

**Town of Amherst**  
**Local Law Intro. No. \_\_\_\_ of 2025**  
**Local Law No. \_\_\_\_ of 2025**

**A Local Law Amending Chapter 203 of the Town of Amherst Code Creating the Urban  
Renewal Area Overlay Zoning District and Regulations for Said District**

Be it hereby enacted by the Town Board of the Town of Amherst as follows:

**Section 1:** Chapter 203, Zoning, Part 5, Special Purpose and Overlay Districts is hereby amended to add §5-10 to read in its entirety as follows:

**§5-10. Urban Renewal Area Overlay District (URAOD)**

**5-10-1. Purpose and Goals**

The purpose of the Urban Renewal Area Overlay District (URAOD) is to use the authority granted by New York Town Law §261-c and the Municipal Home Rule Law to provide flexibility in the review and phasing of development within the Urban Renewal Area in Town, in order to incentivize and support redevelopment consistent with the Town's Comprehensive Plan and Urban Renewal Plan.

The Town Board finds that this approach will (A) promote the most appropriate uses in the Urban Renewal Area; (B) improve the design, character and quality of new developments; (C) encourage a harmonious and appropriate mixture of uses; (D) facilitate the adequate and economic provision of streets, utilities, and public services; (E) promote architecture that is compatible with surrounding areas; and (F) provide suitable design responses to specific environmental constraints of the site and surrounding area.

**5-10-2. Definitions**

As used herein:

- A. "Urban Renewal Area Overlay District" or "URAOD" means an overlay zoning district designated by the Town Board within the Urban Renewal Area.
- B. "Urban Renewal Area" shall mean the area(s) designated by the Town Board pursuant to §504 of the New York General Municipal Law.
- C. "Urban Renewal Area Overlay District Law" shall mean the Local Law that was adopted to add §5-10 to Chapter 203, Zoning, Part 5, Special Purpose and Overlay Districts.

**5-10-3. Creation of Urban Renewal Area Overlay District ("URAOD") No. 1 and General Rules**

- A. The Urban Renewal Area Overlay District (“URAOD”) No. 1 encompasses the area depicted on the Town’s Official Zoning Map.
- B. The Town Board may create other URAODs pursuant to the procedures for amending the Town Zoning Map.
- C. A URAOD is an overlay zoning district and shall supersede the requirements of the underlying base zoning districts where indicated herein.

#### **5-10-4. Site Plan Review Procedures**

- A. No building permit shall be issued in the URAOD unless Site Plan approval is obtained, following the procedures set forth in §8-7. In determining whether to approve an application for Site Plan approval, the following additional factors may be considered:
  - 1) Conformity with the Town’s Comprehensive Plan, the Urban Renewal Plan, and the Boulevard Mall Development Standards (§5-10-6);
  - 2) The compatibility of the proposed with the existing character of the neighborhood;
  - 3) Compatibility of uses adjacent to one another;
  - 4) Such other matters as may be considered pertinent, provided they have been established by the Town Board in the Town’s Comprehensive Plan or Urban Renewal Plan.

#### **5-10-5. Modifications**

- A. Notwithstanding any other provisions to the contrary, upon application to the Planning Department, Approved Site Plans may be modified and amended consistent with this Section. The classification of a modification application as a Major Amendment or Minor Amendment is within the discretion of the Planning Director, subject to the criteria and guidelines set forth herein.
- B. An application that meets any one of the following shall constitute a Major Amendment:
  - 1) A 10% change in the total number of residential units (either more or less than proposed);
  - 2) Adding more than 25,000 sq. ft. within the entire proposed development;
- C. The following criteria may be considered by the Planning Director in determining whether to classify a modification application as a Major Amendment or Minor Amendment:

- 1) Suggested changes to the *Key Streets & Frontages Plan* (Figure 1);
  - 2) Deviation from the approved building(s) elevation(s)/design(s) such as façade materials, color, transparency and blank wall, and entranceway spacing.
  - 3) Modifications to parking, including the conversion of surface parking to structured parking.
- D. Any application for modifications or amendment to Site Plan Approval shall be in writing and contain such information as required for the application as set forth in §8-7. The Planning Director may (a) waive any specific application requirement which he/she determines unnecessary to the consideration of the application; and (b) may require any additional information which he/she determines may be helpful to the consideration of the application.

#### **5-10-6. Boulevard Mall Development Standards**

This section shall be applicable only within URAOD No. 1. The Boulevard Mall Development Standards aim to refine the framework of potential redevelopment outlined in the Boulevard Central District Urban Renewal Plan. It envisions the Boulevard Mall site transformed incrementally into a walkable, mixed-use, transit-oriented development serving contemporary retail and residential demands, while creating a thriving new “center” for the local community and the greater region.

##### **A. Zoning Districts**

- 1) It is the intent of the URAOD Local Law to function in conjunction with the Center District regulations established under §5A. However, within the geographic boundaries of this overlay district, the Planning Board shall have the authority to permit the uses, dimensional standards, and/or general development standards set forth in §4-7 (Shopping Center District) in lieu of §5A provided the applicant expressly invokes this option in the development application.

##### **B. Streets, Blocks and Connections**

- 1) Core Streets
  - a. The location and rights-of-way dimensions of all Core Streets are fixed elements of the Development Standards. These streets must be established in the general locations and dimensions depicted in the *Key Streets & Frontages Plan* (see Figure 1) and in the *Street Sections* (see Figures 2 and 3) in order to: (1) set a baseline for block size, location and orientation; (2) dictate cohesive street design; (3) outline street development phasing; (4) direct infrastructure routes and access; and, (5) protect key site feature locations, such as public open spaces and other community amenities. The

final location may be modified as part of the site plan application to better align with the final design.

- b. Core Streets depicted in the *Key Streets & Frontages Plan* (Figure 1) will be constructed first within the initial phases of development.
- c. The minimum required percentage of Core Streets, as set forth in §5A-7-13.A, §5A-3-6, §5A-3-7, and §5A-3-8 shall not apply to development within the URAOD.
- d. The continuous connectivity requirements of Core Streets, as specified in §5A-7-13.B and C, shall apply only as illustrated in the *Key Streets & Frontages Plan* (see Figure 1).

## 2) Blocks

- a. The site shall be divided into a minimum of four blocks as depicted on the *Key Streets & Frontages Plan* (see Figure 1). Such blocks may exceed the maximum perimeter and block length standards established by the §5A zoning districts.
- b. Internal streets established within these four blocks through additional street development may be constructed in accordance with the right-of-way dimensions illustrated in the *Street Sections* (Figures 2-4) or as otherwise permitted under §5A-6, subject to compliance with all applicable fire access requirements of the NYS Uniform Fire Prevention and Building Code.

## 3) Pedestrian Walkways and Multi-Use Trails

- a. Pedestrian walkways and multi-use trails are strongly encouraged throughout the development to create safe connections. These may be used to connect elements of the public realm such as streets and/or other walkways, public sidewalks, public open spaces, and/or public amenities, such as a community center. When utilized, walkways and multi-use trails shall align with and extend any block network established within the site and to areas adjacent to the site.
  - i. Pedestrian walkways must meet the National Accessibility Standard (ICC/ANSI A117.1-2017).
  - ii. Multi-use Trails must be a minimum of 12 feet wide.

## 4) Parking

- a. On-street parking must be provided on all Core Streets identified on the *Key Streets & Frontages Plan* (see Figure 1) and as depicted in the *Street Sections* (see Figures 2 and 3).
- b. Development within the URAOD is not required to meet minimum off-street vehicle parking requirements as outlined in §5A-9-1.A.(1) or §7-1-6.A.
- c. Structured parking is encouraged, especially if incorporated into larger vertical mixed-use or residential buildings, to support future density by reducing the need for large surface parking lots, and opening up space for additional building development.
- d. Surface parking is encouraged to be largely placed behind buildings or otherwise screened wherever possible; however, surface parking is anticipated along Niagara Falls Boulevard, Alberta Drive, and Maple Road due to the assigned Boulevard Frontage.

#### 5) Mobility Options

- a. Wherever possible, space for mobility amenities such as bike racks, charging stations, car shares, or bus loading areas are encouraged to reduce the need for individual vehicular parking and to provide equitable access to and from the area.

### **C. Built Form and Use**

#### 1) Building Uses

- a. **Prohibited Uses:** The following uses are prohibited across the entire URAOD No. 1 Area: single-family detached units, motor services and vehicular sales (with the exception of small indoor showrooms of 10,000 sq. ft. or less).
- b. **Restricted Uses:** Drive-throughs are permitted only on parcels with frontages on Niagara Falls Boulevard and Maple Road. Loading and automotive stacking shall be prohibited between the public road right-of-way and the building façade.
- c. Vertical mixed-use buildings may be provided fronting public open spaces (either directly adjacent to or across an adjacent street). First-floor uses in such buildings directly fronting public open space shall enhance these environments and support compatible interaction between the green space and streetscape. Such uses include restaurants, entertainment, retail or hospitality.

## 2) Frontages.

- a. Frontage requirements for each parcel, notwithstanding any other law to the contrary, shall only be required to be met on one side of a parcel initially (as in-fill development occurs over time) with primary street designation selected by the applicant where the site abuts more than one street (existing or proposed).
- b. All buildings fronting along Niagara Falls Boulevard, Maple Road, and Alberta Drive shall comply with the Boulevard Frontage Type requirements, as illustrated in Figure 5, regardless of which zoning regulations are applied pursuant to §5-10-6.A.1.
- c. In cases where the right-of-way creates an irregular property line, build-to maximums of the Boulevard Frontage Type may be increased to preserve continuous alignment of building facades and circulation aisles along the streetscape of larger blocks, with limitations that there will be no more than two rows of parking and a drive aisle.

## 3) Building Height

- a. The existing underlying Zoning Districts regulate base building height requirements; however, the Planning Board may allow up to two (2) additional stories (up to 15 feet/story maximum) in height onto the base zoning height maximum for developments that include structured parking.

## 4) Design Considerations

- a. Notwithstanding any other provision to the contrary, cohesive design elements (signs, lighting, landscaping, etc.) and building materials that are of high quality are essential for creating a distinct character and atmosphere across an area where multiple developers are anticipated to contribute projects. While architectural styles should vary to some degree to create streetscape interest, design elements must establish cohesion amongst public areas/rights-of-way, street furniture, and common spaces to maintain consistency and enhance the overall aesthetic of an area. The Town may require that proposed site features have a consistent design with those that have already been constructed.
- b. Human-scale design elements, such as awnings, canopies, and engaging storefronts are encouraged to promote effective foot-traffic on primary Core Streets and frontage abutting the primary public open space.
- c. Loading and/or service areas and mechanical equipment shall be screened and/or designed in such a manner that makes them less prominent along street fronts.

## **D. Open Spaces**

- 1) Public open spaces are intended to serve as active community gathering places that promote social interaction, community engagement and recreational activity.
  - a. With the Planning Board or Town Board's approval, publicly-owned open space may be credited towards satisfying a portion of the open space requirement.
  - b. Limited temporary commercial uses may be permitted within public open spaces, including kiosks, vendor markets, restrooms, food stands, and similar amenities that enhance the functionality and vibrancy of the space.
- 2) Open spaces provided in excess of the required minimum percentages during an earlier phase of development may be credited towards satisfying the open space requirements of subsequent phases, provided such phases occur within parcel(s) under common ownership.
- 3) The provision mandating required open space be provided in one contiguous area (§5A-7-2.B(5)), shall not apply to development within the URAOD.
- 4) Both public and private open spaces can include such elements as green lawns, plazas, paths and trails, trees and other landscaped areas, water features, sport courts, playgrounds, dog parks, gardens, pavilions and seating areas.
- 5) Beyond public open spaces, additional open spaces are encouraged throughout the site. These should be indicated as either public or private.

**Section 2: Severability.** Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 3: Effective Date.** This Local Law shall be effective upon filing with the Secretary of State in accordance with the Municipal Home Rule Law.

**Amendment of the Official Zoning Map (as adopted January 19, 1976):** The Official Zoning Map of the Town of Amherst is hereby amended to include the Urban Renewal Area Overlay District ("URAOD") No. 1 (see Exhibit 1). URAOD No. 1 is described as follows:

Beginning at the south east corner of the intersection of Niagara Falls Boulevard and Maple Road, the Urban Renewal Overlay District No. 1 extends approximately 1,329 feet east along the southern border of the Maple Road right-of-way to the north eastern corner of the 3893 Maple Road parcel (SBL-54.03-1-13), then turns southerly along the western border of the Alberta Drive right-of-way for approximately 1,715 feet to the south eastern corner of the 1265 Niagara

Falls Boulevard (SBL-54.03-1-24.21) parcel (the portion of the parcel split off from the main parcel to the south of the National Grid parcel (SBL- 54.03-1-12.1)), then turns westerly for approximately 329 feet along the southern parcel line of 1265 Niagara Falls Boulevard, then turns at a diagonal along a portion of the 1265 Niagara Falls Boulevard parcel line heading south westerly for approximately 81 feet, then turns southerly for approximately 78 feet, then turns westerly for approximately 145 feet, then turns southerly along the National Grid parcel line for approximately 479 feet to the northern border of the Alameda Avenue right-of-way, then turns westerly along the northern border of Alameda Avenue for approximately 893 feet to the south western corner of the 1261 Niagara Falls Boulevard parcel (SBL-67.06-1-1.111), and then turns northerly along the eastern border of the Niagara Falls Boulevard right-of-way for approximately 2,315 feet back to the southeast corner of the intersection of Niagara Falls Boulevard and Maple Road (the beginning point).

The Urban Renewal Area Overlay District No. 1 totals approximately 68.7 acres and includes 10 existing parcels.



**Key Streets and Frontages Plan**

- Core Streets
- Boulevard Frontage
- Property Lines
- National Grid Easement

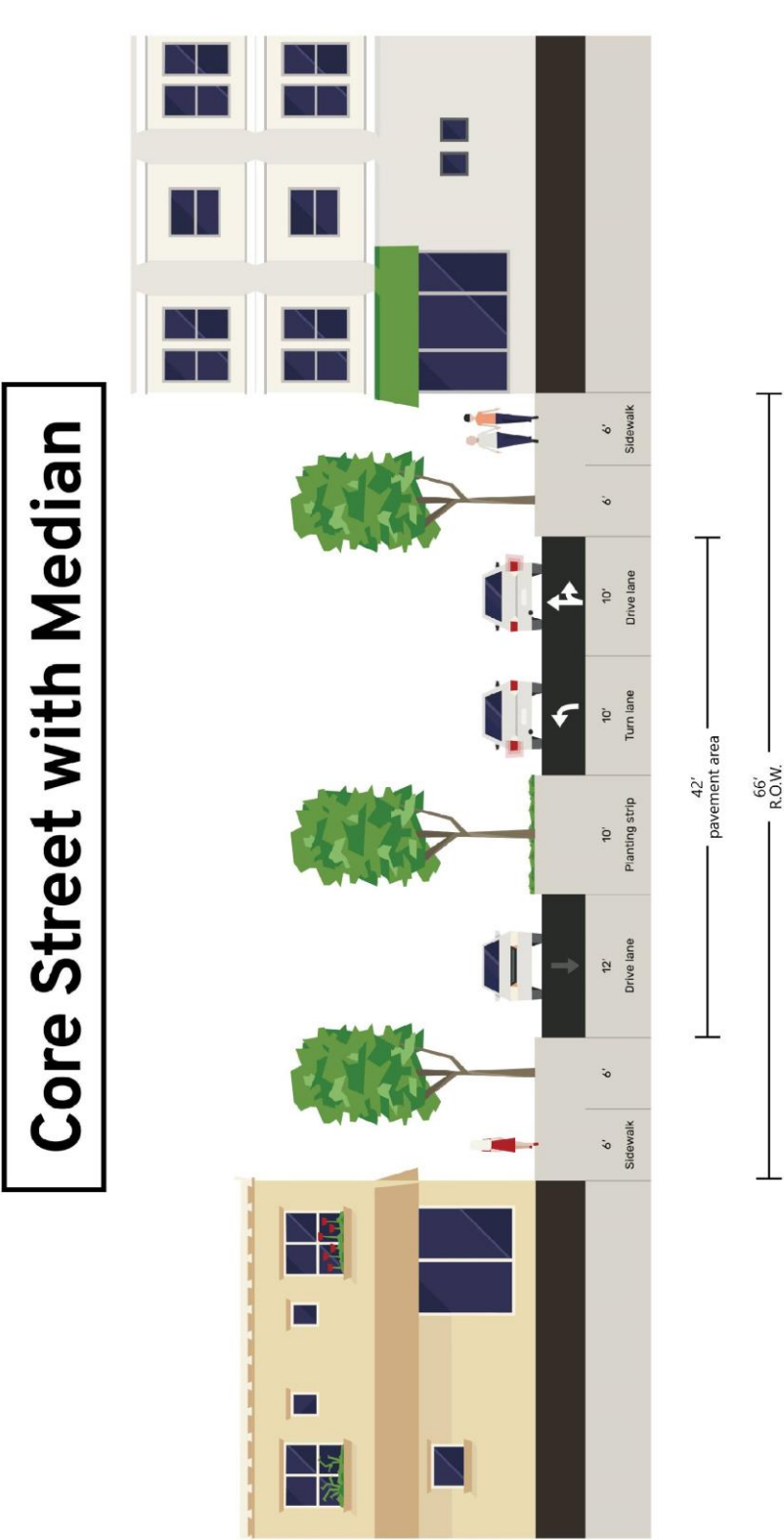
**Core Street**

Component	Width (ft)
Sidewalk	6'
Parking lane	8'
Shoulder	3'
Drive lane (Right Turn)	10'
Drive lane (Left Turn)	10'
Shoulder	3'
Parking lane	8'
Sidewalk	6'

**Dimensions:**

- Pavement: 42'
- Total R.O.W.: 66'

FIGURE 3: Core Street with Median Section

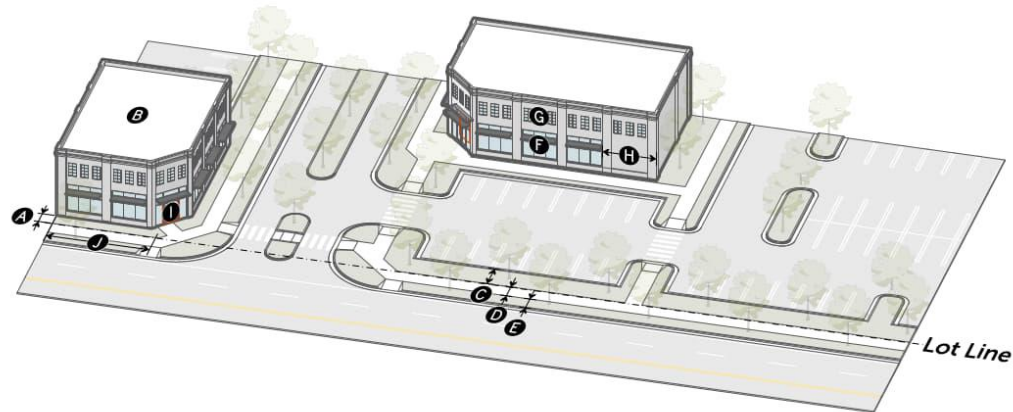


**FIGURE 4: Local Street Section**



**FIGURE 5: Boulevard Frontage**

# Boulevard Frontage



## BUILDING SETBACKS

<b>A</b> Build-to zone	10' min/ 102' max
Lot frontage	n/a
<b>B</b> Corner frontage	Not Required

## BUILDING MASS

Street-facing building length	n/a
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## PARKING SETBACKS

<b>C</b> Minimum setback	10' min
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## STREETSCAPE

<b>D</b> Clear pedestrian zone	6' min
<b>E</b> 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

<b>F</b> Ground story	20% min	50% min
<b>G</b> Upper story	20% min	20% min
<b>H</b> Blank wall length	40' max	40' max

## PEDESTRIAN ACCESS

<b>I</b> Street-facing entrance	Required	Required
<b>J</b> Entrance spacing	100' max	100' max



## EXHIBIT 1: Urban Renewal Area Overlay District (URAOD) No. 1 Map

