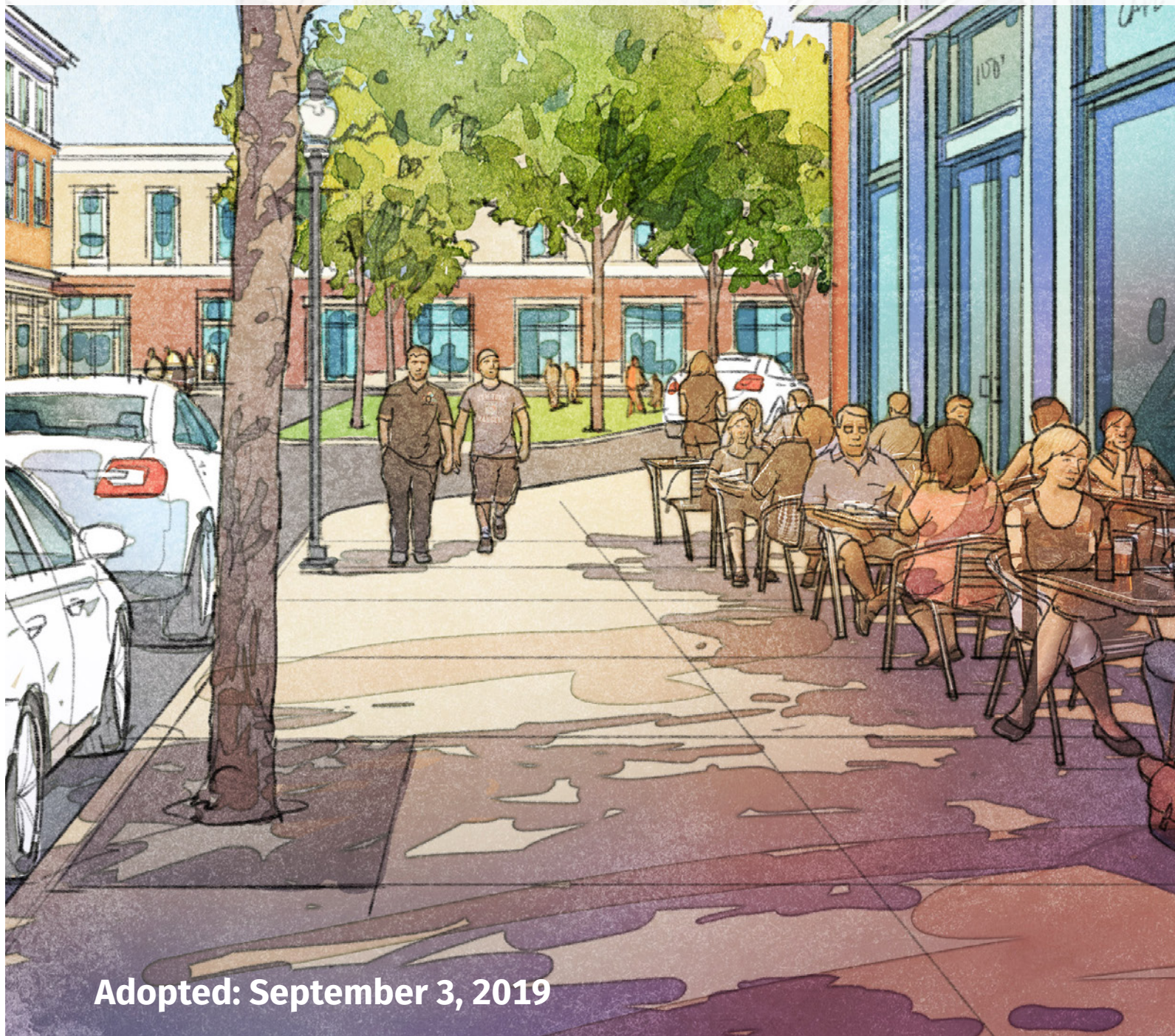




Chapter 203. Zoning

SECTION 5A. MIXED USE DISTRICTS



Adopted: September 3, 2019



NYSERDA provided \$161,250 towards this project through Governor Cuomo's Cleaner, Greener Communities program.

SECTION 5A.

MIXED USE DISTRICTS

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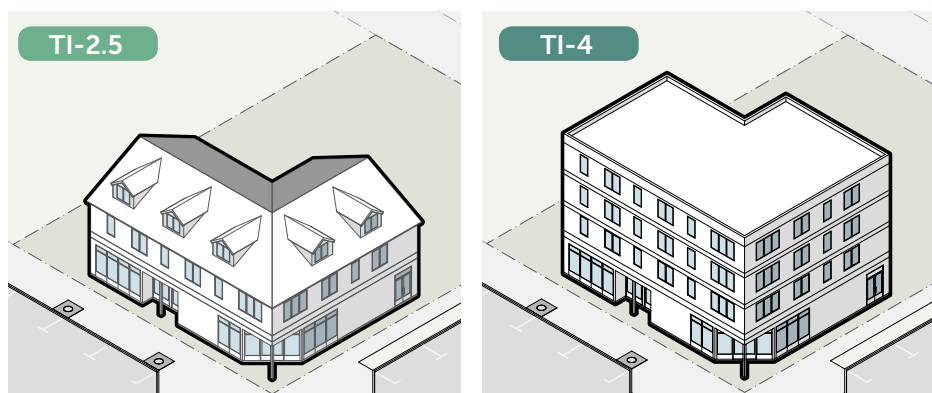
REVISIONS TO EXISTING CODE ADD-1

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§ 5A-1 INFILL DISTRICTS

5A-1-1. Intent

The Infill Districts are intended to implement the Traditional future center designation of the Town's 2019 Comprehensive Plan. In this form, buildings are typically built next to the sidewalk, with little or no front setback. New buildings are scaled to fit into the setting of the traditional areas. Examples of traditional form include older areas of Town such as Eggerstville, Snyder and Williamsville. These Infill Districts allow for redevelopment and infill in a form that is pedestrian-friendly and supports the surrounding neighborhood.



5A-1-2. Districts

The following Traditional Infill Districts are established.

A. Traditional Infill 2.5 (TI-2.5)

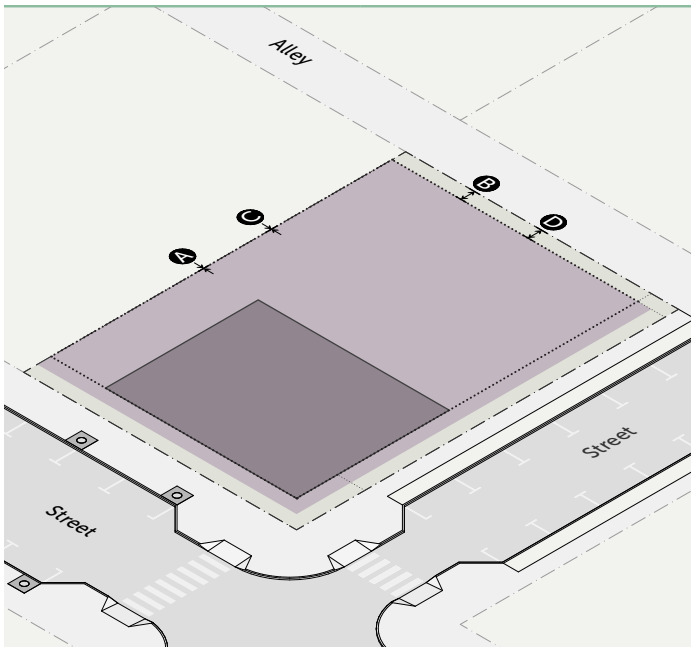
The Traditional Infill 2.5 District is intended for infill and redevelopment sites that immediately abut residential neighborhoods on shallow parcels. The TI 2.5 District allows for a 2-story flat-roofed building as well as a 3 story building where the third story is within the roof form.

B. Traditional Infill 4 (TI-4)

The Traditional Infill 4 District is intended for infill and redevelopment sites that are deeper parcels or adjacent to taller existing development that allow for up to 4 stories in height.

5A-1-3. TI-2.5 Traditional Infill 2.5

A. Site



LOT

Area	0 SF min
Width	0' min
Outdoor amenity space	10% min

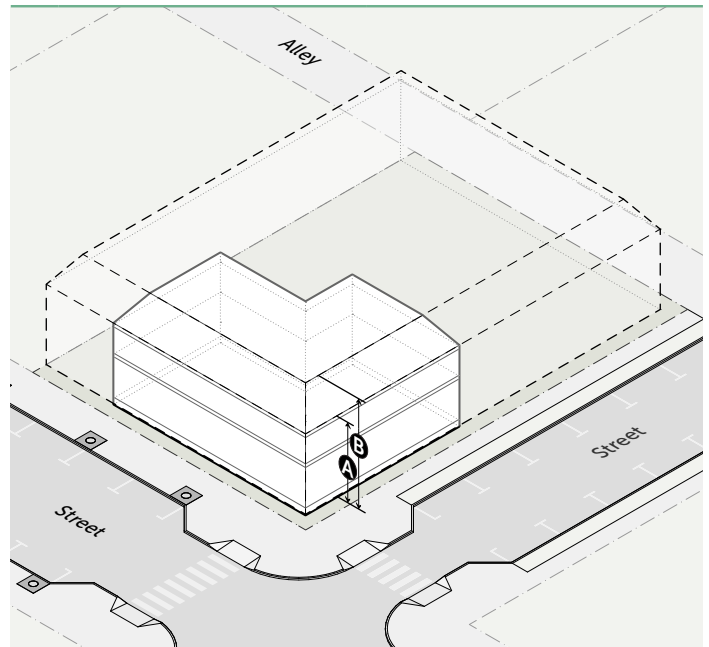
BUILDING SETBACKS

Build-to zone	See 5A-2 Infill Frontages
Lot frontage	See 5A-2 Infill Frontages
A Common lot line	0' min
B Alley	5' min

PARKING SETBACKS

Primary and side street	See 5A-2 Infill Frontages
C Common lot line	0' min
D Alley	5' min

B. Building



BUILDING HEIGHT

A Top plate height	2 stories/24' max
B Building height	2.5 stories/35' max
Roof pitch	18:12 max

BUILDING LENGTH See 5A-2 Infill Frontages

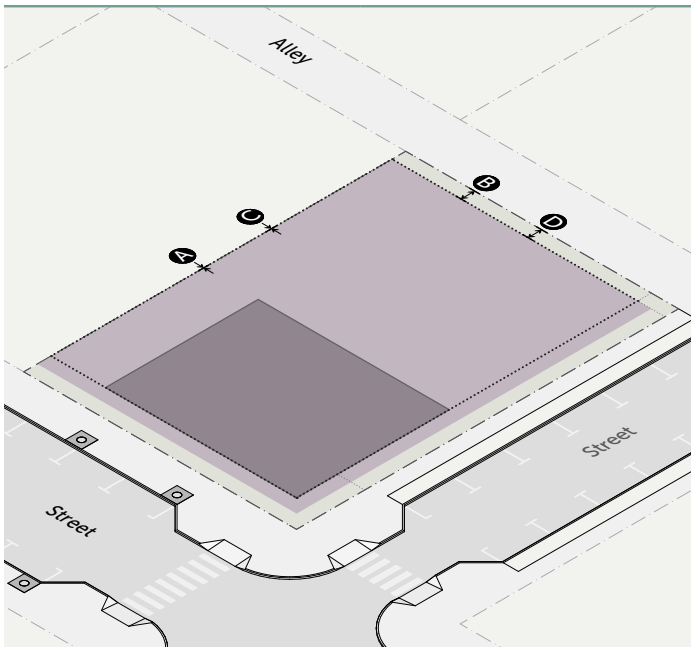
STORY HEIGHT See 5A-2 Infill Frontages

ACTIVATION See 5A-2 Infill Frontages

USE See 5A-8 Use Regulations

5A-1-4. TI-4 Traditional Infill 4

A. Site



LOT

Area	0 SF min
Width	0' min
Outdoor amenity space	10% min

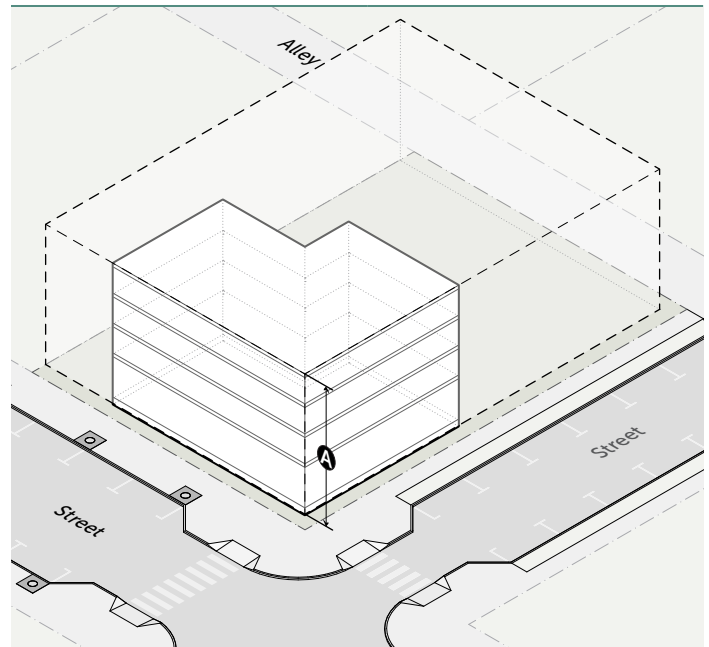
BUILDING SETBACKS

Build-to zone	See 5A-2 Infill Frontages
Lot frontage	See 5A-2 Infill Frontages
A Common lot line	0' min
B Alley	5' min

PARKING SETBACKS

Primary and side street	See 5A-2 Infill Frontages
C Common lot line	0' min
D Alley	5' min

B. Building



BUILDING HEIGHT

Top plate height	n/a
A Building height	4 stories/45' max
Roof pitch	n/a

BUILDING LENGTH See 5A-2 Infill Frontages

STORY HEIGHT See 5A-2 Infill Frontages

ACTIVATION See 5A-2 Infill Frontages

USE See 5A-8 Use Regulations

§ 5A-2 INFILL FRONTAGES

5A-2-1. Applicability

The Infill Frontages are established as an overlay mechanism to supplement the standards in the underlying district. These frontages are applied to all street-facing block faces where designated on the Official Zoning Map. Where no frontage is mapped on the Official Zoning Map, the General Frontage applies. The frontage introduces additional dimensional standards to Infill Districts including building setbacks, parking setbacks, story height, transparency, pedestrian access, and streetscape.

5A-2-2. Frontages

The following Infill Frontages are established.

A. General

The General Frontage provides for a walkable mixed-use street, moving the building up near the back of the sidewalk, and providing for a moderate build-to percentage.

B. Village

The Village Frontage provides for a walkable retail street, moving the building up to the back of the sidewalk, and providing for a high build-to percentage, ensuring a "main street" environment.

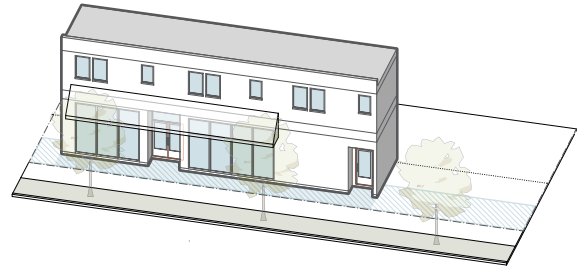
C. Green

The Green Frontage provides for a deeper setback, moving the building back from the street, but not allowing parking between the building and the street.

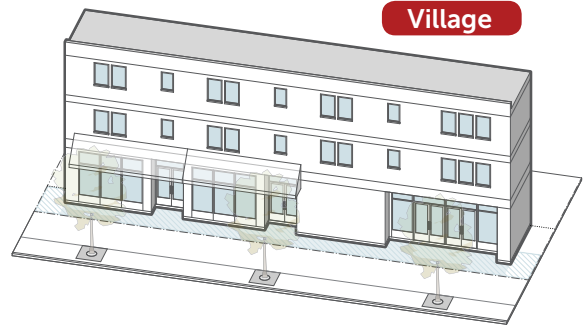
D. Residential

The Residential Frontage provide a low build-to percentage and modest transparency requirements, allowing for buildings that are closer in mass and scale to large traditional houses.

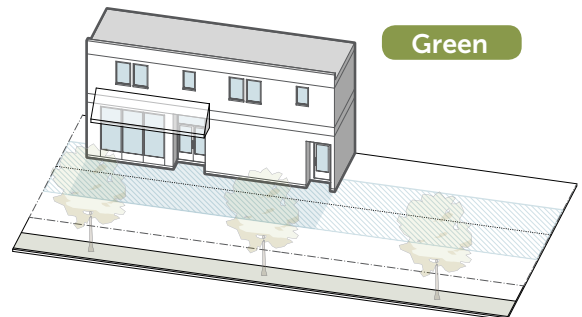
General



Village



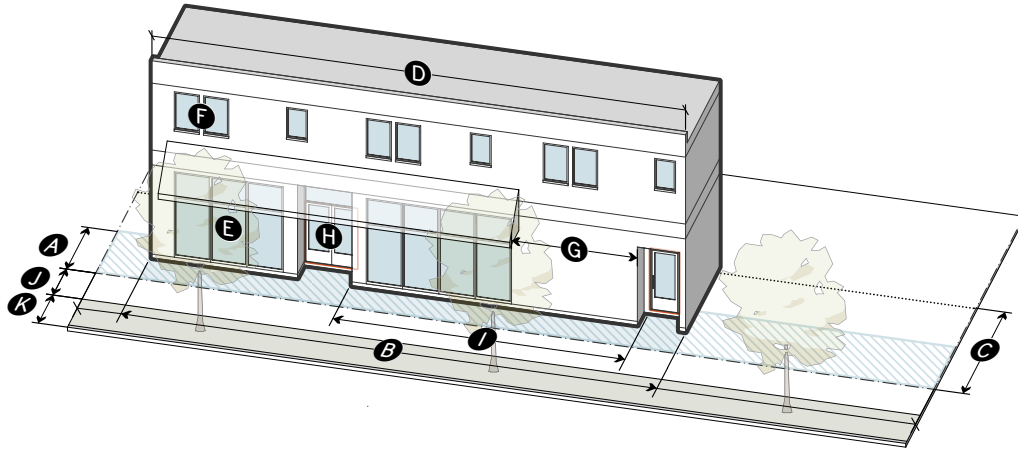
Green



Residential



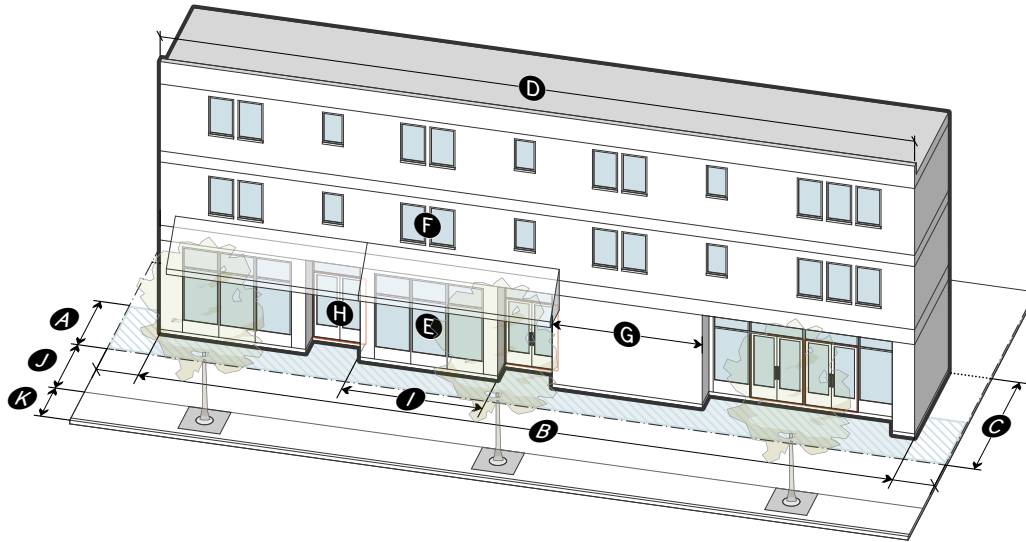
5A-2-3. General Frontage



	Primary Street	Side Street
BUILDING SETBACKS		
A Build-to zone	0' min/ 10' max	0' min/ 20' max
B Lot frontage	75% min	40% min
PARKING SETBACKS		
C Street	20' min	10' min
BUILDING LENGTH		
D Street-facing building length	200' max	150' max
STORY HEIGHT		
Ground floor elevation		
Residential	2' min / 5' max	2' min / 5' max
Non-residential	0' min / 2' max	0' min / 2' max
Ground story height		
Residential	9' min	9' min
Non-residential	13' min	13' min
Upper story height		
	9' min	9' min

	Primary Street	Side Street
TRANSPARENCY		
E Ground story	20% min	20% min
Residential	20% min	20% min
Non-residential	50% min	30% min
F Upper story	20% min	20% min
G Blank wall length	20' max	30' max
PEDESTRIAN ACCESS		
H Street-facing entrance	Required	n/a
I Entrance spacing	50'	75'
STREETSCAPE		
J Clear pedestrian zone	6' min	6' min
K Curb zone	6' min	6' min
Tree planting type	Tree lawn	Tree lawn
Tree spacing	35' on-center avg.	35' on-center avg.

5A-2-4. Village Frontage



BUILDING SETBACKS

A Build-to zone	0' min/10' max
B Lot frontage	90% min

PARKING SETBACKS

C Street	20' min
-----------------	---------

BUILDING MASS

D Street-facing building length	200' max
--	----------

STORY HEIGHT

Ground floor elevation	0' min / 2' max
Ground story height	13' min
Upper story height	9' min

TRANSPARENCY

E Ground story	70% min
F Upper story	20% min
G Blank wall length	15' max

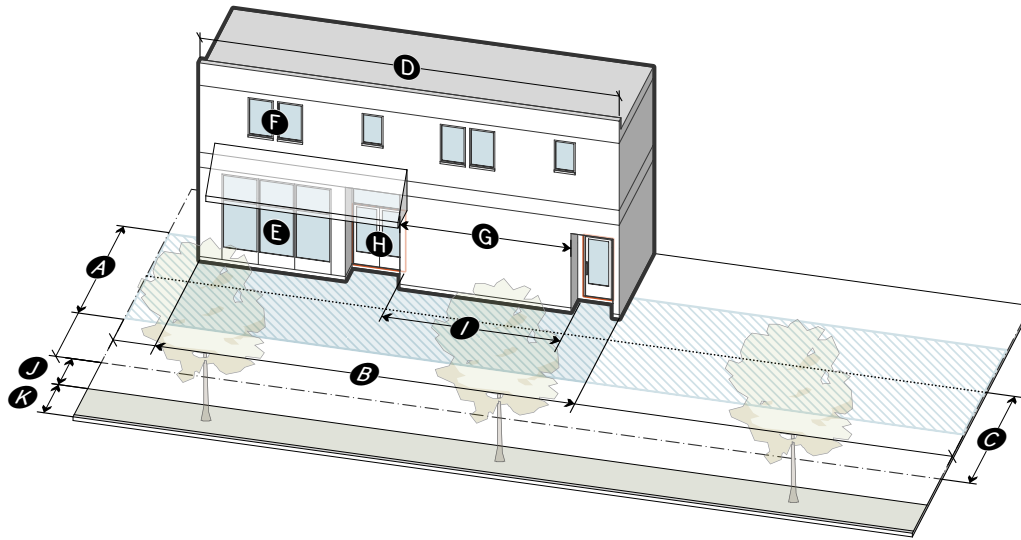
PEDESTRIAN ACCESS

H Street-facing entrance	Required
I Entrance spacing	30' max

STREETSCAPE

J Clear pedestrian zone	10' min
K Curb zone	6' min
Tree planting type	Grates
Tree spacing	35' on-center avg.

5A-2-5. Green Frontage



BUILDING SETBACKS

A	Build-to zone	10' min/30' max
B	Lot frontage	60% min

PARKING SETBACKS

C	Street	20' min
----------	--------	---------

BUILDING MASS

D	Street-facing building length	175' max
----------	-------------------------------	----------

STORY HEIGHT

Ground floor elevation	
Residential	2' min / 5' max
Non-residential	0' min / 2' max
Ground story height	
Residential	9' min
Non-residential	13' min
Upper story height	
	9' min

TRANSPARENCY

E	Ground story	50% min
F	Upper story	20% min
G	Blank wall length	20' max

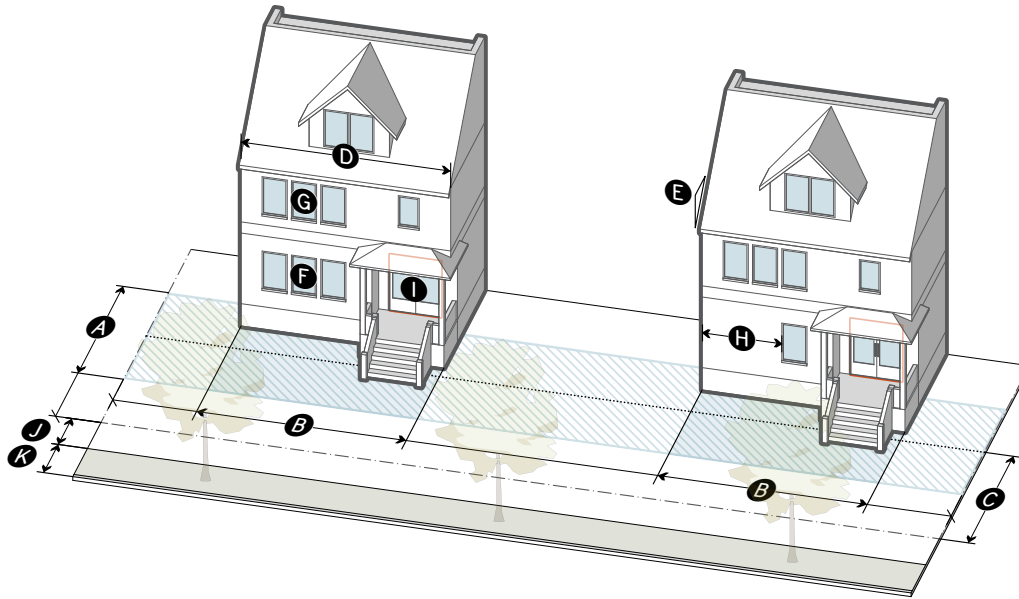
PEDESTRIAN ACCESS

H	Street-facing entrance	Required
I	Entrance spacing	50' max

STREETSCAPE

J	Clear pedestrian zone	6' min
K	Curb zone	6' min
	Tree planting type	Tree lawn/grates
	Tree spacing	35' on-center avg.

5A-2-6. Residential Frontage



BUILDING SETBACKS

A	Build-to zone	10' min/30' max
B	Lot frontage	30% min

PARKING SETBACKS

C	Street	20' min
----------	--------	---------

BUILDING MASS

D	Street-facing building length	40' max
E	Roof pitch	4:12 min/18:12 max

STORY HEIGHT

Ground floor elevation		
	Residential	2' min / 5' max
	Non-residential	0' min / 2' max
Ground story height		
	Residential	9' min
	Non-residential	13' min
Upper story height		
		9' min

TRANSPARENCY

F	Ground story	20% min
G	Upper story	20% min
H	Blank wall length	30' max

PEDESTRIAN ACCESS

I	Street-facing entrance	Required
	Entrance spacing	n/a

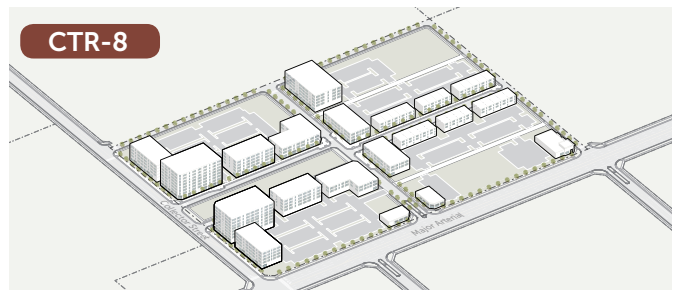
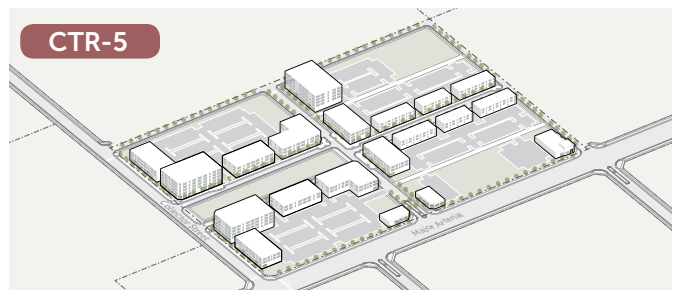
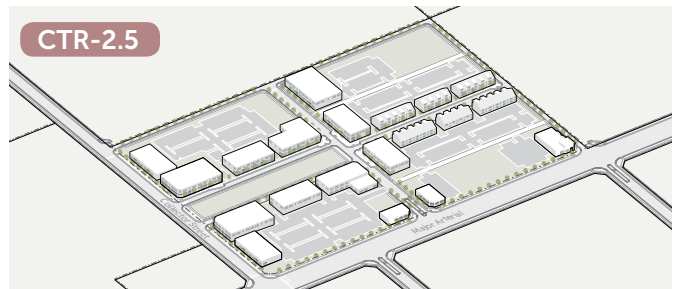
STREETSCAPE

J	Clear pedestrian zone	6' min
K	Curb zone	6' min
	Tree planting type	Tree lawn
	Tree spacing	35' on-center avg.

§ 5A-3 RETROFIT DISTRICTS

5A-3-1. Intent

The Retrofit Districts are intended for parcels of land that are designated commercial and mixed-use activity centers in the Town's 2019 Comprehensive Plan. These larger parcels lie along corridors and in centers at the intersection of major corridors throughout the Town. The intent is to improve safety and the experience for all users along major roadways. The Retrofit Districts also create a network of human-scaled streets that connect the community to "places" within newly-developed or redeveloped sites. This street framework is intended to promote incremental change in the existing patterns of development over time.



5A-3-2. Districts

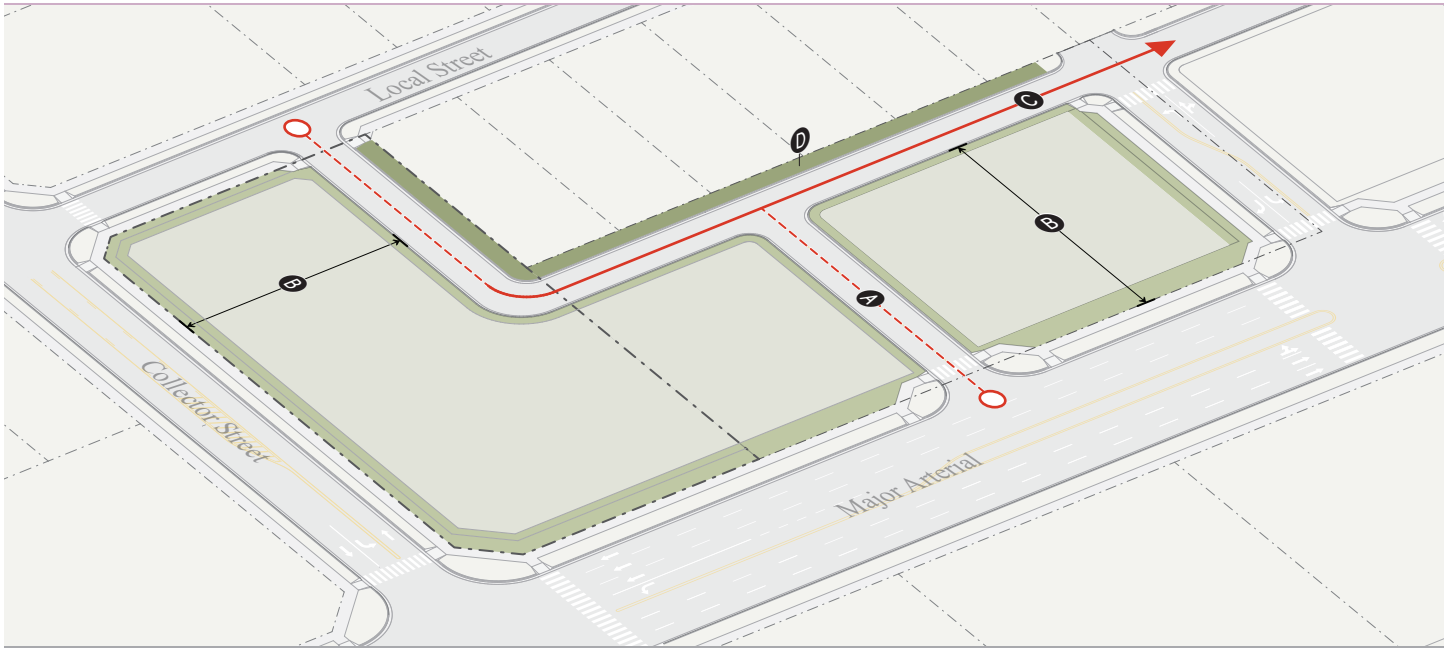
The following Retrofit Districts are established. Intent statements are provided with each district on the following pages.

- A. Shallow Corridor 3 (SC-3)
- B. Deep Corridor 3 (DC-3)
- C. Deep Corridor 5 (DC-5)

- D. Center 2.5 (CTR-2.5)
- E. Center 5 (CTR-5)
- F. Center 8 (CTR-8)

5A-3-3. SC-3 Shallow Corridor 3

A. District



INTENT

The Shallow Corridor 3 District is intended for shallow corridor parcels (less than 200' deep). Shared alleys and access drives replace private access drives and help eliminate curb cuts to adjacent thoroughfares. New buildings will range from 1 to 3 stories in height. The Shallow Corridor 3 District is intended to provide for a variety of retail, service and commercial uses, as well as multi-family residences or offices.

USE

Allowed uses See Div. 3.1

SHARED ACCESS DRIVE

A Required street type Alley/Drive Lane

CROSS ACCESS

B Distance from ROW line 80' min / 170' max

C Required street type Alley/Drive Lane (See 5A-6-7)

Required frontage None

BLOCKS

Perimeter None

Length 1,200' max

TRANSITION

D Shallow Lot Transition See 5A-5-3

B. Site



LOT

Area	0 SF min
Width	0' min
Outdoor amenity space	5% min

BUILDING SETBACKS

A Street lot line	See 5A-4 Retrofit Frontages
B Common lot line	0' min
C Alley	5' min

PARKING SETBACKS

D Street lot line	See 5A-4 Retrofit Frontages
E Common lot line	0' min
F Alley	0' min

C. Building



BUILDING MASS

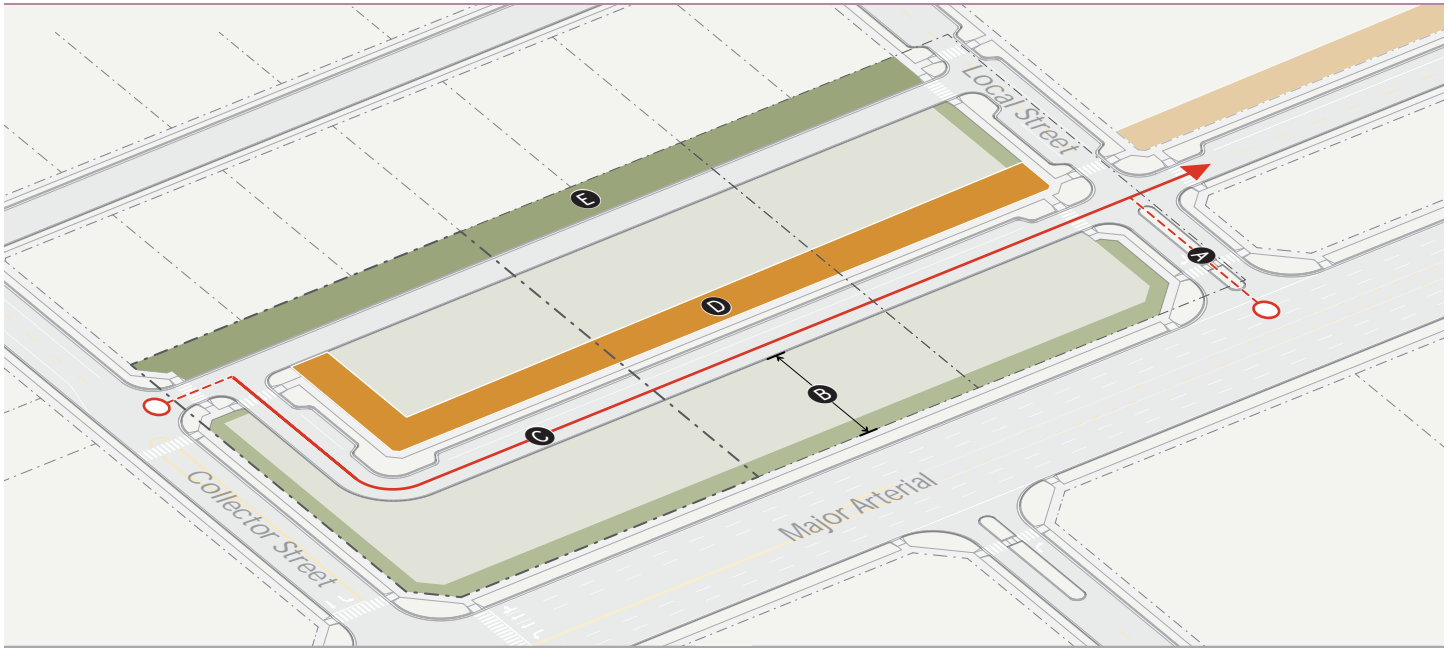
A Building height	3 stories/42' max
Street-facing building length	n/a

ACTIVATION

See 5A-4
Retrofit Frontages

5A-3-4. DC-3 Deep Corridor 3

A. District



INTENT

The Deep Corridor 3 District is intended for deep corridor parcels (over 200' deep) that are appropriate for 3-story buildings. Shared access drives connect to a continuous high-quality internal active and walkable streetscape fronting buildings and help eliminate curb cuts. This streetscape establishes the framework for a future internal "main street." Excessively long blocks are broken up by new streets connecting within the district. The Deep Corridor 3 District is intended to provide for a variety of retail, service and commercial uses, as well as multi-family residences or offices.

USE

Allowed uses See 5A-8 Use Regulations

SHARED ACCESS DRIVE

A Required street type Local Street

CROSS ACCESS

B Distance from ROW line 90' min / 200' max

C Required street type Core Half-Street (See 5A-6-4)

D Required frontage Incremental Core* (See 5A-4-5)

BLOCKS

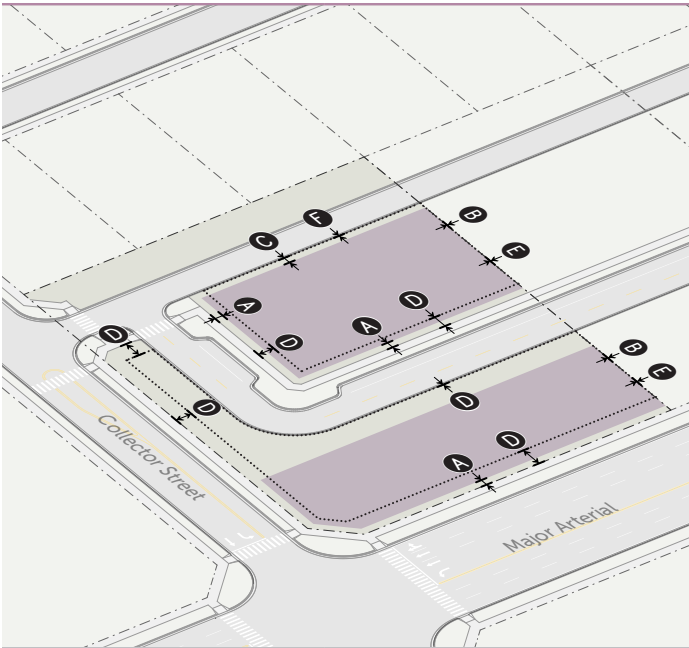
Perimeter	None
Length	1,200' max

TRANSITION

E Deep Lot Transition See 5A-5-4

*Streetscaped side of Core Half-Street only

B. Site



LOT

Width	0' min
Outdoor amenity space	5% min

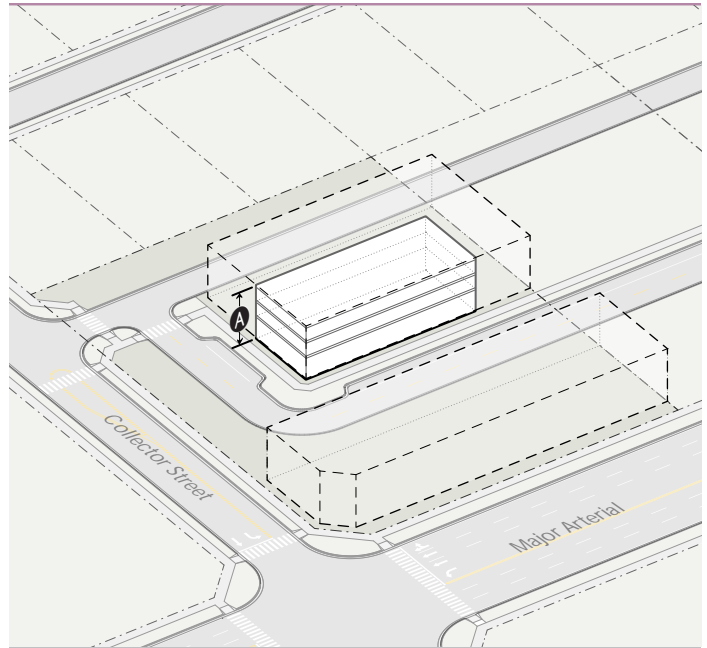
BUILDING SETBACKS

A Street lot line	See 5A-4 Retrofit Frontages
B Common lot line	0' min
C Alley	5' min

PARKING SETBACKS

D Street lot line	See 5A-4 Retrofit Frontages
E Common lot line	0' min
F Alley	0' min

C. Building



BUILDING MASS

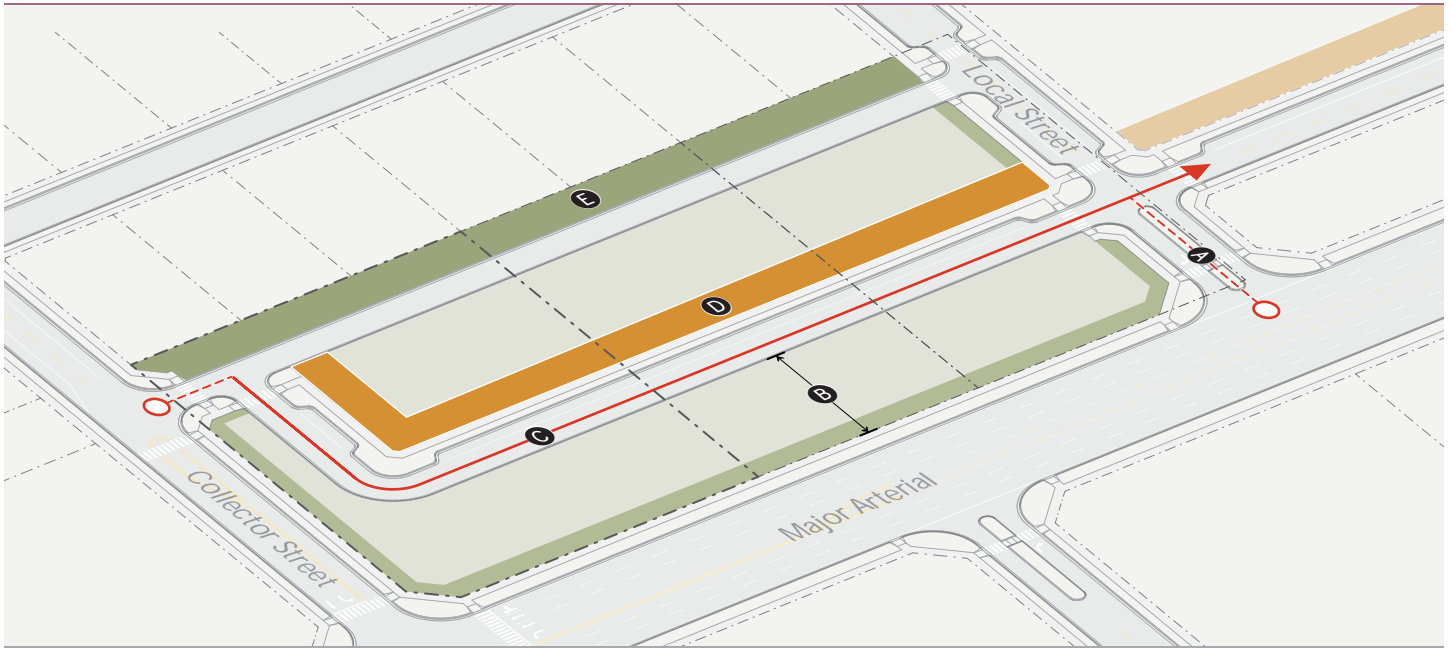
A Building height	3 stories/42' max
Street-facing building length	n/a

ACTIVATION

See 5A-4
Retrofit Frontages

5A-3-5. DC-5 Deep Corridor 5

A. District



INTENT

The Deep Corridor 5 District is intended for deep corridor parcels (over 200' deep) that do not immediately abut single-family residential lots, and therefore are appropriate for 5-story buildings. Shared access drives connect to a continuous high-quality internal active and walkable streetscape fronting buildings and help eliminate curb cuts. This streetscape establishes the framework for a future internal "main street." Excessively long blocks are broken up by new streets connecting within the district. The Deep Corridor 5 District is intended to provide for a variety of retail, service and commercial uses, as well as multi-family residences or offices

USE

Allowed uses See 5A-8 Use Regulations

SHARED ACCESS DRIVE

A Required street type Local Street

CROSS ACCESS

B Distance from ROW line 90' min / 200' max

C Required street type Core Half-Street (See 5A-6-4)

D Required frontage Incremental Core* (See 5A-4-5)

BLOCKS

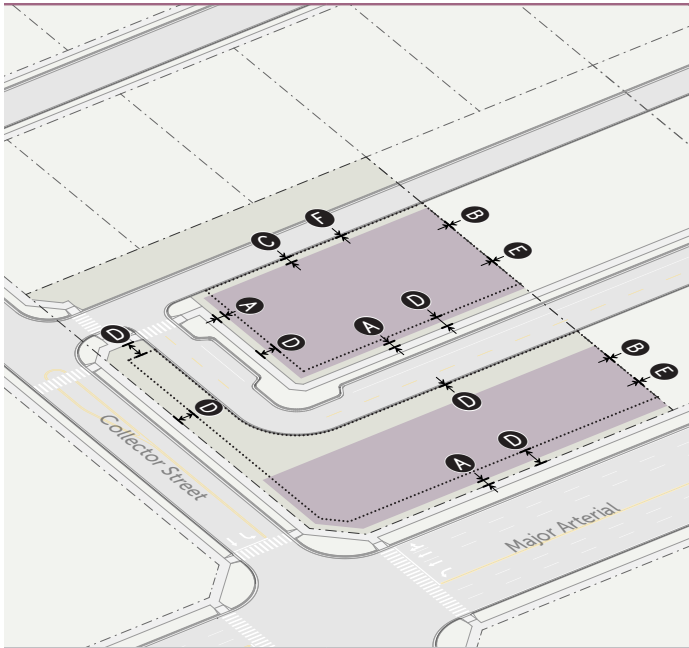
Perimeter	None
Length	1200' max

TRANSITION

E Deep Lot Transition See 5A-5-4

*Streetscaped side of Core Half-Street only

B. Site



LOT

Width	0' min
Outdoor amenity space	5% min

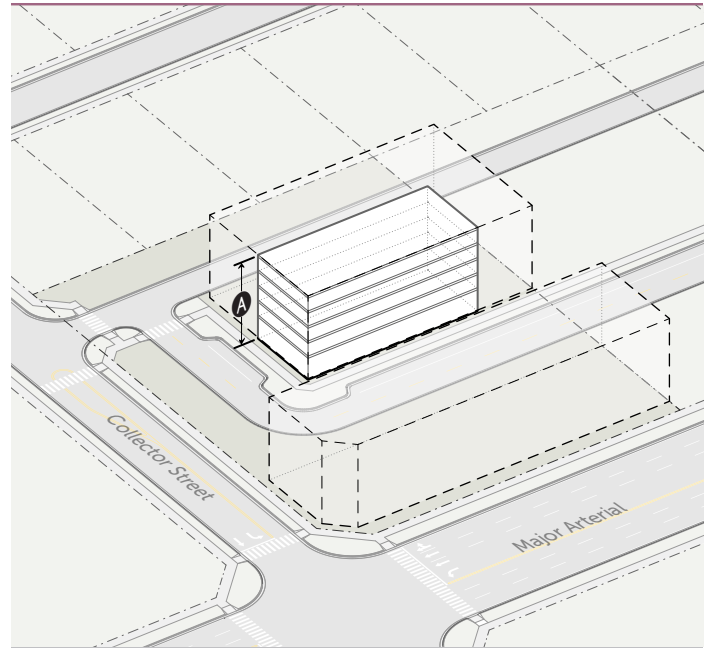
BUILDING SETBACKS

A Street lot line	See 5A-4 Retrofit Frontages
B Common lot line	0' min
C Alley	5' min

PARKING SETBACKS

D Street lot line	See 5A-4 Retrofit Frontages
E Common lot line	0' min
F Alley	0' min

C. Building



BUILDING MASS

A Building height	5 stories/75' max
Street-facing building length	n/a

ACTIVATION

See 5A-4
Retrofit Frontages

5A-3-6. CTR-2.5 Center 2.5

A. District



INTENT

The Center 2.5 District is intended to create new walkable mixed-use places with human-scaled internal streets. The district standards are intended to create a network of continuous high-quality active and walkable streets establishing a network of walkable and bikeable connections throughout the district and to the surrounding community. Open space is required and intended as an organizing feature for new development. Buildings will range from 1 to 2.5 stories in height. The Center 2.5 District is intended to provide for a variety of retail, service and commercial uses, as well as multi-family residences or offices.

USE

Allowed uses See 5A-8 Use Regulations

BLOCKS

A Perimeter	1600' max
B Length	600' max

STREETS

C Core streets	20% min
Village Core Frontage	20% min (See 5A-4-3)
D Walkable Core Frontage	Remainder (See 5A-4-4)
E Walkable Core Frontage	Remainder (See 5A-4-4)

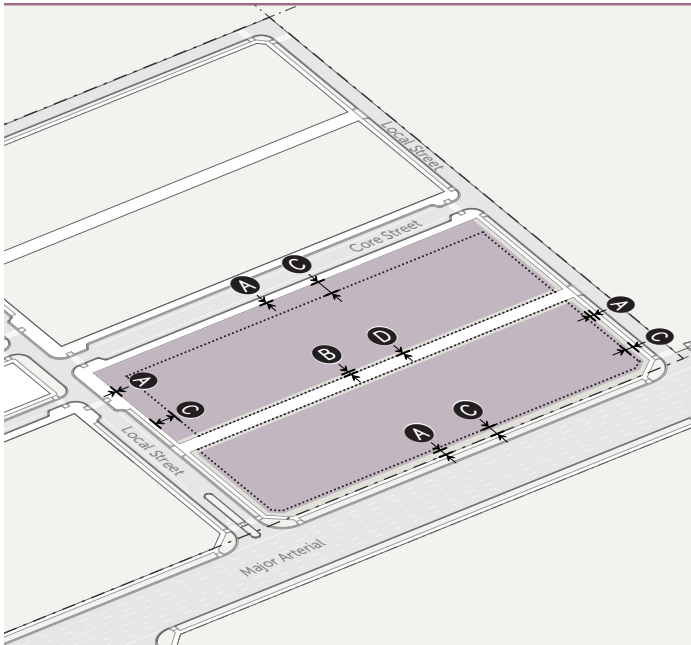
TRANSITION

Deep Lot Transition	See 5A-5-4
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OPEN SPACE

F Area	5% min
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B. Site



LOT

Width	0' min
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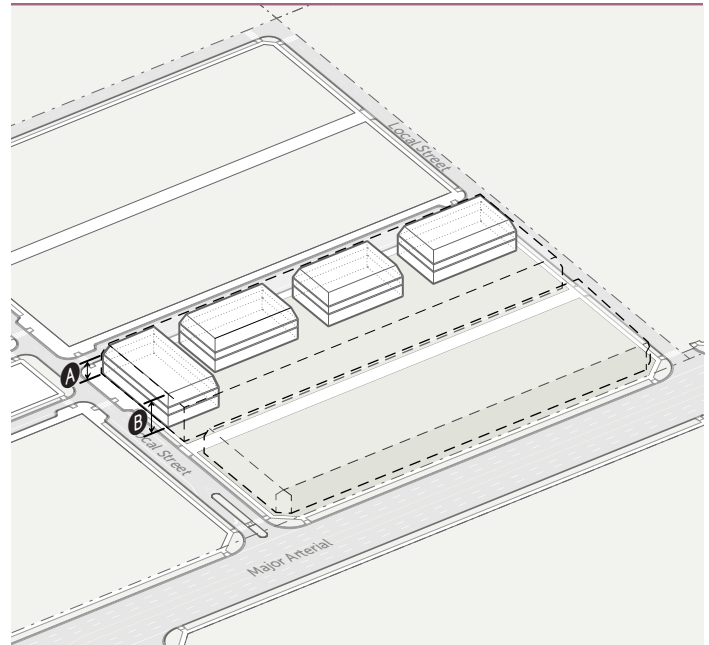
BUILDING SETBACKS

A Street lot line	See 5A-4 Retrofit Frontages
Common lot line	0' min
B Alley	5' min

PARKING SETBACKS

C Street lot line	See 5A-4 Retrofit Frontages
Common lot line	0' min
D Alley	0' min

C. Building



BUILDING MASS

A Top plate height	2 stories/24' max
B Building height	2 stories/30' min 2.5 stories/35' max
Roof pitch	18:12 max

ACTIVATION

See 5A-4 Retrofit Frontages

5A-3-7. CTR-5 Center 5

A. District



INTENT

The Center 5 District is intended to create new walkable mixed-use places with human-scaled internal streets. The district standards are intended to create a network of continuous high-quality active and walkable streets establishing a network of walkable and bikeable connections throughout the district and to the surrounding community. Open space is required and intended as an organizing feature for new development. Buildings will range from 1 to 5 stories in height. The Center 5 District is intended to provide for a variety of retail, service and commercial uses, as well as multi-family residences or offices.

USE

Allowed uses See 5A-8 Use Regulations

BLOCKS

A Perimeter	1600' max
B Length	600' max

STREETS

C Core streets	20% min
Village Core Frontage	20% min (See 5A-4-3)
D Walkable Core Frontage	Remainder (See 5A-4-4)
E Walkable Core Frontage	Remainder (See 5A-4-4)

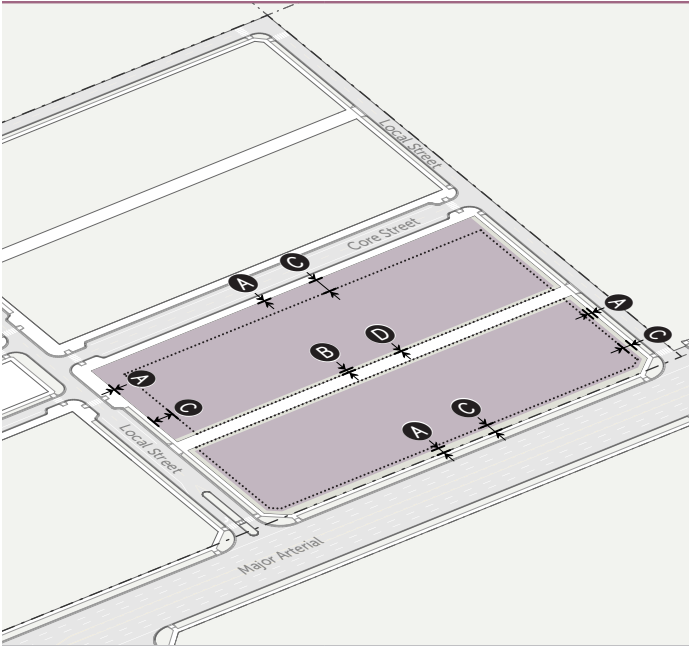
TRANSITION

Deep Lot Transition	See 5A-5-4
---------------------	------------

OPEN SPACE

F Area	5% min
---------------	--------

B. Site



LOT

Width	0' min
-------	--------

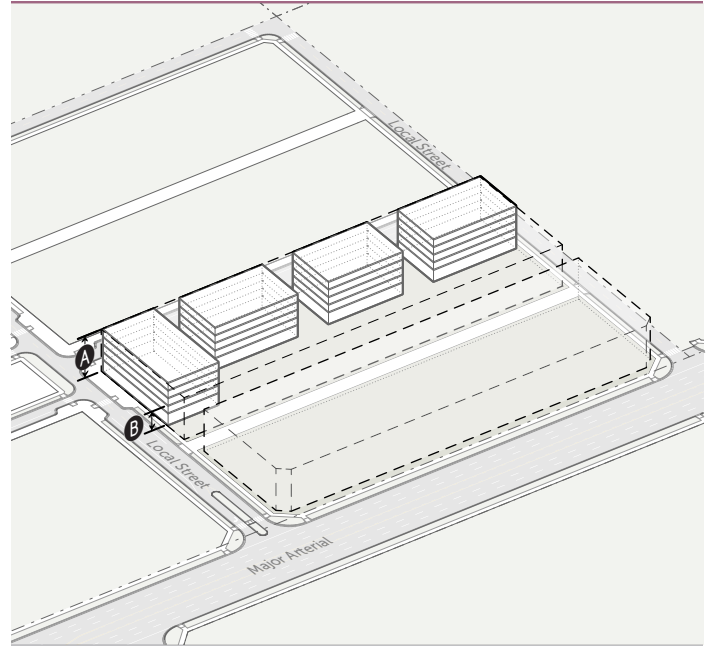
BUILDING SETBACKS

A Street lot line	See 5A-4 Retrofit Frontages
Common lot line	0' min
B Alley	5' min

PARKING SETBACKS

C Street lot line	See 5A-4 Retrofit Frontages
Common lot line	0' min
D Alley	0' min
D Alley	0' min

C. Building



BUILDING MASS

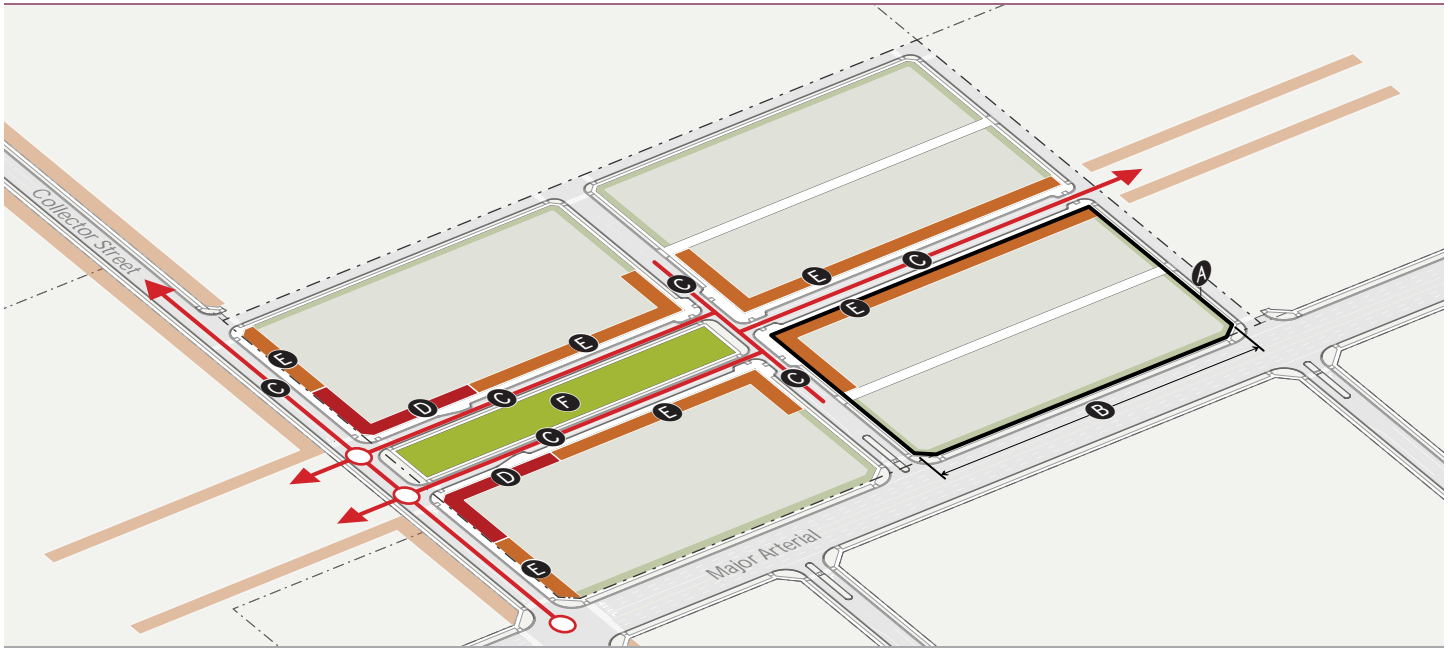
A Maximum building height	5 stories/75' max
B Minimum building height	2 stories/30' min
Street-facing building length	n/a

ACTIVATION

See 5A-4
Retrofit Frontages

5A-3-8. CTR-8 Center 8

A. District



INTENT

The Center 8 District is intended to create new walkable mixed-use places with human-scaled internal streets in locations that are near 290 or otherwise appropriate for the Town's tallest new buildings. The district standards are intended to create a network of continuous high-quality active and walkable streets establishing a network of walkable and bikeable connections throughout the district and to the surrounding community. Open space is required and intended as an organizing feature for new development. Buildings will range from 1 to 8 stories in height. The Center 8 District is intended to provide for a variety of retail, service and commercial uses, as well as multi-family residences or offices.

USE

Allowed uses See 5A-8 Use Regulations

BLOCKS

A Perimeter	1600' max
B Length	600' max

STREETS

C Core streets	20% min
Required frontage	
D Village Core Frontage	20% min (See 5A-4-3)
E Walkable Core Frontage	Remainder (See 5A-4-4)

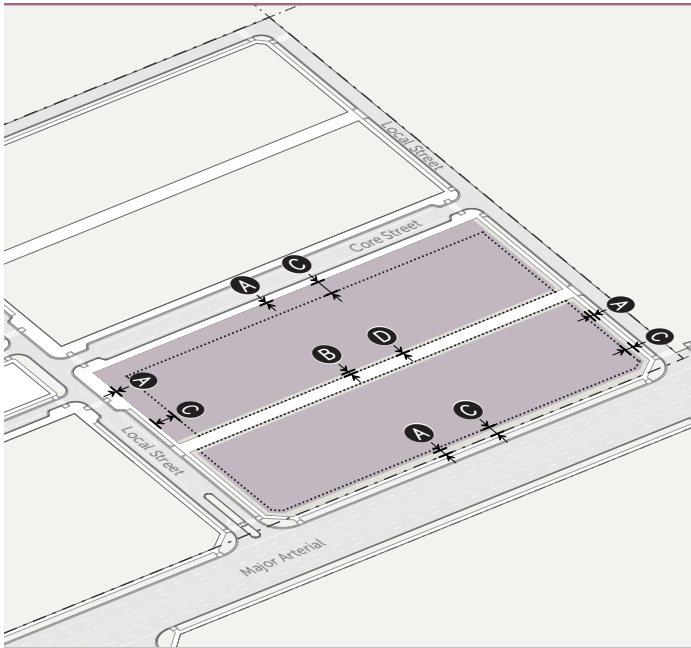
TRANSITION

Deep Lot Transition	Required (See 5A-5-4)
---------------------	--------------------------

OPEN SPACE

F Area	5% min
---------------	--------

B. Site



LOT

Area	0 SF min
Width	0' min

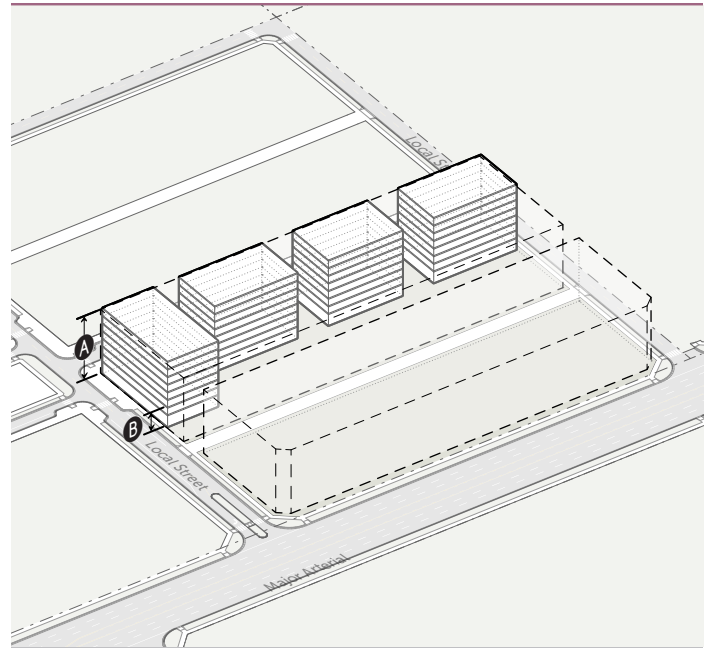
BUILDING SETBACKS

A Street lot line	See 5A-4 Retrofit Frontages
Common lot line	0' min
B Alley	5' min

PARKING SETBACKS

C Street lot line	See 5A-4 Retrofit Frontages
Common lot line	0' min
D Alley	0' min

C. Building



BUILDING MASS

A Maximum building height	8 stories/105' max
B Minimum building height	2 stories/30' min
Street-facing building length	n/a

ACTIVATION

See 5A-4
Retrofit Frontages

§ 5A-4 RETROFIT FRONTAGES

5A-4-1. Intent

The Retrofit Frontages are established to supplement standards in the Retrofit Districts. Frontages are applied to all of the street-facing block faces of Retrofit Districts. The frontages introduce specific dimensional standards to Retrofit Districts including shared access drives, building setbacks, parking setbacks, streetscapes, story height, transparency and pedestrian access.

5A-4-2. Retrofit Frontages

The following Retrofit Frontages are established.

A. Existing Street Frontages

Existing street frontages are applied based on the street's classification as designated in the Town's 2019 Comprehensive Plan Future Thoroughfare System Map. Existing street frontages may be applied within a Retrofit District site where chosen by the applicant to meet both the Retrofit District standards and traffic demand requirements when approved by the Town Engineer.

- (1) Collector Street
- (2) Minor Arterial
- (3) Major Arterial

B. New Internal Streets

(1) Village Core

This frontage provides for a high-quality active and walkable streetscape along core streets within new retrofit development. The frontage requirements generate a building appropriate for retail use with offices or residential space above (although all uses allowed in the districts may occur).

(2) Walkable Core

This frontage provides for a high-quality walkable streetscape along core streets within new retrofit development. The frontage requirements generate a building appropriate for office or residential space (although all uses allowed in the districts may occur).

(3) Incremental Core

This frontage provides for a continuous high-quality active and walkable streetscape on the side of a Core Half-Street that abuts the building in a Deep Corridor district. This frontage is intended for locations where parking lots face the opposing side of the street from the building. Where buildings occur on both sides of the cross access street, a Core Street type is required.

(4) Residential

The Residential Frontage requires small-scale detached buildings and modest transparency requirements, allowing for buildings that are closer in mass and scale to large traditional houses. The Residential Frontage must be applied to any street across from a single-family residential district.

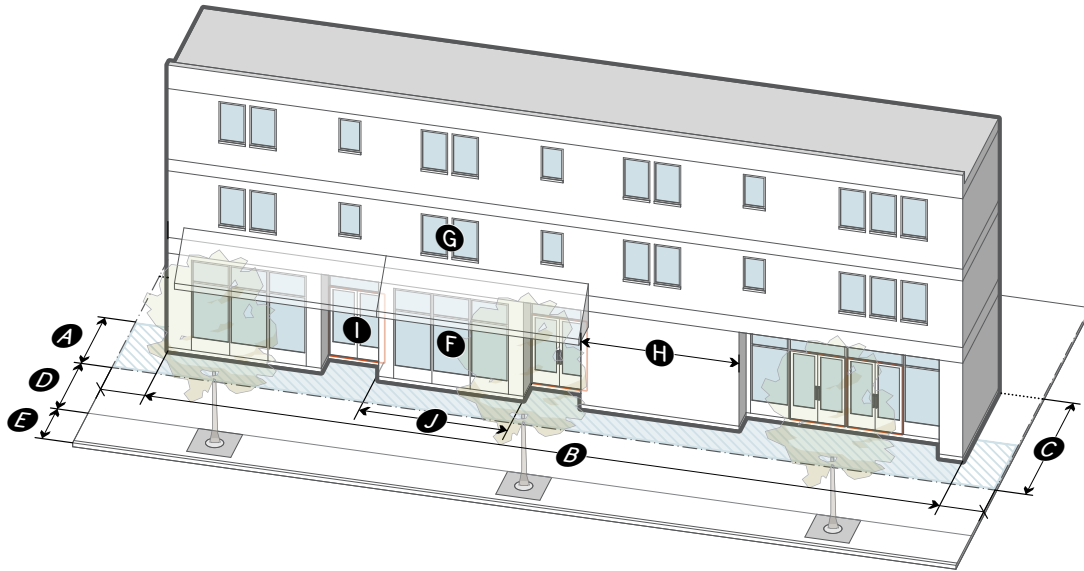
(5) Local

This frontage provides for the appropriate treatment of existing or newly created Local Streets within or abutting retrofit development. These streets often function as access to service areas and parking, and may include bicycle infrastructure.

C. Modification of Retrofit Frontages

The Retrofit Frontages applied to State or County roads may be modified by the Planning Director in consultation with NYSDOT or Erie County transportation professionals (where applicable).

5A-4-3. Village Core Frontage



ACCESS DRIVE

Separation	200' min
Distance after intersection	100' min
Distance before intersection	200' min
Throat depth	40' min

BUILDING SETBACKS

A Build-to zone	0' min/10' max
B Lot frontage	90% min

PARKING SETBACKS

C Street	20' min
-----------------	---------

BUILDING MASS

Street-facing building length	n/a
-------------------------------	-----

STREETScape

D Clear pedestrian zone	10' min
E Curb zone	6' min
Tree planting type	Grates
Tree spacing	35' on-center avg.

STORY HEIGHT

Ground floor elevation	0' min / 2' max
Ground story height	13' min

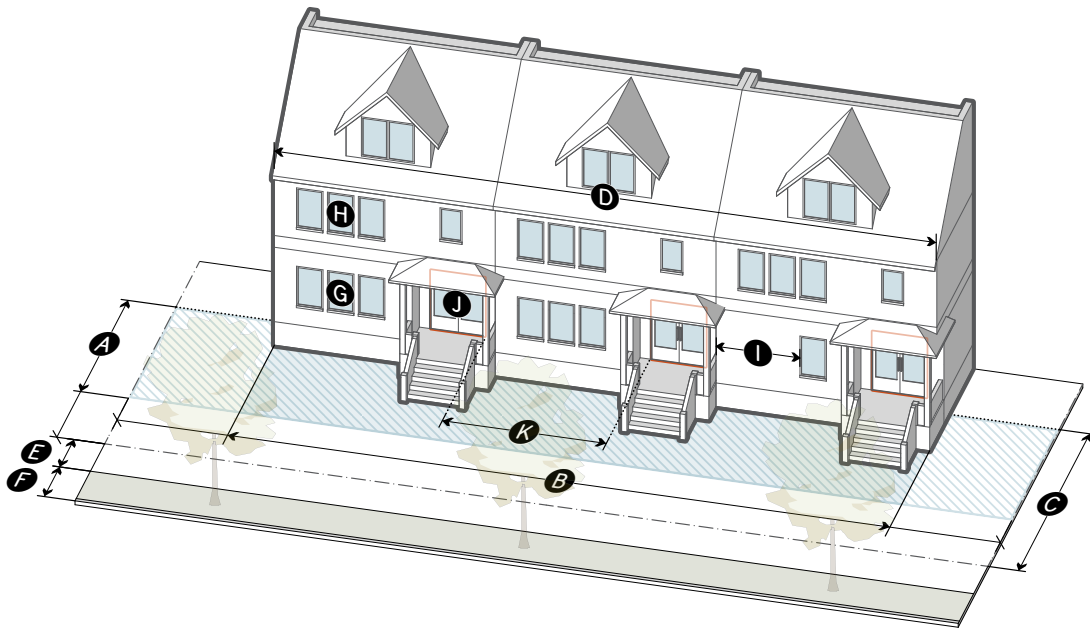
TRANSPARENCY

F Ground story	70% min
G Upper story	20% min
H Blank wall length	15' max

PEDESTRIAN ACCESS

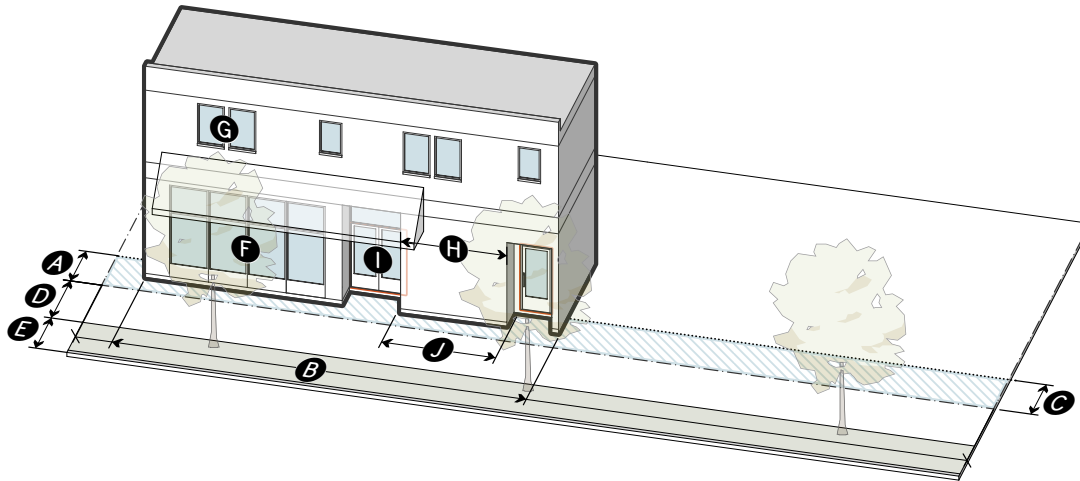
I Street-facing entrance	Required
J Entrance spacing	30' max

5A-4-4. Walkable Core Frontage



	Residential	Non-residential
ACCESS DRIVE		
Separation	200' min	
Distance after intersection	100' min	
Distance before intersection	200' min	
Throat depth	40' min	
BUILDING SETBACKS		
A Build-to zone	10' min/25' max	
B Lot frontage	75% min	
PARKING SETBACKS		
C Street	25' min	
BUILDING MASS		
D Street-facing building length	175' max	
STREETScape		
E Clear pedestrian zone	8' min	
F Curb zone	6' min	
Tree planting type	Tree lawn or grates	
Tree spacing	35' on-center avg.	
STORY HEIGHT		
Ground floor elevation	2' min / 4' max	0' min / 2' max
Ground story height	9' min	13' min
TRANSPARENCY		
G Ground story	20% min	40% min
H Upper story	20% min	20% min
I Blank wall length	20' max	20' max
PEDESTRIAN ACCESS		
J Street-facing entrance	Required	Required
K Entrance spacing	30' max	30' max

5A-4-5. Incremental Core Frontage



ACCESS DRIVE

Separation	50' min
Distance after intersection	50' min
Distance before intersection	75' min
Throat depth	24' min

BUILDING SETBACKS

A Build-to zone	0' min/10' max
B Lot frontage	60% min

PARKING SETBACKS

C Street	10' min
-----------------	---------

BUILDING MASS

Street-facing building length	n/a
-------------------------------	-----

STREETSCAPE

D Clear pedestrian zone	8' min
E Curb zone	6' min
Tree planting type	Tree lawn or grates
Tree spacing	35' on-center avg.

STORY HEIGHT

	Residential	Non-residential
Ground floor elevation	2' min / 4' max	0' min / 2' max
Ground story height	9' min	13' min

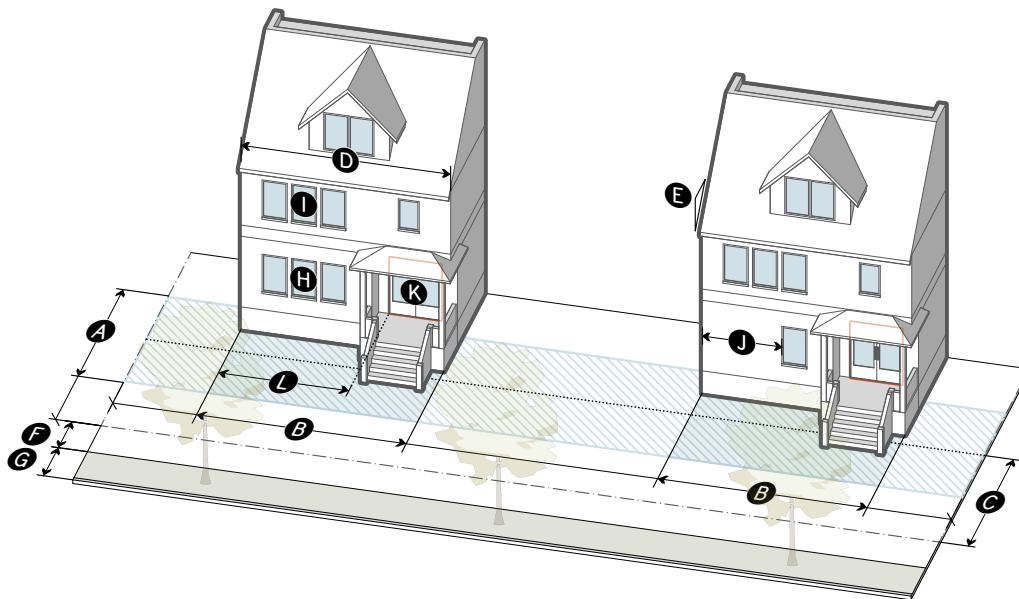
TRANSPARENCY

	Residential	Non-residential
F Ground story	20% min	60% min
G Upper story	20% min	20% min
H Blank wall length	30' max	30' max

PEDESTRIAN ACCESS

	Residential	Non-residential
I Street-facing entrance	Required	Required
J Entrance spacing	50' max	50' max

5A-4-6. Residential Frontage



ACCESS DRIVE

Separation	25' min
Distance after intersection	25' min
Distance before intersection	25' min
Throat depth	None

BUILDING SETBACKS

A Build-to zone	10' min/30' max
B Lot frontage	30% min

PARKING SETBACKS

C Street	20' min
-----------------	---------

BUILDING MASS

D Street-facing building length	125' max
E Roof pitch	4:12 min/ 18:12 max

STREETSCAPE

F Clear pedestrian zone	6' min
G Curb zone	6' min
Tree planting type	Tree lawn or grates
Tree spacing	35' on-center avg.

STORY HEIGHT

Ground floor elevation	2' min / 4' max
Ground story height	9' min

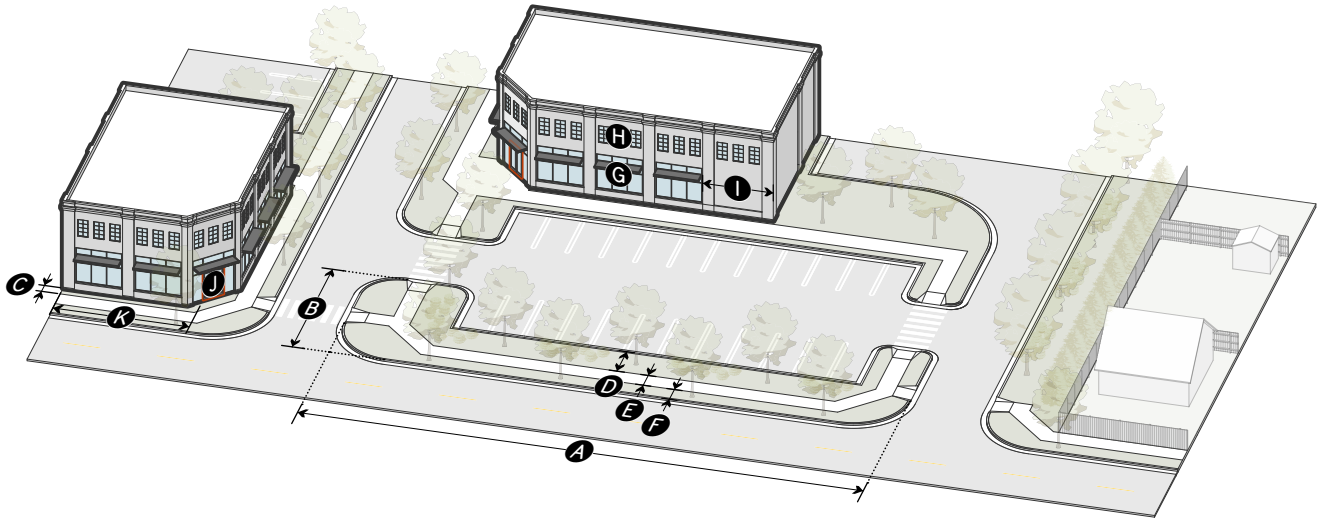
TRANSPARENCY

H Ground story	20% min
I Upper story	20% min
J Blank wall length	25' max

PEDESTRIAN ACCESS

K Street-facing entrance	Required
L Entrance spacing	30'

5A-4-7. Local Frontage



SHARED ACCESS DRIVE

A Separation	100' min
Distance after intersection	75' min
Distance before intersection	100' min
B Throat depth	35' min

BUILDING SETBACKS

C Street	5' min
-----------------	--------

PARKING SETBACKS

D Street	10' min
-----------------	---------

STREETSCAPE

E Clear pedestrian zone	5' min
F Curb zone	5' min
Tree planting type	Tree lawn
Tree spacing	35' on-center avg.

STORY HEIGHT

	Residential	Non-residential
Ground floor elevation	2' min / 4' max	0' min / 2' max
Ground story height	9' min	13' min

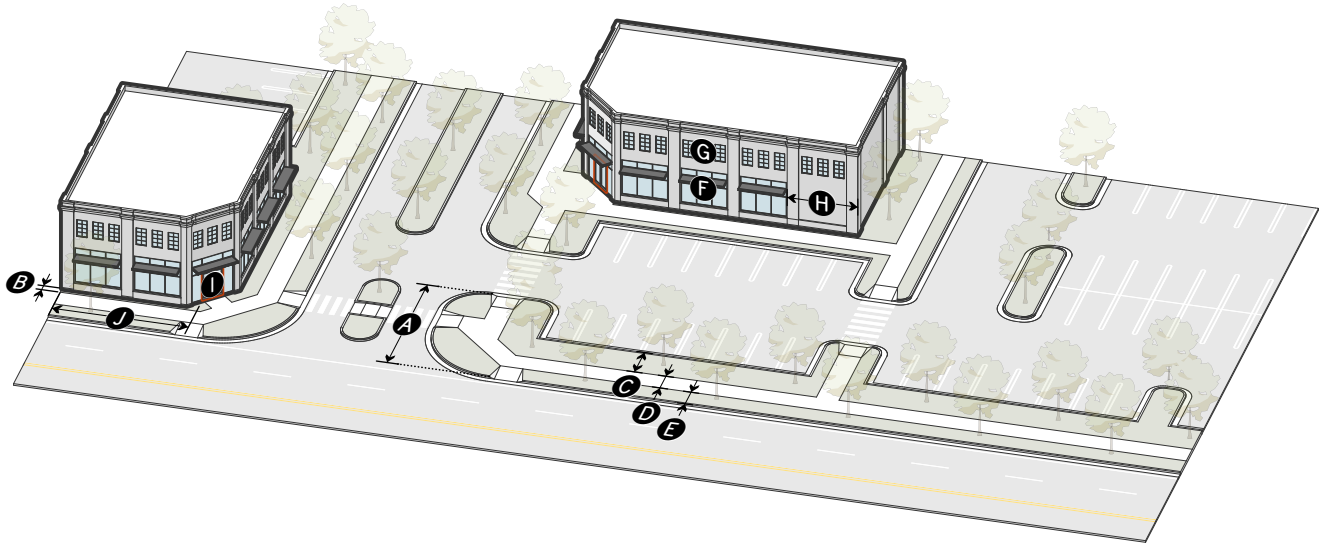
TRANSPARENCY

	Residential	Non-residential
G Ground story	20% min	30% min
H Upper story	20% min	20% min
I Blank wall length	30' max	30' max

PEDESTRIAN ACCESS

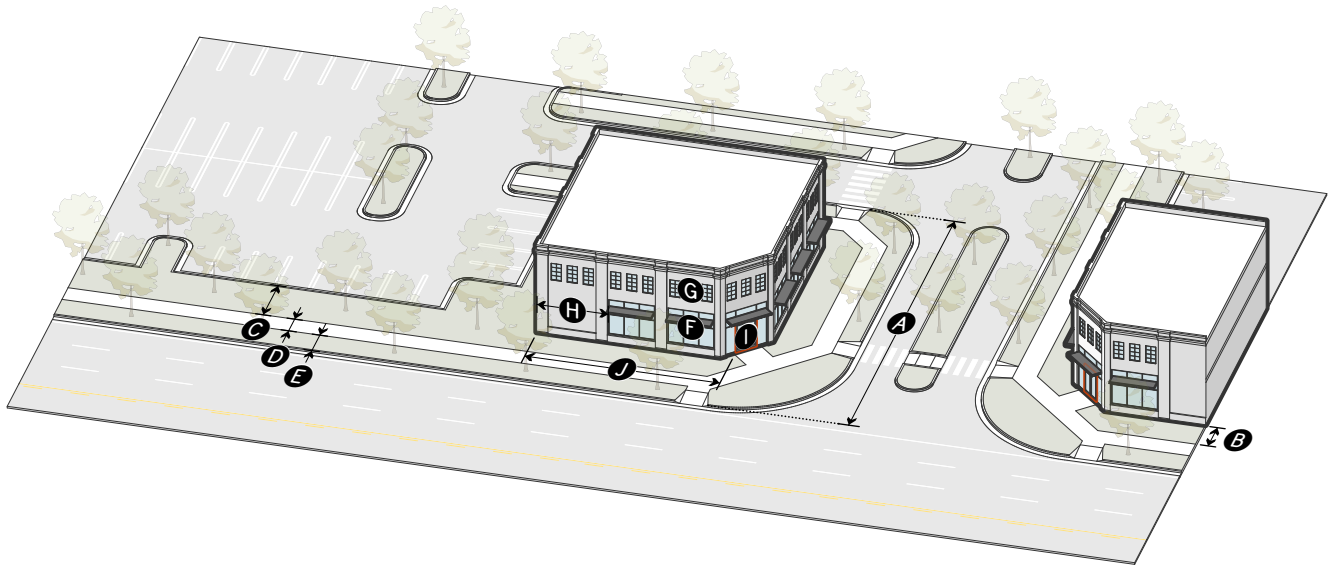
	Residential	Non-residential
J Street-facing entrance	Required	Required
K Entrance spacing	75' max	75' max

5A-4-8. Collector Frontage



	Residential	Non-residential
SHARED ACCESS DRIVE		
Separation	200' min	
Distance after intersection	100' min	
Distance before intersection	200' min	
A Throat depth	40' min	
BUILDING SETBACKS		
B Street	5' min	
PARKING SETBACKS		
C Street	10' min	
STREETSCAPE		
D Clear pedestrian zone	6' min	
E Curb zone	6' min	
Tree planting type	Tree lawn	
Tree spacing	35' on-center avg.	
STORY HEIGHT		
Ground floor elevation	2' min / 4' max	0' min / 2' max
Ground story height	9' min	13' min
TRANSPARENCY		
F Ground story	20% min	50% min
G Upper story	20% min	20% min
H Blank wall length	40' max	40' max
PEDESTRIAN ACCESS		
I Street-facing entrance	Required	Required
J Entrance spacing	75' max	75' max

5A-4-9. Minor Arterial Frontage



SHARED ACCESS DRIVE

Separation	300' min
Distance after intersection	200' min
Distance before intersection	350' min

A Throat depth	75' min
-----------------------	---------

BUILDING SETBACKS

B Street	10' min
-----------------	---------

PARKING SETBACKS

C Street	15' min
-----------------	---------

STREETSCAPE

D Clear pedestrian zone	6' min
E Curb zone	8' min
Tree planting type	Tree lawn
Tree spacing	35' on-center avg.

STORY HEIGHT

	Residential	Non-residential
Ground floor elevation	2' min / 4' max	0' min / 2' max
Ground story height	9' min	13' min

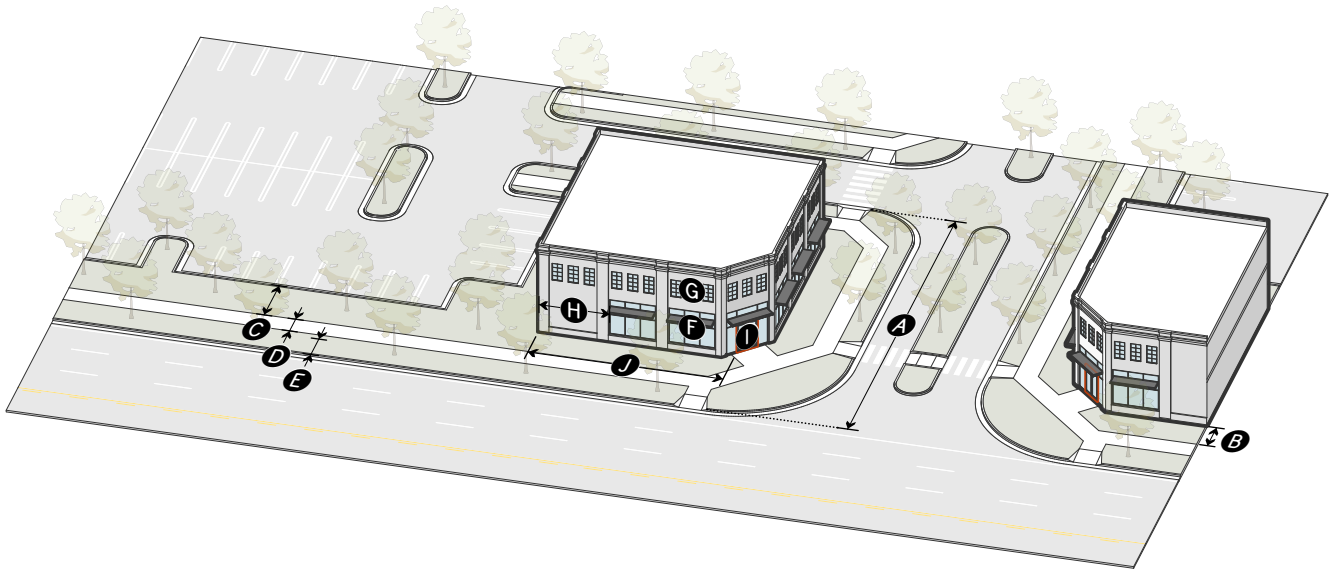
TRANSPARENCY

F Ground story	20% min	60% min
G Upper story	20% min	20% min
H Blank wall length	40' max	40' max

PEDESTRIAN ACCESS

I Street-facing entrance	Required	Required
J Entrance spacing	100' max	100' max

5A-4-10. Major Arterial Frontage



SHARED ACCESS DRIVE

Separation	350' min
Distance after intersection	200' min
Distance before intersection	350' min

A Throat depth	100' min
-----------------------	----------

BUILDING SETBACKS

B Street	10' min
-----------------	---------

PARKING SETBACKS

C Street	15' min
-----------------	---------

STREETSCAPE

D Clear pedestrian zone	6' min
E Curb zone	10' min
Tree planting type	Tree lawn
Tree spacing	35' on-center avg.

STORY HEIGHT

	Residential	Non-residential
Ground floor elevation	2' min / 4' max	0' min / 2' max
Ground story height	9' min	13' min

TRANSPARENCY

F Ground story	20% min	60% min
G Upper story		20% min
H Blank wall length		50' max

PEDESTRIAN ACCESS

I Street-facing entrance		Required
J Entrance spacing		100' max

[Intentionally Blank]

§ 5A-5 RETROFIT TRANSITIONS

5A-5-1. Applicability

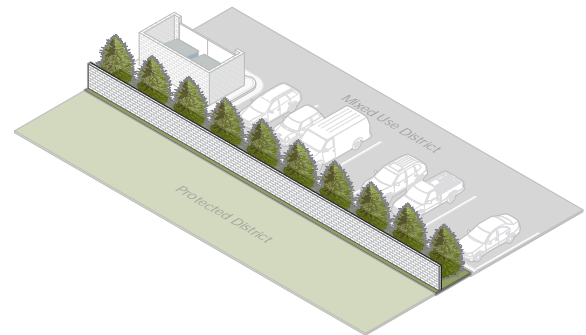
These transition rules apply when a Mixed Use District abuts one of the following protected districts:

- A. Rural Residential (R-R)
- B. Suburban Agriculture (S-A)
- C. Residential District One (R-1)
- D. Residential District Two (R-2)
- E. Residential District Three (R-3)
- F. Cluster Residential Three (CR-3)

5A-5-2. Transitions

A. Shallow Lot

The Shallow Lot Transition is required for Traditional Infill and Shallow Corridor districts abutting a protected district listed above, when the lot is less than 200 feet in depth. Due to the limited lot depth, a narrower landscape buffer is required compared to the requirements for deep lots.



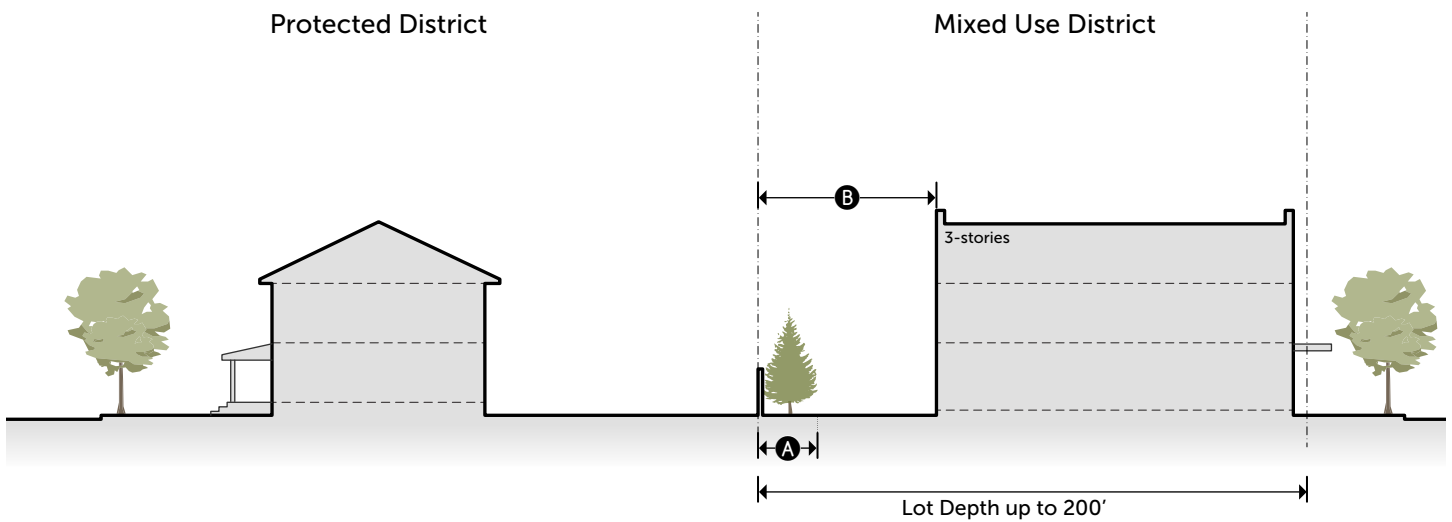
B. Deep Lot

The Deep Lot Transition is required for all Mixed Use Districts over 200 feet in depth abutting a protected district listed above. The Deep Lot Transition requires a wider landscape buffer and a more extensive height transition compared to the shallow lot transition.



5A-5-3. Shallow Lot Transition

D. Shallow Lot Height Transition



APPLICABILITY

TI, SC-3 Districts up to 200' in depth

BUFFER

A Width 10' min

HEIGHT TRANSITION AREA

Principal Building Setbacks

B Up to and including 3 stories 30' min

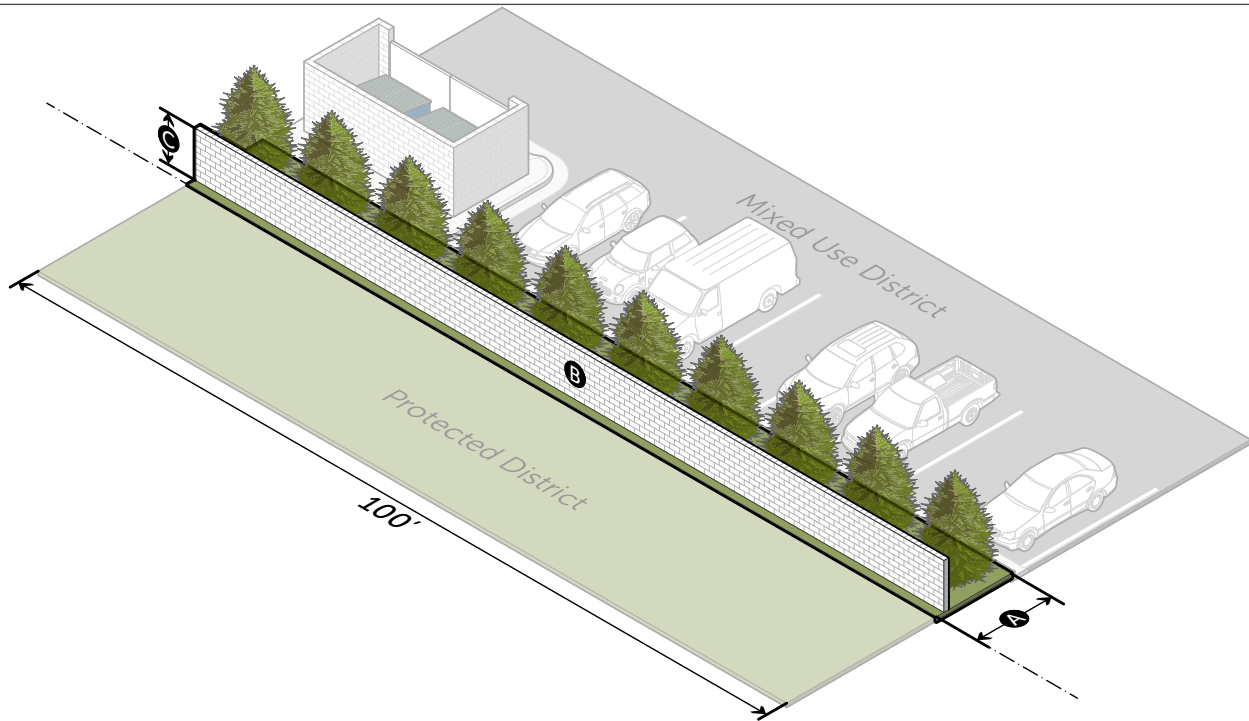
Accessory Building Setbacks

Height limit setback range 10' to 30' min

Height in height limit setback range 24' max

Height on remaining site Set by district

E. Shallow Lot Landscape Transition



AREA

A Width	10' min
----------------	---------

STRUCTURAL SCREENING

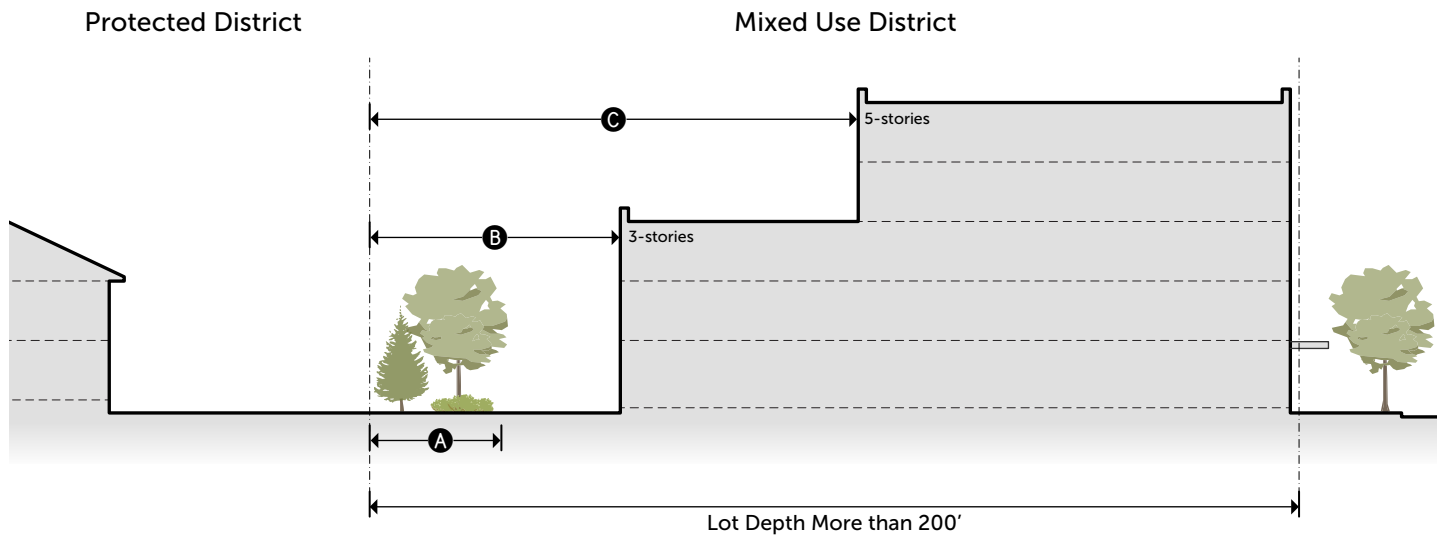
B Wall or fence, opaque	Required where no accessory building within 15' of protected district lot line
C Height	6' min
Materials	As recommended by Design Advisory Board

VEGETATION

Medium impact screen	See 7-2-4.B.(2)(b)
----------------------	--------------------

5A-5-4. Deep Lot Transition

F. Deep Lot Height Transition



APPLICABILITY

TI, SC-3 Districts where lot exceeds 200 feet in depth, all DC- and CTR- Districts

BUFFER

A Width 20' min

HEIGHT AND SETBACKS

Principal Building Setbacks

B Up to and including 3 stories 30' min

C Over 3 stories 60' min

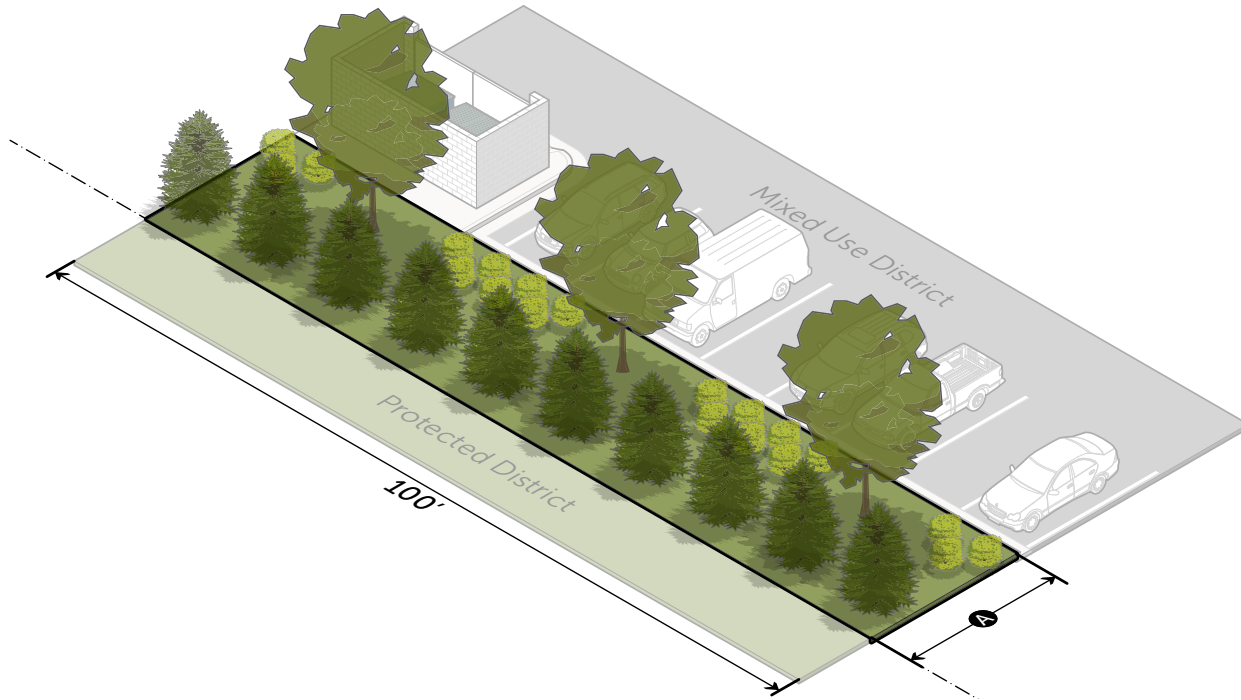
Accessory Building Setbacks

Height limit setback range 10'/30' min

Height in height limit setback range 24' max

Height on remaining site Set by district

G. Deep Lot Landscape Transition



AREA

A Width	20' min
----------------	---------

STRUCTURAL SCREENING

Wall or fence	Allowed
---------------	---------

Materials	As recommended by Design Advisory Board
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VEGETATION

Medium impact screen	See 7-2-4.B.(2)(b)
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§ 5A-6 **RETROFIT STREETS**

5A-6-1. **Applicability**

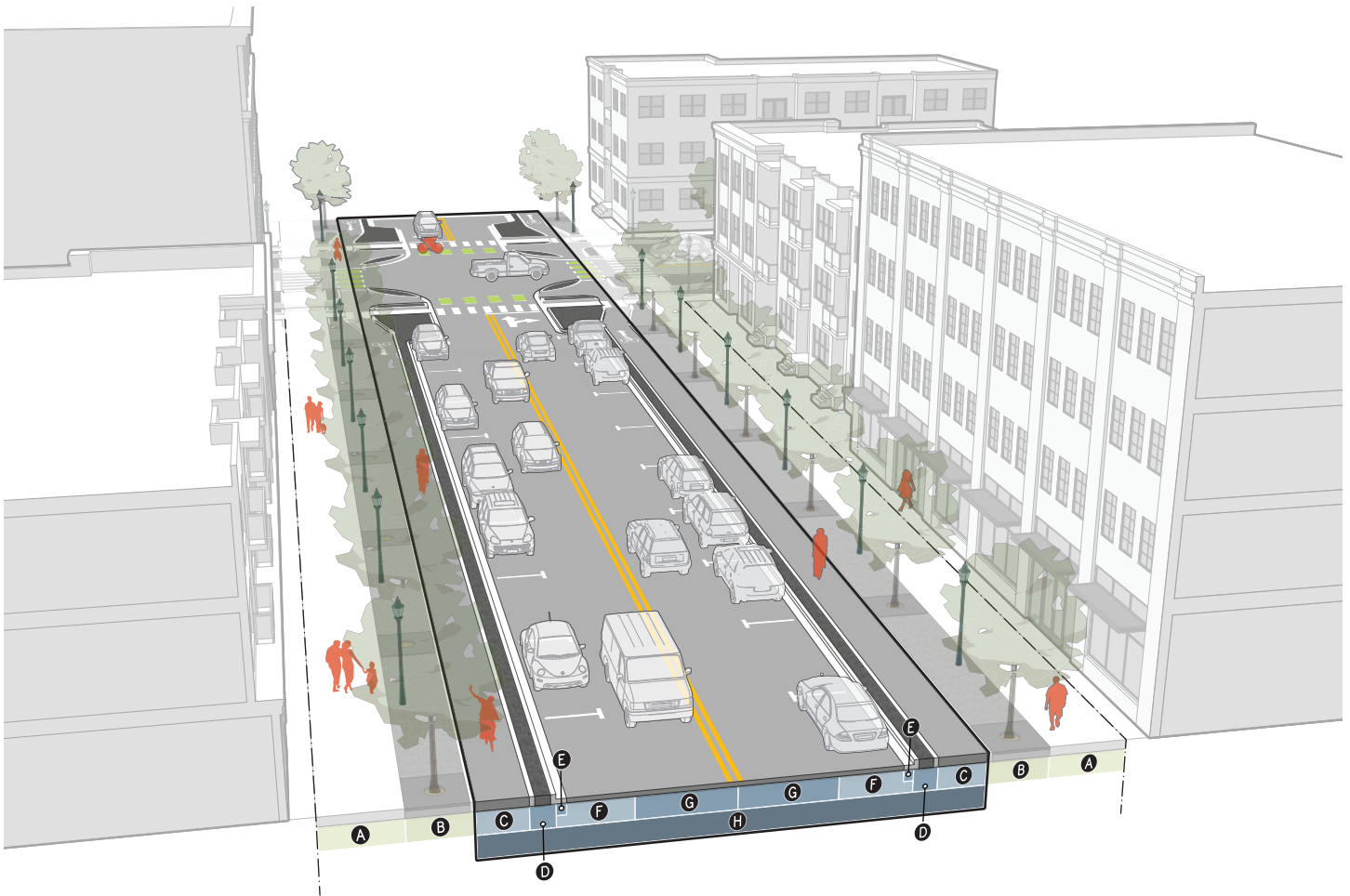
The street and easement standards apply to Retrofit Districts as indicated by the District standards. These standards apply whether the street is public or private.

5A-6-2. **Street Types**

The following street types are established and described on the following pages.

- A. Core Street
- B. Core Half-Street
- C. Local Street
- D. Local Half Street
- E. Alley/Drive Lane

5A-6-3. Core Street



STREETSCAPE

- A** Clear pedestrian zone See Frontage
- B** Curb zone See Frontage

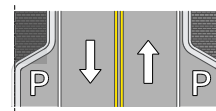
STREET

- C** Bike lane 5' min
- D** Bike Buffer 2' min
- E** Gutter pan 12" min
- F** Curb lane 8' min
 - Parking Required
 - Bulb-outs Required
- G** Travel lane 9' min/10' max
- Turn lane 10' min/12' max

STREET CONFIGURATION

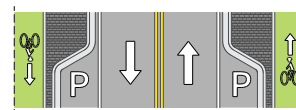
H

No Bike Lane



34' min

With Bike Lane



48' min

5A-6-4. Core Half-Street



STREETSCAPE

- A** Clear pedestrian zone See 5A-4
Retrofit Frontages
- B** Curb zone See 5A-4
Retrofit Frontages

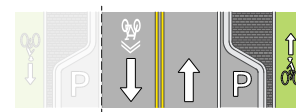
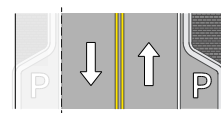
STREET

- Bike lane 5' min
- Bike Buffer 2' min
- C** Gutter pan 12" min
- D** Curb lane 8' min
- Parking Required
- Bulb-outs Required
- E** Travel lane 9' min/10' max
- Turn lane 10' min/12' max
- F** Future street expansion

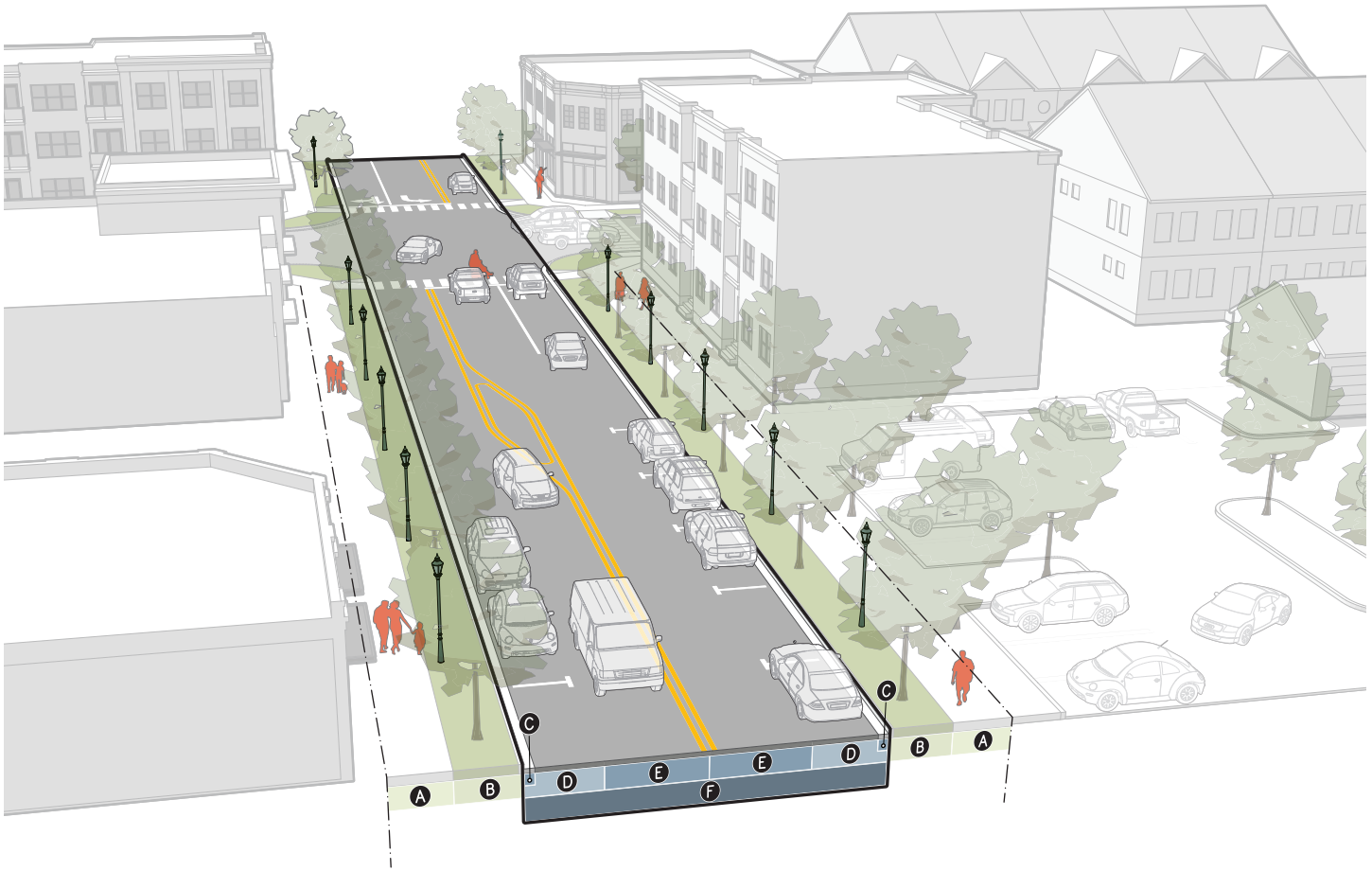
STREET CONFIGURATION

G

- No Bike Lane 34' min
- With Bike Lane 48' min



5A-6-5. Local Street



STREETSCAPE

- A** Clear pedestrian zone See 5A-4
Retrofit Frontages
- B** Curb zone See 5A-4
Retrofit Frontages

STREET

- C** Gutter pan 12" min
- D** Curb lane 8' min
- Parking 8' min
- Bike lane 5' min*
- Bike buffer 2' min
- E** Travel lane 9' min/10' max
- Turn lane 10' min/12' max

*must not include gutter pan

STREET CONFIGURATION

	F
No Bike Lane	34' min
With Bike Lane	48' min

5A-6-6. Local Half-Street



STREETSCAPE

- A** Clear pedestrian zone See 5A-4
Retrofit Frontages
- B** Curb zone See 5A-4
Retrofit Frontages

STREET

- C** Gutter pan 12" min
- Curb lane 8' min
- Bike lane 5' min*
- Bike buffer 2' min
- D** Travel lane 9' min/10' max
- Turn lane 10' min/12' max
- E** Future street expansion

*must not include gutter pan

STREET CONFIGURATION

	F
No Bike Lane	19' min
With Bike Lane	26' min

5A-6-7. Alley/Drive Lane




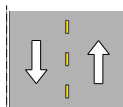
STREETScape

Curb zone	n/a
Clear pedestrian zone	n/a

STREET

A Flush Curb	6" min
B Travel lane	9' min/10'max

STREET CONFIGURATION

		C
Min		20' min
Max		24' min

§ 5A-7 MEASUREMENTS & EXCEPTIONS

5A-7-1. Lot

A. Primary and Side Street Designation

- (1) Where only one street abuts a lot, that street is considered a primary street.
- (2) A multiple street frontage lot must designate at least one primary street. A lot may have more than one primary street. The Zoning Administrator will determine which streets are primary streets based on:
 - (a) The street with the highest classification;
 - (b) The established orientation of the block;
 - (c) The street abutting the longest face of the block;
 - (d) The street parallel to an alley within the block;
 - (e) The street that the lot takes its address from;
 - (f) The pedestrian orientation of adjacent or abutting development, existing or proposed; and
 - (g) Whether the street faces an important open space (park, plaza or paseo).

B. Outdoor Amenity Space

(1) General

- (a) Outdoor amenity space is common outdoor area provided in a development for use by all of its occupants for social and recreational activities. Outdoor amenity space may also be provided for use by the general public, in addition to occupants of the development.
- (b) Examples of outdoor amenity space include swimming pools, playgrounds, sport courts, dog parks, gardens, community gardens, parks, greens, pavilions, seating areas, plazas, common balconies, rooftop decks or rooftop gardens.

(2) Standards

- (a) Required outdoor amenity space must be provided on the lot and be accessible as outdoor space. A required landscape transition may not be used to meet the outdoor amenity space requirement.
- (b) Required outdoor amenity space may be enclosed on two sides or less by walls (with or without a solid roof cover) or enclosed on three sides by walls without a solid roof cover.
- (c) Required outdoor amenity space may be located at or above grade.
- (d) Required outdoor amenity space may be met in one contiguous outdoor area or in multiple outdoor areas on a lot and must have a minimum area of 225 square feet with no dimension less than 15 feet.
- (e) Required outdoor amenity space must not be parked or driven upon, except for emergency access and permitted temporary events.

- (f) At least 50% of the total amount of required outdoor amenity space at grade and 25% of required outdoor amenity space above grade must be planted with groundcover, shrubs or trees.
- (g) Seating must be provided at the rate of 1 seat for every 500 square feet or fraction of 500 square feet. Seats may be permanent or movable. Two linear feet of bench or seat wall equals one seat.

5A-7-2. **Open Space**

A. **General**

- (1) The minimum required open space is measured as a percentage of the lot area of the proposed development site.
- (2) When the development is to occur in phases, each phase of development must provide at least the percentage of open space that would be required for the lot area of the proposed phase.

B. **Retrofit Districts**

- (1) Open space is common outdoor area provided in a mixed-use development for use by all of its occupants and the general public for social and recreational activities. Examples of open space include parks, plazas, greens, trails, playgrounds, sport courts, dog parks, gardens, pavilions and seating areas.
- (1) Required open space must be provided on the lot or within the project and be accessible as outdoor space.
- (2) A required landscape buffer or transition may not be used to meet the open space requirement.
- (3) Required open space may be enclosed on two sides or less by walls (with or without a solid roof cover) or enclosed on three sides by walls without a solid roof cover.
- (4) Required open space must be located at grade and connected to the sidewalk system of the development.
- (5) Required open space must be met in one contiguous outdoor area and must have a minimum dimension no less than 25 feet.
- (6) Required open space must not be parked or driven upon, except for emergency access and permitted temporary events.
- (7) At least 50% of the total amount of required open space must be planted with groundcover, shrubs or trees. For the purposes of this 50% requirement, turf grass is not considered groundcover.
- (8) Seating must be provided at the rate of 1 seat for every 1,000 square feet or fraction of 1,000 square feet. Seats may be permanent or movable. Two linear feet of bench or seat wall equals one seat.

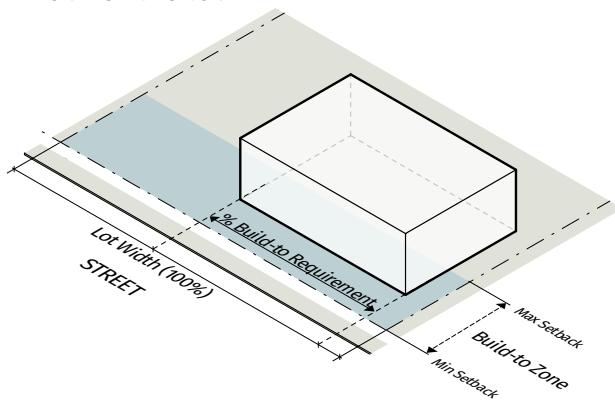
5A-7-3. Build-To Zone

A. Build-to Zone

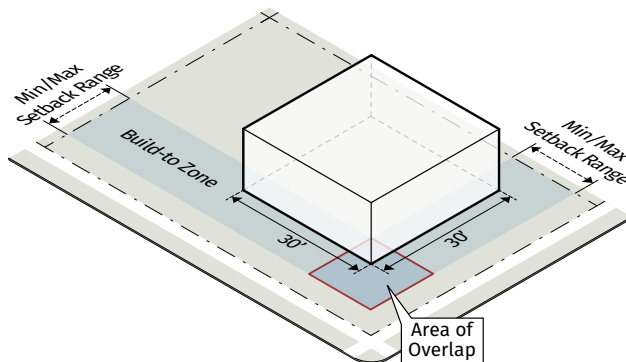
- (1) The build-to zone is the area on the lot or site where a percentage of the building facade must be located, measured as a minimum and maximum setback range from the primary street or side street lot line.
- (2) Where the build-to zone lies within an easement that does not allow construction, the Zoning Administrator may waive the build-to requirement, in whole or in part.

B. Lot Frontage

- (1) The required lot frontage is the amount of the building facade that must be located in the build-to zone, measured based on the width of the building or buildings divided by the width of the lot.

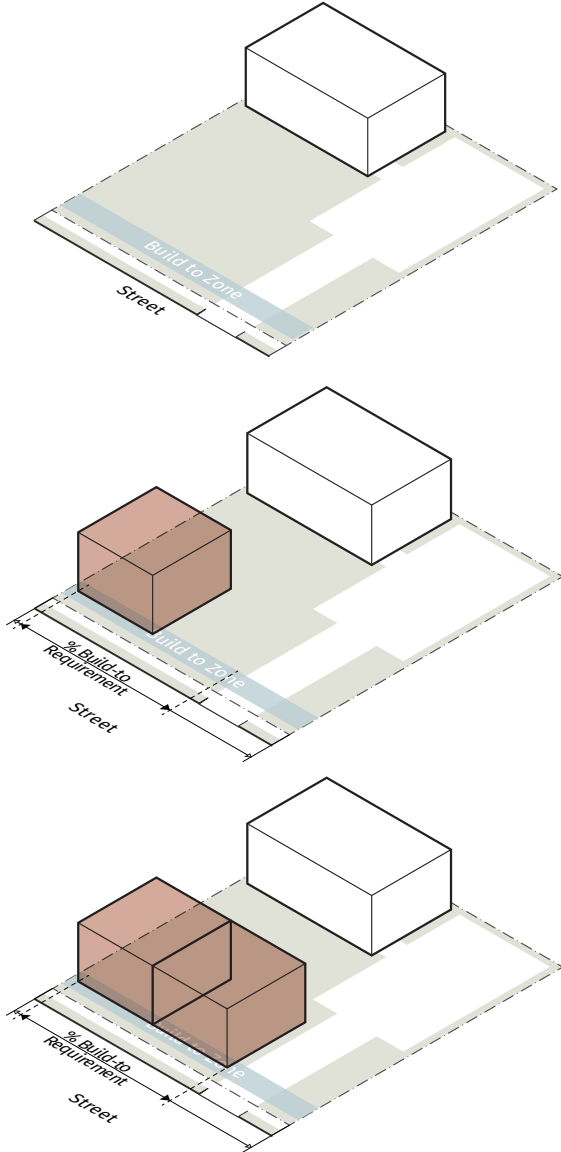


- (2) For a building facade to count toward the minimum lot frontage requirement, street-adjacent ground floor uses must be 20 feet in depth minimum.
- (3) The width of a parking entrance into or through a building does not count toward the lot frontage percentage requirement.
- (4) In no case will access to a site that has no access options be denied due to application of the lot frontage requirement. Where no other access is available, a driveway of the minimum acceptable width for fire safety purposes is allowed, even where it reduces the building width below the required lot frontage percentage.
- (5) On a corner lot, a building must be placed within or abutting the area where the build-to zones of 2 intersecting streets overlap. The building must extend within the build-to zone for a minimum of 30 feet in both directions.

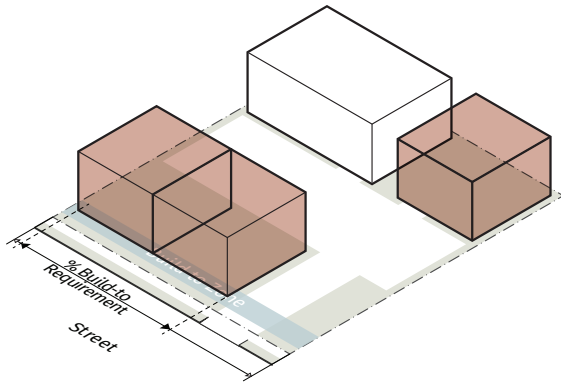


(6) Lot Frontage: New Buildings

(a) All new buildings must be placed in the build-to zone until the required lot frontage for the entire lot or site has been met.



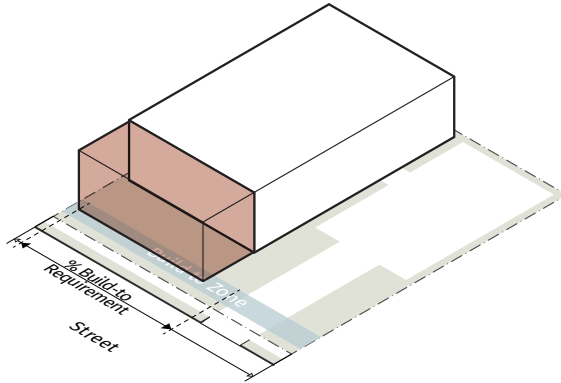
(b) Once the required lot frontage percentage has been met for the entire lot or site, new buildings may be placed outside of the build-to zone.



(7) Lot Frontage: Additions

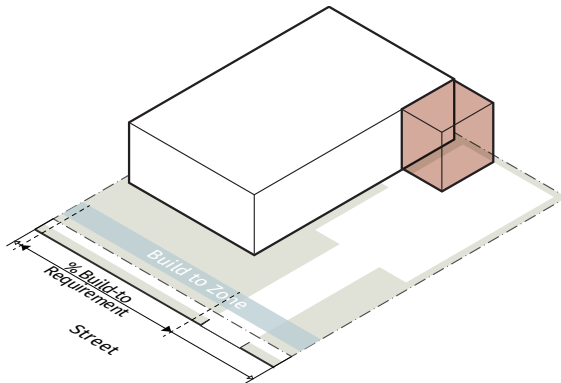
(a) Front Additions

Any addition to the front of an existing building must be placed in the build-to zone. The addition does not have to meet the required lot frontage percentage for the entire lot or site.



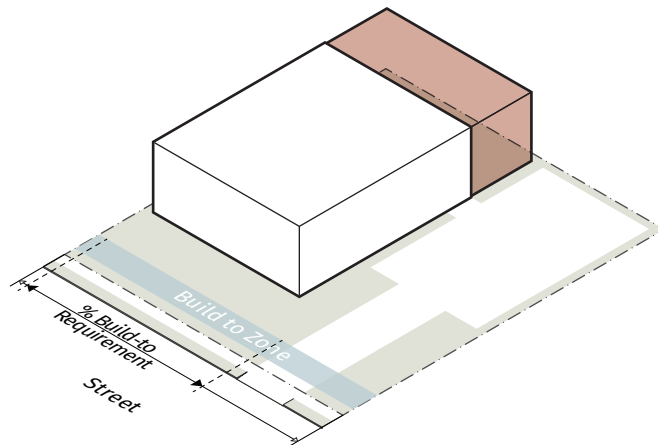
(b) Side Additions

Side additions no greater than 20% cumulatively of the existing building footprint (as of the effective date of this Chapter) are allowed outside of the build-to zone. Once the required lot frontage percentage for the entire lot or site has been met, side additions of any size are allowed.



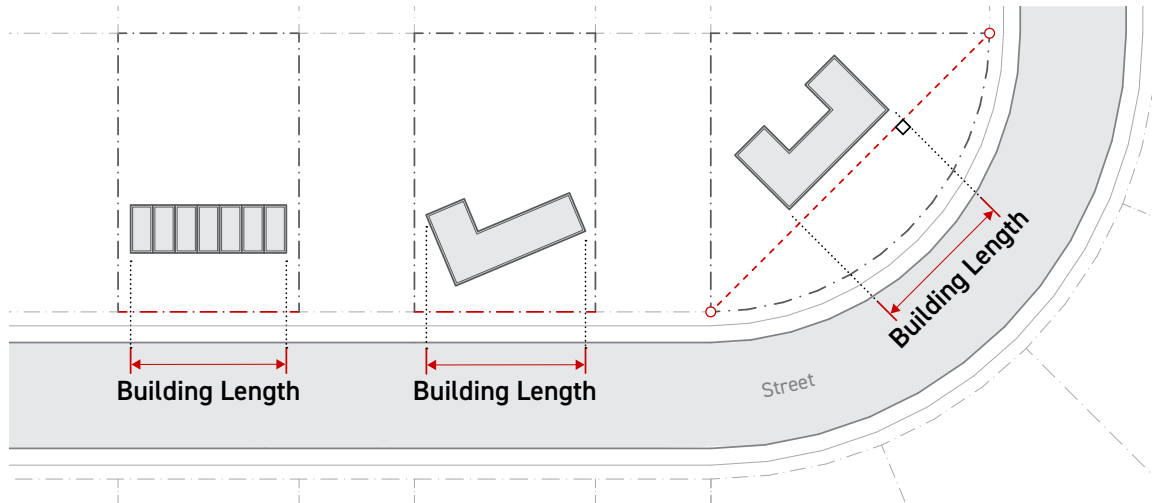
(c) Rear Additions

Rear additions are allowed outside of the build-to zone.



5A-7-4. Street-Facing Building Length

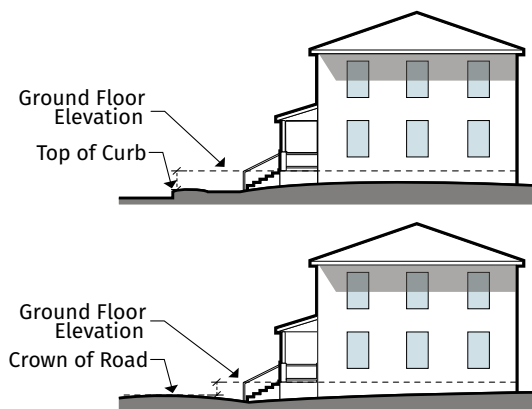
- A. The maximum allowed length of any building on a development site.
- B. Building length is measured horizontally and parallel to each street right-of-way line from one end of an applicable building to the opposite end.



- C. When a Frontage limits building width, no applicable structure or collection of structures may be wider than the maximum width indicated by the Frontage.
- D. In order to establish structures on a proposed development site as separate buildings for the purpose of measuring building width, a building separation equal to at least one-third of the height of the tallest adjacent building is required. This separation does not apply to buildings on adjacent development sites.
- E. **Story Height**

(1) Ground Floor Elevation

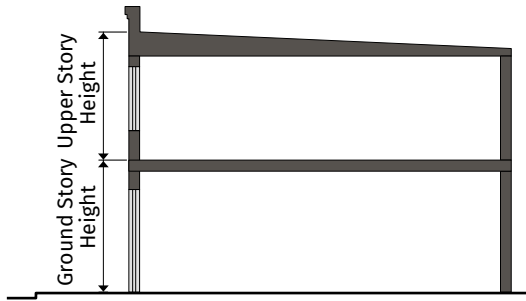
- (a) Ground floor elevation is measured from the top of the adjacent curb, or from the crown of the road where no curb exists, to the top of the finished ground floor.



- (b) Minimum ground floor elevation applies to the first 30 feet of the lot depth measured from the right-of-way.

(2) Story Height

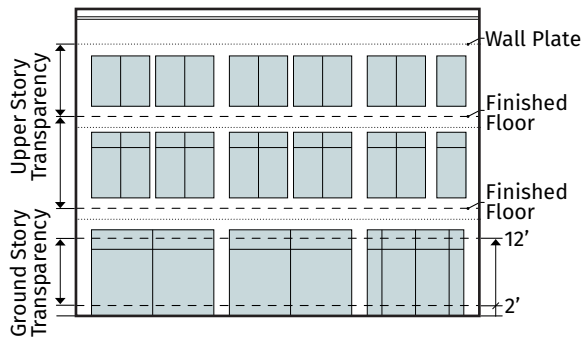
Story height is the height of each story of a building, measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, story height is measured from the top of the finished floor to the top of the wall plate above.



5A-7-5. Transparency

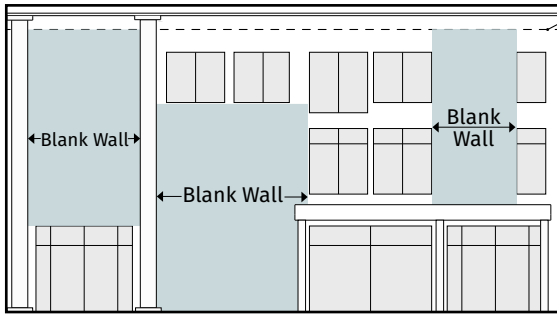
A. Transparency

- (1) Transparency is the minimum percentage of windows and glazed doors that must cover a ground or upper story facade.
- (2) Transparency applies to primary and side street-facing building facades only.
- (3) Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.
- (4) Ground story transparency is measured between 2 and 12 feet above the abutting sidewalk.
- (5) Upper story transparency is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate above.



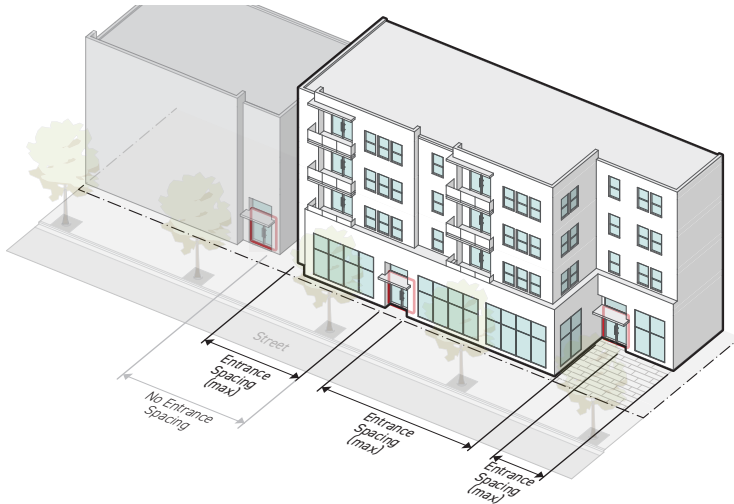
B. Blank Wall Length

- (1) Blank wall length means a portion of the exterior facade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than 12 inches in depth; or a substantial material change (paint color is not considered a substantial change).
- (2) Blank wall length applies in both a vertical and horizontal direction.
- (3) Blank wall length applies to ground and upper story primary and side street-facing facades.



5A-7-6. Pedestrian Access

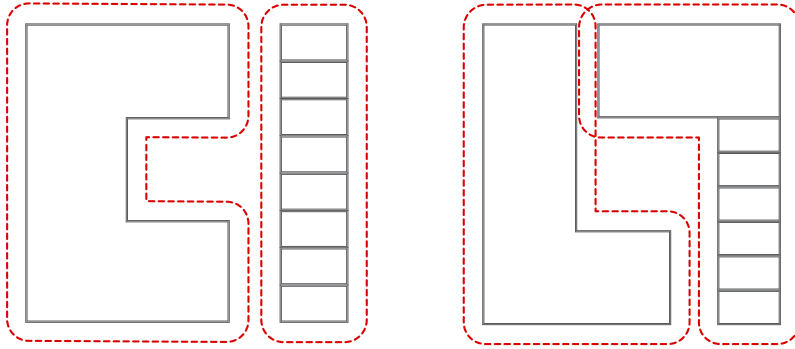
- A. An entrance providing both ingress and egress, operable to residents at all times and customers during regular business hours, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are allowed.
- B. The entrance spacing requirements must be met for each building, but are not applicable to adjacent or abutting buildings. Entrance spacing is measured from the edge of one door to the edge of the next door and from the edge of the building to the edge of door.



- C. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements for both streets.

5A-7-7. Building Separation

- A. The narrowest allowable distance between two buildings.
- B. Except where a greater requirement has been established under the regulations for the district, buildings within Mixed Use Districts must be separated by a minimum of 10 feet.



5A-7-8. Building Height

A. Stories

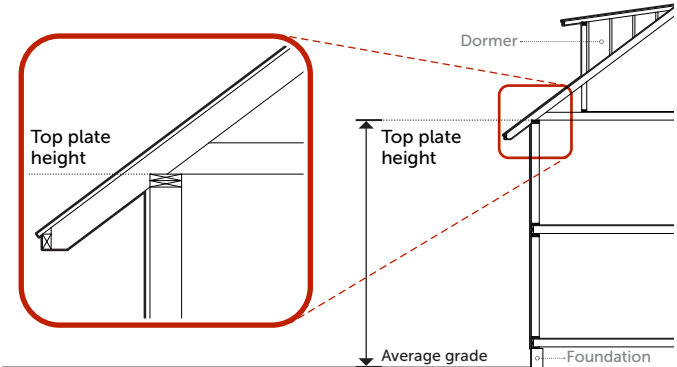
- (1) A story counts as a half story if dormers are present on no more than 50% of the front or side building length. Where dormers exceed 50% of the front or side building length, it will be considered a full story.



- (2) An attic in a pitched roof form does not count as a story when no dormers are present and 50% or more of the attic floor area has a clear height of less than 7.5 feet as measured from the finished floor to the finished ceiling.
- (3) Basements and mezzanines, as defined in the Building Code, do not count as a story.
- (4) Minimum height requirements must be met using additional functional stories above the ground story containing conditioned space and covering the full extent of the ground story.

B. Top Plate Height

Top plate height is measured from average grade to the top of the wall plate that bears the roof structure.



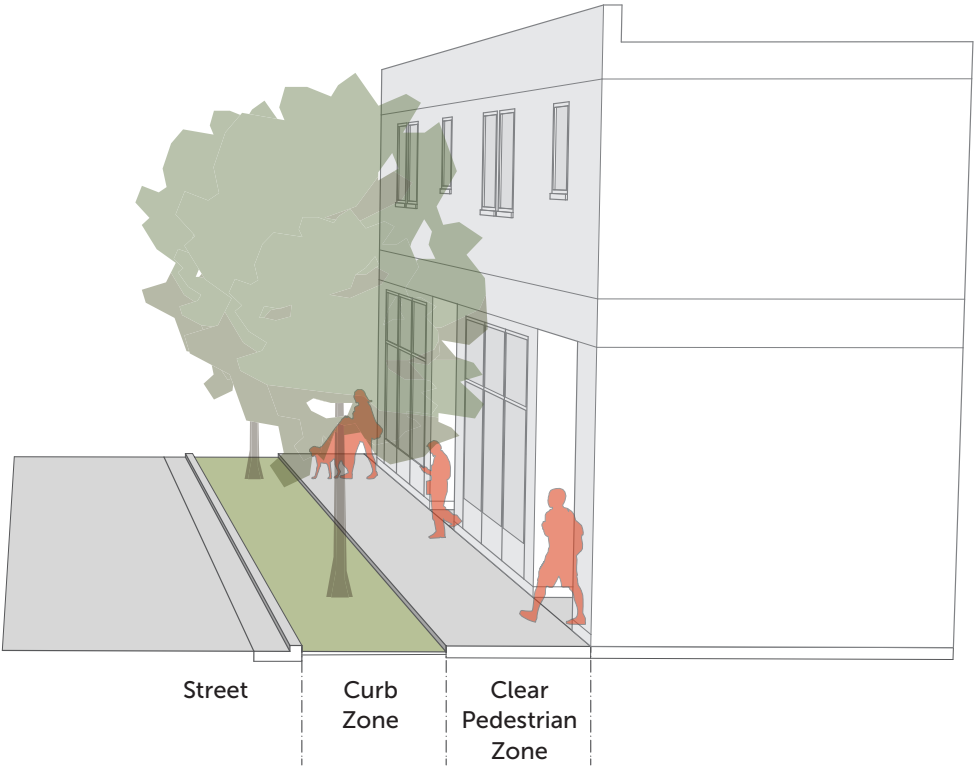
C. Roof Pitch

The pitch of a roof is calculated based on the number of inches it rises vertically for every 12 inches it extends horizontally. For example, a roof that rises 6 inches for every 12 inches of horizontal run has a 6:12 pitch.

5A-7-9. Streetscape

A. Measurement

- (1) The curb zone is measured from the back of curb toward the building face.
- (2) The clear pedestrian zone is measured from the back of the curb zone toward the building face.



B. Tree Spacing

Tree spacing is measured as an average to account for driveways, utilities and other potential conflicts. On State and County roads, the Town Engineer may vary the location of tree planting and its spacing to meet the applicable County or State standards.

5A-7-10. Shared Access Drive

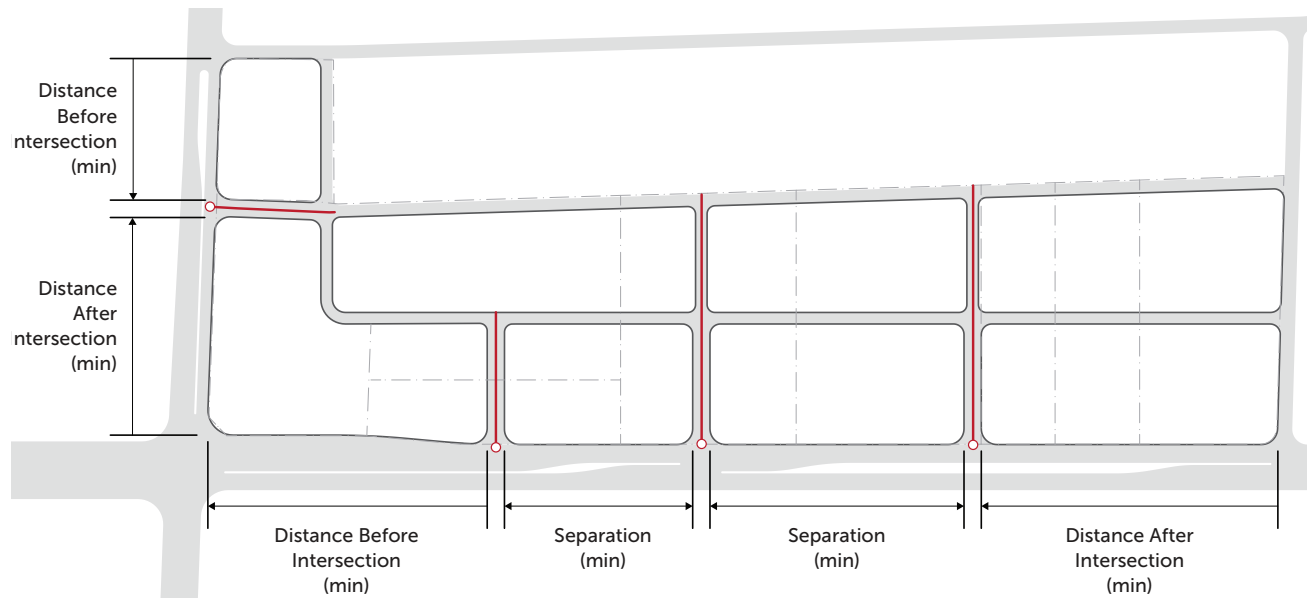
A shared access drive is a private street, maintained by the property owner, unless dedication to the Town occurs. A private easement is required (see Sec. 7-6-5). All shared access drives must provide access to a shared cross access easement. No site will be denied access

A. Separation

Shared access drive separation is measured between the edge of pavement of any adjacent driveway or the nearest curb of any intersecting street.

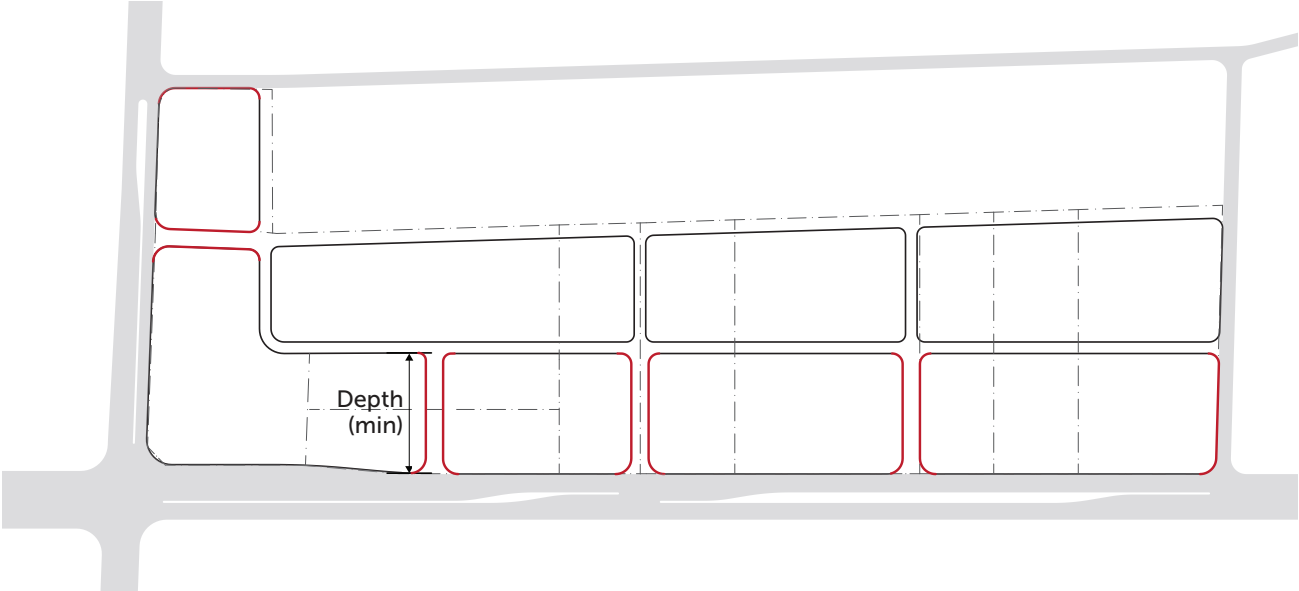
B. Distance Before/After Intersection

The access drive distance before or after an intersection is measured from the nearest curb of the intersecting street to the edge of pavement of the internal drive lane or street.



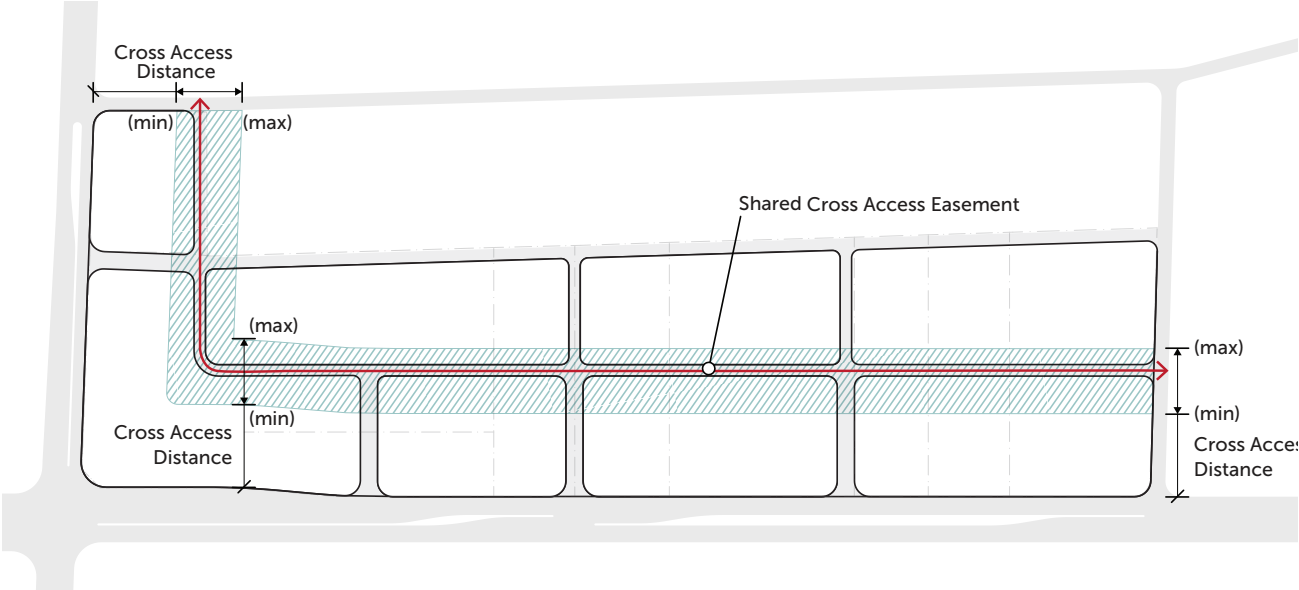
C. Throat Depth

The throat depth of a shared access street is measured perpendicular to the street from which access is taken using the outside edge of pavement or back of curb of the closest drive lane as a starting point. Parking, stacking and vehicular access points are prohibited within the throat depth.



5A-7-11. Cross Access

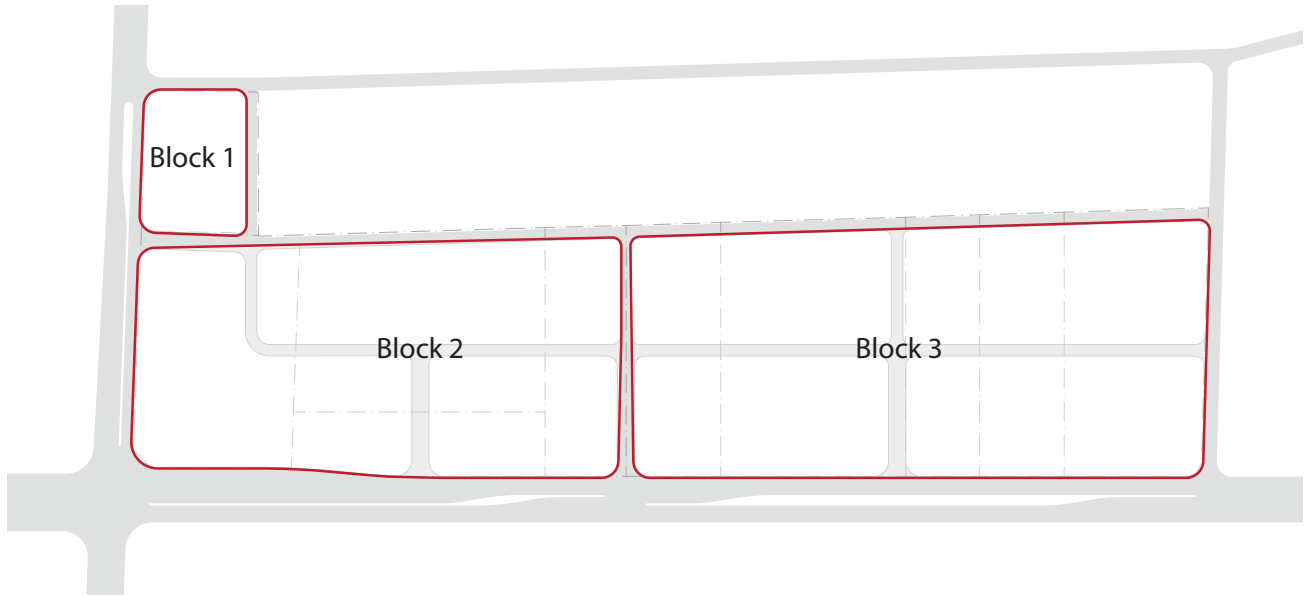
Cross access distance is measured as a minimum and maximum distance from the street right-of-way line that fronts the subject property. The cross access easement must connect directly across the parcel and be located entirely within the minimum and maximum distances. Where an existing cross access easement is stubbed out at the edge of an abutting property, the cross access easement must connect at this point. The easement must meet the standards for Alley/Drive Lane unless the district specifies a different required street. A private easement is required for cross access.



5A-7-12. **Blocks**

A. **Perimeter**

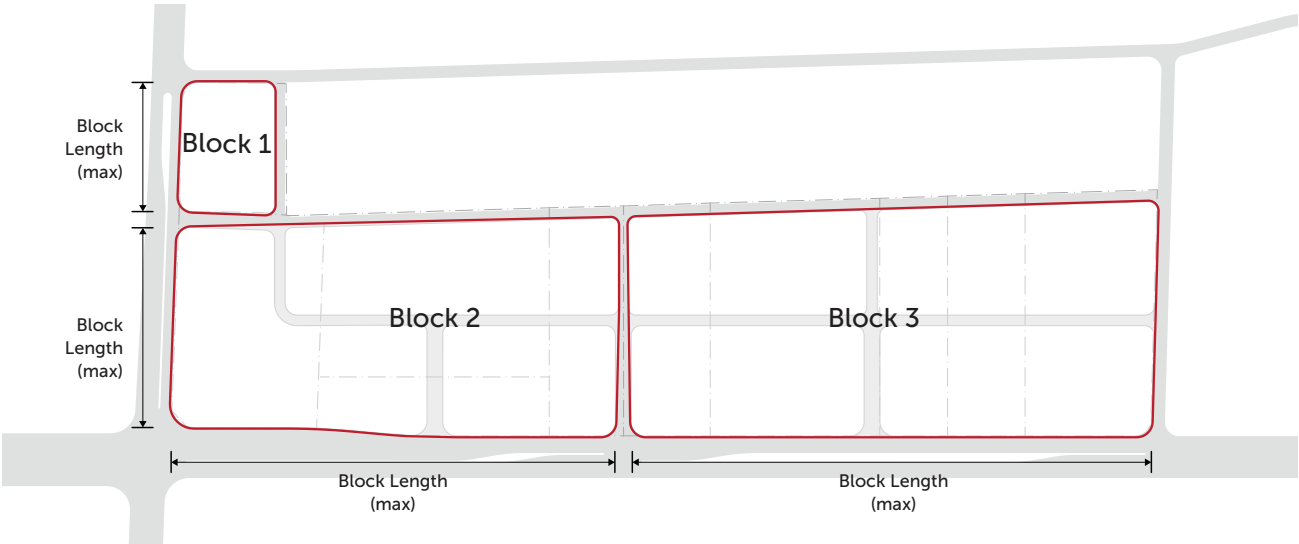
- (1) A block is bounded by a public or private right-of-way or a street with a classification of local street or greater (not including an alley).
- (2) Where a new street is provided along a lot line shared with another mixed use district, a Core Half-Street or Local Half-Street may be provided when neighboring property has not undergone redevelopment since the adoption of this Chapter 203.
- (3) Block perimeter is measured along the edge of the property adjoining the right-of-way.



- (4) The Zoning Administrator may waive the block perimeter requirements when steep slopes in excess of 25%, freeways, waterways, railroad lines, tree conservation areas, stream buffers, cemeteries, open space or utility easements would make the provision of a complete block infeasible.
- (5) Where the block pattern is interrupted by public parkland (including a greenway), that is open and accessible to the public, pedestrian access points must be provided with a minimum spacing equal to maximum block length for the district.

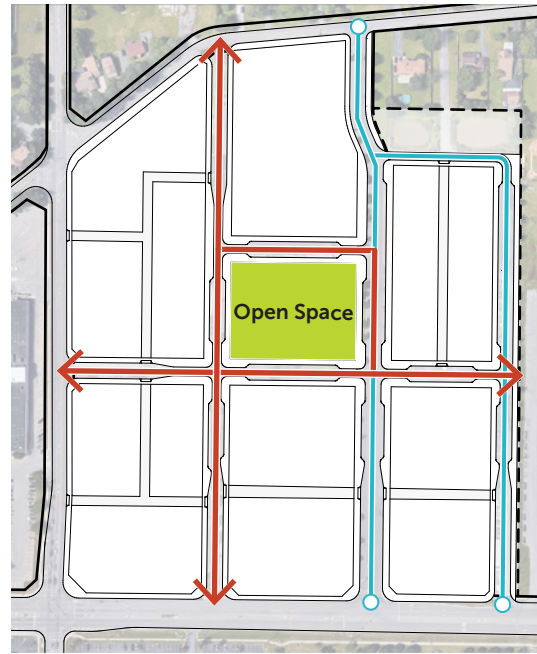
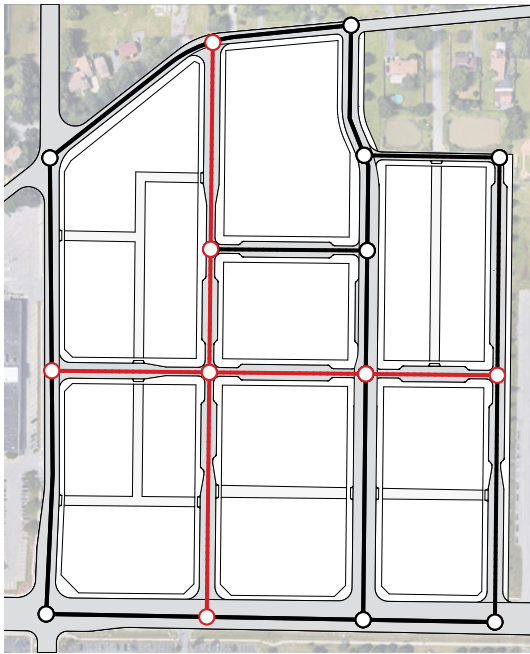
B. Length

Block length is measured along the edge of the public or private right-of-way of each block face. Where an existing block face exceeds the maximum block length, a public or private right-of-way must be provided through the block. Where it is impossible to make a through-block connection, due to land ownership, a stub must be provided to enable a future through block connection.



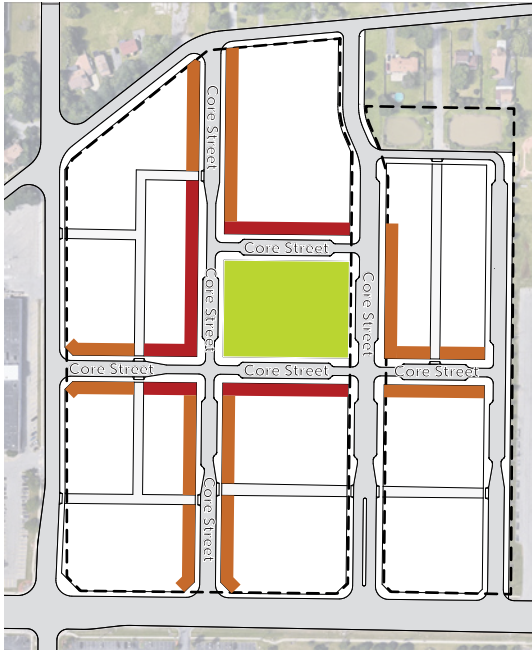
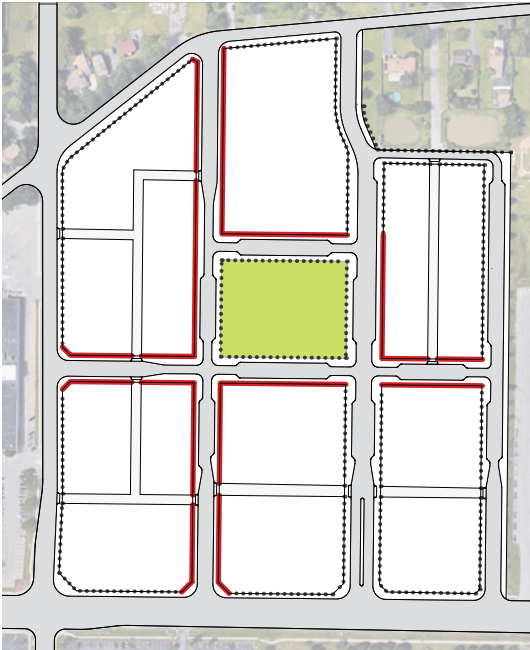
5A-7-13. **Core Streets**

- A. The minimum percentage of core streets is based on the total linear length of streets, including abutting streets, measured along each street centerline.
- B. A core street must connect continuously through the site, connecting to abutting streets or property in a general North to South direction, as well as an East to West direction, even when such connections create core streets that exceed the minimum district percentage requirement.
- C. Continuous North to South and East to West core street connections must be located no more than 1200 feet apart, measured perpendicular to the core street centerlines.
- D. All streets abutting required open space must be designated core streets.



5A-7-14. **Required Frontage**

The minimum percentage of required frontage is based on the linear length of block frontage abutting the applicable streets, measured along the street parcel lines on each side of the street.



5A-7-15. **Building Materials**

A. All nonresidential street facades shall be constructed of the following materials:

- (1) Brick;
- (2) Stucco (cementitious finish only, no more than 30 percent of any facade);
- (3) Architectural concrete masonry;
- (4) Hardi-plank or similar cementitious siding;
- (5) Masonry;
- (6) Wood;
- (7) Field stone, ledge stone or other native veneer;
- (8) Metal (for beams, lintels, trim elements and ornaments); or
- (9) Glass (no more than 80 percent of any facade).

B. The following materials are prohibited on all primary facades and mansard roofs:

- (1) Asbestos or corrugated metal products;
- (2) Highly reflective metal siding or panels;
- (3) Plain Concrete Masonry Unit (CMU);
- (4) Bare or painted plywood; and
- (5) T-111 or unfinished lumber grade wood.

C. Any side or rear wall facing a street, residential district or public or semipublic area must consist of the same facing materials as the building front.

5A-7-16. **Building Entrances**

A. Nonresidential buildings must provide a minimum of one building entrance oriented towards a street, pedestrian walkway or parking area.

B. Nonresidential building entrances on corner lots must be either oriented in the same direction as entrances of adjacent buildings or oriented toward the corner of the lot.

5A-7-17. **Display Windows**

Interior displays and shelving within 10 feet of the window glass must not exceed 15% of the total window area of street-facing ground floor facades.

5A-7-18. **Covered Pedestrian Walkway**

A covered pedestrian walkway a minimum of 6 feet in width is required along any retail facade featuring a customer entrance or along any retail facade abutting a parking area in accordance with the following.

A. **Single Use Retail Building**

A single use retail building must provide a covered pedestrian walkway centered on all customer entrances for a distance of not less than 25% of the length of the shortest facade featuring a

customer entrance. Where a customer entrance is located at the corner of a building, a covered pedestrian walkway must extend along both facades for a distance of not less than 25% of the length of the shorter facade.

B. Multiple Development

A building within a multiple development must provide a covered pedestrian walkway consisting of either:

- (1) An arcade covering 100 percent of the length of the facade; or
- (2) An awning covering a minimum of 85 percent of the length of the facade.

C. Arcades

Arcades must be integrated structurally and architecturally into the design of the facade and constructed of consistent facade materials.

D. Awnings

- (1) Awnings must be associated with windows and doors and constructed of solid materials.
- (2) Awnings must be integrated structurally and architecturally into the design of the facade and complement the overall color scheme of the building facade from which they project.
- (3) Awnings may extend a maximum of two feet into the required setback area.
- (4) The following awnings are prohibited:
 - (a) Mansard awnings (awnings that cover more than 85 percent of a facade or those that connect two facades); and
 - (b) Back-lit awnings.
- (5) Fabric awnings must be kept in good repair so that the original color and integrity of the fabric is maintained.

5A-7-19. Design Exception

- A. A design exception allows a project to use an alternative design approach to satisfy a particular design standard in the Mixed Use Districts.
- B. Design Exceptions may be approved by the Planning Board during the Major Site Plan review process. A project that qualifies as a Minor Site Plan may be reviewed by the Planning Board in order to allow the opportunity for a Design Exception.
- C. The alternative design approach must satisfy the overall intent of the particular design standard.
- D. A design exception is not a variance, which provides relief from a requirement considered to be an unnecessary hardship.
- E. The design exception is required to meet the intent of the applicable standard in an alternative way and must be considered by the Planning Board to be equivalent or better than the outcome generated by the standard in this Chapter.

MEASUREMENTS & EXCEPTIONS

- F. Design exceptions are reviewed by the Planning Board concurrent with the site plan and their approval must be incorporated into the adopted conditions applied to the site plan.
- G. Following approval of a project, no further design exceptions are allowed, and changes must be made through either modification of the site plan or through the variance process.

§ 5A-8 USE REGULATIONS

5A-8-1. Key to Use Table

A. Permitted (P)

A P in the column of a district use table indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable regulations of this Ordinance.

B. Permitted With Supplemental Use Standards (P*)

A P* in the column of a use table indicates that a use is allowed subject to the supplemental use standards (linked in the right-hand column of the table).

C. Special Use (SE)

An S in the column of a use table indicates that a use is allowed only if reviewed and approved as a special use permit in accordance with § 8-6. Special uses are subject to all other applicable regulations of this Ordinance including the additional standards contained in Part 6, except where expressly modified by the Zoning Board of Appeals as part of the special use permit approval process.

D. Uses Not Allowed (--)

A -- in the column of a use table indicates that the use is not allowed in the particular district.

E. Uses Not Listed

The Zoning Administrator shall determine whether or not an unlisted use is similar to an existing use or is substantially similar to an already defined use. When determining whether a proposed use is similar to a defined use, the Zoning Administrator may consider the following criteria:

- (1) The actual or projected characteristics of the proposed use;
- (2) The relative amount of lot area or floor area and equipment devoted to the proposed use;
- (3) Relative amounts of sales;
- (4) The customer type;
- (5) The relative number of employees;
- (6) Hours of operation;
- (7) Building and site arrangement;
- (8) Types of vehicles used and their parking requirements;
- (9) The number of vehicle trips generated;
- (10) How the proposed use is advertised;
- (11) The likely impact on surrounding properties; and
- (12) Whether the activity is likely to be found independent of the other activities on the lot.

F. Standards

The "Standards" column on the use table is a cross-reference to any supplemental use standard or special use standard listed in this Chapter.

G. Developments with Multiple Principal Uses

In the Mixed Use Districts, where a proposed development contains a Special Use according to the Use Table, that use requires separate review and approval by the Zoning Board of Appeals. This Special Use review does not extend to other permitted uses in the building or project.

5A-8-2. Mixed Use District Use Table

MIXED USE DISTRICTS	TI-2.5	TI-4	SC-3	DC-3	DC-5	CTR-2.5	CTR-5	CTR-8	Use Standards
OPEN USES									
None allowed	--	--	--	--	--	--	--	--	
RESIDENTIAL USES									
Single-family detached	P	P	P	P	P	P	P	P	
Multi-family dwelling	P	P	P	P	P	P	P	P	
Upper-story dwelling	P*	P*	P*	P*	P*	P*	P*	P*	6-2-6.
Assisted group living	P	P	P	P	P	P	P	P	
Senior citizen housing	P*	P*	P*	P*	P*	P*	P*	P*	6-2-2.
PUBLIC AND CIVIC USES									
Ambulance service	P	P	P	P	P	P	P	P	
Business college, commercial school	P	P	P	P	P	P	P	P	
College, university	--	--	--	--	P	--	P	P	
Day care	P*	P*	P*	P*	P*	P*	P*	P*	6-3-2.
Passenger Station	--	--	--	--	--	--	P	P	
Place of worship	P*	P*	P*	P*	P*	P*	P*	P*	6-3-3.
Public utility service structure or facility	P*	P*	P*	P*	P*	P*	P*	P*	6-3-4.
School, elementary/secondary (private)	P	P	P	P	P	P	P	P	
Telecommunication facility	S	S	S	S	S	S	S	S	§ 6-7
Utility, minor	P	P	P	P	P	P	P	P	
COMMERCIAL USES									
Animal care	P*	P*	P*	P*	P*	P*	P*	P*	6-4-1., 6-4-13., 6-8-7.
Drive-through facility	--	--	--	P*	P*	P*	P*	P*	4-8-4.
Lodging	P	P	P	P	P	P	P	P	
Medical	P	P	P	P	P	P	P	P	
Office	P	P	P	P	P	P	P	P	
Personal service	P	P	P	P	P	P	P	P	
Recreation, indoor	P	P	P	P	P	P	P	P	
Recreation, outdoor	--	--	--	S	S	S	S	S	
Restaurant	P	P	P	P	P	P	P	P	
Restaurant with outdoor dining	P*	P*	P*	P*	P*	P*	P*	P*	6-4-9.
Retail sales and service	P	P	P	P	P	P	P	P	
Sexually oriented business	--	--	--	--	--	--	--	--	§ 6-6
Vehicle sales, indoor	--	--	--	--	P	P	P	P	
Vehicle sales (outdoor), vehicle service	--	--	--	--	--	--	--	--	
INDUSTRIAL USES									
Light industrial	--	--	--	--	--	--	--	--	
Heavy industrial	--	--	--	--	--	--	--	--	
ACCESSORY USES									
All uses and structures customarily incidental to a principal use	P	P	P	P	P	P	P	P	

P = Permitted P* = Permitted with supplemental use standards S = Special Use (ZBA approval required) -- = Not Permitted

5A-8-3. Use Definitions

The following use definitions apply in the Mixed Use Districts.

ANIMAL CARE. A facility designed or arranged for the care of animals. Animal Care examples include, but are not limited to, pet grooming, dog day care, cat boarding facility, indoor kennel, animal hospital and veterinarian.

LODGING. Accommodations arranged for short term stays. Lodging examples include, but are not limited to, a motel, hotel or bed & breakfast.

MEDICAL. A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical examples include, but are not limited to, a hospital, clinic, surgical center, dentist office, optometrist, medical laboratory, or medical testing service.

OFFICE. A facility used for activities conducted in an office setting and generally focusing on business, professional or financial services. Office examples include, but are not limited to, a radio or television station, recording studio, advertising agency, contracting or construction services (with no storage), archival center, employment agency, offices for scientific research, telecommunications, telemarketing, administrative support services for business and finance, electronic data operations, development and testing enterprises, training schools such as technical, trade, vocational or business schools, driving, martial arts and other trade schools.

PERSONAL SERVICE. A facility involved in providing personal or repair services to the general public. Personal Service examples include, but are not limited to, apparel repair and alterations, copy or print shop, shoe repair shop, beauty or barbershop, funeral home, locksmith, tattoo parlor or body art studio, tailor, milliner or upholsterer, tutoring, laundromat, cleaning and drying outlet pick-up, and art studio.

RECREATION, INDOOR. An indoor facility designed for sports and recreation activities. Indoor Recreation examples include, but are not limited to, a gym, health club, health spa or personal training facility, amusement center or game/video arcade, assembly hall, auditorium, meeting hall, pool hall, bowling alley, ice or roller skating rink, inflatable playground, miniature golf, racing track or facility, movie theater, shooting range or special event facility.

RECREATION, OUTDOOR. An outdoor facility designed for sports and recreation activities. Activities take place predominately outdoors or within outdoor structures. Outdoor Recreation examples include, but are not limited to, extreme sports facility such as BMX, skateboarding or roller blading, outdoor amusements such as batting cage, golf driving range, amusement park, miniature golf facility or water park, outdoor theater, outdoor sports field or court, riding stable, boat rental, shooting range, racetrack or stadium.

RETAIL SALES AND SERVICE. A facility involved in the sale, lease or rental of new or used products. Retail Sales and Service examples include, but are not limited to, an antique and secondhand merchandise store, apparel and accessories store, bakery or confectionery shop, bank, book or stationery store, drug store, food store, hardware store, home furnishing store, jewelry store, job printing or photography store, ice store, liquor store, printing and photocopying store, sporting goods or bicycle store, department store, plumbing store, postal store or post office, sporting goods store,

variety store, vehicle parts sales (without service or repair), household fixture and appliance sales or service, business services, sign company, window cleaning and other building services, electrical and household appliance repair service, laundering, and dry-cleaning and dyeing services.

VEHICLE SALES, INDOOR. A facility that sells, rents or leases passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles.

VEHICLE SERVICE. A facility that services passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles.

§ 5A-9 GENERAL DEVELOPMENT STANDARDS

5A-9-1. Parking, Loading and Stacking

All parking, loading and stacking must meet the requirements of 7-1, except as required below.

A. Minimum Parking in Mixed Use Districts

(1) Off-Street Vehicle Parking

Off-street parking facilities must be provided in quantities not less than set forth in the following schedule.

SCHEDULE OF PARKING REQUIREMENTS

RESIDENTIAL USES	
Single-family detached	1.0 space per dwelling unit
Attached dwelling	1.0 space per dwelling unit
Multi-family dwelling, upper-story dwelling, assisted group living, senior citizen housing	.75 space per efficiency unit
	1.0 space per one or two-bedroom unit
	1.5 space per three or more bedroom unit
PUBLIC AND CIVIC USES	
Ambulance service	2.5 spaces per 1,000 SF
Business college, commercial school	3.5 spaces per 1,000 SF
College, university	3.5 spaces per 1,000 SF
Day care	3.5 spaces per 1,000 SF
Place of worship	3.5 spaces per 1,000 SF
Public utility service structure or facility	2.5 spaces per 1,000 SF
School, elementary/secondary (private)	3.5 spaces per 1,000 SF
Telecommunication facility, minor utility	1 space per facility
COMMERCIAL USES	
Animal grooming, cat boarding facility, animal hospital or veterinarian	2 spaces per 1,000 SF
Lodging	.75 spaces per room
Medical	3.5 spaces per 1,000 SF
Office	2.5 spaces per 1,000 SF
Personal service	2.5 spaces per 1,000 SF
Recreation, indoor	2.5 spaces per 1,000 SF
Restaurant	4.0 spaces per 1,000 SF
Retail sales and service	2.5 spaces per 1,000 SF

(2) Bicycle Parking

Short-term parking for bicycles must be provided in all Mixed Use Districts in quantities not less than set forth in the following schedule.

SCHEDULE OF PARKING REQUIREMENTS

RESIDENTIAL USES	
Multi-family dwelling, upper-story dwelling, assisted group living, senior citizen housing	.5 space per unit min, 20 max
PUBLIC AND CIVIC USES	
All public and civic uses	1 per 3,000 SF min, 20 spaces max
COMMERCIAL USES	
All commercial uses	1 per 3,000 SF min, 20 spaces max

B. Bicycle Parking Design Requirements

- (1) Short-term bicycle parking must be located on-site, be publicly accessible in a convenient and visible area, and be located no more than 100 feet from the primary entrance of the building the bicycle parking space is intended to serve.
- (2) Each required bicycle parking space must be at least 1.5 feet by 6 feet. Where a bicycle can be locked on both sides of a bicycle parking space without conflict, each side can be counted as a required space.
- (3) Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than 3%. Surfaces cannot be gravel, landscape stone or wood chips.
- (4) Bicycle parking must be provided in a well-lit area.
- (5) Spacing of the bicycle racks must provide clear and maneuverable access.
- (6) All bicycle parking spaces must be able to accommodate cable locks and "U" locks, including removing the front wheel and locking it to the rear fork and frame and must be able to support a bicycle in a stable position, giving two points of contact with the bicycle frame.

C. Parking Space Dimensions

The parking space dimensions of 7-1-9.A. apply to parking in the Mixed Use Districts. In addition, parking spaces in the Mixed Use Districts may be reserved for a specific tenant or unit, provided that the following standards are not exceeded.

- (1) 1 per residential unit; and
- (2) No more than 25% of total provided nonresidential spaces.

D. Electric Vehicle Charging Stations

In the Mixed Use Districts, 10% of all parking spaces must be electric-vehicle (EV) ready, with a minimum of 2 EV-ready spaces for all parking lots over 20 spaces. Electric-vehicle ready means, at minimum, conduit or other means to connect power to each space is installed in advance.

REVISIONS TO EXISTING CODE:

Revise § 1-3, Interpretation, to add a new paragraph 1-3-4, as follows:

1-3-4. Where the requirements of Section 5A or related standards or definitions conflict with the remainder of this Chapter, the requirements of Section 5A control.

Add to § 2-2 Abbreviations, in appropriate alphabetical order:

ROW - Right-of-Way

Add to § 2-4 Definitions, in appropriate alphabetical order:

PROTECTED DISTRICT- those districts listed in 5A-5-1. Applicability as protected by requiring a transition on a Mixed Use District property.

RIGHT-OF-WAY - the right established by usage or grant to pass along a specific route through public or private grounds or property by pedestrians, vehicles or utilities belonging to another.

Revise 4-8-4. Drive-Through Facility, to add a new paragraph C. as follows:

4-8-4. Drive-Through Facility. A drive-through facility is permitted in accordance with the district use tables, subject to the following standards.

A. All outdoor speakers shall be located a minimum of 100 feet from the nearest residential district boundary and shall not be directed toward such neighboring property.

B. If the drive-through facility is located within 250 feet from the nearest residential district boundary, the use of all outdoor speakers shall be limited to between the hours of 6 a.m. and 10 p.m.

C. Where a drive-through facility is allowed in the Mixed Use Districts, all drive-through areas, including, but not limited to, menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-through facility, must be located to the side or rear of the principal building. Drive-through windows and lanes may not be placed between a street (not including an alley) and the associated building.

GENERAL DEVELOPMENT STANDARDS

Revise 7-4-2. Allowed Outdoor Storage and Display, as follows:

7-4-2. Allowed Outdoor Storage and Display.

A. Three types of outdoor storage and display shall be allowed in the districts designated in the Table below.

CATEGORY	DISTRICTS			
	NB, <u>TI-</u> , <u>SC-3, CTR-</u>	GB, SC, <u>DC-</u>	CS, MS	RD, GI
Outdoor display	✓	✓	✓	
Limited outdoor storage		✓	✓	✓
General outdoor storage		✓	✓	✓

B. Allowed outdoor storage and display shall meet the vehicle use area setbacks provided in each district or a minimum of 20 feet from any lot line, whichever is greater.

C. In the NB, TI-, SC-3 and CTR- districts, all outdoor display shall be returned to a completely enclosed structure when the associated business is not open.

D. In the ST district, outdoor storage and display shall not be permitted except for the measurement of climatic effects on stored materials. No such storage area shall be located in any required front, side or rear yard.

Revise 7-8-7. Permitted Signs Table, as follows:

SIGN TYPE	RESIDENTIAL DISTRICTS	BUSINESS AND MIXED USE DISTRICTS	INDUSTRIAL DISTRICTS	ALL OTHER DISTRICTS
SIGNS NOT REQUIRING A PERMIT				
Address sign		✓	✓	✓
Construction sign	✓	✓	✓	✓
Incidental sign		✓	✓	✓
Fuel pump sign		✓	✓	✓
Home occupation sign	✓			✓
Political sign	✓	✓	✓	✓
Real estate sign	✓	✓	✓	✓
Window sign		✓	✓	✓
SIGNS REQUIRING A PERMIT				
Building Signs				
Awning sign		✓	✓	✓
Fascia sign		✓	✓	✓
Hanging sign		✓	✓	✓
Marquee sign		✓	✓	✓
Projecting sign		✓	✓	✓
Wall sign		✓	✓	✓
Menu Board		✓		
Freestanding Signs				
Ground sign		✓	✓	✓
Message center sign		✓***		✓***
Pole sign		✓**		✓**
Subdivision identification sign	✓			
Miscellaneous Signs				
Directory sign		✓	✓	✓
* In the SC district, in addition to the pole sign described in § 7-8-4, only wall, ground, hanging, fascia, and permanent changeable letter signs shall be permitted.				
** Pole signs are not permitted in the OB, NB, or -TNB overlay, <u>SC-3, DC- and CTR-</u> districts.				
*** Message center signs are not permitted in the - TNB, PRD, PDD, or -TND overlay, <u>SC-3, DC- and CTR-</u> districts or within 500 feet of a residential district.				
Ground, wall and awning signs only are permitted in the LW-1 District.				

Revise 7-8-8.A Permitted Sign Area, as follows:

A. All Signs

The maximum area of all signs, excluding those that are exempt, shall be related to the height of the building above the finished grade and the length of the wall of the building facing the nearest street. The total maximum face area for all signs shall not exceed X square feet per linear foot of building frontage where X equals the values in the following table. Lots fronting on two or more streets are allowed to calculate all street frontages into the allowable allocation. The allowance included in the prior sentence shall not be applicable to any Controlled Access Highway as detailed in § 120-5 of the Code of the Town of Amherst or any other street where vehicular access is not permitted including, but not limited to, the New York State Thruway (I-90), the Youngmann Expressway (I-290) and the Lockport Expressway (I-990).

SIGN AREA (SQUARE FEET) PER LINEAR FOOT			
District	Under 2 Stories	2 Stories	Over 2 Stories
RD, ST, GI	1.00	1.25	1.50
GB, SC, SC-3, DC-, CTR-	2.00	2.00	2.00
MS, CS	1.50	1.75	2.00
NB, OB, TL-	0.75	1.00	1.25
CF	0.50	0.50	0.50
LW-1	12 sq. ft. maximum (see § 5-8-4C)		

Revise 8-7-2. Initial Site Plans for New Development, as follows:

E. Initial Site Plans for New Development

An initial site plan for new development shall be submitted in accordance with the following table:

TYPE OF DEVELOPMENT	MAJOR SITE PLAN	MINOR SITE PLAN
RESIDENTIAL		
Up to 4 Residential Units		
Proposed construction of 3 or 4 residential units (If proposed single family lots result in the subdivision of a parcel into 5 or more lots within a 3-year period, see Town of Amherst Subdivision Regulations) Site plan review shall not be required for development of one or two single-family lots, except in the NCD district		X
5 or More Residential Units		
Proposed construction of 5 or more residential units (If 5 or more residential lots are proposed, see Town of Amherst Subdivision Regulations)	X	
SEQRA Type 1 Action		
Any proposed residential development classified as a Type 1 action under Town Code, Chapter 104, Environmental Quality Review, as amended.	X	
NONRESIDENTIAL		
Within 250 Feet of Residential		
Proposed nonresidential or mixed-use development located within 250 feet of residential use or zoning	X	
Under 4,000 SF		
Nonresidential or mixed-use development of less than 4,000 square feet of gross floor area and beyond 250 feet from a residential lot boundary		X
Nonresidential or mixed-use development of less than 4,000 square feet of gross floor area and within 250 feet of a residential lot boundary	X	
Over 4,000 SF		
Nonresidential or mixed-use development of greater than 4,000 square feet of gross floor area of all buildings	X	
Under 10,000 SF in the -TNB Overlay District <u>and TI- Mixed Use Districts</u>		
Nonresidential or mixed-use development of less than 10,000 square feet of gross floor area in the -TNB overlay district <u>and TI- Mixed Use Districts</u>		X
<u>Under 25,000 SF in SC-, DC- and CTR- Mixed Use Districts</u>		
<u>Nonresidential or mixed-use development of less than 25,000 square feet of gross floor area in the SC-, DC- and CTR- Mixed Use Districts and beyond 250 feet from a residential district boundary, as measured from the work limit line</u>		X
<u>Nonresidential or mixed-use development of less than 25,000 square feet of gross floor area in the SC-, DC- and CTR- Mixed Use Districts and within 250 feet from a district lot boundary, as measured from the work limit line</u>	X	
<u>Over 25,000 SF in the SC-, DC- and CTR- Mixed Use Districts</u>		
<u>Nonresidential or mixed-use development of more than 25,000 square feet of gross floor area</u>	X	
SEQRA Type 1 Action		
Any proposed nonresidential or mixed use development classified as a Type I action under Town Code, Chapter 104, Environmental Quality Review, as amended.	X	