

NEW BUFFALO GREEN CODE MAY MAKE IT EASIER TO BUILD IN THE QUEEN CITY

Real Estate Development Alert
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On Thursday, October 22, 2015, Mayor Byron Brown submitted the Buffalo Green Code to Buffalo's Common Council. The Green Code is a modern development strategy that will build on "Queen City in the 21st Century," Buffalo's twenty-year comprehensive plan intended to reinvigorate the area. Almost five years in the making, the Buffalo Green Code is intended to promote urban growth and attract new businesses while preserving the character of Buffalo's neighborhoods, making them walkable and transit-supportive.

The code is composed of several parts, including a land use plan, a local waterfront revitalization plan, new development goals for the city's brownfield areas, and more. The highlight and culmination of the code, however, is its unified development ordinance (UDO)—zoning regulations that will replace existing zoning regulations, which have not been updated since 1953. The change signifies the city's move toward a progressive urban development model, as opposed to its antiquated, suburban model of development.

The UDO is a "form-based" code, a relatively novel zoning strategy that stands in stark contrast to conventional zoning methods. Form-based codes emphasize the physical character of the development (the form) and focus on how the development relates to the surrounding community, especially relationships between buildings and the street, pedestrians and vehicles, and public and private spaces. What results is broader use regulation, mixed land use, and development shaped by community needs and desires rather than use restrictions. Buffalo joins other major metropolitan areas such as Miami, Denver, and Cincinnati in adopting a form-based code.

With the adoption of the Buffalo Green Code, the city hopes that the real estate developers and new and existing businesses will find it easier to build in Buffalo. With its clarity and simplicity, the code is expected to reduce disagreements and costly delays. Hodgson Russ's attorneys are reviewing the Buffalo Green Code in its entirety to ensure its clients can take advantage of what the code offers. A few notable items the code is expected to address are:

- Elimination of minimum parking requirements to encourage transportation alternatives and remove barriers to infill development and adaptive reuse.

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- Allowance for maximum building heights and densities in downtown Buffalo, while mitigating wind impacts and preserving access to air and light.
- Removal of barriers to affordable housing, such as restrictions on multifamily and accessory dwelling units and inappropriate density limitations.
- Placement of buildings close to the sidewalk, requiring ground-floor windows and doors, limiting blank walls, and providing generous shaded sidewalks.
- Minimization of regulatory barriers to the adaptive use of vacant structures and land to prevent abandonment and blight.

The environmental impact of the Buffalo Green Code is evaluated under one generic environmental impact statement (GEIS) in accordance with the State Environmental Quality Review Act (SEQRA). The SEQRA process includes a public review period, providing community members and stakeholders the opportunity to submit official comments on the environmental impacts of the code. Once the public review period is over, the city must respond to public comments and may make appropriate revisions to the code and the GEIS. The city will then issue a final GEIS and findings. Thereafter, the code will be before the Common Council for adoption.