



One of the important themes developed during the crafting of this comprehensive plan has been the notion that the city's rules and regulations should make it easy for the private sector to give the community what it wants. This reflects the understanding that growth in a community comes from private developers. It is the municipality's role to set the stage for growth and to make sure it adheres to a community vision.

Most of the land use rules in Auburn are contained in the Zoning or Subdivision sections of the city code. However, there are other parts of the code which impact community growth as well as economic and environmental sustainability. In addition, the rules contain procedures and processes by which developers, builders, the city, and the general public interact in matters regarding land use.

In Auburn, as in so many communities, the zoning code and other land use regulations have become convoluted and outdated. Years of piecemeal changes



meant to address particular issues create inconsistencies and, most importantly, promote the kinds of development patterns not consistent with the urban and historic character of this city.

A convoluted code that is at odds with a community vision makes development time-consuming, difficult and costly. The private sector needs to get projects built quickly in order to maximize profit. A clear set of rules to which all projects are held and that are easy to understand is the best way for a community to speed up quality projects. The standards can be high, but they must be easy to meet.

The clarity of rules can quickly become muddled if deviations are allowed. There are some circumstances – very limited – which do require variances or other changes in regulations. But too many changes risk turning the development process into a free-for-all. This hurts the community environmentally, economically and in terms of character preservation. It also hurts developers because in such an atmosphere public pressure and politics intervene to slow or stop all projects – even good ones.

One lesson can come from a suburban office park. If a company wants to build a building, the developer is handed the rules and standards by the park owner. There is little debate because the owner of the office park has created a physical and fiscal environment that works for him and those in project. The new tenant knows going in what to expect, how long things will take and, therefore, can figure how that impacts his bottom-line. Cities should strive to offer the same streamlined, no-nonsense approach to development. Enact high standards, but ones that are quick and easy to meet – and are the same for everyone.

#### Case study – No hoop rolling on Auburn streets



*No person shall fly a kite, play ball, throw any stone or missile, or use or discharge any air gun or slingshot, or use any device for throwing stones or shot, or roll or tumble a hoop on, in or upon any sidewalk or street.  
(Auburn City Code § 259-9)*

While it is fun to point out old-fashioned (usually harmless) code, the lesson is simple. As in most communities, city code, written decades (or longer) ago needs to be updated and revised. The city must make sure that it works for today's economic and ecological conditions as well as supports the community's vision for Auburn's future.

*(photo by Nina Aldin Thune)*



***Goal 1. Review and revise zoning rules to make it easy for private developers to undertake projects that fit Auburn's urban, historic, cultural and environmental vision.***

**Strategy S1 – Require all applicants before the planning board, zoning board or city council describe, as part of their application, ways in which their project meets the vision and goals set out in the comprehensive plan.**

The residents of Auburn have spent a lot of time developing their vision for the future as described in this comprehensive plan. Yet too often developers, local residents and even public officials fail to consult the plan before the creation or review of site plans – particularly when the rules provide room for discretion.

Requiring developers to explain how their applications help the city achieve its comprehensive plan goals ensures that applicants review the plans and apply them to their projects. Also, this regular review reminds public officials, as well as city residents, of their long-term vision.

The application process for subdivision and site plan reviews as well as any appeals for a variance could be revised to include the requirement for a short, detailed description about the ways in which the project meets the vision and goals of the comprehensive plan. Given the importance of these plans, the community could make this the first page or item of review applications.

**Strategy S2 – Streamline and clarify the land use codes**

In the Boosting Downtown chapter of this plan, one of the important strategies for managing downtown redevelopment was the implementation of form-based code. Such code works best in downtown, but some of its principles would be useful as zoning and other ordinances are revised. The revision of ordinances could be done all at once or neighborhood-by-neighborhood depending upon resources available.

Since, form-based codes emphasize what a community wants a place to look like the result is a higher quality built environment than what is achievable with traditional zoning. Form-based codes rely on context to determine appropriate building scale, material, and overall design, and so such a scheme may be well suited to various Auburn neighborhoods. Form-based codes are easier to read and interpret than traditional zoning codes – since they are written in plain English with diagrams and graphics – resulting in a more transparent process for both the public and for developers. Finally, since the “form” is built in, form-based codes eliminate the need for separate design guidelines.

Another important change could be the addition of graphics to the zoning code. Too often words, particularly those written into a law, cannot convey true intent and cannot portray an accurate picture of the final result. There are some useful diagrams already in the Auburn zoning code, but sketches, site plans or photographs can



provide developers, builders, review board members, public officials and the public with a more comprehensive vision for the community's future.

### **Strategy S3 – Revise and unify Definitions**

In almost all sections of city ordinances that deal with land use, there is a set of definitions. These help readers understand precisely the subject under discussion; they are vital to a defensible and uniform application of the rules across all projects.

Unfortunately, over time definitions get muddled. In some cases the definition of a word in one section may be different than one in another. Another common problem is that rules often leak into definitions. For example, section 305-32 in Auburn's zoning code has the following definition for a "bed and breakfast."

*An accessory use of an owner-occupied single-family dwelling providing overnight accommodations for transient guests who are provided with breakfast as a part of the cost of lodging. Such homes shall be allowed to host small events and receptions reserved by guests and nonguests and limited to invitations only and offer for sale to guests small ornamental items. The maximum number of guests at events shall be determined on a property-by-property basis by the Zoning Board of Appeals.*

The second half of the definition, starting with "Such homes shall be allowed..." is a rule, not a definition and should be moved to the appropriate part of the code.

Fixing both of these problems – dual definitions for the same words and the inclusion of zoning rules in the definitions – is a simple, but laborious task that can be undertaken as the code is rewritten.

### ***Goal 2. Improve operations of the planning and zoning boards.***

#### **Strategy S4 – Link criteria for the parameters listed in the site plan review to standards elsewhere in the code or provide standards.**

Current requirements for site plan review, found in § 305-13 of the of the Auburn Zoning code, include a standard list of requirements for an application and a list of parameters against which the planning board can judge an application. An example of some of the items include:

*(h) Provisions for pedestrian access;*

*(i) Location of outdoor storage, if any, and location, design and specific arrangements for storage and access to refuse collection containers;*



*(j) Location, design and construction materials of all existing and proposed site improvements, including drains, culverts, retaining walls and fences;*

*(k) Description of the method of sewage disposal and location, design and construction materials of such facilities;*

*(l) Description of the method of securing public water and location, design and construction materials of such facilities;*

Some items on the list have standard or engineering criteria against which the planning board can make a judgment. But many of the items, for example, provisions for pedestrian access, lighting plan (not listed above) or landscaping plan (not listed above) do not.

As the zoning code is revised and begins to include standards that move projects towards realization of the community's vision, the site plan review section should refer to those sections. If there are important parameters that are not clarified elsewhere, then the site plan review section should include some general criteria to give developers and board members guidance.

**Strategy S5 – Require more than four hours of training per year for planning and zoning board members**

New York State requires that volunteer members of planning and zoning boards get at least four hours of training a year. Typically this training involves reviewing the basic rules and requirements needed for the position. This instruction should be considered a bare minimum. The city can require that board members get an additional two to four hours of training annually.

Additional training should focus on the latest techniques and practices that would help the planning and zoning boards work with applicants to maximize the potential of their projects for the community. These strategies could include environmentally friendly development practices, low impact development, pedestrian, bicycle friendliness and the like. A planning board that is thoroughly conversant in these strategies can better help developers understand them as well. Additional training need not be onerous to board members or costly to the community. It is likely that the city planning office or the county planners could conduct or arrange for sessions. These might include guest speakers or webinars.

**Strategy S6 – Make variances rare**

Zoning rules provide for the uniform application of adopted standards that will move the community toward its vision. However, zoning presumes that the land it regulates is uniform. The reality is that no two pieces of land are exactly the same, and it can be a challenge to apply fixed standards. A zoning variance is a way to provide a measure of relief from one or more requirements in very limited circumstances on particular pieces of land.



Variations should be granted sparingly because they are permanent and run with the land, not limited to a particular landowner. Also, the zoning board needs to remember that variations set precedence. Under similar circumstances, the board must grant similar variations. The cumulative effect of this can quickly undermine the zoning ordinance and the community's vision as established in the comprehensive plan. However, it should be recognized that the completion of a comprehensive plan is the perfect opportunity to reset precedence if past variations are at odds with achieving the community's vision. The plan as well as any rewritten code would contain the rationale needed to break precedence with past variations.

**Strategy S7 – Institute systems to make sure planning and zoning boards have a complete and defensible record of decisions**

The decisions rendered by the planning and zoning boards – in conjunction with the comprehensive plan and rewritten zoning – need to make sure projects help achieve Auburn's vision for an economically and environmentally sustainable future. Unfortunately some applicants will disagree with decisions made by the planning and zoning board. Some may disagree to the point they choose to take the city to court. In these cases, it is important that the boards have a complete and defensible record of their decisions.

The first aspect to achieving this defensibility is to emphasize written communication and decisions for Auburn planning and zoning boards. All decisions should be communicated to applicants in letter form and should be sure to include a clear and complete list of reasons for their decisions. In Auburn this is happening already and the practice should continue.

Another strategy is to provide forms to planning board members on which they can make notes about about the projects, their questions, thoughts and deliberations. The forms, one for each project by each board member, should be saved as part of the project applicant file. These not only become part of the record that back up the final decision, but they also can be referred to when similar projects come before the board. They can serve to remind board members of their thoughts and the rationale for their decisions in the previous case.

Planning and zoning boards, by their nature, must hear facts and make decisions based upon those facts. As such they should feel free, in complicated or controversial cases, to swear in experts that come before them. While it is unlikely that most developers and their consultants lie to the board, swearing them in would make sure they tell the whole truth. In addition, making transcripts of their "testimony" helps make sure that they are more formal and more careful in their presentations to the board.



**Strategy S8 – Review progress on Comprehensive Plan implementation annual.**

The comprehensive plan is a fluid document. The city should be prepared to pounce on unexpected opportunities and adjust priorities as needed by the physical or economic environment.

However, this fluidity does not mean that strategies or their implementation details are completely malleable. The comprehensive plan should only be changed for a very good reason – and the city council should discuss and officially adopt any significant change.

The council's annual periodic review of the plan's implementation, as well as that of the staff, should seek to understand why some strategies have been successfully implemented and others less so or delayed. The city council should retain the comprehensive plan advisory board to assist elected officials and city staff with oversight of the plan's implementation and, as needed, revision. The review, drafted and coordinated by the city's Office of Planning and Economic Development, would entail:

- > Reporting on progress
- > Identifying new action items
- > Prioritizing / reprioritizing remaining and new action items for the upcoming year and years beyond

***Goal 3. Adopt policies that promote arts and culture as economic development.***

**Strategy S9 – Secure resources for the protection of historic and cultural resources.**

Already, the city's Historic Resources Review Board has completed a basic cultural resources inventory. This is the first step in working with state and local preservation groups to conduct public outreach activities that emphasize to residents and businesses the value of preserving Auburn's historic character as well as steps residents can take to maintain and renovate their homes and business structures.

Resources in many communities are tight. However, Auburn's status as a 'Certified Local Government' makes available grants and technical assistance from the National Park Service. This assistance can be used for studies and to preserve important structures. In addition, the city should consider dedicating a steady stream of revenue, which need not be large at first, to this effort. For additional technical assistance, the city should actively work with the historic preservation departments of schools, such as nearby Cornell University.



Historic buildings give Auburn the character that makes a distinctive and attractive city.



One simple, inexpensive and educational activity, is the creation of a local historic preservation recognition program. Such an initiative could recognize buildings in good repair that contribute to their neighborhood's historic character. If wanted, such a program could also offer enhanced zoning protections for landmarked buildings. A recognition program, without the legal protections, could be undertaken by the city or a non-profit organization. (See case study box below.)

**Case study – Non-profit recognizes private preservation efforts**

The Historic Albany Foundation recognizes private buildings that retain their original character, are in a good state of preservation, and contribute to the historical or architectural nature of their neighborhood. The program, initiated and paid for by individual property owners, bases eligibility on the Secretary of the Interior's standards for rehabilitation. For a \$300 fee, the Foundation carefully researches the date of construction, first owner, architect, and/or other pertinent information concerning the origin of the building and includes them on with the 7" x 10" cast aluminum or bronze plaque, which can be posted on the building. The voluntary program offers no extra protections for the building.

***Goal 4. Make municipal operations more environmentally and economically sustainable.***

**Strategy S10 – Upgrade municipal facilities, equipment and operations including making them more environmentally friendly by incorporating sustainable technology and design into the construction of new municipal buildings and the renovation of old ones.**

Public dollars are valuable; they must be invested wisely. More and more building owners in both the public and private sectors recognize the fiscal wisdom of investing in buildings and equipment and the pay off over the long term in energy and water efficiency and, therefore, money saved.

Auburn should strive to make all municipal buildings environmentally friendly when renovated or newly constructed. As green buildings become common, the cost to build them has dropped. A 2005 study<sup>15</sup> by the Massachusetts Technology Collaborative found that the incremental cost of energy efficiency and water saving features was just three percent of the construction costs of municipal buildings – and that dropped to one percent when state and utility incentives were included. On average, the study found, it takes just three years to recoup those upfront costs through energy and water savings. Every year after that, especially as energy prices rise, the savings accrue directly to the taxpayer.

<sup>15</sup> See Massachusetts Municipal Association, "Opportunities for reducing energy costs for municipal buildings", viewed June 11, 2007 at [http://www.mma.org/index.php?option=com\\_content&task=view&id=1111&Itemid=83](http://www.mma.org/index.php?option=com_content&task=view&id=1111&Itemid=83)



The city could enact an official policy for all new construction and major renovations of existing facilities to meet green building standards. A simple way of doing this is to require buildings achieve a certain threshold in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System™. LEED, devised by the U.S. Green Building Council, is the nationally accepted benchmark for the design, construction, and operation of green buildings. LEED gives owners and operators the tools they need to have an immediate and measurable impact on their buildings' performance. (Program details can be found at [www.usgbc.org/LEED/](http://www.usgbc.org/LEED/))

**Case study... New Haven's Energy Savings**

In 1994, New Haven, Connecticut had annual energy costs of about \$14 million spread over 300 facilities and the citywide street lighting system. The mayor established a committee, headed by the city budget director, to create a comprehensive energy work plan. At the close of fiscal year 2005, the city had invested \$17.7 million dollars in energy reduction improvements resulting in \$24.71 million in saved utility bills and maintenance cost – over \$5 million one year alone.

**Strategy S11 – Review and upgrade operations and purchases to improve sustainability**

Existing buildings and equipment, as well as current municipal operations can also be reviewed for environmentally friendly and fiscally lucrative adjustments. Auburn could also do a complete audit of its operations and look for places to protect the environment and the city's taxpayers. Four places to start might include:

- > Recycling everything from municipal office paper to DPW construction debris.
- > Purchasing green power.
- > Purchasing environmentally friendly vehicles.
- > Retrofitting street lights with energy efficient, money saving fixtures.

