

COMPREHENSIVE PLAN
FOR THE
VILLAGE OF KENMORE
BUSINESS DISTRICT

PREPARED BY

VILLAGE OF KENMORE
PLANNING BOARD

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SECTION I

**INTRODUCTION/
GOALS & OBJECTIVES**

INTRODUCTION/GOALS & OBJECTIVES

This report of the Village of Kenmore Planning Board will attempt to provide an analysis of the areas of the Village of Kenmore identified as “Business” Zoning Districts as described in the current Code of the Village of Kenmore.

This “Business” designation covers the three (3) primary thoroughfares which traverse the Village: Delaware Avenue from Kenmore Avenue to Ken-Ton Road, Elmwood Avenue from Kenmore Avenue to North End Avenue and Kenmore Avenue from Hiler Avenue to Wilbur Avenue and the portion of Kenmore Avenue designated as “Commercial” Zoning District from Wilbur Avenue to Military Road (see Exhibit “A”).

With the catalyst of the “Delaware Avenue Streetscape Project”, a significant capital improvement of Delaware Avenue, which began in 2002, the Planning Board was authorized by the Village of Kenmore Board of Trustees to analyze existing conditions, land uses, land use regulations and recent development trends within the Village and to provide general guidelines and recommendations for the future development of these areas – a “comprehensive plan” for the Village’s Business Community.

While the three (3) primary business districts (Delaware Avenue, Elmwood Avenue, and Kenmore Avenue) fall within the same zoning district classification of “Business”, the three (3) areas, through their respective development over the past century, are distinctly different in use, in character and in public “perception”. For this reason, it was agreed by the Planning Board that these areas be analyzed somewhat separately, as each presents its own unique problems with different recommended solutions and potential planning efforts.

SECTION II
EXISTING CONDITIONS AND LAND USES

EXISTING CONDITIONS AND LAND USES

A. DELAWARE AVENUE

The Delaware Avenue Business District includes approximately a 1.75 mile length within the corporate limits of the Village of Kenmore and includes both the east and west sides of Delaware Avenue. The zoning district boundaries extend for a depth of 150 feet from the east and west rights-of-way of Delaware Avenue. This area lies entirely within the Village of Kenmore's designated "fire limits" which restricts any new construction or significant additions to non-combustible materials and finishes (see Exhibit "A").

Commercial lots within the district are relatively small in nature – both in street frontage (width) and depth. The majority of the parcels that front on Delaware Avenue do not extend for the full depth of the zoning district. Both the east and west sides of the Delaware Avenue Business District immediately abut residential zoning districts comprised of primarily single-family housing.

These residences, combined with the tenants of the various multiple dwelling/apartment units within the district, offer a significant base of customers for the many merchants along Delaware Avenue, most within walking, bicycling, or driving distances.

Delaware Avenue is not under the control or maintenance of the Village of Kenmore, as it is a New York State Highway. Delaware Avenue is subject to New York State Department of Transportation rules and regulations relative to lane sizes, turning lanes, intersections, signaling, parking, signage, curb cuts, etc. Permitted parking as it presently exists is parallel to the curbing, which severely limits the number of "on-street" parking spaces available for use of the businesses fronting Delaware Avenue.

The properties located on Delaware are primarily business related properties of varying commercial use including general offices, hair salons, financial institutions, several restaurants, large automobile dealerships and their related storage lots, gasoline and automobile service stations and numerous mercantile establishments (see Exhibits "D -1, D-2, D -3, and D -4"). A number of high-rise multiple dwelling/apartment buildings, one constructed within the last decade, are also present along Delaware Avenue. There are no known vacant parcels on Delaware within the Village of Kenmore. A number of storefronts are vacant (though a handful include newly renovated space). However, recent "development" trends have seen several existing parcels with both commercial and residential buildings located thereon, demolished for the purpose of parking areas and storage lots. Most of the structures have minimal front and side yard setback areas, offering little room for on-site parking, landscaping, or related improvements.

The "heart" of the business district on Delaware Avenue is primarily located within the blocks surrounding the Village/Town of Tonawanda Municipal Building. This area includes

primarily older buildings (circa 1900-1950) ranging from fair to very good condition. The exterior of these structures include virtually every type of finish and design “style” from brick veneer to stucco/dryvit systems to wood, flat roofs with and without parapets to mansard roofs and frame canopies (see Exhibits “E-1, E- 2, and E-3”). This area of the Village is often seen as the “village charm” area due to its small, unassuming storefronts and easy pedestrian access. This area is one which will receive extensive upgrades included in the Delaware Avenue Streetscape Project.

Outside the district “heart”, the existing structures are significantly more variable as lot sizes increase. Some of the larger businesses in these areas have undergone extensive renovation and rebuilding in recent years. Minimal restrictions on land use (including parking regulations, landscaping regulations, buffering, finishes, etc.) in the current Village Code have lead to development which seems to defy the “identity” of a small village like Kenmore, including large structures with bold finishes and parking lots taking the place of shops and some residential dwellings.

Fortunately, as alluded to earlier in this report, the Village will undertake the first phase of the “Delaware Avenue Streetscape Project” beginning in 2002. This project will significantly improve the aesthetics of Delaware Avenue and the properties along its length with the installation of colored concrete crosswalks, landscaping, new decorative light poles and fixtures, period parking meters, period benches and waste receptacles and other amenities.

B. ELMWOOD AVENUE

The Elmwood Avenue Business District includes approximately the same 1.75 mile length within the corporate limits of the Village of Kenmore and also includes both the east and west sides of Elmwood Avenue (a portion of the northerly west side of Elmwood Avenue lies within the Town of Tonawanda). Like Delaware Avenue, the zoning district boundaries extend for a depth of 150 feet from the east and west rights-of-way of Elmwood Avenue. This area also lies within the Village's designated "fire limits", again limiting future construction to non-combustible materials and finishes (See exhibit "A").

Commercial lots within this area, contrary to Delaware Avenue, vary in size and depth. Again, though, most of the parcels do not extend the full depth of the zoning district. Both the east and west sides of Elmwood Avenue also immediately abut residential zoning districts comprised of primarily single-family housing.

Those factors are where the similarities with Delaware Avenue, however, end. Unlike the "core" business area of Delaware Avenue, there is little common "character" and very little "charm" associated with the businesses and buildings along Elmwood Avenue, which include mercantile, a significant number of automotive related businesses, restaurants, multiple dwelling/apartment buildings, and churches. This area also includes a number of municipal buildings including the Village of Kenmore Police Headquarters, Village of Kenmore Department of Public Works and the Municipal Pool/Recreation area (Mang). There is only one (1) known vacant parcel on Elmwood Avenue, the result of a razing following a tragic and catastrophic fire several years ago.

The only significant development in this area of recent years has been the expansion of the Knox Presbyterian Church which included a new "family life"/multiple use facility.

Elmwood Avenue is not under the control or maintenance of the Village of Kenmore, as it is an Erie County Highway. It is subject to Erie County Highway Department rules and regulations relative to lane sizes, turning lanes, intersections, signaling, signage parking, curb cuts, etc. Currently, no "on-street" parking is permitted on Elmwood Avenue.

The structures along Elmwood Avenue follow no formal design characteristics. The building conditions vary from poor to fairly well maintained. Once again, minimal restrictions on land use and related regulations have created a streetscape of no definition. There is a minimal amount of landscaping for most areas along Elmwood and, with most buildings set back further from Elmwood Avenue than those on Delaware, the majority of the front yard areas of the businesses in this district are blacktop parking areas with little or no screening (see Exhibits "F-1, F-2, F- 3 and F- 4") nor landscaping treatments. Numerous lots have extended blacktop and concrete paving into the right-of-way and over some of the public sidewalks.

C. KENMORE AVENUE

The Kenmore Avenue Business District, including the area near Military Road designated as “Commercial” zoning, includes in total approximately a 2.50 mile length within the corporate limits of the Village of Kenmore. The district includes just the north side of Kenmore Avenue as the south side lies within the neighboring City of Buffalo. The zoning district extends for a depth of 150 feet from the north right-of-way boundary of Kenmore Avenue (see Exhibit “A”).

Unlike Delaware and Elmwood Avenues, single-family dwellings, most on small lots of varying width and depth, occupy a good portion of Kenmore Avenue. Commercial lots within the district vary significantly – particularly in frontage (width). The Kenmore Avenue Business and Commercial districts immediately abut primarily residential zoning districts comprised mainly of single-family dwellings.

Similar to Elmwood Avenue, there is little common character associated with the commercial businesses along Kenmore Avenue, which include high rise apartment buildings, various mercantile, several restaurants, a large bowling establishment and automobile gas station/marts. There are a number of both vacant parcels and parcels which are improved with unused parking areas along Kenmore Avenue. A number of storefronts are vacant. Like Delaware Avenue, most of the structures have minimal front or side yard setback areas and those commercial lots which do have paved over any open spaces.

Kenmore Avenue is also a highway under the jurisdiction of Erie County, not the Village of Kenmore. It is subject to Erie County Highway rules and regulations relative to lane sizes, turning lanes, intersections, parking, signaling, signage, curb cuts, etc. Currently, “on-street” parking is very limited, serving mainly the residential properties along Kenmore Avenue. The condition of the roadway and infrastructure is extremely poor. Curbing is non-existent, resulting in drainage problems and parking across pedestrian walkways and “driveways”. Sidewalks are also in very poor condition along almost the entire length of Kenmore Avenue.

Minimal restrictions on land use (including parking regulations, landscape requirements, signage, etc.) in the current Village Code have lead to varying types of businesses within the Kenmore Avenue corridor and the unsightly conditions which exist along much of this district (see Exhibit “G-1 and G-2”).

D. CURRENT LAND USE REGULATIONS

As eluded to in subsections A,B & C above, the current land use regulations (I. E. Zoning Ordinance) in place under the Code of the Village of Kenmore offer minimal controls as related to green space/landscaping, buffering, parking areas, building finishes, signage or lighting. The Code has not been updated in a number of years to keep up with current trends in property use and construction materials and methods.

Green Space/Landscaping – There are currently no requirements for green space or landscaping minimums, nor for providing buffering and/or screening from adjacent properties or from street view.

Parking – There are currently no restrictions limiting size or uninterrupted areas for paved parking areas or location of such areas on individual parcels (i.e. side or rear yards). No requirements are in place to provide screening of paved areas from either neighboring properties or from street view.

Building Finishes – Building finishes, including colors and materials, are largely restricted only by material as per the NYS Uniform Fire Prevention & Building Code, which governs all construction within the Village of Kenmore.

Signage – The sign ordinance does limit the size and quantity of signage permitted on properties but no restrictions are included with regard to materials or lighting.

Lighting – The current ordinance contains no restrictions or requirements related to site or building lighting including height limitations, location restrictions, or shielding.

The lack of more stringent zoning/land use regulations has resulted in the wide variation of property uses, of the current appearance of a number of the properties within these districts, and with the loss of the “small town” feel which characterized the Village of Kenmore in its early years.

E. COMMUNITY FACILITIES

The three (3) business districts are located on the three (3) primary roadways which run north to south and east to west in the Village of Kenmore. Delaware Avenue, Elmwood Avenue, and Kenmore Avenue are all primary public bus routes to and from the Village.

The government offices of the Village of Kenmore are located within the Municipal Building, shared with the village's "sister" township, the Town of Tonawanda. Constructed in the 1930's, the Municipal Building is somewhat centrally located on Delaware Avenue for access by village residents.

Police Department headquarters are located on Elmwood Avenue, as is the primary garage and storage facilities of the Department of Public Works which is responsible for the maintenance and upkeep of the village's infrastructure system.

The only public recreational facility is also located on Elmwood Avenue – the Mang Pool and Park area. Though the Village bears no responsibility for the operation of the facility, it is a popular attraction for all area residents.

F. INFRASTRUCTURE

The three (3) business district areas vary distinctly in the condition of their respective infrastructures:

1. **Delaware Avenue** - Delaware Avenue, as discussed in this report, is currently undergoing a “streetscape” improvement which will greatly enhance the grade level appearance of the entire length of Delaware within the Village limits. Currently, the physical condition of Delaware is quite good. Paving surfaces are in good condition, as are most areas of curbing and drainage. Existing sewer and water systems are more than adequate to support the existing and any future development in this area.
2. **Elmwood Avenue** – The physical condition of Elmwood Avenue at present could be classified as fair to good. While most areas of existing pavement surfaces are in fairly good condition, a number of areas are in need of repair. Curbing and drainage conditions also vary from block to block. Some curbing is in poor condition which results in inadequate drainage conditions during storm events. Sidewalk conditions also vary greatly, but the best walks could only be classified as being in fair condition. Many sections are in very poor condition and in immediate need of repair. Existing sewer and water systems are adequate to support the existing and any future development in this area.
3. **Kenmore Avenue** – Kenmore Avenue represents the section of Village infrastructure which is in the poorest condition. The existing pavement surface is in fairly good condition, primarily due to the fact that this roadway was resurfaced just a short time ago. The majority of Kenmore Avenue has little or no curbing resulting in dangerous ponding conditions during storm events, and parking of vehicles on rights-of-way and across public sidewalks. The sidewalks along most stretches of Kenmore Avenue are in extremely poor condition and, as previously noted, are blocked by vehicles in many areas creating a safety hazard for pedestrian travel. It is apparent that the existing sewer and water systems are inadequate for even the existing development along Kenmore, let alone any future redevelopment of commercial uses.

SECTION III
FINDINGS AND RECOMMENDATIONS

FINDINGS AND RECOMMENDATIONS

A. DELAWARE AVENUE

As eluded to earlier in Section II of this report, Delaware Avenue has in its past and, for the most part, presently, offered the “small town” appeal which the Planning Board sees as the image most attractive to businesses and to the surrounding residents.

The Delaware Avenue “Streetscape” Project will go a long way in preserving the “period” appearance, which should be the signature of the street.

But the streetscape project is only the beginning.

It is recommended that the Village of Kenmore enter into discussions with the New York State Department of Transportation to bring about methods to “calm” traffic along Delaware Avenue within the business districts by perhaps lowering the speed limit to 25 miles per hour and considering diagonal parking along the west and east sides of Delaware Avenue with one traffic lane in each direction and a center turning lane for the entire street length within the Village limits, a center “mall” for as many blocks as feasible (See Exhibit “C”) , and/or the construction of a “village square” (landscaped park area within the limits of Delaware Avenue).

A more significant entryway into the Village from both the north and south would also serve two purposes: to assist in traffic “calming” and to identify the entry and exit for the Village of Kenmore through a defined landscaped median, entry “pillars” and signage.

It is also recommended that significant changes be made to the current zoning ordinance to both preserve and, more importantly, improve the Delaware Avenue Business District, including the following:

1. Zoning District Designation

As discussed earlier in this report, the three (3) primary business districts within the Village of Kenmore are distinctly different. Delaware Avenue is the primary district which will help create/preserve the proposed village “small/hometown” image that the Planning Board feels is most appropriate. It is recommended that Delaware Avenue, because it is so different from Elmwood and Kenmore Avenues, be designated a “Restricted Business” zoning district with special zoning regulations designed to return the district to its original appearance of the 1950’s and 1960’s. The district limit should be re-established to a consistent depth of 150’. Should a lot facing Delaware Avenue be less than 150’ in depth, it is recommended that the balance of the zoning district depth be permitted for off street parking to 150’, provided adequate landscaping and screening be provided adjacent to residential properties.

2. **Incentive Zoning** – It is recommended that the Delaware Avenue Business District be designated as an “Incentive” zone whereby certain restrictions or requirements may be eased in exchange for public improvements and/or additional landscaping, buffering, or similar site improvements.

3. **Business Improvement Designation** – It is recommended that consideration be given to establishing a tax “pool” for properties within the Delaware Avenue District and to consider utilizing municipal parking lot fees (to be charged by unmanned meter systems) to be utilized for the installation and maintenance of the district and district amenities.

4. **Regulation “Triggers”** – It is recommended that properties within the Restricted Business Zoning District be required to fully comply with newly recommended regulations when:

- (A) The property use has been discontinued for a period of six (6) months
- (B) The property’s use is changed
- (C) An existing building footprint is proposed to be increased twenty-five percent (25%) or more

The Planning Board recommends that the Board of Trustees retain the services of a licensed appraiser to determine amortization periods for signage and other existing building elements which will be prohibited under the recommendations of this plan.

5. **Use Restrictions** – It is recommended that restrictions be placed on permitted uses within the Delaware Avenue district. Among the uses which should be prohibited are the following:

- All repair and commercial garages
- Gas Stations
- Bowling Alleys, Roller Rinks or other large public assembly uses
- Used Automobile Dealerships
- New Automobile Dealerships greater than 5,000 square feet in area
- Storage Buildings (warehousing and self storage)
- Industrial or Manufacturing (light or Heavy)
- Adult Uses
- Stand Alone Parking Lots

Uses to be encouraged include those presently in existence along Delaware Avenue including Office (General, Medical, Bank, etc.), Mercantile, Small Public Assembly (restaurants, etc.), Churches, and any uses permitted in Residential Zoning Districts.

6. **Lot Regulations**

- (A) **Building Size** – It is recommended that the zoning ordinance be amended to prohibit any new businesses or buildings greater than 5,000 square feet in base floor area (excluding re-use of existing floor area in excess of 5,000 square feet) and to limit new buildings to a maximum of two (2) stories or thirty (30) feet in height within this “Restricted Business” zoning district. Any and all rooftop mechanical equipment or antennae should be completely screened from street/public view. This regulation should also apply to existing buildings seeking to expand.
- (B) **Setbacks** – It is recommended that minimum, as well as maximum, front yard setbacks be established to encourage buildings and additions to be located as close to the street line as possible. Sideline setbacks should be governed by the NYS Building Code based upon a buildings use and construction. Refer to paragraphs 6.C, 6.D, and 6.E for recommended rear yard setbacks and treatments.
- (C) **Parking Areas** – It is recommended that the zoning ordinance be amended to exclude any requirements for off-street (on-site) parking minimums in an effort to limit unattractive black top areas. No parking lots should be permitted in any front yard or side street side yard setback area in order to remove parking areas from public view as best as possible.

- (D) Buffering - It is recommended that the zoning ordinance be amended to include requirements to buffer and screen businesses, including buildings, parking areas and waste/refuse areas from adjoining residential properties. Such buffering can be in the form of natural berming, landscaping of appropriate density, opaque fencing of adequate height, or a combination of these. Natural buffering should be encouraged (see paragraph 3. D of this section for landscaping specifics). Setback requirements of 5'-0 minimum distance to residential district boundaries should be considered for all new construction. We also recommend that the Board of Trustees give serious consideration to establishing buffering requirements for existing businesses along Delaware Avenue where practicable. The Delaware Avenue “Streetscape” Project will give many properties a “head start” on such improvements but we recommend that a timetable be established to bring current business properties into compliance with the proposed new regulations.
- (E) Landscaping – It is recommended that the zoning ordinance be amended to include significant landscaping requirements for business properties including parking areas, residential boundaries and business storefronts.
- (1) Parking Areas – Parking areas should be screened from view as best as practical from streets and adjoining properties. Trees should be required along all boundary lines, including street rights-of-way, at minimum 20'-0 center-to-center spacing and shrubs a minimum of 5'-0 center-to-center spacing or approved groupings thereof (see additional recommendations for screening at residential boundaries – paragraph D.2). Parking areas exceeding 5,000 square feet in area should require landscaped island/divider strips placed within rows of parking spaces so that no row of parking exceeds ten (10) spaces without interruption.
 - (2) Residential Boundaries - Areas adjacent to residential properties should remain landscaped for a minimum distance of 5-15 feet. Trees should be required along these boundaries at 20'-0 center-to-center spacing and shrubs at a minimum of 5'-0 c/c spacing or equivalent groupings thereof. Species should be of a variety conducive to the climate of this area. Opaque fencing of approved material (wood or vinyl only is recommended) should be required to screen all business lots from residential view. All other fencing should be consistent with the character of the “Streetscape” project/theme.

- (3) Storefronts - Landscaping is also recommended in front yard areas where practical and, for corner properties, along side streets as well at the same intervals specified above. Where trees do not currently exist, they should be required to be planted and maintained. Where it is impractical to plant such trees, planter boxes or other approved landscaping should be considered. Again, these requirements should also be applicable to existing businesses within an established, liberal time period as outlined in paragraph A.4 above.

7. BUILDING FINISHES

- (A) Exterior Walls – It is recommended that the zoning ordinance be amended to limit finishes on exterior walls of existing or any proposed buildings. Finishes should be limited to only stone, brick, split face/decorative masonry block, dryvit systems, stucco wood where appropriate (such as existing wood frame structures), or a combination of these materials. Preservation of existing brick veneers or stone should be encouraged whenever possible. Vinyl siding or asphalt shingle material should be prohibited. It is also recommended that restrictions be placed on permitted colors on other than natural material exterior surfaces. Paints and finishes should be limited to earth tones, greens or similar “subdued” colors. No painting of existing brick veneers should be permitted. This limitation should only apply to building finishes (not canopies, signs, or interior window treatments).
- (B) Canopies – It is recommended that the zoning ordinance be amended to restrict the size and material of canopies on building facades. Canopies should be limited to 6’-0 in depth and should be mounted a minimum of 8’-0 from grade level to the lowest point of the canopy. Only steel framing should be permitted and only canvas/fabric or standing seam metal skins should be permitted for canopy finishes. Vinyl, plastic, wood, asphalt shingles, or similar materials should be prohibited. See paragraph 8 for recommendations on canopy signage.

8. EXTERIOR SIGNAGE

- (A) Wall Signs – It is recommended that the zoning ordinance be amended to limit the size of any wall signage to a maximum three (3) square feet/linear foot of building frontage to a maximum of thirty (30) square feet per face area. It is also recommended that “backlit” or box type signs be prohibited. Individual letter signs (not self illuminated) or wood carved signs should be encouraged. Sign lighting should be from an external source only. Again, it is also recommended that the Board of Trustees give consideration to establishing a reasonable timetable to bring existing businesses into compliance with this proposed ordinance change as well as paragraphs B, C and D of this section. It is recommended that an amortization period be assigned to phase out existing signage over a period of time.
- (B) Ground signs – It is recommended that the zoning ordinance be amended to encourage the use of ground signs where practical along Delaware Avenue. Ground signs should be limited to 30 square feet per face area, should be installed so as not to create vision obstructions, and should be externally lit. Ground signs should be landscaped as appropriate.
- (C) Pole/Single Standard Signs – It is recommended that the zoning ordinance be amended to completely exclude pole/single standard signs. Such signs are generally unattractive and would not be in keeping with the “small town” appearance which the Planning Board recommends for Delaware Avenue.
- (D) Roof Signs – It is recommended that the zoning ordinance be amended to completely exclude roof signs or billboard type signs of any kind. Again, such signs are generally unattractive and would not be in keeping with the “small town” appearance proposed.
- (E) Temporary Signs – It is recommended that the zoning ordinance be amended provide restrictions on all temporary signage (including “A”-frames, sandwich boards, portable signs, etc.) including limiting the size of such signs to sixteen (16) square feet in total face area. Hand Made signs or flyers should be prohibited. Temporary signs should be structurally sound and of weather resistant material. Temporary “menu board” type signs should be permitted but should be restricted to thirty-two (32) square feet per face area and limited to a maximum of two weeks exhibition at any one time and a maximum of four weeks per calendar year on any property.

B. ELMWOOD AVENUE

As eluded to earlier in Section II of this report, the Planning Board sees Elmwood Avenue as the district which is most suitable for the more unrestrictive uses commonly found in a designated “business” district. Elmwood Avenue contains much larger business lots offering more room for off street parking areas and buildings of larger floor areas and heights.

No changes to the traffic patterns or the need for “on street” parking are seen to be necessary at this time. It is strongly recommended that the Village of Kenmore seek the necessary funding required to continue a “streetscape” improvement project (similar to that underway on Delaware Avenue) for Elmwood Avenue. As a minimum, the removal of paving and concrete in the public right-of-way and replacement of these areas with landscaping would contribute a significant amount to improving the appearance of the length of Elmwood Avenue within the Village of Kenmore.

It is also recommended that significant changes be made to the current zoning ordinance to improve both the appearance and the workability of the Elmwood Avenue Business District.

1. Zoning District Designation - As discussed earlier in this report, the three (3) primary business districts within the Village of Kenmore are distinctly different. Elmwood Avenue is the primary district which can best assimilate general business uses. It is recommended that Elmwood Avenue continue its designation as a “General Business” zoning district. The district limit depth should be established at 150’ from the Elmwood Avenue right-of-way.

2. Business Improvement Designation – It is recommended that consideration be given to also establishing a tax “pool” for properties within the Elmwood Avenue District and to consider municipal parking area fees (to be charged through unmanned metered systems) to be utilized for the installation and maintenance of the district and district amenities.

3. Regulation “Triggers” It is recommended that properties within the General Business Zoning District be required to fully comply with newly recommended regulations when:

- (A) The property use has been discontinued for a period of six (6) months
- (B) The property’s use is changed
- (C) An existing building footprint is proposed to be increased twenty-five percent (25%) or more

The Planning Board recommends that the Board of Trustees retain the services of a licensed appraiser to determine the amortization periods for signage and other existing building elements which will be prohibited under the recommendations of this plan.

4. Use Restrictions – It is recommended that minimal restrictions be placed on permitted uses within the Elmwood Avenue district. Those uses permitted under the current Village Zoning Ordinance should continue.

5. Lot Regulations

- A. **Building Size** – No change to the maximum building area provided under the current zoning ordinance is recommended, however, building height should be limited to a maximum of forty-five (45) feet within this “Business” zoning district. Any and all rooftop mechanical equipment or antennae should be completely screened from street/public view. This regulation should also apply to existing buildings seeking to expand.

- B. **Parking Areas** – It is recommended that the zoning ordinance be amended to establish parking requirements on a case by case basis during site plan review. No parking lots should be permitted in any front yard or side street side yard setback area to remove parking areas, whenever their construction is deemed necessary, from public view as best as possible. The Planning Board strongly recommends that the Village enact legislation to ensure that any existing lots which have paved over the public sidewalks and/or rights-of-way should be required to have such pavement surfaces removed and replaced with landscaped areas, if the Village is unable to secure outside funding sources to complete such work.

- C. **Buffering** - It is recommended that the zoning ordinance be amended to include requirements to buffer and screen businesses, including buildings, parking areas and waste/refuse areas from adjoining residential properties. Such buffering can be in the form of natural berming, landscaping of appropriate density, opaque fencing of adequate height, or a combination of these. Natural buffering should be encouraged (see paragraph 5. D of this section for landscaping specifics). Setback requirements of 15’-0 minimum distance to residential district boundaries should be considered for all new construction. We also recommend that the Board of Trustees give serious consideration to establishing buffering requirements for existing businesses along Elmwood Avenue where practicable. We recommend that a timetable be established to bring current business properties into compliance with the proposed new regulations.

- D. **Landscaping** – It is recommended that the zoning ordinance be amended to include significant landscaping requirements for business properties including parking areas, residential boundaries and business storefronts:

(1) Parking Areas – Parking areas should be screened from view as best as practical from streets and adjoining properties. Trees should be required along all boundary lines, including street rights-of-way, at minimum 20’-0 center-to –center spacing and shrubs a minimum of 5’-0 center-to-center spacing or approved groupings thereof (see additional recommendations for screening at residential boundaries – paragraph D.2). Parking areas exceeding 5,000 square feet in area should require landscaped island/divider strips placed within rows of parking spaces so that no row of parking exceeds ten (10) spaces without interruption.

(2) Residential Boundaries - Areas adjacent to residential properties should remain landscaped for a minimum distance of 15 feet. Trees should be required along these boundaries at 20’-0 center-to-center spacing and shrubs at a minimum of 5’-0 c/c spacing or equivalent groupings thereof. Species should be of a variety conducive to the climate of this area. Opaque fencing of approved material (wood or vinyl only is recommended) should be required to screen all business lots from residential view. All other fencing should be consistent with the character of the “Streetscape” project/theme.

(3) Storefronts - Landscaping is also recommended in front yard areas where practical and, for corner properties, along side streets as well at the same intervals specified above. Where trees do not currently exist, they should be required to be planted and maintained. Where it is impractical to plant such trees, planter boxes or other approved landscaping should be encouraged. Again, these requirements should also be applicable to existing businesses within an established, liberal time period as outlined in paragraph B.3 above.

6. **BUILDING FINISHES**

- A. Exterior Walls – It is recommended that the zoning ordinance be amended to limit finishes on exterior walls of existing or any proposed buildings. Finishes should be limited to only stone, brick, split face/decorative masonry block, dryvit systems, stucco wood where appropriate (such as existing wood frame structures), or a combination of these materials. Preservation of existing brick veneers or stone should be encouraged whenever possible. Vinyl siding or asphalt shingle material should be prohibited.

- B. Canopies – It is recommended that the zoning ordinance be amended to restrict the size and material of canopies on building facades. Canopies should be limited to 6'-0 in depth and should be mounted a minimum of 8'-0 from grade level to the lowest point of the canopy. Only steel framing should be permitted and only canvas/fabric or standing seam metal skins should be permitted for canopy finishes. Vinyl, plastic, wood, asphalt shingles, or similar materials should be prohibited. See paragraph 7 for recommendations on canopy signage.

7. **EXTERIOR SIGNAGE**

- A. Wall Signs – It is recommended that the zoning ordinance be amended to limit the size of any wall signage to a maximum of 3 square feet per linear foot of building frontage. Individual letter signs (not self illuminated) or wood carved signs should be encouraged. Again, it is also recommended that the Board of Trustees give consideration to establishing a reasonable timetable to bring existing businesses into compliance with this proposed ordinance change as well as paragraphs B, C and D of this section. It is recommended that an amortization period be assigned to phase out existing signage over a period of time.
 - a. Ground signs – It is recommended that the zoning ordinance be amended to encourage the use of ground signs where practical along Elmwood Avenue. Ground signs should be limited to 30 square feet per face area, should be installed so as not to create vision obstructions, and should be externally lit. Ground signs should be landscaped as appropriate.

- b. Pole/Single Standard Signs – It is recommended that the zoning ordinance be amended to require that pole/single standard signs be more architecturally appealing by the use of decorative skirting on support poles and framing . Such signs should be limited to a maximum of one (1) sign per property and 120 square feet in face area.

- c. Roof Signs – It is recommended that the zoning ordinance be amended to completely exclude roof signs or billboard type signs of any kind. Again, such signs are not in keeping with a general business environment, are too large, and are generally unattractive.

- d. Temporary Signs – It is recommended that the zoning ordinance be amended to provide restrictions on all temporary signage (including “A” frames, sandwich boards, portable signs, etc.) including limiting the size of such signs to sixteen (16) square feet in total face area. Hand made signs or flyers should be prohibited. Temporary signs should be structurally sound and of weather resistant material. Temporary “menu board” type signs should be permitted but should be restricted to thirty-two (32) square feet per face area and limited to a maximum of two weeks exhibition at any one time and a maximum of four weeks per calendar year on any one property.

C. KENMORE AVENUE

The Planning Board believes the most radical action that is required is to change the direction of development along Kenmore Avenue. For the many reasons cited in Section II of this report, the Board recommends strong incentives to revitalize this corridor by attracting development through significant reductions in zoning restrictions and other requirements. The Board believes the Kenmore Avenue corridor presents a potential for unacceptable urban-type decay if strong measures are not taken.

Specifically, the Board is aware that many communities are concerned with the growth in certain types of small-medium office/retail/professional complexes, particularly because residential groups believe these uses negatively impact traffic conditions. But because of the available work force and anticipated improved infrastructure, the Board believes these types of uses could prosper along Kenmore Avenue and represent a significant improvement over the current uses, as well as providing a more solid tax base and potential customer base for area businesses. In addition to the zoning recommendations below, it is recommended that the Village work with the Erie County Industrial Development Agency (ECIDA), local realtors, and developers to recruit these types of complexes to the Kenmore Avenue corridor.

As eluded to earlier in Section II of this report, Kenmore Avenue is the most “diverse” area of the three (3) business districts studied. Commercial and even light industrial uses are mixed with single family dwellings for the length of the district. The Board does not view this diversity as a negative, and thus does not believe current uses should be amortized out. Jane Jacobs recognized the need for diversity may “... sprout strange and unpredictable uses and peculiar scenes. But this is not a drawback of diversity. This is the point ... “ 1 Diversity helps build a “full” society, one in which its many component parts interact and interchange on a daily basis. It does not allow for the typical selective enclave mandated through zoning. Zoning should not only permit diversity, zoning should encourage it. The Board believes a diversity of uses – particularly in the corridor on the edge of the community – can create an excellent transition from the City of Buffalo. But while allowing commercial uses, the Board also believes the Village should encourage those uses which best promote the goals of the community.

For this reason, it is recommended that Kenmore Avenue be designated as the “Kenmore Avenue Business” zone, similar to that recommended for Delaware Avenue. But the Board believes the type of businesses allowed should be granted increased density and bulk rights, not only as compared to other areas of the Village, but also as permitted in other communities, to make this corridor an attractive site for growth.

The physical condition of Kenmore Avenue and its supporting infrastructure is extremely discouraging to future development. Thus, while not a zoning issue, the Board believes a paramount goal of the Village should be to enter into discussions with Erie County and the City of Buffalo to undertake a complete reconstruction (including street, curbing, sidewalks, landscaping and drainage) of Kenmore Avenue.

It is also recommended that significant changes be made to the current zoning ordinance to improve the Kenmore Avenue Business District, including the following:

1. **Zoning District Designation**

As discussed earlier in this report, the three (3) primary business districts within the Village of Kenmore are distinctly different. Kenmore Avenue includes a mix of commercial, industrial and one and two family (residential) dwellings – unique only to this district. It is, therefore, recommended that Kenmore Avenue, because it does include a significant amount of residential uses, be designated a “Restricted Business” type zoning district with special zoning regulations designed to restrict the types of commercial uses to be permitted which will have the least impact on residential properties. The district limit should be re-established to a consistent depth of 150’. Should a lot facing Kenmore Avenue be less than 150’ in depth, it is recommended that the balance of the zoning district depth be permitted for off street parking to 150’, provided adequate landscaping and screening be provided adjacent to residential properties.

2. **Incentive Zoning** – It is recommended that the Kenmore Avenue Business District be designated as an “Incentive” zone whereby certain restrictions or requirements may be eased in exchange for public improvements and/or additional landscaping, buffering, or similar site improvements. It is also recommended that certain uses be encouraged, either by use of an incentive zoning ordinance “bonus”, or through reduced restrictions in the zoning ordinance. For professional and general office, for example, up to three (3) story structures should be permitted. For restaurants, arrangements whereby adjacent lots nearby are available for parking should be permitted in determining parking compliance. The ordinance should authorize parking and similar area variances as part of the site plan approval process. Greater density of lot coverage should also be permitted.
3. **Business Improvement Designation** – It is recommended that consideration be given to establishing a tax “pool” for properties within the Kenmore Avenue District to be utilized for the installation and maintenance of the district and district amenities.
4. **Regulation “Triggers”** – It is recommended that properties within the Restricted Business Zoning District be required to fully comply with newly recommended regulations when:
 - (A) The property use has been discontinued for a period of six (6) months
 - (B) The property’s use is changed
 - (C) An existing building footprint is proposed to be increased twenty-five percent (25%) or more

The Planning Board recommends that the Board of Trustees retain services of a licensed appraiser to determine amortization periods For signage and other existing building elements which will be prohibited under the recommendations of this plan.

5. **Use Restrictions** – It is recommended that restrictions also be placed on permitted uses within the Kenmore Avenue District. Among the uses which should be prohibited are the following:

1. All repair and commercial garages
2. Gas Stations
3. Bowling Alleys, Roller Rinks or other large public assembly uses
4. Used Automobile Dealerships
5. New Automobile Dealerships greater than 5,000 square feet in area
6. Storage Buildings (warehousing and self storage)
7. Industrial or Manufacturing (light or Heavy)
8. Adult Uses
9. Stand Alone Parking Lots
10. Residential Uses

Uses to be encouraged include those presently in existence along Kenmore Avenue including Office (General, Medical, Bank, etc.), Mercantile, Small Public Assembly (restaurants, etc.), and Churches.

6. **Lot Regulations**

A. **Building Size** – It is recommended that the zoning ordinance be amended to allow new buildings to a maximum of three (3) stories or forty (40) feet in height within this zoning district. Any and all rooftop mechanical equipment or antennae should be completely screened from street/public view. This regulation should also apply to existing buildings seeking to expand. Building construction or expansion should be encouraged to be completed as close to the right-of-way of Kenmore Avenue as feasible. It is recommended that a minimum, as well as a maximum front yard setback be established.

B. Setbacks – It is recommended that minimum, as well as maximum, front yard setbacks be established to encourage buildings and additions to be located as close to the street line as possible. Sideline setbacks should be governed by the NYS Building Code based upon a buildings use and construction. Refer to paragraphs 6.C, 6.D, and 6.E for rear yard setbacks and treatments.

C. Parking Areas – It is recommended that the zoning ordinance be amended to exclude any requirements for off-street (on-site) parking minimums in an effort to limit unattractive black top areas. No parking lots should be permitted in any front yard or side street side yard setback area to remove parking areas from public view as best as possible.

D. Buffering - It is recommended that the zoning ordinance be amended to include requirements to buffer and screen businesses, including buildings, parking areas and waste/refuse areas from adjoining residential properties. Such buffering can be in the form of natural berming, landscaping of appropriate density, opaque fencing of adequate height, or a combination of these. Natural buffering should be encouraged (see paragraph 6. D of this section for landscaping specifics). Setback requirements of 5’-0 minimum distance to residential district boundaries should be considered for all new construction. We also recommend that the Board of Trustees give serious consideration to establishing buffering requirements for existing businesses along Kenmore Avenue where practicable.

E. Landscaping – It is recommended that the zoning ordinance be amended to include significant landscaping requirements for business properties including parking areas, residential boundaries and business storefronts.

(1) Parking Areas – Parking areas should be screened from view as best as practical from streets and adjoining properties. Trees should be required along all boundary lines, including street rights-of-way, at minimum 20’-0 center-to –center spacing and shrubs a minimum of 5’-0 center-to-center spacing or approved groupings thereof (see additional recommendations for screening at residential boundaries – paragraph D.2). Parking areas exceeding 5,000 square feet in area should require landscaped island/divider strips placed within rows of parking spaces so that no row of parking exceeds ten (10) spaces without interruption.

(2) Residential Boundaries - Areas adjacent to residential properties should remain landscaped for a minimum distance of 5-15 feet. Trees should be required along these boundaries at 20'-0 center-to-center spacing and shrubs at a minimum of 5'-0 c/c spacing or equivalent groupings thereof. Species should be of a variety conducive to the climate of this area. Opaque fencing of approved material (wood or vinyl only is recommended) should be required to screen all business lots from residential view.

(3) Storefronts - Landscaping is also recommended in front yard areas where practical and, for corner properties, along side streets as well at the same intervals specified above. Where trees do not currently exist, they should be required to be planted and maintained. Where it is impractical to plant such trees, planter boxes or other approved landscaping should be encouraged. Again, these requirements should also be applicable to existing businesses within an established, liberal time period as outlined in paragraph C.4 above.

7. **BUILDING FINISHES**

A. Exterior Walls – It is recommended that the zoning ordinance be amended to limit finishes on exterior walls of existing or any proposed buildings. Finishes should be limited to only stone, brick, split face/decorative masonry block, dryvit systems, stucco wood where appropriate (such as existing wood frame structures), or a combination of these materials. Preservation of existing brick veneers or stone should be encouraged whenever possible. Vinyl siding or asphalt shingle material should be prohibited on all but residential buildings. It is also recommended that restrictions be placed on permitted colors on other than natural material exterior surfaces. Paints and finishes should be limited to earth tones, greens or similar “subdued” colors. No painting of existing brick veneers should be permitted. This limitation should only apply to building finishes (not canopies, signs, or interior window treatments).

B. Canopies – It is recommended that the zoning ordinance be amended to restrict the size and material of canopies on building facades. Canopies should be limited to 6'-0 in depth and should be mounted a minimum of 8'-0 from grade level to the lowest point of the canopy. Only steel framing should be permitted and only canvas/fabric or standing seam metal skins should be permitted for canopy finishes. Vinyl, plastic, wood, asphalt shingles, or similar materials should be prohibited. See paragraph 8 for recommendations on canopy signage.

8. EXTERIOR SIGNAGE

A. Wall Signs – It is recommended that the zoning ordinance be amended to limit the size of any wall signage to a maximum three (3) square feet/linear foot of building frontage to a maximum of thirty (30) square feet per face area. It is also recommended that “backlit” or box type signs be prohibited. Individual letter signs (not self illuminated) or wood carved signs should be encouraged. Sign lighting should be from an external source only. Again, it is also recommended that the Board of Trustees give consideration to establishing a reasonable timetable to bring existing businesses into compliance with this proposed ordinance change as well as paragraphs B, C and D of this section. It is recommended that an amortization period be assigned to phase out existing signage over a period of time.

B. Ground signs – It is recommended that the zoning ordinance be amended to encourage the use of ground signs where practical along Kenmore Avenue. Ground signs should be limited to 30 square feet per face area, should be installed so as not to create vision obstructions, and should be externally lit. Ground signs should be landscaped as appropriate.

C. Pole/Single Standard Signs – It is recommended that the zoning ordinance be amended to completely exclude pole/single standard signs. Such signs are generally unattractive and would not be in keeping with the “small town” appearance which the Planning Board recommends for Kenmore Avenue.

D. Roof Signs – It is recommended that the zoning ordinance be amended to completely exclude roof signs or billboard type signs of any kind. Again, such signs are generally unattractive and would not be in keeping with the “small town” appearance proposed.

E. Temporary Signs – It is recommended that the zoning ordinance be amended to provide restrictions on all temporary signage (including “A”-frames, sandwich boards, portable signs, etc.) including limiting the size of such signs to sixteen (16) square feet in total face area. Hand made signs or flyers should be prohibited. Temporary signs should be structurally sound and of weather resistant material. Temporary “menu board” type signs should be permitted but should be restricted to thirty-two (32) square feet per face area and limited to a maximum of two weeks exhibition at any one time and a maximum of four weeks per calendar year on any one property.

SECTION IV
IMPLEMENTATION

IMPLEMENTATION

The Planning Board strongly recommends to the Village Board of Trustees to begin implementation of the elements of this plan as soon as possible, once public information meetings, required public hearings, and all requirements of the New York State Environmental Quality Review Act have been satisfied.

Implementation will include negotiations with all available funding sources for financial assistance in completing the “Delaware Avenue Streetscape” Project, initiating a similar project on Elmwood Avenue and beginning the complete reconstruction of Kenmore Avenue. Such negotiations should involve the City of Buffalo and the Town of Tonawanda who also stand to benefit from the improvements of these streets and their amenities.

An effort needs to be undertaken to discuss and implement solutions to both calm traffic on Delaware Avenue while creating more natural features to the roadway.

Finally, the recommendations contained in this report involve considerable updating and revision to the current Village Ordinance. Some of the recommendations are demanding on current and future property owners but it is strongly believed by this Board that the final outcome of implementing the recommendations contained herein will be a business area that will serve to attract new business of varying types, make existing businesses more attractive, and encourage more pedestrian traffic in the business areas – returning the Village of Kenmore to its prosperous roots of yesteryear.

SECTION V
EXHIBITS

EXHIBIT A
CURRENT ZONING

EXHIBIT B
PROPOSED ZONING

EXHIBIT C

**DELAWARE AVENUE “TRAFFIC CALMING”
PLANS**

Reserved

Reserved

EXHIBIT D

**EXISTING DELAWARE AVENUE BUILDING
PHOTOGRAPHS**

Reserved

EXHIBIT E

**EXISTING DELAWARE AVENUE “CORE” AREA
BUILDING PHOTOGRAPHS**

EXHIBIT F

EXISTING ELMWOOD AVENUE PHOTOGRAPHS

EXHIBIT G

EXISTING KENMORE AVENUE PHOTOGRAPHS