Long Island Government Survey:

Land Use Planning Practices

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Executive Summary

This survey examines the planning practices of 36 jurisdictions—14 cities and towns and 22 villages—with respect to (1) what are considered smart growth principles because they contribute to eminently livable and highly sustainable communities and (2) practices considered supportive of transit-oriented development, which reduces dependence on automobiles and hence traffic-related problems.

No one clear pattern of practices emerged from the responses received. **While many communities have applied some principles conducive to smart growth, in most instances they have generally not adopted enough in the right combinations to actually result in smart growth.** For some, the problem begins with the lack of a Comprehensive Plan or a similar document by which community members establish a vision for their community along with the policies that will guide development over time. For many jurisdictions, the barriers to smart growth lie in their zoning codes, which close to half of surveyed jurisdictions have not comprehensively updated in ten years or more.

Over the course of a decade, many factors that influence urban development change and outdated codes and ordinances may stand in the way of a community’s retaining its young people and sustaining a healthy business environment. The type of zoning that is used may play a part in this if the code is too rigid to respond to changes in business models or if it fails to provide for a variety of types and sizes of housing. In a number of cities/towns, multi-family residences, whether for sale or for rent, cannot be built without a special permit or cannot be built at all. In close to half of surveyed villages, residential units built specifically as rentals face similar restrictions. Accessory housing (also known as *granny flats*) is not allowed in more than two-thirds of villages. **These restrictions have serious implications for housing young people just starting out, singles, people of modest means, and older residents who want or need smaller residences and prefer not to leave their communities.**

The survey also revealed that **few jurisdictions have the tools in place to ensure that their downtown has an attractive and distinctive quality.** Incentives for adapting older or historically significant buildings to modern uses or for building on vacant or underused lots in the downtown are rare, as are programs designed to transfer development rights from places where density is not desired to downtown areas where it can contribute to vibrant, attractive and economically sustainable mixed-use districts. Only about half of Long Island jurisdictions in the survey have adopted architectural guidelines for their downtowns, while nearly 70 percent of cities/towns and almost 40 percent of villages do not require developers to provide amenities such as street trees or benches or to ensure downtown projects are compatible with significant civic landmarks. Details such as these make all the difference between the communities that people want to go to and those that are forgettable because they offer nothing special.

The one common characteristic that did emerge from this survey was the indifference with which virtually all jurisdictions treat the Long Island Rail Road. Only one jurisdiction has established a Transit-Oriented District for its downtown areas, and only a handful of jurisdictions have developed or planned projects to take advantage of their railroad stations. The heavy emphasis in most jurisdictions is on providing free automobile parking. No jurisdiction requires new development to provide bicycle parking.
There are some jurisdictions that are hitting many of the right notes—the Villages of Amityville, Mineola and Patchogue; the Towns of Babylon, Brookhaven, Hempstead, Islip, and Riverhead—but many more will have to get on-board with smart growth and TOD if Long Island is to hold its own into the future. Communities that accommodate people across a broad range of life stages, occupations and income groups are generally more socially and economically sustainable than those that do not. Long Island is already suffering from the exclusionary effects of large-lot zoning and the high real estate prices this engenders. Young people and many essential service providers, such as firefighters and health care providers, cannot afford to purchase homes here. They are moving to more affordable places and, as they leave, the region finds it harder to staff critical jobs and to attract or retain employers.
Figure 1: Percentage of Jurisdictions Applying Smart Growth Factors by Community Type

<table>
<thead>
<tr>
<th>Smart Growth Factor</th>
<th>Cities/Towns</th>
<th>Villages</th>
<th>Mixed-Use Allowed in Downtown By Right¹</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cities/Towns</td>
<td>Villages</td>
<td>Cities/Towns</td>
</tr>
<tr>
<td>Comprehensive Plan or similar document is in place (Note: Plans may not have been adopted and may be outdated)</td>
<td>100%</td>
<td>52%</td>
<td>100%</td>
</tr>
<tr>
<td>Most recent comprehensive zoning code update was less than 10 years ago</td>
<td>67%</td>
<td>43%</td>
<td>60%</td>
</tr>
<tr>
<td>Type of zoning in use</td>
<td>46% Euclidean</td>
<td>20% each Euclidean, Modified Pyramid, Form-based, Performance</td>
<td>60% Euclidean</td>
</tr>
<tr>
<td>Multi-family residential units are either allowed by right in any zone, or allowed by right in specific zones and by special use permit in others</td>
<td>83%</td>
<td>81%</td>
<td>80%</td>
</tr>
<tr>
<td>Residential rental projects are allowed by right</td>
<td>69%</td>
<td>57%</td>
<td>40%</td>
</tr>
<tr>
<td>Accessory housing units are allowed by right or special use permit</td>
<td>69%</td>
<td>32%</td>
<td>100%</td>
</tr>
<tr>
<td>Multi-family residential projects are allowed in downtown</td>
<td>82%</td>
<td>63%</td>
<td>80%</td>
</tr>
<tr>
<td>Mixed-use projects that include a residential component are allowed in downtown</td>
<td>69%</td>
<td>68%</td>
<td>80%</td>
</tr>
<tr>
<td>A Transit-Oriented District is established</td>
<td>8%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>A Historic Preservation District is established</td>
<td>31%</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>Auxiliary transit services operate, supporting commuter rail</td>
<td>77%</td>
<td>62%</td>
<td>80%</td>
</tr>
<tr>
<td>Public parking in downtown is metered</td>
<td>23%</td>
<td>50%</td>
<td>20%</td>
</tr>
</tbody>
</table>

¹ For jurisdictions that allow mixed-use development by-right in their downtowns, mixed-use development is allowed automatically by the zoning code, provided the development meets the applicable standards of the code. In contrast, if mixed-use development is only allowed by special use permit or conditional use permit, then it is only permitted subject to meeting additional conditions and subject to discretionary approval by the jurisdiction. The special use permit process adds an extra step and additional uncertainty to the approval process.
<table>
<thead>
<tr>
<th>Smart Growth Factor</th>
<th>Cities/Towns</th>
<th>Villages</th>
<th>Mixed-Use Allowed in Downtown By Right</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cities/Towns</td>
<td>Villages</td>
<td></td>
</tr>
<tr>
<td>New development downtown is required to address civic space and/or provide public amenities</td>
<td>31%</td>
<td>61%</td>
<td>20%</td>
</tr>
<tr>
<td>Architectural guidelines have been established for downtown</td>
<td>50%</td>
<td>53%</td>
<td>67%</td>
</tr>
<tr>
<td>Standards are set for transition areas between different use zones</td>
<td>64%</td>
<td>50%</td>
<td>80%</td>
</tr>
<tr>
<td>Green building practices are promoted</td>
<td>83%</td>
<td>63%</td>
<td>40%</td>
</tr>
<tr>
<td>Incentives are offered for multi-family residential construction downtown</td>
<td>46%</td>
<td>20%</td>
<td>25%</td>
</tr>
<tr>
<td>Incentives are offered for adaptive reuse of older buildings in downtown</td>
<td>38%</td>
<td>11%</td>
<td>20%</td>
</tr>
<tr>
<td>Incentives are offered for infill development in downtown</td>
<td>31%</td>
<td>16%</td>
<td>20%</td>
</tr>
<tr>
<td>A Transfer of Development Rights (TDR) Program is in place</td>
<td>31%</td>
<td>5%</td>
<td>40%</td>
</tr>
</tbody>
</table>
Survey Purpose and Respondents

The purpose of the survey was to determine the extent to which Long Island jurisdictions have adopted (1) smart growth principles that are associated with eminently livable and highly sustainable communities and (2) practices considered supportive of transit-oriented development (TOD), which reduces dependence on automobiles and hence traffic-related problems.

Thirty-six jurisdictions responded to the emailed survey—14 were cities and towns and 22 were incorporated villages. In most cases, responses were evaluated on the basis of jurisdiction type. Cities and towns were combined into one cities/towns category, with villages constituting their own category. A separate analysis was made of jurisdictions that currently allow downtown development projects to combine different types of uses (retail, office, residential) by right, i.e. without obtaining a special or conditional use permit (SUP/CUP).

No one clear pattern of practices emerged from the responses received. **While many jurisdictions have applied some principles conducive to smart growth, in most instances they have not adopted enough or the right combinations to actually result in smart growth.**

Organization of the Report

The findings of the survey are discussed under four major categories—Comprehensive Plans, Zoning Codes, Housing and Downtowns—with smart growth implications examined for each. A summary of responses received is presented in Figure 1, which shows the proportion of all cities/towns and villages that have adopted key smart growth practices and comparable figures for those jurisdictions that allow mixed-use projects to be developed by right in their downtown areas. **While there are a few areas where percentages are higher for jurisdictions that allow by-right mixed-use, the differences are not consistent for either cities/towns or villages, which reveals the pick and choose, mix and match approach Long Island jurisdictions have taken to smart growth.**

I. Comprehensive Plans

While all of the cities/towns responding to this survey have a Comprehensive Plan or similar document in place, only slightly more than half (52 percent) of villages have one. Furthermore, many of those jurisdictions that do have Comprehensive Plans either never formally adopted the plan or have an outdated plan. **For Long Island jurisdictions with no plan at all or with an outdated plan, the first obstacle to smart growth is the lack of an up-to-date Comprehensive Plan or a similar document by which community members establish a vision for their community and lay out the policies that will guide development over time.** Other regulating documents (e.g., zoning codes and subdivision ordinances) should support the policies of the Comprehensive (or Specific) Plan.

Because Comprehensive Plans guide standards for subordinate documents such as subdivision regulations and zoning codes, the lack of a Comprehensive Plan can also have a negative impact on local land use regulations. The following differences exist between villages having a Comprehensive Plan or similar policy document and those that do not:

♦ Only 22 percent of villages with no Comprehensive Plan are considering updating their zoning code, compared to 46 percent of villages that have a plan.
Less than half (44 percent) of the villages with no Comprehensive Plan have architectural guidelines for their downtown areas, compared to 60 percent of those villages that have plans.

Only one-third of villages with no Comprehensive Plan have set standards for development that occurs where one use zone (e.g., commercial) transitions to another (e.g., residential), compared to 63 percent of those villages that have plans.

Smart Growth Implications:

Comprehensive plans embody a community’s vision of itself and a roadmap to maintaining or achieving that vision in the future. As such, Comprehensive Plans set both the tone and the standards for subordinate documents such as subdivision regulations and zoning codes. For unincorporated jurisdictions situated within a larger jurisdiction, Specific Plans can be used to establish policies for these smaller but distinct places.

As the old adage says, if you don’t know where you are going, any road will take you there, and the concept certainly applies to land use planning. Without a vision and a set of policies that support the vision, the future is likely to be fraught with unintended consequences.

Two things included in this survey can have a great impact on the way a community develops: architectural guidelines and specific development standards for boundary areas between different zoning districts. With respect to these, jurisdictions with Comprehensive Plans and those without are nearly negative images of one another.

Recommendation:

- Villages that do not have a Comprehensive Plan or Specific Plan to guide development of their downtown should consider adopting one.
- Jurisdictions with a Comprehensive Plan that is more than 10 years old should update their plan, and jurisdictions that have a plan but never adopted it should formally adopt an up-to-date plan.

II. Zoning Codes

As shown in Figure 2, the prevalent form of zoning in use in Long Island cities/towns is Euclidean zoning, which generally allows only one type of use in each zone (e.g., single family
residences, general commercial, commercial office, light industrial, etc.), though there may be exceptions granted under certain circumstances. Villages are much less likely to use Euclidean zoning than cities/towns. They report greater use of more flexible forms of zoning that permit a mixture of uses within the same zone. Mirroring their respective reliance on Euclidean zoning, most cities/towns have established specific development standards for the transitional areas between different zones (64 percent), while half of the villages have done so. Establishing these standards helps reduce problems when uses of differing intensities abut one another (e.g., retail commercial and low-density residential).

With respect to zoning, we found the following:

- Villages have undertaken comprehensive updates to their zoning codes far less often than cities/towns. It has been 10 years or more since the last major update in 57 percent of villages. The comparable number for cities/towns is 33 percent.
- Sixty-five percent of villages are not considering updating their zoning code at this time. The comparable figure for cities/towns is 31 percent.
- Only 5 percent of villages are currently drafting zoning ordinance updates. The comparable figure for cities/towns is 15 percent.
- Villages updating their zoning ordinances are primarily drafting form-based and modified pyramid ordinances. Cities/towns updating their ordinances are primarily drafting form-based and other (hybrid) ordinances.
- Of the villages considering updating their zoning ordinances or in the process of doing so, 63 percent are making changes in downtown codes, while 90 percent of cities/towns in the same category are making changes in their downtown codes.

More than 70 percent of the jurisdictions included in this survey promote at least some green development practices. Only 29 percent do not. The most commonly promoted practices are the installation of solar energy panels and energy audits or assessments. A higher percentage of cities/towns promote the use of green development practices, and they generally promote a wider range of practices than villages do.

**Smart Growth Implications:**

*As building practices, economic conditions, and the demographic makeup of places change, zoning codes become outdated. It is imperative to tune them up from time to time.*

Many jurisdictions do this on an incremental basis, but over the course of a decade these incremental revisions often result in ordinances that are neither internally consistent nor consistent with the policies established in the Comprehensive Plan.

Outdated zoning codes can inhibit the development and redevelopment necessary to maintain a socially, economically and environmentally viable community. Nationally, many jurisdictions are moving towards more flexible types of zoning (form-based and hybrids) in order to better respond to changing community demographics, consumer tastes and economic needs. Those places on Long Island that are updating codes seem to be following suit.

Similarly, most jurisdictions in the survey have followed the national trend and are promoting at least some green building practices, though within some jurisdictions the range of options is very narrow and limited mainly to solar energy and energy audits.
Recommendations:

- Jurisdictions that have not updated their zoning ordinances in a decade or more should do so, and should consider adopting an ordinance that will allow their community the flexibility to respond to changing community demographics, consumer tastes and economic needs.
- Jurisdictions should promote a wider range of green building practices.

III. Housing

A key element of smart growth planning is providing for a variety of different housing types and sizes to ensure that residents of all ages and income levels can be accommodated. Multi-family residences, both owner-occupied and rentals, and accessory housing (often called “granny flats”), are important components of plans that promote housing balance because they generally offer smaller living spaces across a range of prices.

Figure 3: New Multi-Family Residence Permitting

The vast majority of surveyed cities/towns (83 percent) and villages (81 percent) allow the development of new multi-family residences by right in any zone where they are allowed, or by right in specific zones and by special use permit (SUP) or conditional use permit (CUP) in other zones, but the quantity of multi-family housing stock that can be developed depends on the development capacity of zones in which it is permitted (see Figure 3). In 8 percent of cities/towns and 5 percent of villages, no new multi-family residences are allowed. Eight percent of cities/towns and 14 percent of villages require a SUP/CUP for all new multi-family construction.

A SUP/CUP process is a double-edged sword for jurisdictions: it can be beneficial because it gives a community more control over where and how new construction is built, but it also makes building more difficult, more expensive and riskier. The added layers of uncertainty tend to dissuade many developers from building multi-family units, and to
increase the costs of developments that are built, costs which are largely passed on to the consumer in the form of higher purchase prices or higher rents.

Figure 4: New Rental Unit Permitting

<table>
<thead>
<tr>
<th></th>
<th>Cities/Towns</th>
<th>Villages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Allowed Allowed</td>
<td>10%</td>
<td>0%</td>
</tr>
<tr>
<td>Allowed in all Zones</td>
<td>19%</td>
<td>23%</td>
</tr>
<tr>
<td>Restricted to specific zone</td>
<td>23%</td>
<td>33%</td>
</tr>
<tr>
<td>Allowed only by SUP/CUP</td>
<td>38%</td>
<td>33%</td>
</tr>
<tr>
<td>Other</td>
<td>19%</td>
<td>15%</td>
</tr>
</tbody>
</table>

In 46 percent of cities/towns, rentals are allowed in any zone as long as they conform to the other requirements of the zone (see Figure 4). While 19 percent of villages allow rental units in any zone, 10 percent disallow building any housing specifically intended for rental. Rentals are restricted to specific zones or only allowed by SUP/CUP in more than two-thirds of villages. Comparable numbers in both categories for cities/towns are far lower.

Figure 5: Accessory Dwelling Unit Permitting

<table>
<thead>
<tr>
<th></th>
<th>Cities/Towns</th>
<th>Villages</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>19%</td>
<td>15%</td>
</tr>
<tr>
<td>By Right</td>
<td>23%</td>
<td>15%</td>
</tr>
<tr>
<td>By SUP/CUP</td>
<td>62%</td>
<td>33%</td>
</tr>
<tr>
<td>Other</td>
<td>15%</td>
<td>15%</td>
</tr>
</tbody>
</table>

Accessory housing (also known as granny flats) is another form of transitional housing, particularly useful for extended families (see Figure 5). Sixty-eight percent of villages and 15 percent of cities/towns responding to this survey do not allow accessory housing. Among those
that do allow it, 23 percent of villages allow it by right while only 8 percent of cities/towns do. Most cities/towns require a SUP/CUP, while 9 percent of villages use this process. By whatever means it is allowed, accessory unit construction is regulated through a variety of mechanisms. Usually applied in combinations, these control measures include standards for placement of the unit on the parcel, size restrictions, parking requirements, design standards, and restrictions on who may live there. Another common restriction is the requirement that the primary residence be owner-occupied.

Universal design, which accommodates people with personal mobility restrictions, is another mechanism that facilitates staying in one’s neighborhood as personal circumstances change. Only 14 percent of villages currently encourage or promote universal design for new or modified residential construction, while 57 percent of cities/towns do so.

**One way for jurisdictions to encourage housing affordability is to include provisions in their zoning and/or subdivision regulations that promote the development of both parcels and houses of various sizes, not only in separate neighborhoods but within them.** Smaller homes on smaller lots are generally more affordable simply by virtue of their design. These can serve as starter homes, but they also allow empty nesters and elders to find suitably sized housing options within their own neighborhoods as their needs change. While 50 percent of cities/towns encourage a mixture of various lot and dwelling unit sizes within neighborhoods, only 19 percent of villages do.

Because many jurisdictions’ regulations prevent the development of housing for a broad spectrum of residents, corrective measures such as the Long Island Workforce Housing Law of 2008 have been taken in an effort to restore balance. To date, housing units resulting from this law have only been constructed in about 10 percent of surveyed jurisdictions. Some jurisdictions had already adopted policies that require the inclusion of units for low- and moderate-income residents, and the units built under these provisions are not represented in this survey. What is evident though from comments received is that inclusionary zoning and workforce housing laws can only go so far. In the case of the 2008 Long Island law, developers are reportedly circumventing it by building one less unit than required to trigger its provisions. **It is far better and more effective to plan communities that are naturally inclusive because they offer a variety of housing options that meet the needs of diverse residents.**

**Smart Growth Implications:**

It is a fact of life that communities are in a constant state of change. Residents age and move from one life stage to another, and as they do their housing and mobility needs also change. Young singles, young marrieds, families with children, empty-nesters, and elders have differing requirements and means, and if housing options are restricted, people are forced to move as their situations change, often to places at inconvenient distances from family and friends. **Communities that accommodate people across a broad range of life stages, occupations and income groups are generally more socially and economically sustainable than those that do not.** Long Island is already suffering from the exclusionary effects of large-lot zoning and the high real estate prices this engenders. Young people and many essential service providers, such as firefighters and health service providers, generally cannot afford to purchase homes here. They are moving to more affordable places and, as they leave, the region finds it harder to staff critical jobs and to attract or retain employers.
Recommendations:

In light of current demographic trends and economic realities, and in order to build communities that are more sustainable over the long term, Long Island jurisdictions should:

♦ Increase the ability to build multi-family residences, both for sale and for rent;
♦ Eliminate restrictions on the construction of rental units;
♦ Encourage a variety of lot and dwelling unit sizes within neighborhoods; and
♦ Ease restrictions on the construction of accessory units.

IV. Downtowns

A downtown serves as a focal point for community life and projects the public image of a community. Lively, active downtowns suggest vitality. Empty storefronts, vacant lots, and deteriorating buildings suggest a place whose time has passed. The difference between the downtowns that remain busy, attractive and vital and those that do not is often found in the regulations and incentives (or disincentives) that guide development in the downtown area. As business models evolve, the space and configuration requirements of individual businesses change, sometimes substantially.2 If zoning regulations and building codes are not updated for the downtown area, business will gravitate to suburban locations or other communities that will accommodate their needs.

There are numerous tools that communities can use to ensure that their downtowns remain attractive—both physically and to businesses—but no single one is a panacea. The ways jurisdictions responding to this survey combine and make use of these tools vary widely.

Special Areas or Districts

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2 A prime example of this is supermarkets. The footprint of supermarkets has changed drastically over the last few decades in response to changing consumer preferences/demands and industry standards. Many downtowns have been unable to accommodate the new requirements and have been left without a grocery store as a consequence.
Establishing a special area or district (e.g., a historic preservation district or Central Business District (CBD)) helps to focus attention and resources on places that are crucial to the community’s image, economic well-being or both. Typically, special rules guide development in these areas by allowing or precluding certain uses, defining site and architectural requirements, providing financial or other incentives to developers, or some combination of these.

Most jurisdictions make use of at least one Special District. CBD is the most frequently used category, with 62 percent of the cities/towns and 45 percent of villages having established one (see Figure 6). Only one town/city has defined a Transit-Oriented District. No villages have done so.

About a quarter of cities/towns have established Design Overlay Districts. These can be established in conjunction with other special districts and are particularly useful in building or maintaining a distinctive image for a CBD or a TOD. Architectural guidelines are a key facet of Design Overlay Districts, as they establish the standards that new development will be required to meet.

**Scale and Density in Downtowns**

Almost every surveyed jurisdiction specifically regulates the scale of development in downtown areas. Most use a combination of controls by setting height limitations, site placement requirements and design standards. More than half also establish an acceptable Floor Area Ratio (FAR), which places a limit on how many square feet of interior space are allowed relative to the area of the parcel.

The specific combination of controls and the specific measures (or metrics) applied will help establish the character of a downtown, but if these controls are not reviewed and revised from time to time with respect to the current residential and business requirements and building industry technologies, they may act to deter both redevelopment and new infill development. These controls are also used in many instances as indirect ways of controlling density.

Density—though controversial in some communities—is critically important in providing the housing capacity sufficient to generate the clientele needed to support downtown retail. This is true for all downtowns, but it is truer for TODs because of the additional need for transit riders. In every Long Island jurisdiction surveyed, residential density in the downtowns either is not regulated or regulations set a cap on density without also establishing a minimum. Both maximum and minimum allowable density need to be established to ensure that residential density is adequate to support downtown business activity and transit service, regardless of whether it is rail or bus service. Though many communities abhor density on general principle, well thought-out density controls that establish minimums and maximums, along with height, site placement, and good design standards, can serve to insert both height and density unobtrusively into downtowns so that a comfortable scale is maintained and neither pedestrians nor existing buildings are overshadowed.

Surveyed jurisdictions indicate that the biggest obstacle both to encouraging development and increasing density in their downtowns is the requirement to meet current on-site parking standards. As discussed below, most jurisdictions over plan for parking and this obstacle could easily be reduced or eliminated simply by using better parking management techniques.
Various incentives may be offered by jurisdictions to particularly desirable downtown development projects to offset the obstacles erected by zoning and building codes; however, the majority of jurisdictions in this survey offer no incentives of any kind to encourage downtown development (see Figure 7). Those that do are most likely to offer relief from on-site parking requirements.

Density bonuses, which increase the allowable commercial square footage or number of housing units that may be built, are offered in very few Long Island communities. Density bonuses are included in the Other Incentives category for all of the downtown development types shown in Figure 7 (i.e., multi-family residential construction, infill development, and adaptive reuse). Though little used on Long Island, density bonuses are a common incentive offered in other places to attract projects to downtowns. They can also help preserve historic buildings that shape community character.

Transfer of Development Rights (TDR) is a density bonus variation that works to move density from areas where it is permitted but less desirable to the downtown area where it can help support business and build transit-oriented areas. About 15 percent of surveyed jurisdictions currently have a TDR program, but not all of these TDR programs are designed specifically to increase density in a downtown area.

Civic Space

Civic space plays a vital role in determining whether a downtown is a habitable or hostile place. Sidewalks, street trees, benches and streetlights are essential to make pedestrians feel comfortable and safe on downtown streets. Public squares, parks and views of landmark
buildings (whether public edifices, historic buildings or architecturally significant ones) establish the character of a place and set it apart from all others. So it is surprising that so few surveyed jurisdictions require new development to take civic space into consideration. A super-majority of cities/towns (69 percent) do not require development to address public space in any way; the comparable number for villages is 39 percent (see Figure 8). A higher percentage of villages require private development to contribute, even if only minimally, to civic space.

**Figure 8: New Development Civic Space Requirements**

Mix of Uses

A mix of uses is essential in maintaining a vital downtown. The strict segregation of land uses into separate zones, common in many jurisdictions, has resulted in several unintended and negative consequences, not the least of which is the creation virtual dead-zones after business hours in downtowns where residential uses are excluded. The value of having a variety of intermixed uses that contribute to lively and safe (by virtue of 24-hour neighbors) downtowns is now widely recognized and many jurisdictions are rezoning to allow them.

Nearly all cities/towns (92 percent) allow for both residential and mixed uses in their downtowns. About 68 percent of villages allow residential uses, but 11 percent do not allow mixed-use buildings. Downtown mixed-use projects may be built by right in 54 percent of cities/towns and in 44 percent of villages. In the other places, a SUP/CUP or other contingent approval is required.

Among jurisdictions that indicated mixed-use buildings are allowed in their downtown, 20 percent allow solely commercial projects (offices and retail), with half allowing them by right,
and half requiring projects to obtain a SUP/CUP. The remainder of the jurisdictions allowing downtown mixed-use make no differentiation between strictly commercial projects and those that include a residential component, and they are evenly divided as to whether projects are allowed by right or require a SUP/CUP. As mentioned above, a SUP allows a higher degree of control over a project, but it also adds a layer of uncertainty that often discourages development.

Among those jurisdictions that allow residential uses in downtown areas, 36 percent of responding cities/towns and 71 percent of responding villages have not established residential density standards. Those that have density standards have set maximums, but none have set minimum standards. Setting only a ceiling number makes it possible for developers to build well below the maximum planned density, which can result in insufficient population to support downtown business or transit services.

Of the jurisdictions that allow new mixed-use development in their downtowns, only 36 percent of cities/towns and 38 percent of villages allow the development of mid-rise apartment buildings.

Transit

Traffic is the lifeblood of communities, though sometimes too much of a good thing can result when everyone relies (or is forced to rely) on a single mode of travel. The communities that function best are those that offer people choices—walk, bike, drive, or ride the bus/van/taxi/train. In this respect, Long Island benefits from having Long Island Rail Road (LIRR) already in place. It is dismaying that so few Long Island jurisdictions have made good use of this valuable resource in their land planning. As noted above, only one city/town and no villages have transit-oriented districts in their downtowns to encourage the density needed to support public transit. Transit-oriented development can be used to promote or facilitate not only commuter rail service, but to support, facilitate and promote bus and tram services that provide connections to commuter rail.

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Communities across the nation concerned about providing sufficient housing to maintain economic vitality and/or supporting transit-oriented development have started setting both minimum and maximum density requirements to ensure that development reflects the intention of their comprehensive plans. These include, to mention only a few, Grand Junction, CO; Portland, OR; Whatcom County, WA; Sacramento, CA; and Charlotte County, FL.
In general, cities/towns have far more transit support services than villages, but nearly a quarter (23 percent) of cities/towns and 38 percent of villages have no support services at all (see Figure 9).

**Parking**

Parking requirements are important in downtowns for several reasons. Of course, it is imperative to provide enough parking so that business can operate smoothly, but **requiring too much parking—particularly if it must be provided on-site—can have detrimental effects.** First, it renders many older parcels either economically or physically unbuildable. Second, the presence of multiple private surface parking lots can disrupt the continuity of the streetscape, lengthening distances between shops, restaurants and services so that patrons opt to drive rather than walk between destinations. This has a knock-on effect for retail sales, as walking customers are more likely to make unscheduled stops and spontaneous purchases than those who drive by. Third, providing too much parking has negative environmental impacts because it encourages stop-start short-hop driving.

Communities can use parking to their advantage by controlling the amount available and dictating where it may be placed. Even though all of the jurisdictions in the survey have public parking available in their downtowns, approximately two-thirds require new development to provide automobile parking spaces. Only 7 percent of jurisdictions that require on-site parking set both a minimum and maximum number of spaces. Setting both is the preferable method to promote walkable districts, pedestrian traffic and transit use.

Metered parking can also be used to encourage foot traffic and discourage cruising, which occurs when drivers troll for free parking close to their destinations or drive short distances between destinations that are in fact within walking distance of one another. Only 23 percent of cities/towns have metered parking, while 50 percent of villages do.

Ninety-two percent of cities/towns base their parking requirements on use codes to determine how much parking must be provided. Villages mainly rely on use codes (61 percent), but 33 percent use a combination of use code and district. Parking ratios established for various use codes—though in common use for decades—are not based on substantial empirical evidence, generally relate to peak parking days (e.g. Thanksgiving Eve for grocery stores) and
ignore the cumulative impact of previous projects, hence they normally result in providing excess parking. **Communities actively promoting transit have started requiring a fraction of the parking dictated by standard use codes—50 percent or less in many instances—and still find that there is ample parking for those who need it.**

As noted above, having to provide on-site parking can severely limit the ability of developers to build projects in the downtown areas unless they can get a waiver or variance. The most common justification for a parking variance is to show that there is someplace else to park—on the street, in a nearby public facility or in a lot shared or jointly used by other private properties in the immediate area. Only about 7 percent of jurisdictions allow on-site parking reductions for being close to transit stops or for the provision of bicycle parking or amenities (e.g., bike lockers and employee showering facilities).

**Smart Growth Implications:**

A community’s downtown is a barometer of its health. Healthy communities have vibrant attractive downtowns with distinctive characters that set them apart from surrounding places. Some downtowns thrive for a while merely by being the right place at the right time. But few can sustain their success without adopting planning practices that allow them to respond to changing demographics and emerging economic realities so that they can better retain and attract residents, who in turn attract the businesses that employ them and cater to them.

**Recommendations:**

The following recommendations are made for Long Island downtowns:

- Make better use of special districts and incentives packages to encourage downtown development.
- Provide incentives for transit-oriented and transit-adjacent development.
- Use design guidelines to ensure that each community has a distinctive appearance that makes good use of historic resources and civic landmarks. Design guidelines are essential if design review is part of the approval process.
- Reconsider controls on density, the scale of development, and land uses, with an eye to creating lively, visually appealing downtowns and safer streets with mixed-use development that keeps eyes on the street 24/7.
- Increase allowable density, particularly near LIRR stations, and designate transit-oriented districts. In addition to encouraging use of transit services, this will increase the client base for downtown businesses and promote construction of smaller, less expensive units that cater to today’s smaller households (a national trend). Design guidelines will help ensure that density does not detract from the attractiveness of established downtowns. It is possible to add density quite unobtrusively.
- Reconsider on-site parking requirements that are deterring the development of vacant and underused parcels and the renovation and adaptive reuse of older and historic buildings in downtown areas.
- Place more emphasis on providing support facilities for all types of transit – rail, buses and vans.
- Place more emphasis on providing support facilities for bicyclists. Require all new downtown development to accommodate bicycle parking.
- Make better use of parking controls to reduce cruising for spaces, to encourage retail-supporting foot traffic in commercial areas, and to encourage transit use.
**Conclusions**

No single clear pattern of adoption of smart growth practices emerged from the responses received. The combinations are nearly as varied as the jurisdictions themselves. While many jurisdictions have applied some principles conducive to smart growth, in most instances they have generally not adopted enough in the right combinations to actually result in smart growth.

There are some jurisdictions, however, that are hitting many of the right notes—the Villages of Amityville, Mineola and Patchogue; the Towns of Babylon, Brookhaven, Hempstead, Islip, and Riverhead. These jurisdictions have planned and, in some cases, successfully built mixed-use and TOD projects. Each has created its own recipe for smart growth. Five of the eight have updated their zoning codes within the last 5 years. All allow multi-family residential buildings in their downtowns. But none share exactly the same set of measures.

In the final analysis, **all that matters is that the combination of measures adopted by a community work to bring about smart growth or TOD. Even with a near complete set of measures, success will hinge on one key ingredient—political will—without which the best laid plans will be stymied.** And though the efforts of these eight jurisdictions are laudable, many more will have to follow their examples and get on-board with smart growth and TOD if Long Island is to hold its own into the future.