street building type: very small setback, parking is to the side and in back, moderate fenestration ratio, more traditional looking building materials (Note: example pictured is a corporate chain restaurant) (Broadway, Rensselaer, NY)



Above: Even better Main Street building type: no setback, parking is to the side and in back, building is two stories tall, high fenestration ratio, traditional looking building materials (Elmwood Avenue, Buffalo, NY)

Traditional downtown building have very high fenestration ratios on the first floor, usually on the order of 70-80%. If that seems high, imagine all the plate glass windows that line (or used to line) Main Street. This requirement should be established within the zoning code for the downtown area. Any new construction would have to meet it, and any existing buildings that lack windows, or have blocked over their windows, should be slowly brought into conformity. Any monies available for façade improvements should be available to businesses to create or restore their display windows.

Regarding the uses allowed by the current Neighborhood Commercial District zoning, there seems to be an unnecessary distinction between:

- stores selling convenience goods including food products, hardware, newspapers, magazines, variety items and apparel, and
- retail sales and service establishments not more objectionable by reason of noise, fumes, vibration, or lights than any permitted use permitted by right in the Neighborhood Commercial District.

The second category would seem to be a general retail category that covers all retail uses. In order to reduce confusion, the retail uses allowed (and it should be a broad list) should be more clearly listed.

Other than a possible inclusion as an “accessory use,” there is no provision for residential uses in the Neighborhood Commercial District. Downtowns thrive on residents, who provide business for the retail establishments in the area, as well as some life and vitality after normal business hours. There are several upper-floor apartments in the downtown area, a traditional building pattern that has existed for over 100 years. This type of use should be recognized and encouraged by the zoning. Therefore, a “mixed-use” or “multi-family residential” or “apartment residential” listing should be added to the zoning code for this district. Concerns over population density and the appropriateness of downtown apartments for families can be addressed by limiting the size of the apartments, through zoning, to one bedroom.

Finally, the Village should consider re-naming this entire zoning district when it goes through the recodification process. Words and language frame ideas, and “Neighborhood Commercial” does not bring to mind images of a traditional small town Main Street. Rather than proclaiming it the center of your community, “Neighborhood Commercial” gives the impression that it is just one of many neighborhoods. In addition, the name should reflect that downtown is a mixed-use area, where retail, office, institutions, and residential can all co-exist. Suggestions for a new, more appropriate name for the district include “Village Center,” “Community Center,” and simply “Downtown.”

Light Industrial

The Light Industrial Districts are designed so as to permit wholesale, warehousing, and manufacturing facilities whose external, physical effects have a minimum detrimental effect on the adjacent districts. Uses permitted by right include a variety of shops and facilities, however it excludes junkyards (in accordance with Section 814). Minimum lot area is 43,560 square feet

and minimum lot width is 200 feet. Maximum lot coverage is limited to 50%. Minimum front yard dimension is 60 feet while the minimum side yard dimensions are 15 feet when adjacent to non-residential, and 100 feet each when adjacent to residential (with a 50' wide planted buffer next to the residential lot line). The Light Industrial District requires a minimum of 50 feet for rear yard dimension. Maximum building height in this zoning district is 3 stories (40' maximum).

Off-street parking requirements (no difference between the various zones)

These are minimums:

- R3B, Planning Board determines parking requirements
- One space per 5 seats of a church
- One space per 100 square feet of a library or museum
- One space per sleeping unit in hotels/motels
- One space per 400 square feet of office space or bank
- One space per every 4 seats or per 200 square feet for an eating or drinking establishment, whichever is larger.

Most parking standards in current zoning regulations were developed in the 1950s and 1960s and presume a suburban type location where each use is separated and distinct. These parking standards are problematic when applied to downtown areas, whether in a large city or a small town. Villages such as Arcade often have common, public parking areas and/or on street parking that is shared by a variety of businesses and uses in the area.

If the current parking standards in the zoning were applied retroactively to areas such as downtown Arcade, it would require significant demolition of buildings. The traditional small town Main Street pattern that makes downtown a unique place would be destroyed. Furthermore, the existing parking standards applied to any new construction downtown would prevent that new construction from being built in a way that enhances the character of Main Street. Therefore, it is important for the Village to develop and adopt modern parking standards for all districts and uses, but especially for the unique parking circumstances in downtown Arcade.

All-Hazard Mitigation Plan

The Town and Village of Arcade completed an Hazard Mitigation Plan in 2003 and last revised in March 2004. Based on a Hazard Analysis, the State Emergency Management Office (SEMO) recommended that the Town and Village consider mitigation measures for the two highest ranked hazards: severe winter storms and transportation accidents. SEMO made the additional recommendation that the Town and Village may wish to consider mitigation measures for other highly ranked hazards: floods, fires, terrorism, and hazardous materials in transit.

The Hazard Mitigation Plan noted that much of downtown Arcade is located within the 100 year floodplain of Cattaraugus and Clear Creeks. Throughout its history, flooding has been a problem for Arcade. Mitigation measures such as water retention areas above Arcade and the

purchase and relocation of frequently flooded properties have been and will continue to be pursued. However, it is important to balance protection from flooding with the historic location of downtown Arcade. From a flooding standpoint, the ideal situation would be if no structures existed in the floodplain. However, this could never actually be implemented, since much of downtown Arcade would disappear.

One of the action items proposed in the Hazard Mitigation Plan is the consideration of low-density zoning (Hazard Mitigation Plan, March 2004 revision, Page 74). Low density zoning is an important tool to regulate development in flood prone areas, and is appropriate for many areas of the village and town. However, it should not be construed to suggest that low-density zoning is appropriate for downtown Arcade. Village downtowns, as noted elsewhere in this document, thrive on mixed uses and relatively high densities. There must be a nearby residential population to support the businesses that create a vibrant Main Street.

Certainly, higher density development (apartments, patio homes, town homes, etc.) are inappropriate for flood plain areas. However, there are many areas of the village close to Main Street that are not in the flood plain. The Hazard Plan recommendation of low density zoning should be applied carefully and with its possible unintended consequences in mind.