A watercolor illustration of a vibrant city street scene. In the foreground, a sidewalk is populated with people: two men walking, a group of people sitting at outdoor cafe tables, and a woman walking. A white car is parked on the left. In the background, there are multi-story buildings with large windows and lush green trees. The overall style is artistic and colorful.

# Chapter 203. Zoning

**DISCUSSION  
DRAFT**

**MIXED USE**

March 21, 2019



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

**KEY:**

- |                    |  |
|--------------------|--|
| <u>new text</u>    | New text added to existing material                |
| <del>deleted</del> | Text proposed for deletion from existing material  |
| Sec. 9.1.3         | Highlighted cross-section, to be revised as needed |
| 18                 | Note for Town/consultant discussion                |
| Check              | Note for consultant                                |

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## DIV. 2.4. INFILL DISTRICTS **NEW**

### Sec. 2.4.1. Intent

The Infill Districts are intended to implement the Traditional future center designation of the Town's 2018 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.



### Sec. 2.4.2. Districts

The following Traditional Infill Districts are established.

#### A. Traditional Infill 2.5 (TI-2.5)

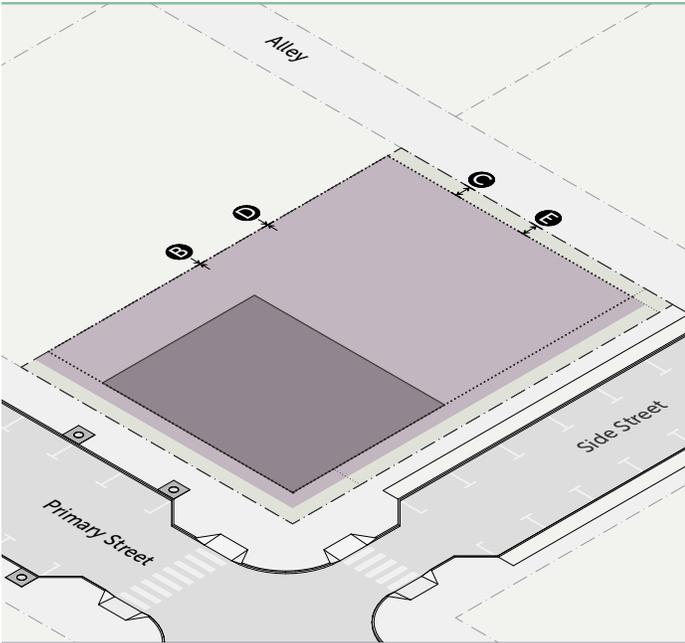
The Traditional Infill 2.5 District is intended for infill and redevelopment sites that immediately abut residential neighborhoods on shallow parcels. The TI 2.5 District allows for a 2-story flat-roofed building as well as a 3 story building where the third story is within the roof form.

#### 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.

Sec. 2.4.3. **TI-2.5** Traditional Infill 2.5

**A. Site**



**LOT**

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

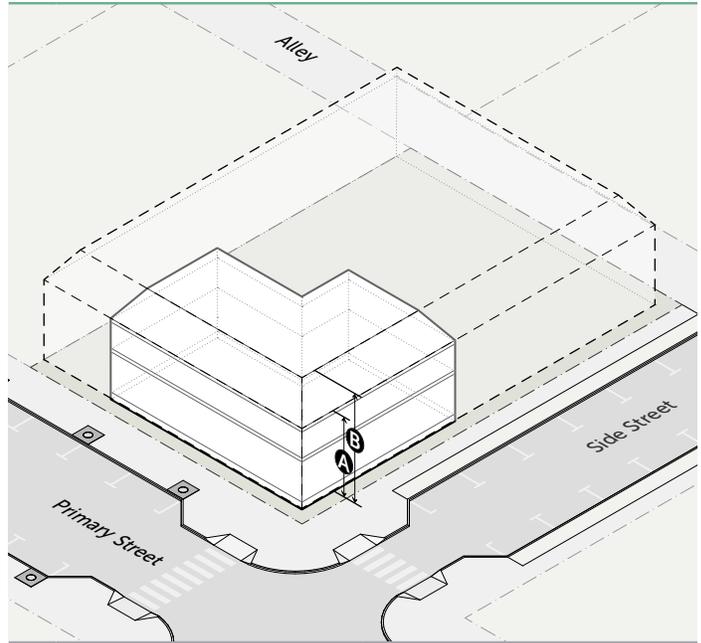
**BUILDING SETBACKS**

Build-to zone	See Div. 2.5 Infill Frontages
Primary and side street lot frontage	See Div. 2.5 Infill Frontages
<b>B</b> Common lot line	0' min
<b>C</b> Alley	5' min

**PARKING SETBACKS**

Primary and side street	See Div. 2.5 Infill Frontages
<b>D</b> Common lot line	0' min
<b>E</b> Alley	5' min

**B. Building**



**BUILDING HEIGHT**

<b>A</b> Top plate height	2 stories/24' max
<b>B</b> Building height	2.5 stories/35' max

**BUILDING LENGTH**

See Div. 2.5 Infill Frontages

**STORY HEIGHT**

See Div. 2.5 Infill Frontages

**ACTIVATION**

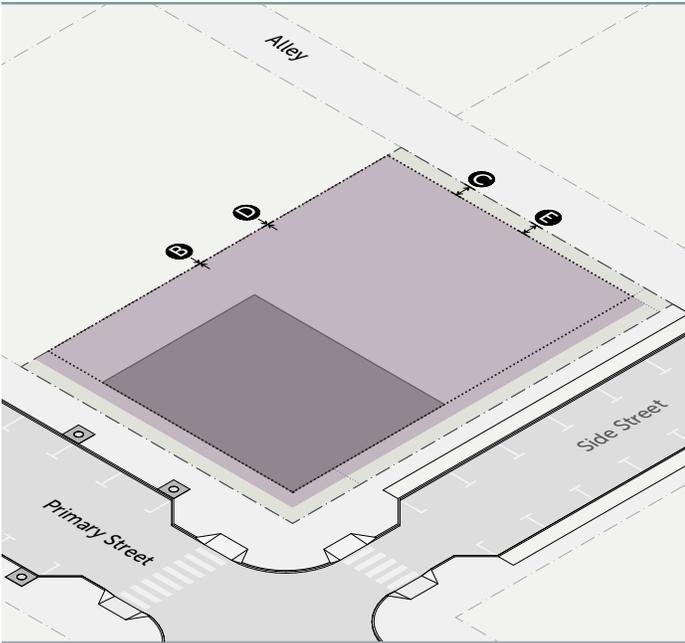
See Div. 2.5 Infill Frontages

**USE**

See Div. 2.5 Infill Frontages

Sec. 2.4.4. **TI-4** Traditional Infill 4

**A. Site**



**LOT**

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

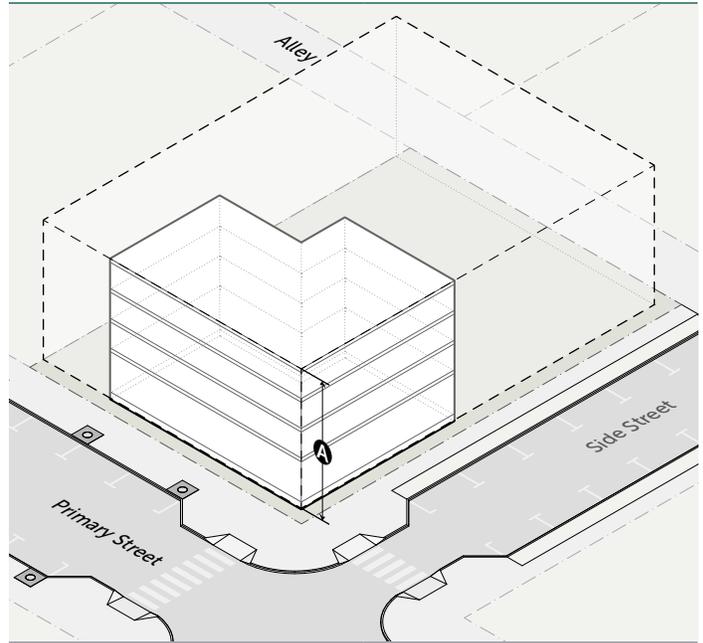
**BUILDING SETBACKS**

Build-to zone	See Div. 2.5 Infill Frontages
Primary and side street lot frontage	See Div. 2.5 Infill Frontages
<b>B</b> Common lot line	0' min
<b>C</b> Alley	5' min

**PARKING SETBACKS**

Primary and side street	See Div. 2.5 Infill Frontages
<b>D</b> Common lot line	0' min
<b>E</b> Alley	5' min

**B. Building**



**BUILDING HEIGHT**

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

**BUILDING LENGTH**

See Div. 2.5 Infill Frontages

**STORY HEIGHT**

See Div. 2.5 Infill Frontages

**ACTIVATION**

See Div. 2.5 Infill Frontages

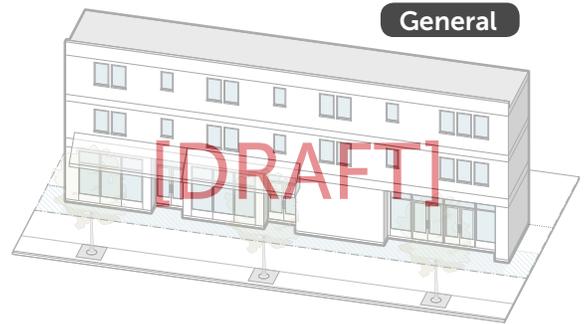
**USE**

See Div. 2.5 Infill Frontages

# DIV. 2.5. INFILL FRONTAGES **NEW**

## Sec. 2.5.1. 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.

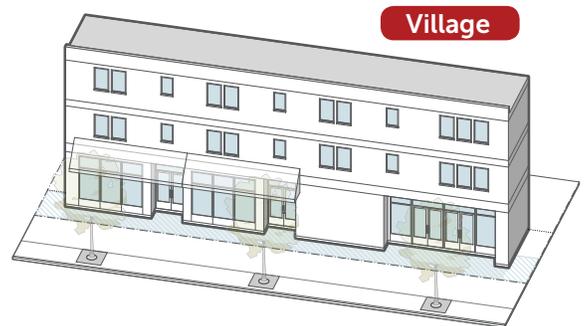


## Sec. 2.5.2. Frontages

The following Infill Frontages are established.

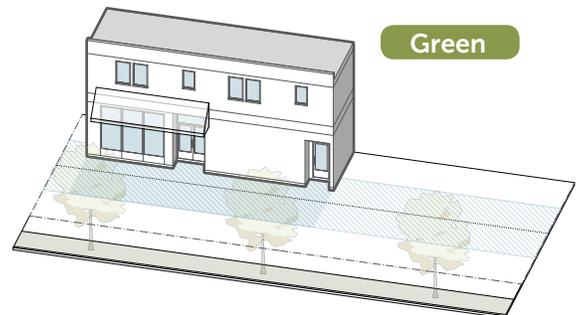
### A. General

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

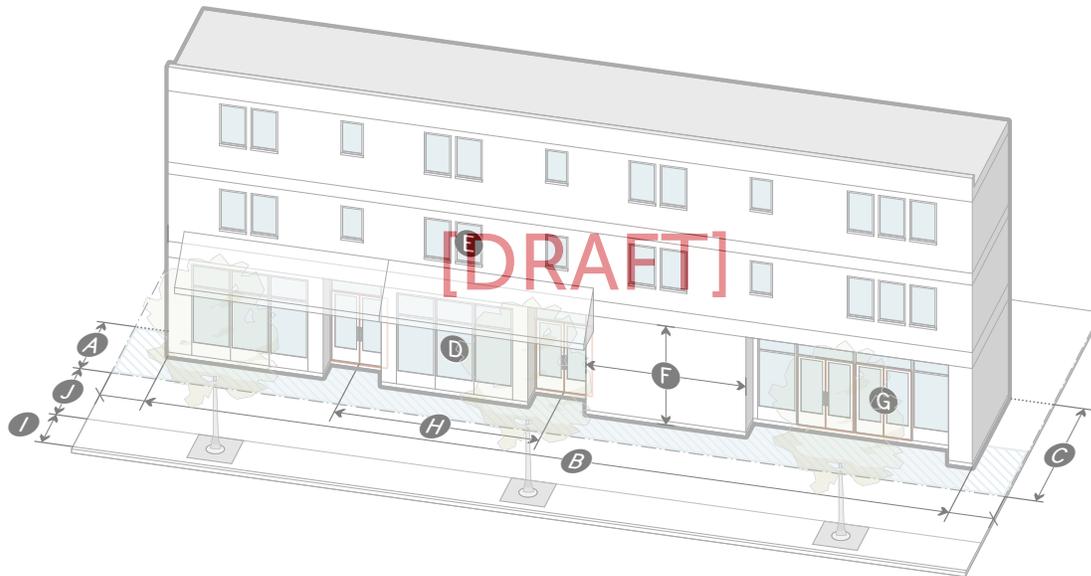
The Green Frontage provides for a deeper setback, moving the building back from the street, but not allowing parking between the building and the street.



### 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.

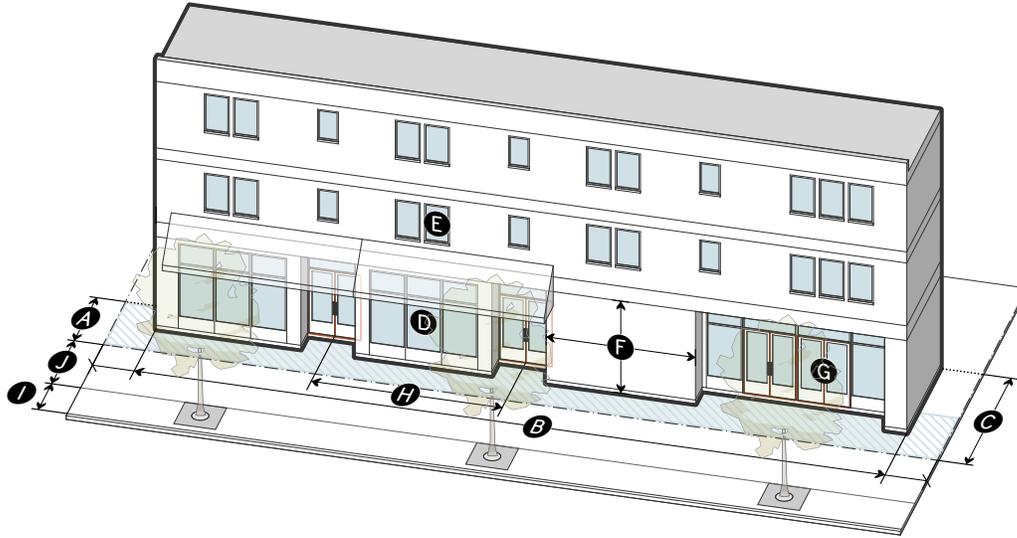
## Sec. 2.5.3. General Frontage



BUILDING SETBACKS	Primary Street	Side Street
<b>A</b> Build-to zone	0' min/ 10' max	0' min/ 20' max
<b>B</b> Lot frontage	75% min	40% min
PARKING SETBACKS		
<b>C</b> Street	20' min	10' min
BUILDING LENGTH		
<b>D</b> 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	13' min	13' min
Upper story height	9' min	9' min

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

## Sec. 2.5.4. Village Frontage



### BUILDING SETBACKS

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

### PARKING SETBACKS

<b>C</b> Street	20' min
-----------------	---------

### BUILDING LENGTH

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

<b>D</b> Ground story	70% min
<b>E</b> Upper story	20% min
<b>F</b> Blank wall	15' max

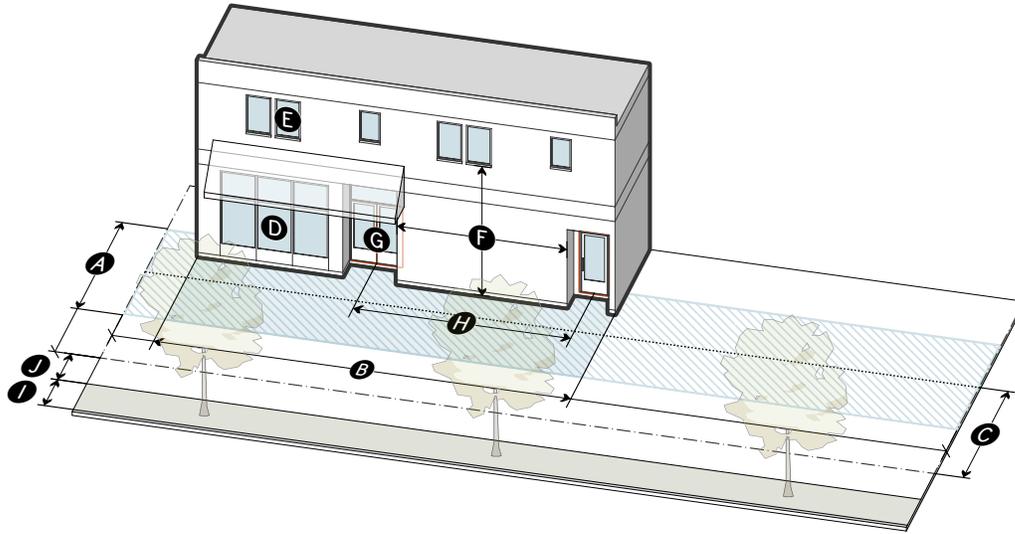
### PEDESTRIAN ACCESS

<b>G</b> Street-facing entrance	Required
<b>H</b> Entrance spacing	30' max

### STREETScape

<b>I</b> Curb zone	6' min
Tree planting type	Grates
Tree spacing	35' on-center avg.
<b>J</b> Clear pedestrian zone	10' min

Sec. 2.5.5. **Green Frontage**



**BUILDING SETBACKS**

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

**PARKING SETBACKS**

<b>C</b>	Street	20' min
----------	--------	---------

**TRANSPARENCY**

<b>D</b>	Ground story	50% min
<b>E</b>	Upper story	20% min
<b>F</b>	Blank wall	20' max

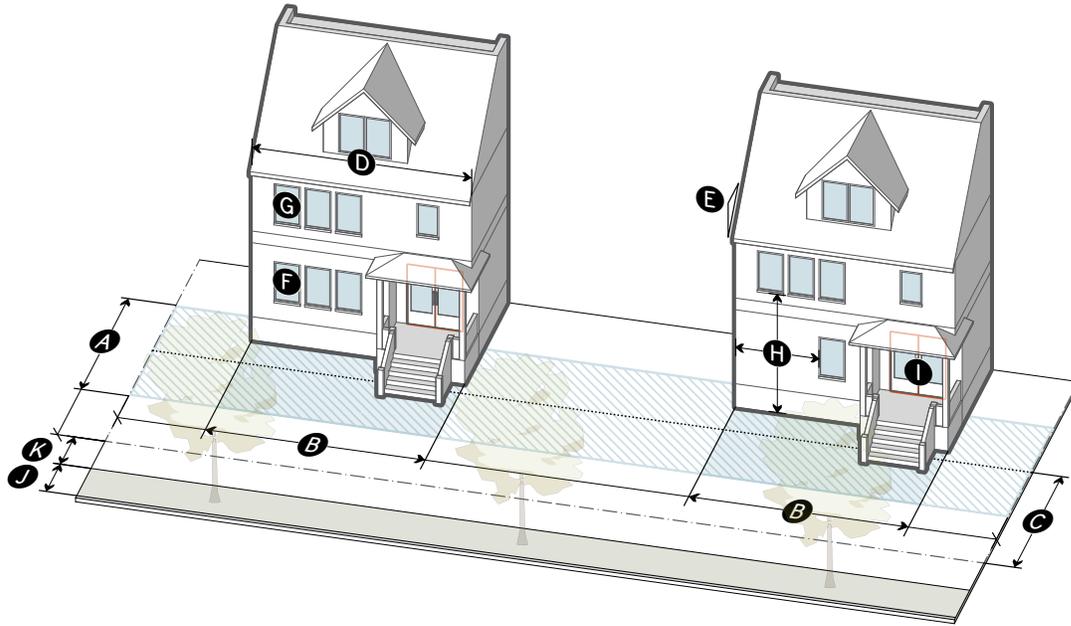
**PEDESTRIAN ACCESS**

<b>G</b>	Street-facing entrance	Required
<b>H</b>	Entrance spacing	50' max

**STREETSCAPE**

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

## Sec. 2.5.6. Residential Frontage



### BUILDING SETBACKS

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

### PARKING SETBACKS

<b>C</b>	Street	20' min
----------	--------	---------

### BUILDING MASS

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

### TRANSPARENCY

<b>F</b>	Ground story	20% min
<b>G</b>	Upper story	20% min
<b>H</b>	Blank wall	30' max

### PEDESTRIAN ACCESS

<b>I</b>	Street-facing entrance	Required
	Entrance spacing	n/a

### STREETSCAPE

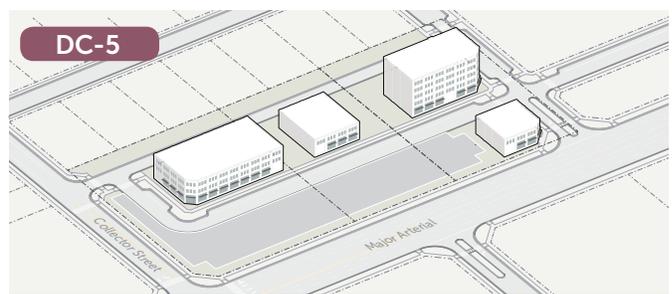
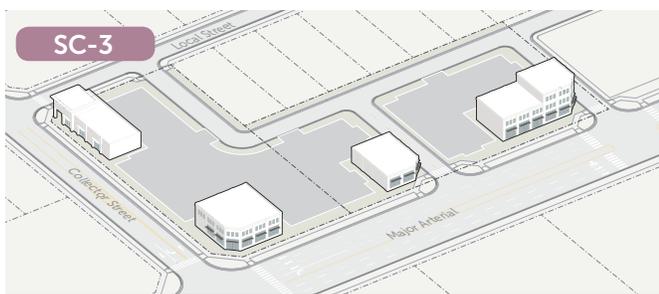
<b>J</b>	Curb zone	6' min
	Tree planting type	Tree lawn
	Tree spacing	35' on-center avg.
<b>K</b>	Clear pedestrian zone	6' min

# DIV. 2.6. RETROFIT DISTRICTS

**NEW**

## Sec. 2.6.1. Intent

The Retrofit Districts are intended for parcels of land that are designated commercial and mixed-use activity centers in the Town's 2018 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.



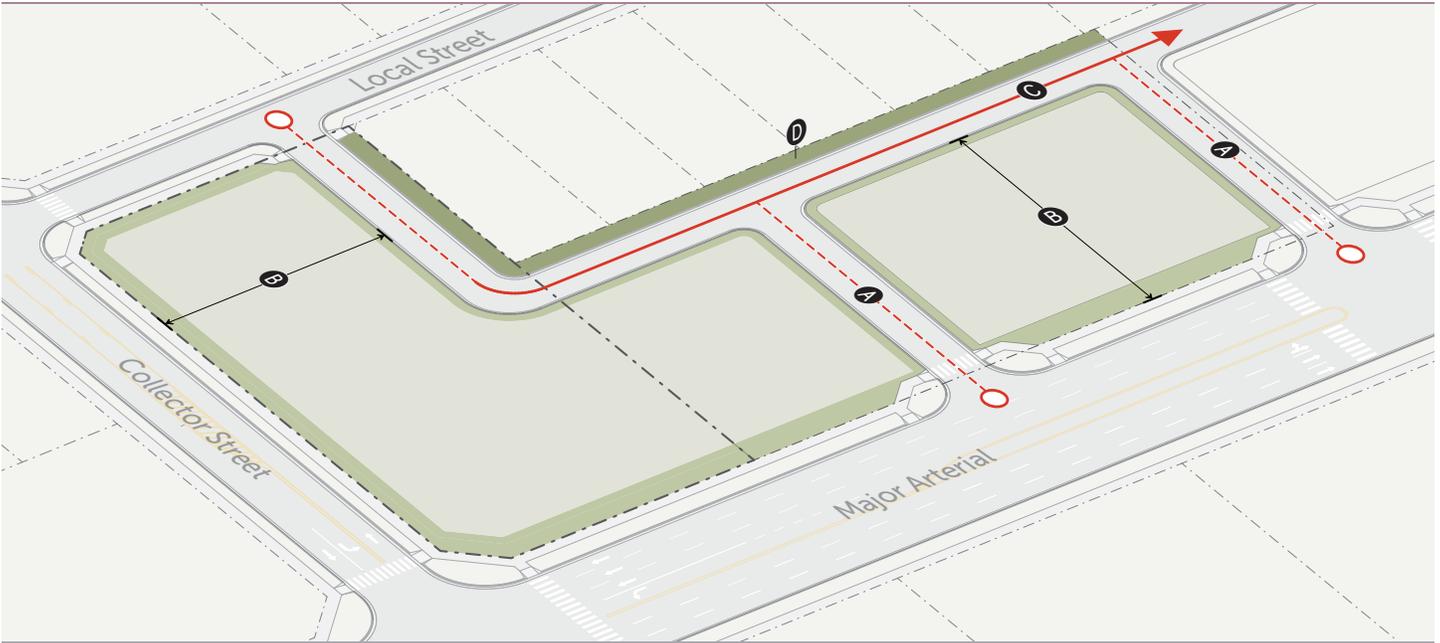
## Sec. 2.6.2. Districts

The following Retrofit Districts are established.

- A. Shallow Corridor 3 (SC-3)
- B. Deep Corridor 5 (DC-5)
- C. Center 5 (CTR-5)
- D. Center 8 (CTR-8)

Sec. 2.6.3. **SC-3** Shallow Corridor 3

**A. District**



**INTENT**

The Shallow Corridor 3 District is intended for shallow corridor parcels (less than 200' deep). New development will range from 1 to 3 stories in height. Where these districts abut single-family residential areas, a transition is required. The Shallow Corridor 3 District is intended to provide for a variety of retail, service and commercial uses, as well as multi-unit residences or offices.

**USE**

Allowed uses See Div. 3.1

**SHARED ACCESS DRIVE**

**A** Required easement Drive Lane (Sec.4.6.7)

**CROSS ACCESS**

**B** Distance from street lot line 80' min / 170' max

**C** Required easement Alley (Sec.4.6.7)

Required frontage None

**BLOCKS**

Perimeter None

Length 1200' max

**TRANSITION**

**D** Shallow Lot Transition Sec.4.5.3.

**B. Site**



**LOT**

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

**BUILDING SETBACKS**

<b>A</b> Street lot line	See frontage
<b>B</b> Common lot line	0' min
<b>C</b> Alley	5' min

**PARKING SETBACKS**

<b>D</b> Street lot line	See frontage
<b>E</b> Common lot line	0' min
<b>F</b> Alley	0' min

**C. Building**



**BUILDING MASS**

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

**ACTIVATION**

See frontage

Sec. 2.6.4. **DC-5** Deep Corridor 5

**A. District**



**INTENT**

The Deep Corridor 5 District is intended for deep corridor parcels (over 200' deep). New development will range from 1 to 5 stories in height. Where these districts abut single-family residential areas, a transition is required. The Deep Corridor 5 District is intended to provide for a variety of retail, service and commercial uses, as well as multi-unit residences or offices.

**USE**

Allowed uses See Div. 3.1

**SHARED ACCESS DRIVE**

**A** Required easement Local (Sec. 4.6.4)

**CROSS ACCESS**

**B** Distance from street lot line 90' min / 200' max

**C** Required easement Half Core-Street (Sec. 4.6.6.)

**D** Required frontage Half Core-Street (Sec. 4.6.6.)

**BLOCKS**

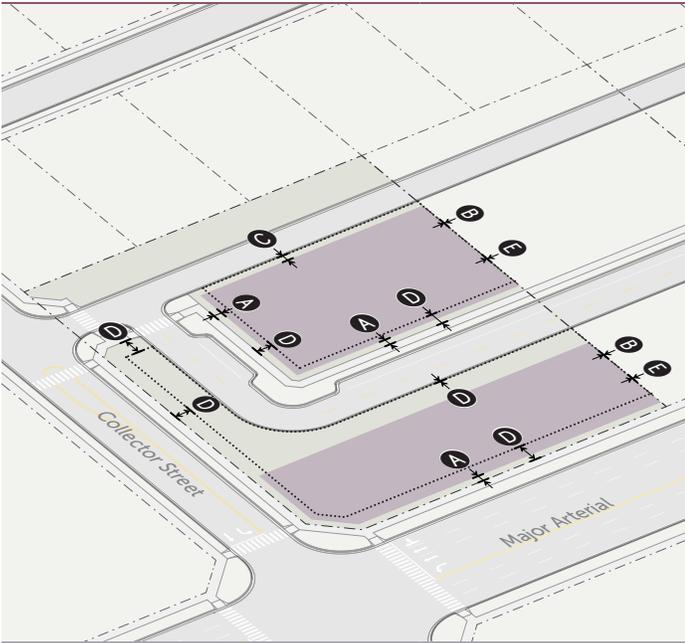
Perimeter None

Length 1200' max

**TRANSITION**

**E** Deep Lot Transition See Sec. 4.5.3.

**B. Site**



**LOT**

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

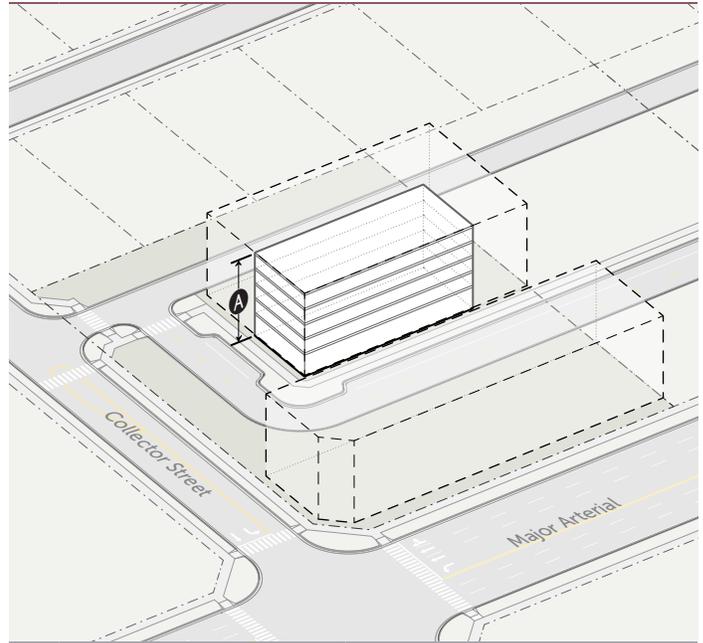
**BUILDING SETBACKS**

<b>A</b> Street lot line	See frontage
<b>B</b> Common lot line	0' min
<b>C</b> Alley	5' min

**PARKING SETBACKS**

<b>D</b> Street lot line	See Frontage
<b>E</b> Common lot line	0' min
Alley	5' min

**C. Building**



**BUILDING MASS**

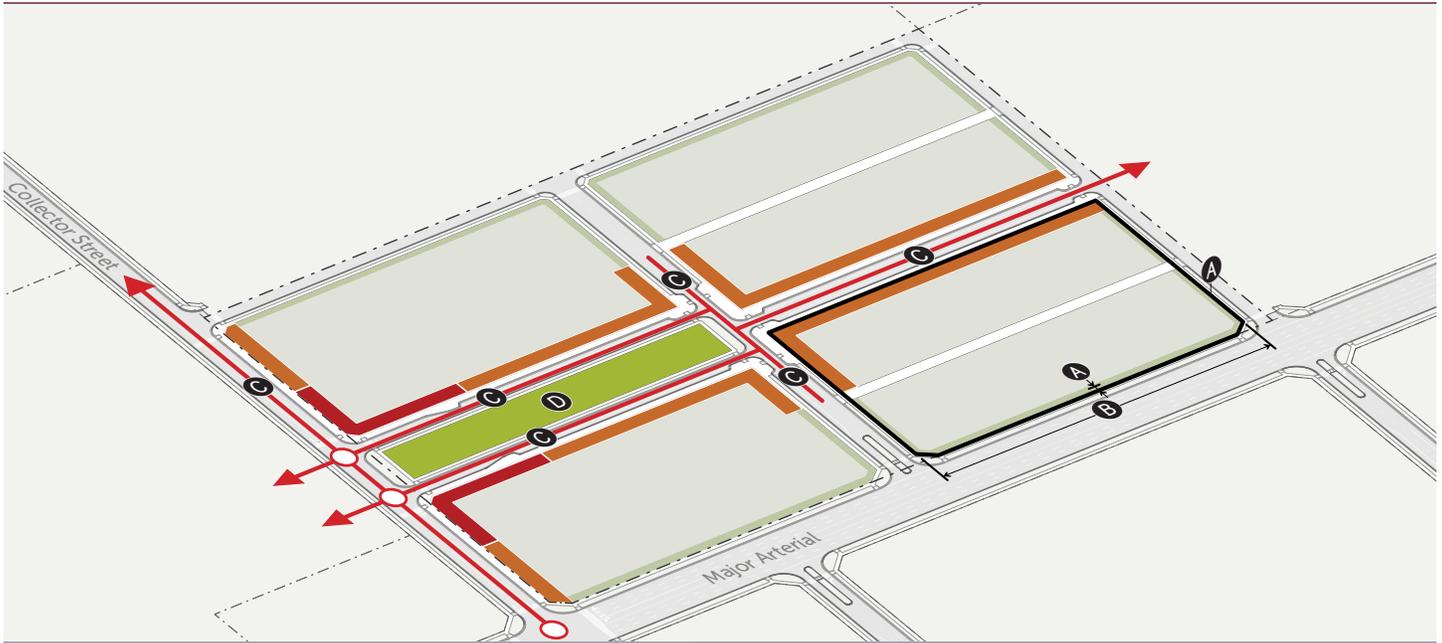
<b>A</b> Building height	5 stories/65' max
Street-facing building length	n/a

**ACTIVATION**

See Frontage

Sec. 2.6.5. **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. New development 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-unit residences or offices.

**USE**

Allowed uses See Div. 3.1

**BLOCKS**

<b>A</b> Perimeter	1600' max
<b>B</b> Length	600' max

**STREETS**

<b>C</b> Core streets	20% min (Sec.4.6.3.)
Required frontage	Village core street (Sec.4.4.8) Walkable core street (Sec.4.4.9.)

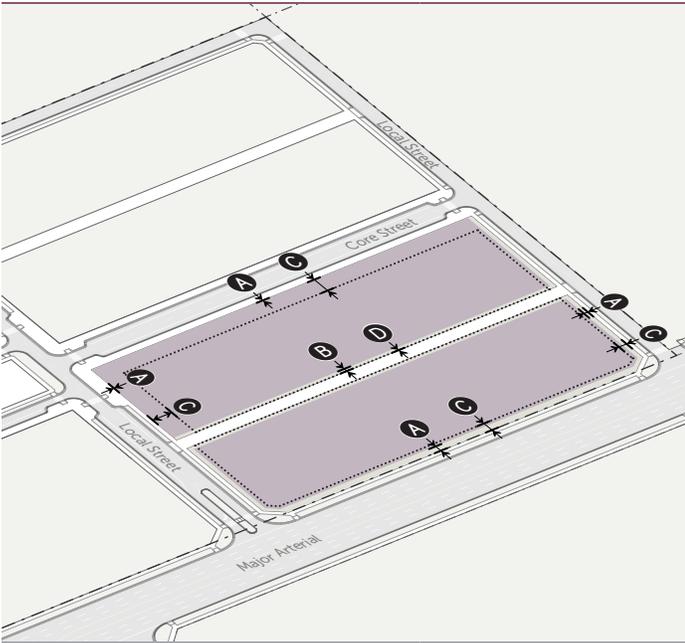
**TRANSITION**

Deep Lot Transition	(Sec.4.5.3.)
---------------------	--------------

**OPEN SPACE**

<b>D</b> Area	5%
---------------	----

**B. Site**



**LOT**

Area	0 SF min
Width	0' min

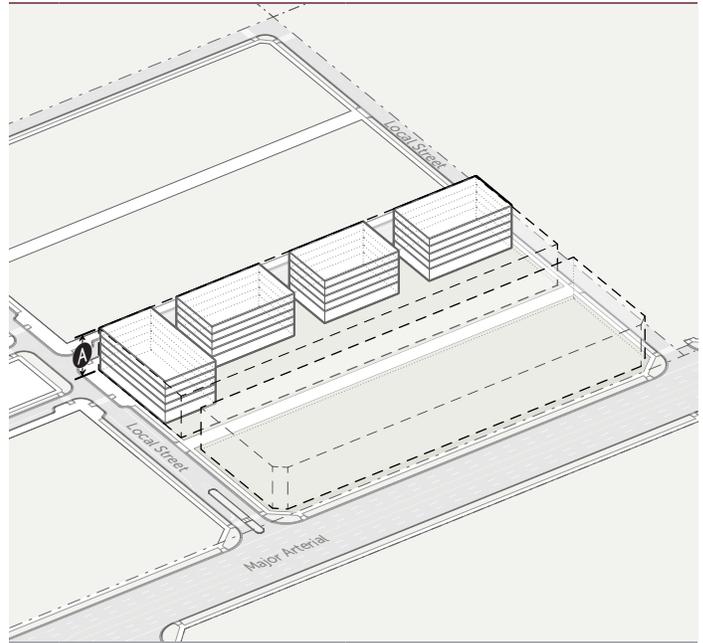
**BUILDING SETBACKS**

<b>A</b> Street lot line	See frontage
Common lot line	0' min
<b>B</b> Alley	5' min

**PARKING SETBACKS**

<b>C</b> Street lot line	See frontage
Common lot line	0' min
<b>D</b> Alley	0' min

**C. Building**



**BUILDING MASS**

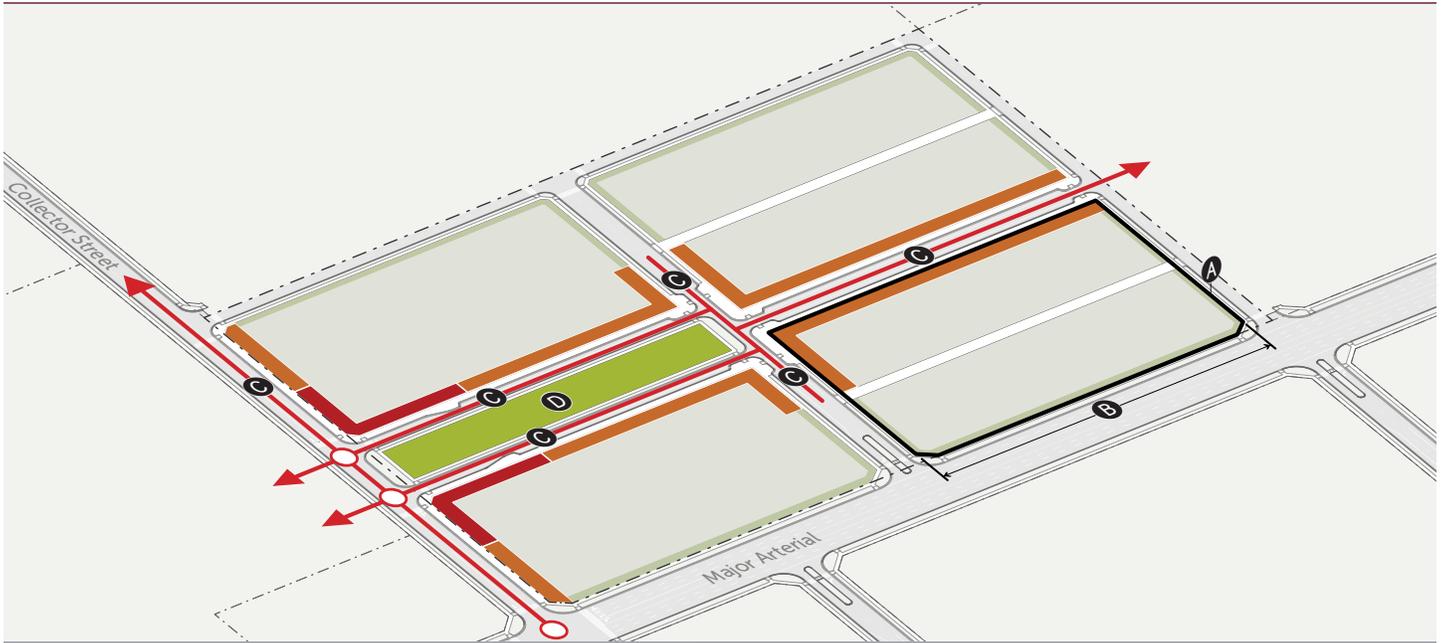
<b>A</b> Building height	5 stories/65' max
Street-facing building length	n/a

**ACTIVATION**

See frontage

Sec. 2.6.6. **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. New development 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-unit residences or offices.

**USE**

Allowed uses See Div. 3.1

**BLOCKS**

<b>A</b> Perimeter	1600' max
<b>B</b> Length	600' max

**STREETS**

<b>C</b> Core streets	20% min (Sec.4.6.3.)
Required frontage	Village core street (Sec.4.4.8) Walkable core street (Sec.4.4.9.)

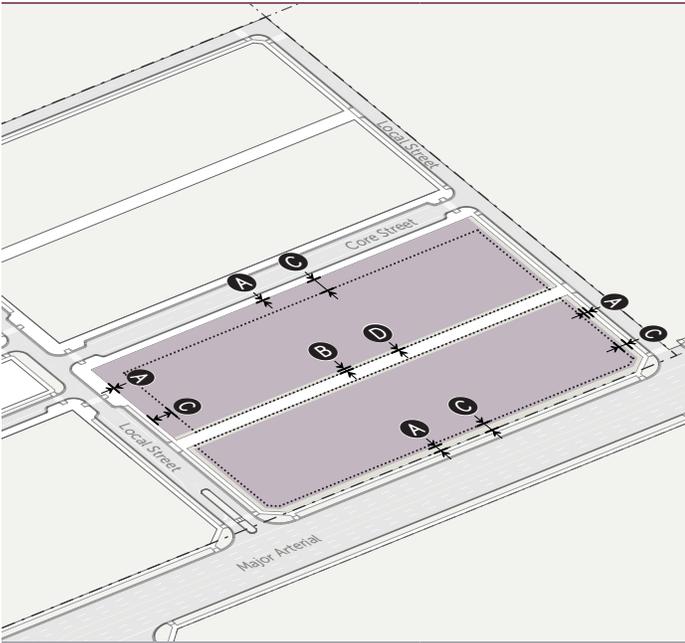
**TRANSITION**

Deep Lot Transition	(Sec.4.5.3.)
---------------------	--------------

**OPEN SPACE**

<b>D</b> Area	5%
---------------	----

**B. Site**



**LOT**

Area	0 SF min
Width	0' min

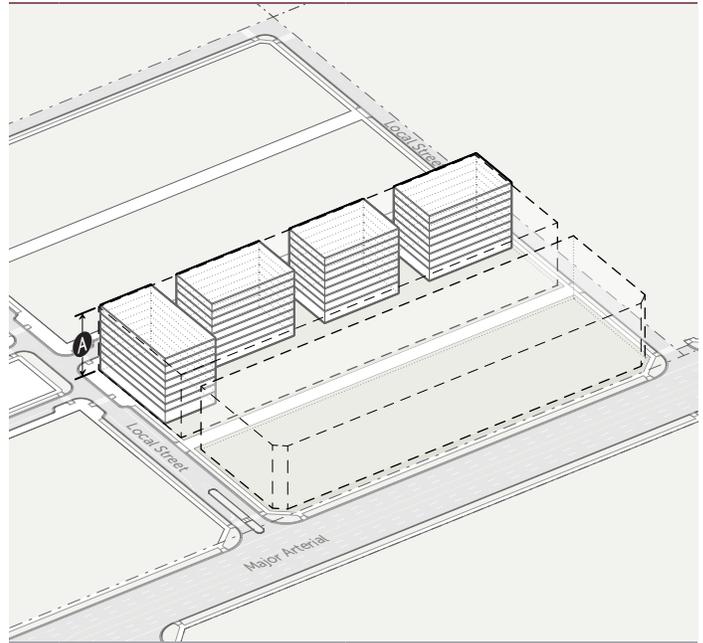
**BUILDING SETBACKS**

<b>A</b> Street lot line	See frontage
Common lot line	0' min
<b>B</b> Alley	5' min

**PARKING SETBACKS**

<b>C</b> Street lot line	See frontage
Common lot line	0' min
<b>D</b> Alley	0' min

**C. Building**



**BUILDING MASS**

<b>A</b> Building height	8 stories/105' max
Street-facing building length	n/a

**ACTIVATION**

See frontage

## DIV. 2.7. RETROFIT FRONTAGES

**NEW**

### Sec. 2.7.1. Intent

The Retrofit Frontages are established as an overlay mechanism to supplement standards in the Retrofit Districts. These frontages are applied to all street facing block faces of suburban districts based on street classification as designated in the Town's 2018 Comprehensive Plan Future Thoroughfare System Map. The frontage introduces specific dimensional standards to suburban districts including shared access drive, building setbacks, parking setbacks, streetscape, story height, transparency, and pedestrian access.

### Sec. 2.7.2. Retrofit Frontages

The following Retrofit Frontages are established.

#### A. Local Street

This frontage provides for a walkable internal street within new retrofit development.

#### B. Collector Street

This frontage provides for the appropriate treatment of Collector Streets that exist or are created in new retrofit development.

#### C. Minor Arterial

This frontage provides for the appropriate treatment of Minor Arterial Streets that exist or are created in new retrofit development.

#### D. Major Arterial

This frontage provides for the appropriate treatment of Major Arterial Streets that exist or are created in new retrofit development.

#### E. Half-Street Cross Access

This frontage provides for a narrow cross-access street along a lot line that will eventually become a full street when the adjacent site is redeveloped.

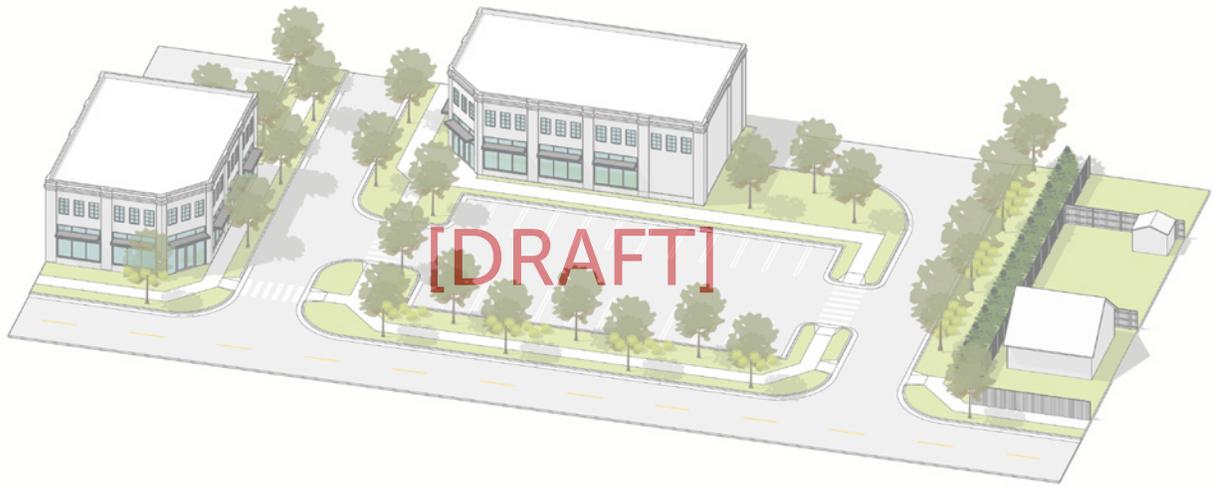
#### F. Walkable Core Street

This frontage provides for a walkable streetscape along core streets within new retrofit development.

#### G. Village Core Street

This frontage provides for an active walkable streetscape along core streets within new retrofit development.

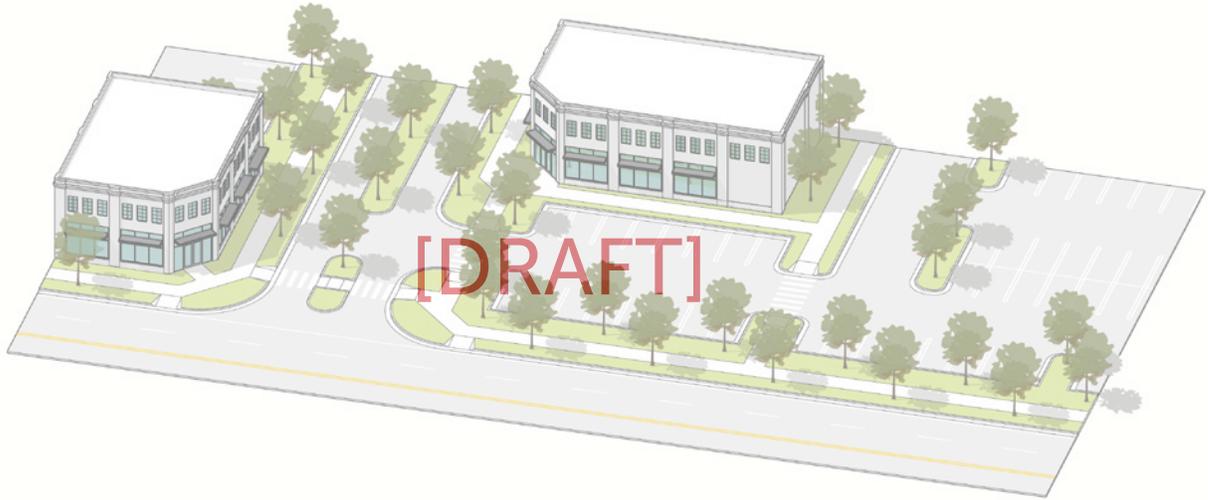
## Sec. 2.7.3. Local Street Frontage



<b>SHARED ACCESS DRIVE</b>	
Separation	100' min
Distance after intersection	75' min
Distance before intersection	100' min
Throat depth	35' min
<b>BUILDING SETBACKS</b>	
Street	5' min
<b>PARKING SETBACKS</b>	
Street	10' min
<b>STREETSCAPE</b>	
Curb zone	5' min
Tree planting type	Tree lawn
Tree spacing	35' on-center avg.
Clear pedestrian zone	5' min

	<b>Residential</b>	<b>Non-residential</b>
<b>STORY HEIGHT</b>		
Ground floor elevation	2' min / 4' max	0' min / 2' max
Ground story height	9' min	14' min
<b>TRANSPARENCY</b>		
Ground story	20% min	30% min
Upper story		20% min
Blank wall		30' max
<b>PEDESTRIAN ACCESS</b>		
Street-facing entrance		Not required
Entrance spacing		75' max

## Sec. 2.7.4. Collector Street Frontage



<b>SHARED ACCESS DRIVE</b>	
Separation	200' min
Distance after intersection	100' min
Distance before intersection	200' min
Throat depth	40' min
<b>BUILDING SETBACKS</b>	
Street	5' min
<b>PARKING SETBACKS</b>	
Street	10' min
<b>STREETSCAPE</b>	
Curb zone	6' min
Tree planting type	Tree lawn
Tree spacing	35' on-center avg.
Clear pedestrian zone	6' min

	Residential	Non-residential
<b>STORY HEIGHT</b>		
Ground floor elevation	2' min / 4' max	0' min / 2' max
Ground story height	9' min	14' min
<b>TRANSPARENCY</b>		
Ground story	20% min	50% min
Upper story		20% min
Blank wall		40' max
<b>PEDESTRIAN ACCESS</b>		
Street-facing entrance		Required
Entrance spacing		75' max

## Sec. 2.7.5. Minor Arterial Frontage



### SHARED ACCESS DRIVE

Separation	300' min
Distance after intersection	200' min
Distance before intersection	350' min
Throat depth	75' min

### BUILDING SETBACKS

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

### PARKING SETBACKS

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

### STREETSCAPE

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

### STORY HEIGHT

	Residential	Non-residential
Ground floor elevation	2' min / 4' max	0' min / 2' max
Ground story height	9' min	14' min

### TRANSPARENCY

	Residential	Non-residential
Ground story	20% min	60% min
Upper story		20% min
Blank wall		40' max

### PEDESTRIAN ACCESS

Street-facing entrance	Required
Entrance spacing	100' max

## Sec. 2.7.6. Major Arterial Frontage



### SHARED ACCESS DRIVE

Separation	350' min
Distance after intersection	200' min
Distance before intersection	350' min
Throat depth	100' min

### BUILDING SETBACKS

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

### PARKING SETBACKS

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

### STREETSCAPE

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

### STORY HEIGHT

	Residential	Non-residential
Ground floor elevation	2' min / 4' max	0' min / 2' max
Ground story height	9' min	14' min

### TRANSPARENCY

Ground story	20% min	60% min
Upper story		20% min
Blank wall		50' max

### PEDESTRIAN ACCESS

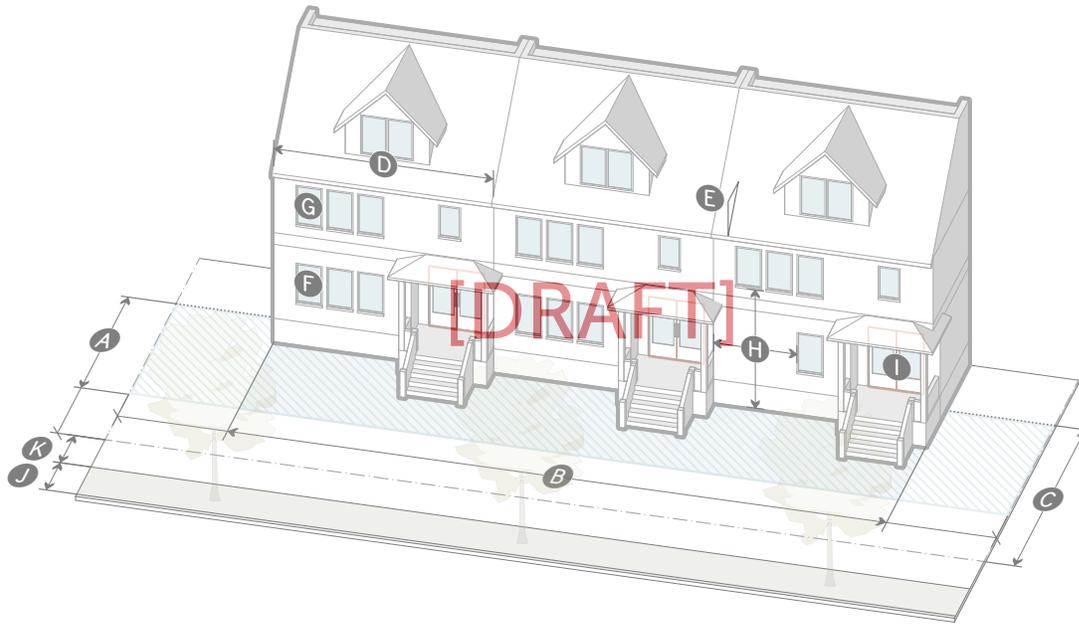
Street-facing entrance	Required
Entrance spacing	100' max

Sec. 2.7.7. **Half-Street Cross-Access** Frontage

[GRAPHIC]

	Residential	Non-residential
<b>BUILDING SETBACKS</b>		
Build-to zone	5' min/15' max	
Lot frontage	50% min	
<b>PARKING SETBACKS</b>		
Cross access easement	10' min	
<b>BUILDING MASS</b>		
Street-facing building length	n/a	
<b>STREETSCAPE</b>		
Curb zone	6' min	
Tree planting type	Tree lawn or grates	
Tree spacing	35' on-center avg.	
Clear pedestrian zone	8' min	
<b>STORY HEIGHT</b>		
Ground floor elevation	2' min / 4' max	0' min / 2' max
Ground story height	9' min	14' min
<b>TRANSPARENCY</b>		
Ground story	20% min	60% min
Upper story	20% min	
Blank wall	30' max	
<b>PEDESTRIAN ACCESS</b>		
Street-facing entrance	Required	
Entrance spacing	50' max	

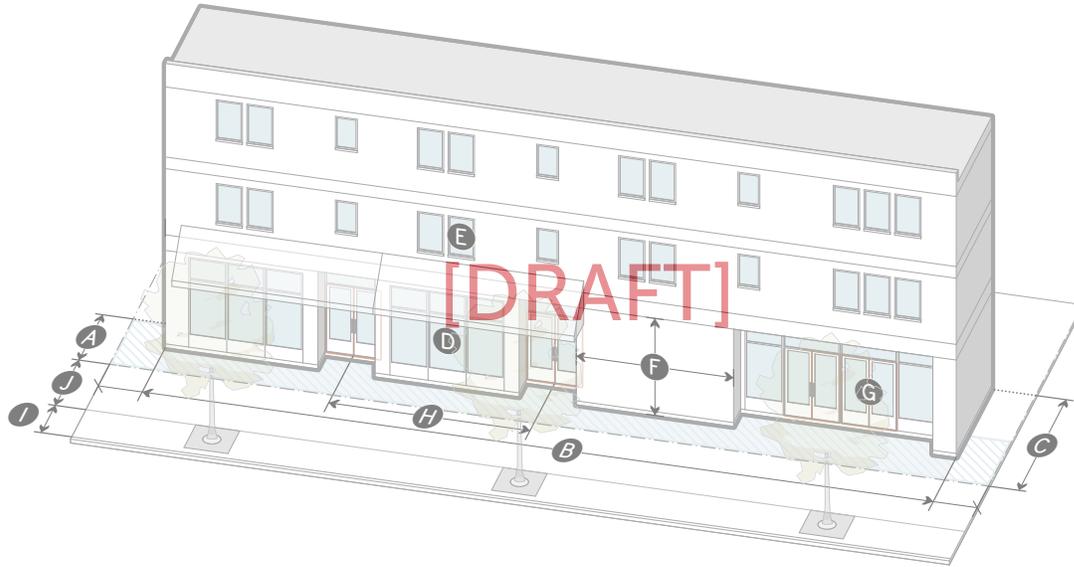
## Sec. 2.7.8. Walkable Core Street Frontage



<b>ACCESS DRIVE</b>	
Separation	200' min
Distance after intersection	100' min
Distance before intersection	200' min
Throat depth	40' min
<b>BUILDING SETBACKS</b>	
Build-to zone	10' min/25' max
Lot frontage	75% min
<b>PARKING SETBACKS</b>	
Street	25' min
<b>BUILDING MASS</b>	
Street-facing building length	175' max
<b>STREETScape</b>	
Curb zone	6' min
Tree planting type	Tree lawn or grates
Tree spacing	35' on-center avg.
Clear pedestrian zone	8' min

	Residential	Non-residential
<b>STORY HEIGHT</b>		
Ground floor elevation	2' min / 4' max	0' min / 2' max
Ground story height	9' min	14' min
<b>TRANSPARENCY</b>		
Ground story	20% min	40% min
Upper story	20% min	20% min
Blank wall	20' max	20' max
<b>PEDESTRIAN ACCESS</b>		
Street-facing entrance	Required	Required
Entrance spacing	30' max	30' max

## Sec. 2.7.9. Village Core Street Frontage



### ACCESS DRIVE

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

### BUILDING SETBACKS

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

### PARKING SETBACKS

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

### BUILDING MASS

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

### STREETSCAPE

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

### STORY HEIGHT

Ground floor elevation	0' min / 2' max
Ground story height	14' min

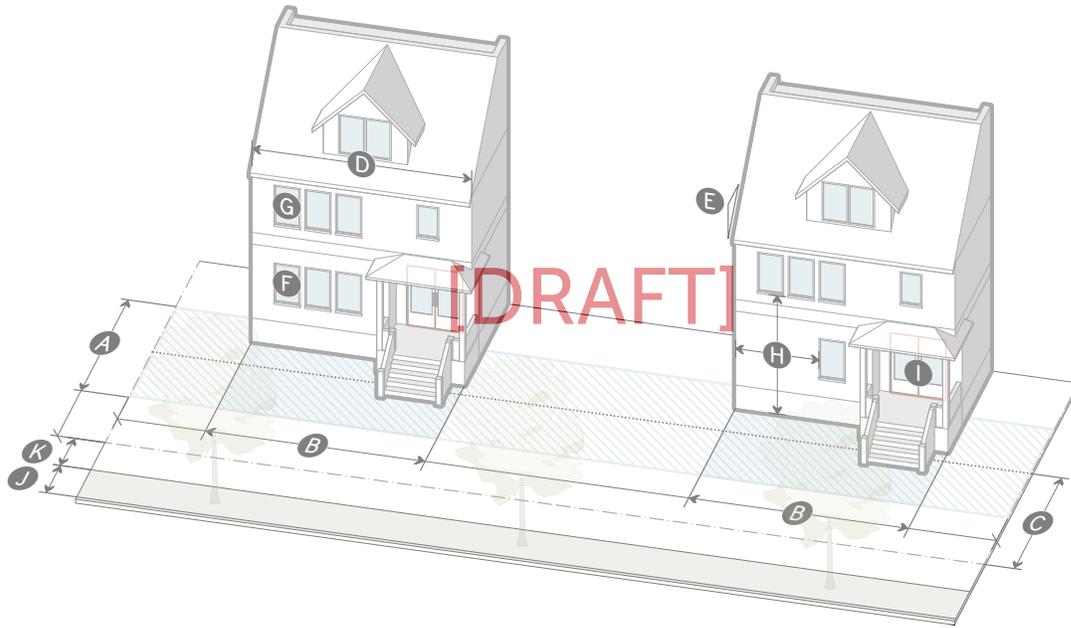
### TRANSPARENCY

Ground story	70% min
Upper story	20% min
Blank wall	15' max

### PEDESTRIAN ACCESS

Street-facing entrance	Required
Entrance spacing	30' max

## Sec. 2.7.10. Residential Street Frontage



### BUILDING SETBACKS

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

### PARKING SETBACKS

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

### BUILDING MASS

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

### STREETSCAPE

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

### STORY HEIGHT

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

### TRANSPARENCY

Ground story	20% min
Upper story	20% min
Blank wall	25' max

### PEDESTRIAN ACCESS

Street-facing entrance	Required
Entrance spacing	n/a

### STREETSCAPE

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

# DIV. 2.8. RETROFIT TRANSITIONS

**NEW**

## Sec. 2.8.1. Applicability

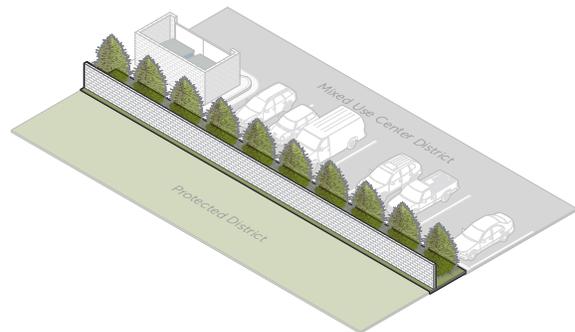
The transition rules apply when a Mixed Use District abuts one of the following districts:

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

## Sec. 2.8.2. Transitions

### A. Shallow Lot

The Shallow Lot Transition is required for Shallow Corridor districts. Due to the limited depth, a narrower landscape buffer and less intensive height transition are required compared to the requirements for a lots with over 200 feet in depth.



### B. Deep Lot

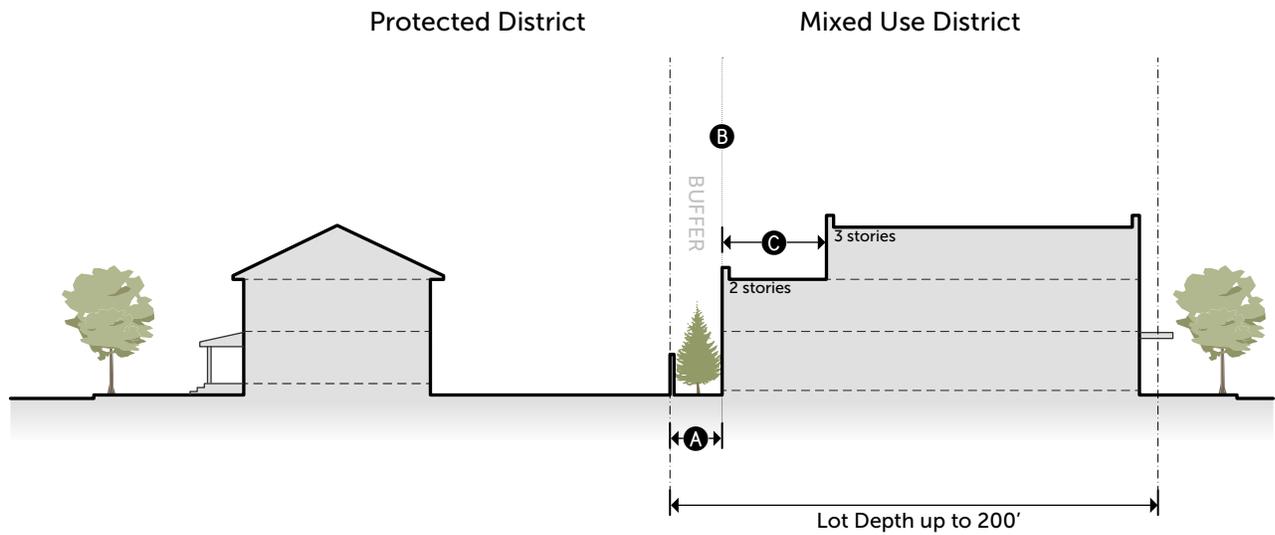
The Deep Lot Transition is required for Deep Corridor and Center districts. The Deep Lot Transition requires a wider landscape buffer and a more extensive height transition compared to requirements for shallow lot.



## Sec. 2.8.3. Shallow Lot Transition

APPLICABILITY: SC-3

### A. Shallow Lot Height Transition



#### BUFFER

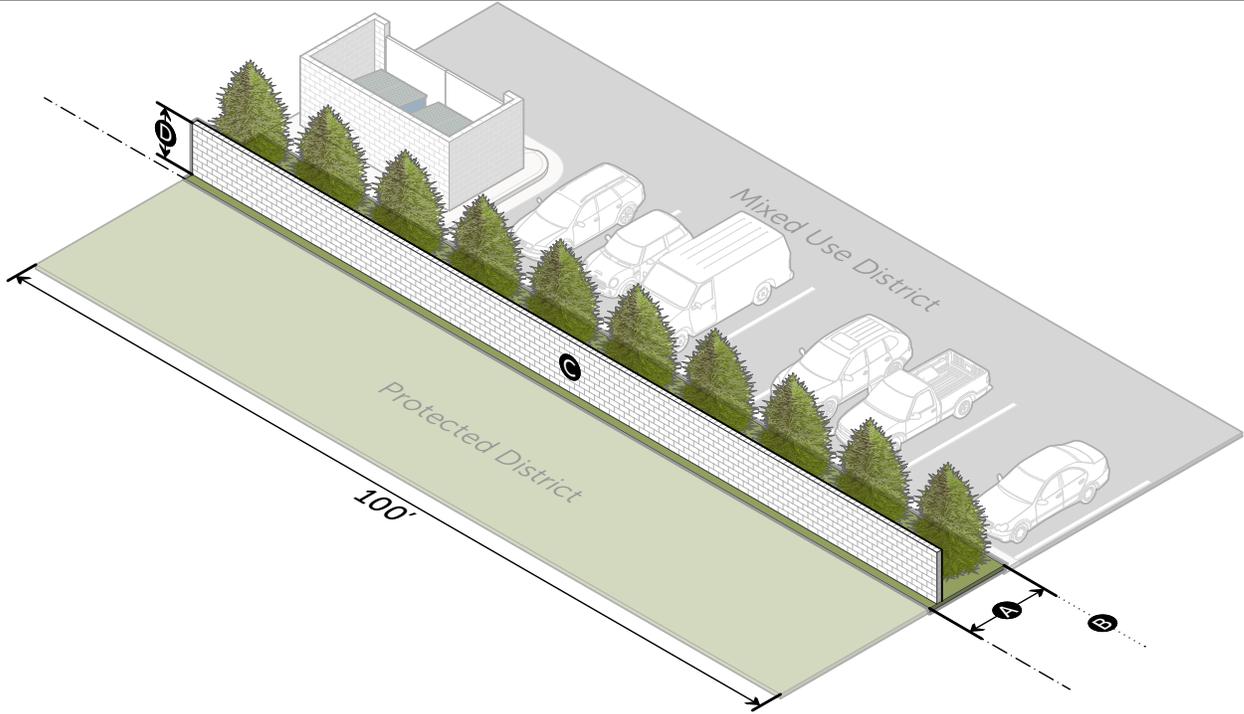
**A** Width 10' min

#### HEIGHT TRANSITION AREA

**B** Setbacks measured from edge of buffer area

**C** Above 2 stories/24' 20' min

**B. Shallow Lot Landscape Transition**



**AREA**

- A** Width 10' min
- B** Setbacks measured from edge of buffer area

**STRUCTURAL SCREENING**

- C** Opaque wall Required
  - D** Height 6' min
- Materials
- Brick ◇
  - Stone ◇
  - Ornamental concrete ◇
  - All other materials --

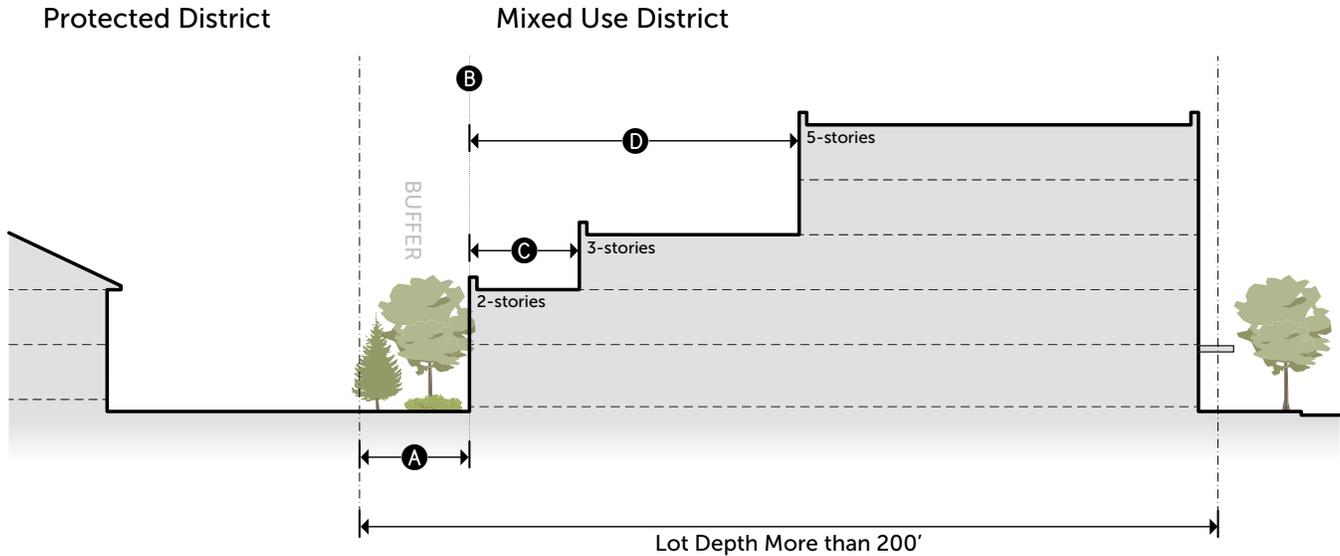
**VEGETATION**

- Evergreen tree 1:10 linear feet

## Sec. 2.8.4. Deep Lot Transition

APPLICABILITY: DC-5, CTR-5, CTR-8

### A. Deep Lot Height Transition



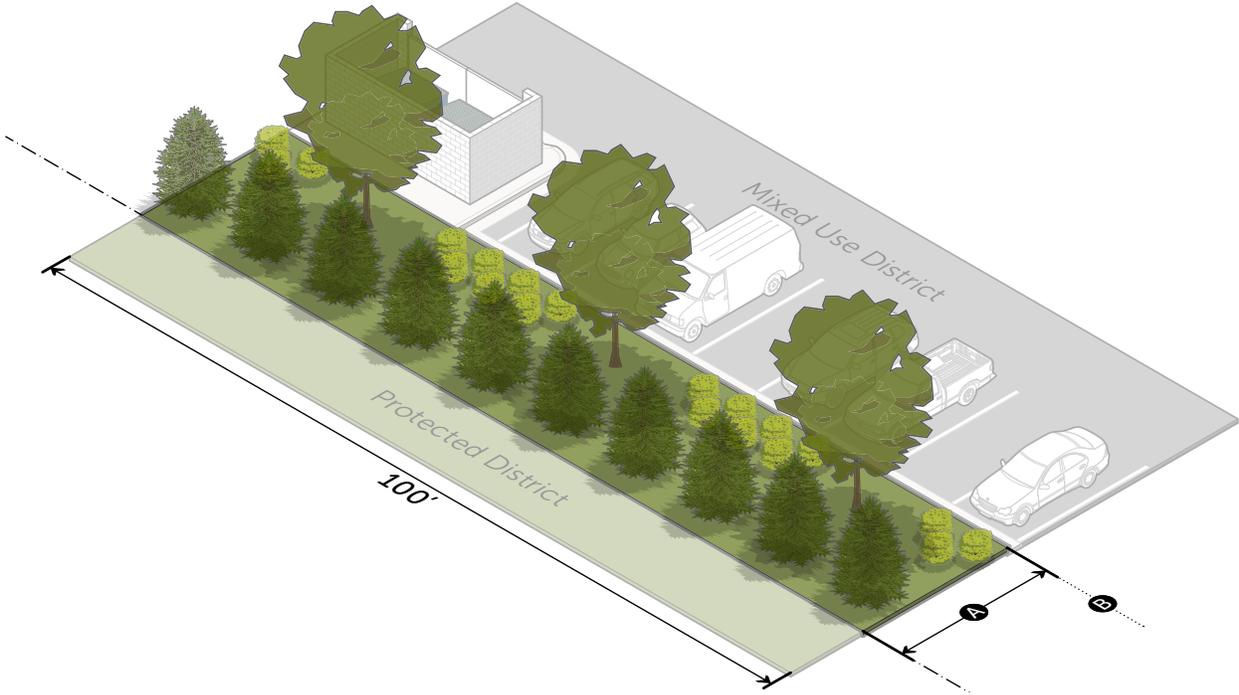
#### BUFFER

<b>A</b>	Width	20' min
----------	-------	---------

#### HEIGHT SETBACKS

<b>B</b>	Setbacks measured from edge of buffer area	
<b>C</b>	Above 2 stories/24'	20' min
<b>D</b>	Above 3 stories/35'	60' min

**B. Deep Lot Landscape Transition**



**AREA**

- A** Width 20' min
- B** Setbacks measured from edge of buffer area

**VEGETATION**

Shrub	1:5 linear feet
Evergreen tree	1:10 linear feet
Large deciduous tree	1:35 linear feet

[ Intentionally Blank ]

## DIV. 2.9. **RETROFIT STREETS** **NEW**

### Sec. 2.9.1. **Applicability**

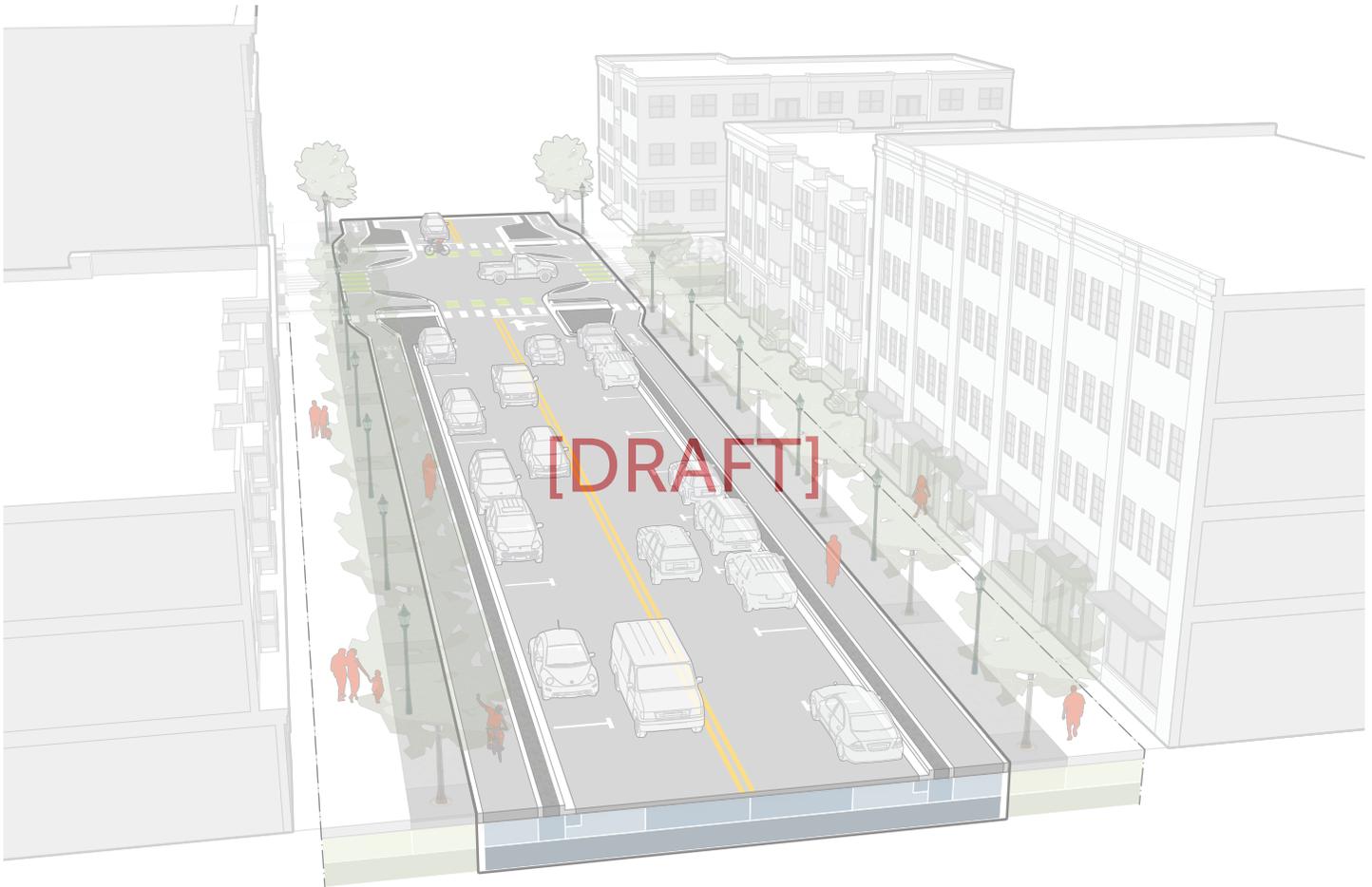
The street and easement standards apply to Retrofit Districts as indicated by the District standards.

### Sec. 2.9.2. **Street Types**

The following street types are established.

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

Sec. 2.9.3. **Core Street**



**PUBLIC REALM**

<b>A</b> Right-of-way width	60' min
<b>B</b> Travel lane configuration	36' min/38' max

**CURB-TO-CURB**

<b>D</b> Travel lane	9' min/10' max
<b>E</b> Parking lane	7.5' min/8.5' max
<b>F</b> Curb and gutter	24"

Sec. 2.9.5. **Core Half-Street**



**PUBLIC REALM**

<b>A</b> Right-of-way width	42' min
<b>B</b> Curb-to edge of pavement	28' min

**TRAVEL LANES**

<b>D</b> Travel lane	9' min/10' max
<b>E</b> Parking lane	7.5' min/8.5' max
<b>F</b> Curb and gutter	24"

Sec. 2.9.7. **Local Street**



**PUBLIC REALM**

<b>A</b> Right-of-way width	60' min
<b>B</b> Curb-to-curb	36' min

**CURB-TO-CURB**

<b>D</b> Travel lane	9' min/10' max
<b>E</b> Parking lane	7.5' min/8.5' max
<b>F</b> Curb and gutter	24"

Sec. 2.9.8. **Local Half-Street**



**PUBLIC REALM**

<b>A</b> Right-of-way width	34' min
<b>B</b> Curb to edge of pavement	21' min

**CURB-TO-CURB**

<b>D</b> Travel lane	9' min/10' max
<b>E</b> Parking lane	7.5' min/8.5' max
<b>F</b> Curb and gutter	24"

Sec. 2.9.9. **Alley/Drive**



**PUBLIC REALM**

<b>A</b>	Right-of-way width	60' min
<b>B</b>	Curb-to-curb	36' min/38' max
<b>C</b>	Streetscape	12' min

**CURB-TO-CURB**

<b>D</b>	Travel lane	9' min/10' max
<b>E</b>	Parking lane	8' min/8.5' max
<b>F</b>	Curb and gutter	24"

# PART 3. MEASUREMENTS

## **DIV. 3.1. RULES FOR ALL DISTRICTS**

<u>Sec. 3.1.1. Lot . . . . .</u>	<u>3-2</u>
<u>Sec. 3.1.2. Site . . . . .</u>	<u>3-3</u>
<u>Sec. 3.1.3. Coverage. . . . .</u>	<u>3-4</u>
<u>Sec. 3.1.4. Setbacks . . . . .</u>	<u>3-4</u>
<u>Sec. 3.1.5. Build-To Zone . . . . .</u>	<u>3-8</u>
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<u>Sec. 3.1.8. Transparency . . . . .</u>	<u>3-13</u>
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## **DIV. 3.2. RESIDENTIAL DISTRICTS**

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## **DIV. 3.3. SPECIAL DISTRICTS**

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## **DIV. 3.4. INFILL DISTRICTS**

<u>Sec. 3.4.1. Building Height . . . . .</u>	<u>3-21</u>
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## **DIV. 3.5. RETROFIT DISTRICTS**

<u>Sec. 3.5.1. Shared Access Drive . . . . .</u>	<u>3-23</u>
<u>Sec. 3.5.2. Cross Access . . . . .</u>	<u>3-24</u>
<u>Sec. 3.5.3. Blocks . . . . .</u>	<u>3-25</u>
<u>Sec. 3.5.4. Core Streets . . . . .</u>	<u>3-26</u>
<u>Sec. 3.5.5. Open Space . . . . .</u>	<u>3-26</u>

# DIV. 3.1. RULES FOR ALL DISTRICTS

## Sec. 3.1.1. **Lot**

### A. **Lot Area**

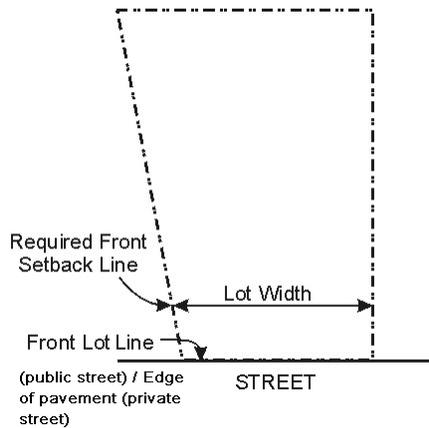
The contiguous land area included within the lot lines. Lot area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

### B. **Area Per Dwelling**

The required amount of lot area per dwelling unit.

### C. **Lot Width**

The horizontal width of a lot measured along the front setback line.



### D. **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 Enforcement Officer 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).

## E. **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.

## Sec. 3.1.2. **Site**

### A. **Area**

Site area is the contiguous land area included within the site. Site area includes internal (on-site) existing or proposed right-of-way, whether dedicated or not dedicated to public use.

### B. **Number of Lots**

The total number of lots required on a site.

### C. **Width**

The horizontal width measured along the site boundary setback line.

D. **Recreation Area**

The percentage of gross site area that must be devoted to facilities for active outdoor sports or recreation, including, but not limited to, basketball, baseball, football, soccer, ice skating, tennis or swimming.

E. **Site Boundary Setback**

A required setback from the boundary lot lines of the site.

F. **Unified Developments**

Unified Developments are allowed in all nonresidential districts. Reciprocal agreements providing for the establishment, operation, use and maintenance of common facilities and features are required and ~~shall not thereafter must not~~ be modified or rescinded without consent by the Town.

Sec. 3.1.3. **Coverage**A. **Building Coverage**

The percentage of the lot covered by both the principal and accessory structures. This term does not include other impervious surfaces such as driveways. ~~Measured how?~~

Sec. 3.1.4. **Setbacks**A. **Measurement of Setbacks**

1. A setback is measured at a right angle (perpendicular) to the lot line.
2. Where street right-of-way dedication occurs, all setbacks are measured from the final property line.
3. The Zoning Enforcement Officer will determine how setbacks apply to irregularly-shaped lots.

B. **Front Yard**

1. An open space extending the full width of the lot between the front lot line abutting a public right-of-way or the edge of the pavement abutting a private street and the structure setback line as established by this Ordinance.
2. ~~In no case shall~~ A structure is not allowed to encroach into an easement area established for a private street.

C. **Side Yard**

An open space extending from the front yard to the rear yard and of a minimum width established by this Ordinance; ~~the width shall be measured at right angles to its side lot line.~~

D. **Rear Yard**

The yard extending from the rear wall of the structure to the rear lot line across the full width of the structure.

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E. **Accessory Structure**

1. No accessory structure ~~may shall~~ project into a front yard.
2. ~~An accessory building may project into a side yard to the extent permitted in the district.~~  
Except for window mounted units, no exterior heating or air conditioning structure or equipment ~~may shall~~ be located within 5 feet of any lot line.

F. **Minimum Setbacks for Specific Streets**

~~Minimum Distances to Principal and Accessory Structures for Specific Streets~~

Except as provided in subsections 2-5-2A(2) through 2-5-2A(5), the minimum setback for structures, as measured from the center of the right-of-way, shall supersede minimum setback requirements for any yards abutting the following streets for those districts where such setbacks are lower than those established in the table below.

Street Name	Location	Distance to Structure (min)
Transit Road		135'
Niagara Falls Blvd.	Sheridan Dr. — North	115'
Millersport Highway	Sheridan Dr. — North	115'
Sheridan Dr.		115'
Main St.	East of Village line	115'
Wehrle Dr.	East of Village line	115'
North French Rd.		90'
Maple Rd.		90'
Hopkins Rd.		90'
Evans St.	Sheridan Dr. to Village line	90'
Campbell Blvd.		90'
Sweet Home Rd.	Rensch Rd. — North	90'

Do these distances work for Retrofit Districts?

G. **Yard Encroachments**

The following are permitted in the required yard areas provided they comply with all other standards of this and other applicable ordinances. In no event ~~may shall~~ any of the following encroach into the public right-of-way.

1. **Cornices and Eaves**

Cornices and eaves may project not to exceed 18 inches over any required yard or court.

2. **Sills, Loaders, Belt Courses**

Sills, loaders, belt courses and similar ornamental or structural features may project 6 inches into any required yard or court. An open fire balcony or fire escape or a fire tower may project into a required yard not more than 4 feet.

### 3. Ground Story Bay Windows, Oriels or Balconies

- a. Ground story bay windows, oriels or balconies, having a combined total width not exceeding one-half of the length of the wall to which they are attached, may project not more than 3 feet into any required rear yard or into any required side yard which is over 6 feet wide.
- b. An open porch not over 1 story high, window wells, and other similar structures as determined by the Zoning Enforcement Officer, may project into any required side yard, provided that it does not come nearer the side lot line than a distance equivalent to one-half the width of the side yard required as a minimum for that lot.
- c. No porch, oriel, bay window, balcony or stairway constructed under the provisions of the preceding paragraph ~~may shall~~ have a width or a greater dimension in excess of twice the distance of its projection.
- d. An open porch or entranceway may project not to exceed 8 feet into a required front yard.
- e. A bay window not over 1 story high may project 4 feet into a required front yard. Such bay windows shall not occupy more than one-half of the wall to which they are attached. Where part of the front wall encloses garage space, such wall space ~~must shall~~ not be used to figure length of the bay windows. An open porch or deck, not exceeding 1 story in height, may project not more than 8 feet into a required rear yard.

### 4. Chimney, Smokestack, Flue or Elevator

A chimney, smokestack, flue or elevator shaft may project into any yard or court required as a minimum, provided that the horizontal section of the projection does not exceed 12 square feet in any ~~residential residence~~ district or 9 square feet in any other district, provided that it does not come nearer the side lot line than a distance of 3 feet.

### 5. Exterior Heating or Air-Conditioning Structures in Residential Districts

Except for window-mounted units, no exterior heating or air-conditioning structure or equipment shall be located within 3 feet of any lot line.

### 6. Radio and Television Antennas

Radio and television antennas and any other communication equipment shall not be located within the area of a lot between the front or exterior side lot line and the nearest line of any building on the lot.

### 7. Ornamental Gates, Fences and Portals

Ornamental gates, fences and portals may be constructed in any district, but only on private property, and may be located in a required yard. Fences located in a required front yard ~~must shall~~ be constructed in accordance with §7-5-3.

### 8. Driveways

- a. The parking of vehicles ~~is shall be~~ prohibited in any required front yard except on a paved surface.

- b. Driveways may be located in a required front yard in any district, and are not subject to setbacks required for other vehicle use areas.
- c. In no case ~~may shall~~ a commercial driveway be located less than 10 feet from an adjacent residential lot line.

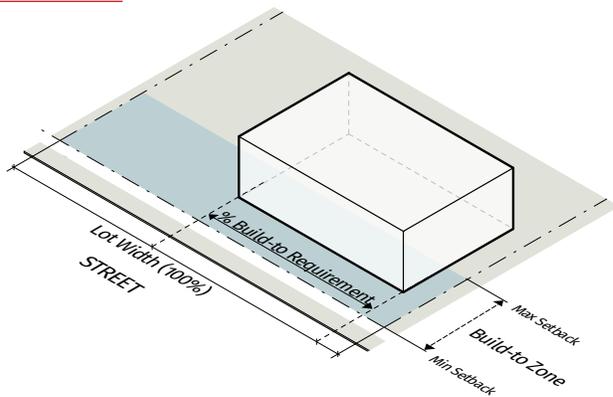
Sec. 3.1.5. **Build-To Zone**

A. **Build-to Zone**

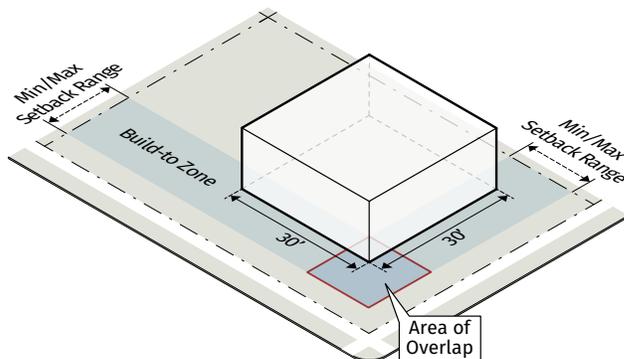
1. The build-to zone is the area on the lot or site where a percentage of the building facade must be located, measured as a minimum and maximum setback range from the primary street or side street lot line.
2. Where the build-to zone lies within an easement that does not allow construction, the Zoning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



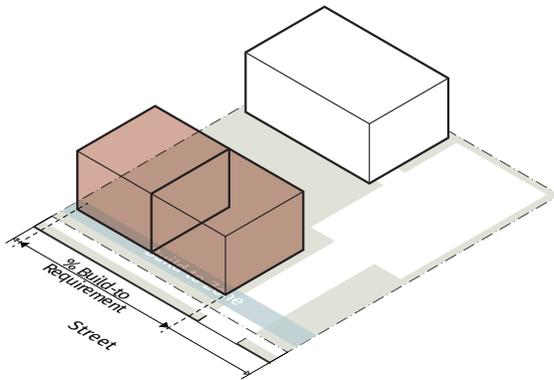
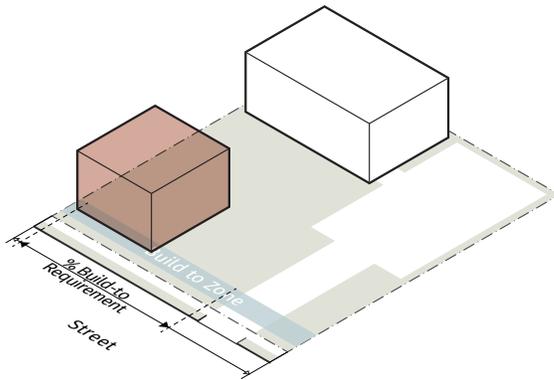
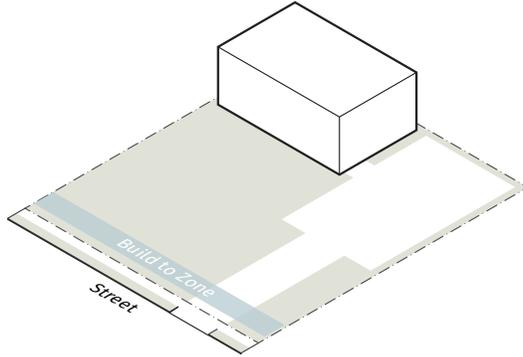
2. For a building facade to count toward the minimum lot frontage requirement, street-adjacent ground floor uses must be 20 feet in depth minimum.
3. The width of a parking entrance into or through a building does not count toward the lot frontage percentage requirement.
4. In no case will access to 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.



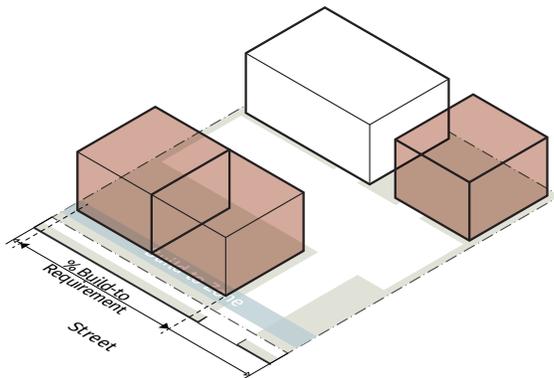
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6. **Lot Frontage: New Buildings**

- 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.



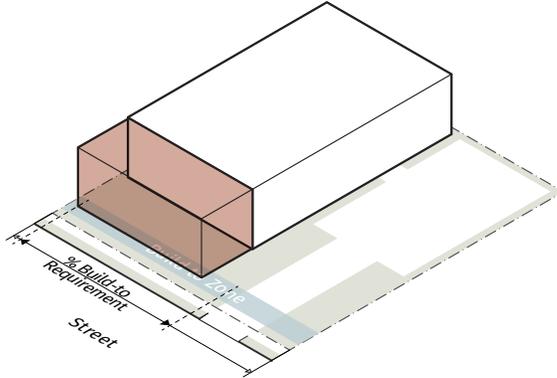
- b. Once the required lot frontage percentage has been met for the entire lot or site, new buildings may be placed outside of the build-to zone.



**7. Lot Frontage: Additions**

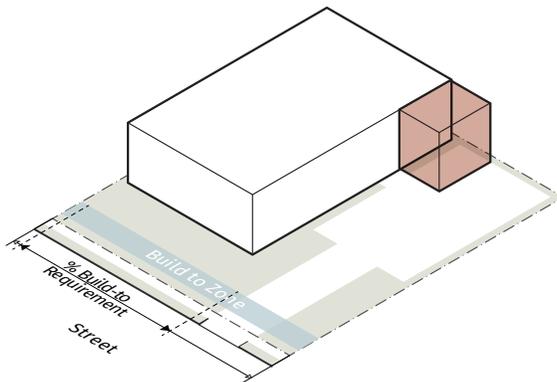
**a. Front Additions**

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.



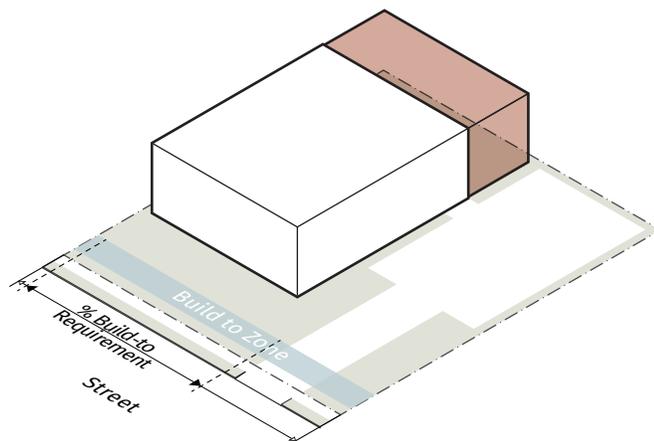
**b. Side Additions**

Side additions no greater than 20% cumulatively of the existing building footprint 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**

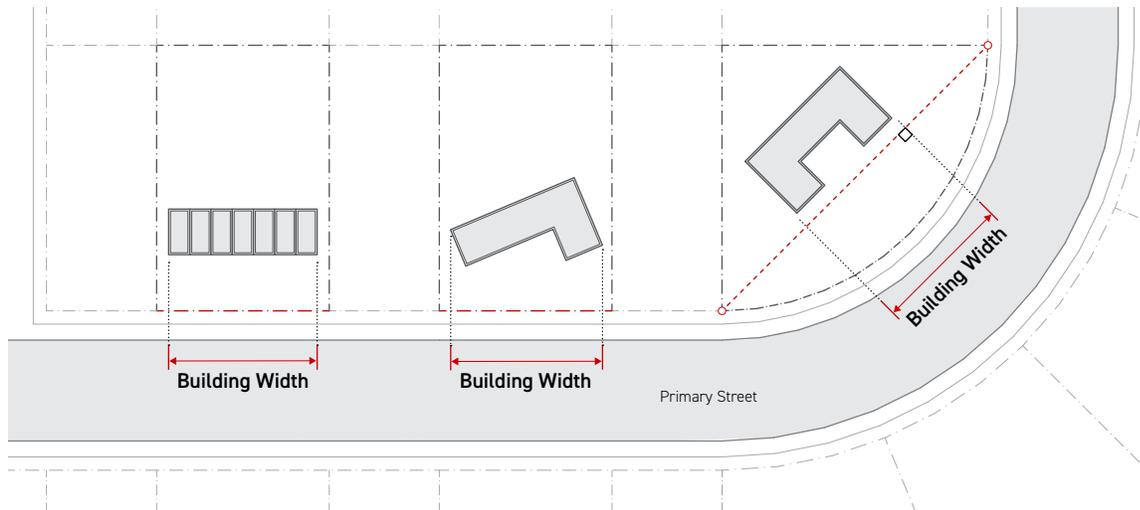
Rear additions are allowed outside of the build-to zone.



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Sec. 3.1.6. **Street-Facing Building Length**

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

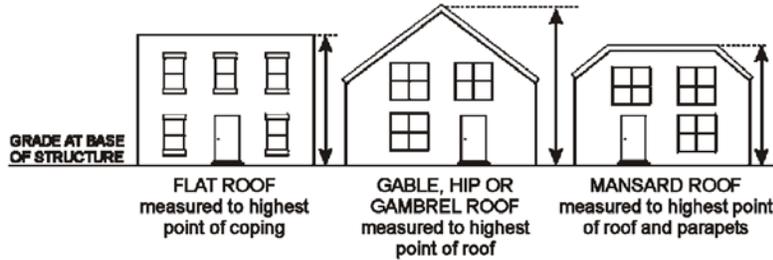


- C. When a Frontage limits building width, no applicable structure or collection of structures may be wider than the maximum width indicated by the Frontage.
- D. In order to establish structures on a proposed development site as separate buildings for the purpose of measuring building width, a building 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.

Sec. 3.1.7. **Building Height**

A. **Measurement**

Building height is measured as the vertical distance from the finished grade line at the foundation to the highest point of the roof.



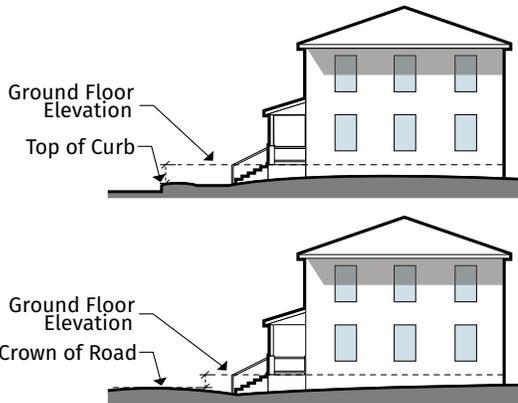
B. **Exceptions**

1. Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified, provided that such mechanical space is set back a minimum of 15 feet from any exterior wall, does not exceed 15 feet in height, and is adequately screened from view.
2. Chimneys, radio or television antennae, located upon and constituted as an integral part of a principal structure, may be erected above the height limit specified but are limited to a height not exceeding 65 feet above the average finished grade.

C. **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.

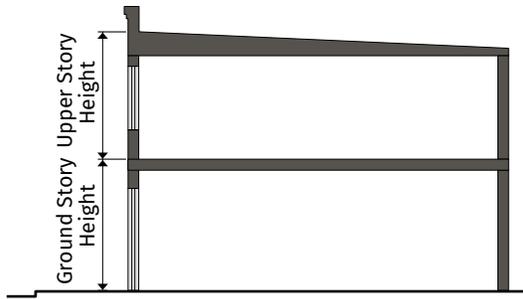


- b. Minimum ground floor elevation applies to the first 30 feet of the lot depth measured from the right-of-way.

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2. **Story Height**

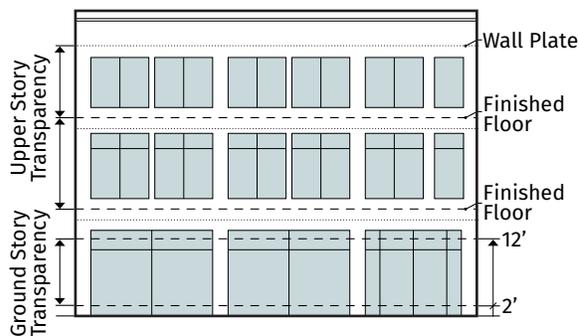
Story height is the height of each story of a building, measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, story height is measured from the top of the finished floor to the top of the wall plate above.



Sec. 3.1.8. **Transparency**

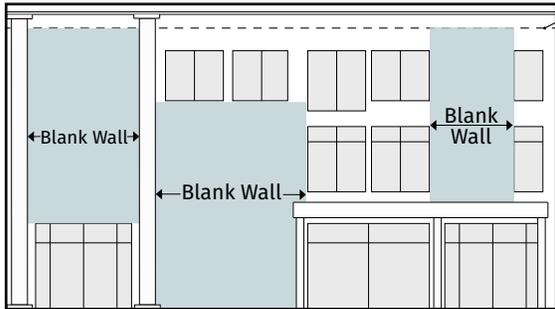
A. **Transparency**

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.



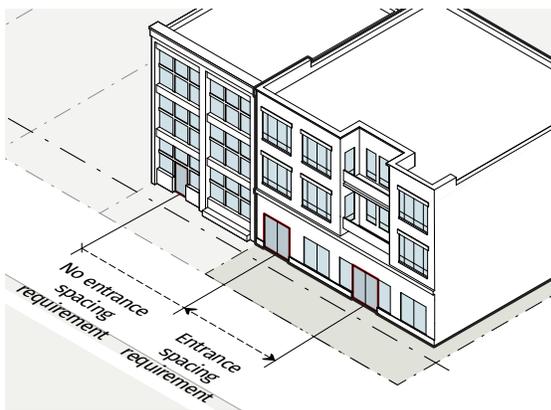
**B. Blank Wall Length**

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.



**Sec. 3.1.9. 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 center of one door to the center of the next door.



- C. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.
- D. When a street-facing pedestrian entrance is required, each building on a site in a build-to zone must provide a street facing pedestrian entrance
- E. When a street facing pedestrian entrance is required on a lot where no build-to zone applies, any street facing pedestrian entrance.

Sec. 3.1.10. **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 ~~business~~ the nonresidential and Mixed Use Districts ~~must shall~~ be separated by a minimum of 10 feet.

## DIV. 3.2. RESIDENTIAL DISTRICTS

### Sec. 3.2.1. Lot

#### A. Principal Structures per Lot

Only 1 principal residential structure is permitted on a lot in the R-R, S-A, RS-1, RS-2, RS-3, RC-3 Districts.

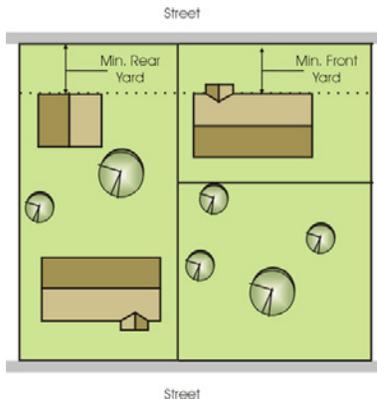
#### B. Attached Dwelling Units

In the ~~R-4, MFR-4A, MFR-5, MFR-6 and MFR-7~~ RA- and RM- Districts, each attached dwelling unit within a structure which meets the requirements for the district ~~is shall~~ also ~~be~~ deemed to meet the requirements if it is located upon a lot meeting the applicable density or dwelling unit minimum land area requirement. The dwelling unit may include an interest in common lands.

### Sec. 3.2.2. Yards

#### A. Yards on Through Lots

Each through lot ~~shall~~ requires a rear yard setback equal to the required front yard of any abutting lots on the non-frontage street.



#### B. Driveway Area in Front Yard

For parcels containing 1 to 4 residential dwelling units, the cumulative area of any driveway, plus any impermeable surface area located in the required front yard, ~~must shall~~ not exceed 50% of the area between the front face of the house and the right-of-way line. Driveways and parking areas ~~must shall~~ be constructed of concrete, asphalt or other materials approved by the Commissioner of Building.

#### C. Front Yards on Partially Built-Up Residential Blocks

Where 50% or more of the aggregate street frontage on one side of a street between 2 successive intersecting streets is occupied by buildings, and the average setback distance of existing residence buildings exceeds the required minimum front yard for the district in which the lot to be developed is located, the minimum front yard of that lot shall be the lesser of:

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1. 85% of the average setback distance of existing residential buildings located on the lots on either side. This minimum required setback ~~must shall~~ not exceed twice the required setback for the zoning district.
2. The minimum front yard required under any restrictive covenants or declarations recorded in the Erie County Clerk's office affecting the lot to be developed and those on either side of it.

D. **Yard and Building Spacing: RA- and RM- Districts**

1. In order to encourage greater flexibility and design and more attractive arrangements of buildings and greater utilization of open spaces, yard regulations for attached dwellings in the RA- and RM- MFR-5, MFR-6 and MFR-7 Districts are ~~hereby~~ established here. Buildings ~~must shall~~ be arranged ~~so as~~ to assure privacy between adjacent structures and intersecting wings of structures, appropriate setbacks from streets, parking and recreation areas and to assure adequate light and air to residents and protection to and from surrounding development. Distances ~~shall~~ vary in relation to the height of structures and the arrangement to other land uses and boundary lines.
2. For the purposes of regulating spacing ~~in the MFR-5, MFR-6 and MFR-7 districts~~, the following definitions apply.
  - a. Ha represents the height of building A.
  - b. Hb represents the height of building B.
  - c. H (Ha or Hb) represents the vertical distance measured from the finished grade to the mean roofline. Building height is defined in **§ 2-5-4**.
  - d. D represents the required minimum horizontal distance between any wall of Building A and the nearest wall of Building B, or between a principal building and a property line as determined by the following calculations.

DESCRIPTION	DISTANCE =	ILLUSTRATION
Building Separation — Parallel Arrangements. Buildings are parallel or within 30 degrees of being parallel and the greater sides of each building face each other across an open yard or court.	$[(H_a + H_b)/2] \times 1.66$	

DESCRIPTION	DISTANCE =	ILLUSTRATION
Buildings are parallel or within 30 degrees of being parallel and the lesser sides of each building face each other across an open yard or court, or the lesser side of one building faces the greater side of the other building.	$[(H_a + H_b)/2] \times 1.5$	
Building Separation – Angular Arrangements. Buildings are at 30 to 60 degree angles from one another. Minimum separation shall be measured at the closest point between the buildings.	$[(H_a+H_b)/2] \times 1.5$	
Building and Lot Line Separation. Buildings with wall of greater length parallel to the lot line.	2H	
Buildings abutting a street right-of-way. In no instance shall the minimum distance be less than 36 feet from the right-of-way-line. Buildings with wall of lesser length parallel to the lot line or the corner of any building on an angle of 30 to 60 degrees to the lot line.	1.5H	
Buildings which, if wall lines are extended, do not intersect the wall of the nearest structure.	1H	

Simplify this ??

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## E. Accessory Structure Minimum Yard and Building Spacing

Minimum yard and building spacing for accessory structures in RA- and RM- multifamily Districts are set forth in the following table.

Accessory Structure	TO PRINCIPAL STRUCTURE		TO RIGHT-OF- WAY		TO ADJACENT PROPERTY	
	Main Wall	End Wall	Public	Private	SF Detached	SF Attached, Multifamily or Nonresidential
Private Garage	15	10	25	10	10	5
Storage Garage/Shed/Other	30*	15*	25	10	10	5
Off-street parking, loading, stacking and driveway; dumpster containers and other refuse containers	15**	10**	20**	5***	10	5
Active Recreation Area	50	30	25	30	75	15

Main wall: Any exterior wall of a building containing the principal window of a living, dining and/or sleeping room or rooms.

End wall: Any exterior wall of a building other than a main wall and containing secondary windows required for ventilation and not intended to provide a direct view.

\* Garage may be part of main multifamily building or, if detached, as set forth above.

\*\* Parking, loading and stacking area may abut principal structure if that area does not exceed the minimum established by this ordinance and is designed only for the use of the units within the structure.

\*\*\* Parking, loading and stacking area only.

## DIV. 3.3. SPECIAL DISTRICTS

### Sec. 3.3.1. Nonresidential Districts

#### A. Drive-Through Facility

[Move to Use Standards?]

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

1. All outdoor speakers ~~must shall~~ be located a minimum of 100 feet from the nearest residential district boundary and ~~must shall~~ not be directed toward such neighboring property.
2. If the drive-through facility is located within 250 feet from the nearest residential district boundary, the use of all outdoor speakers ~~is shall be~~ limited to between the hours of 6 a.m. and 10 p.m.

### Sec. 3.3.2. Industrial Districts

#### A. Side Yards for Corner Lots

~~Notwithstanding the dimensional standards of this Section,~~ The following minimum setbacks ~~must shall~~ be observed for all required side yards on corner lots in Industrial Districts.

STREET FUNCTION	TO PARKING, LOADING & STACKING	
	TO BUILDING	
Arterial, Major or Minor	40	10
Collector	35	10
Local	25	10

## DIV. 3.4. INFILL DISTRICTS

### Sec. 3.4.1. Building Height

#### A. Building Height

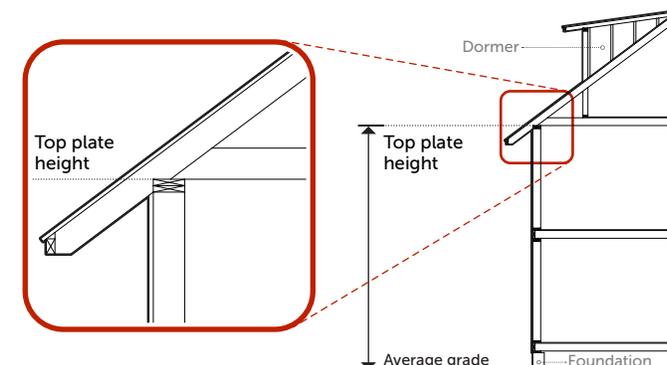
- a. See also Sec. 3.1.4.
- b. A story counts as a half story if dormers are present on no more than 50% of the front or side building length. Where dormers exceed 50% of the front or side building length, it will be considered a full story.



- c. 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.
- d. Basements and mezzanines, as defined in the Building Code, do not count as a 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.

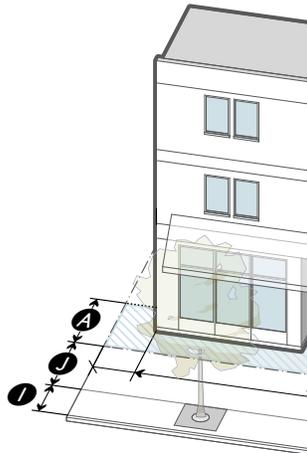


#### C. Roof Pitch

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.

Sec. 3.4.2. **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.

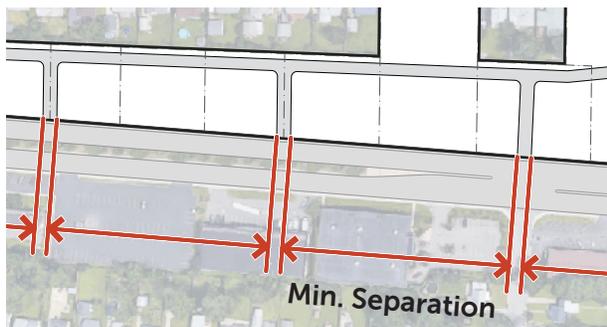
## DIV. 3.5. RETROFIT DISTRICTS

### Sec. 3.5.1. 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. 6.5.5).

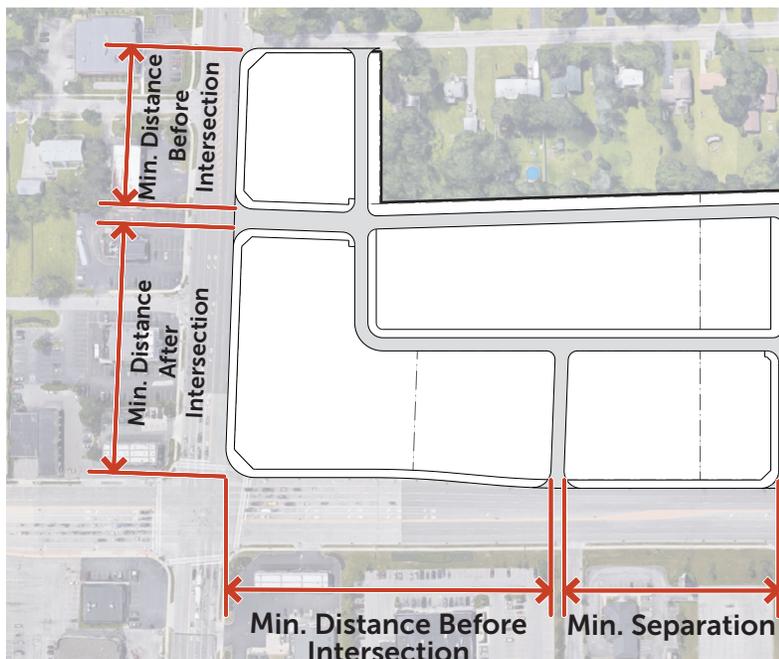
#### A. Separation

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



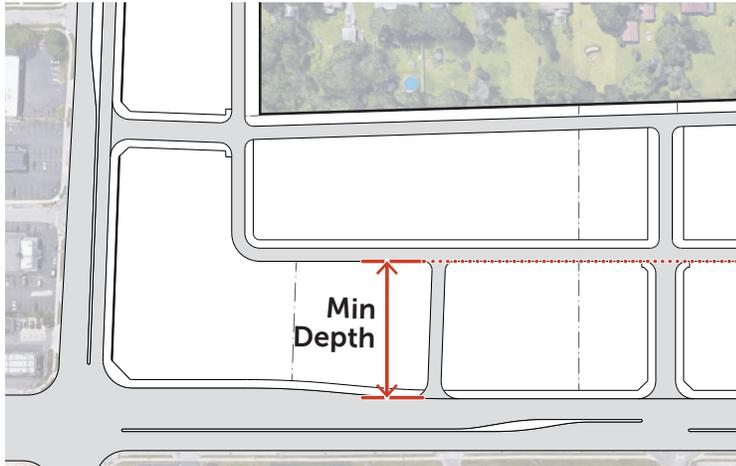
#### B. Distance Before/After Intersection

The shared access drive distance before or after an intersection is measured from the nearest curb of the intersecting street.



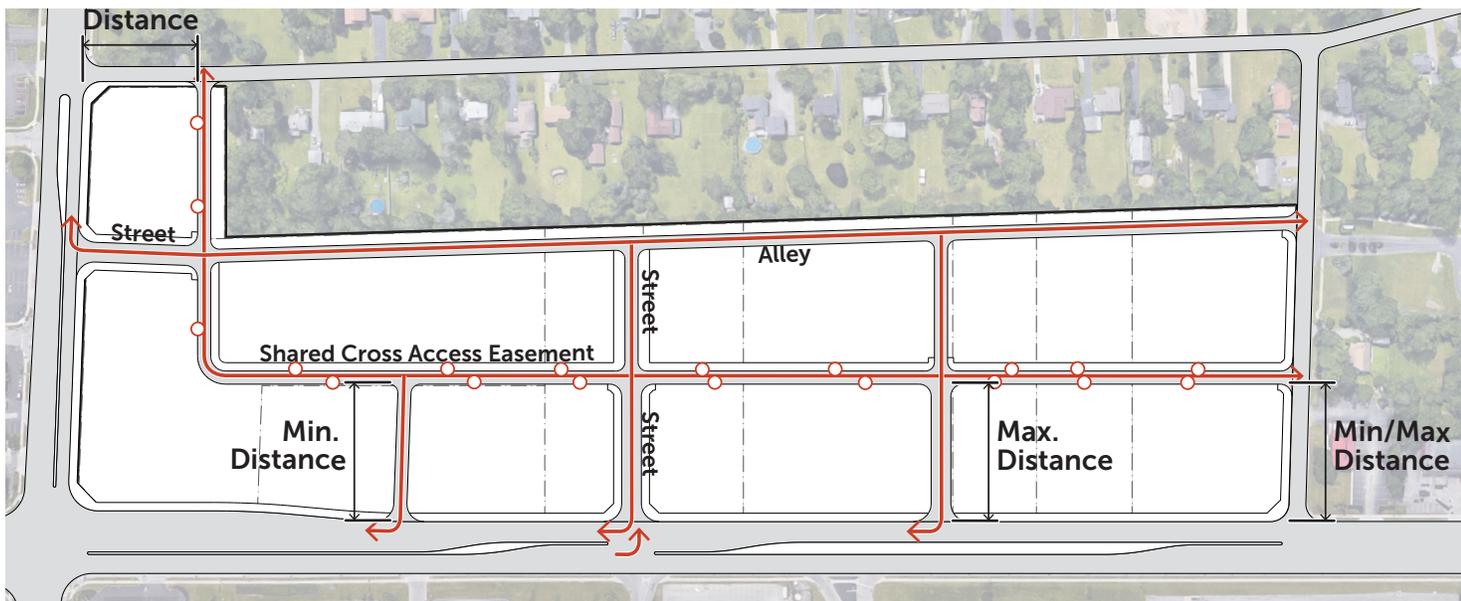
C. **Throat Depth**

The throat depth of a shared access street is measured perpendicular to the street from which access is taken using the outside of the closest drive lane as a starting point.



Sec. 3.5.2. **Cross Access**

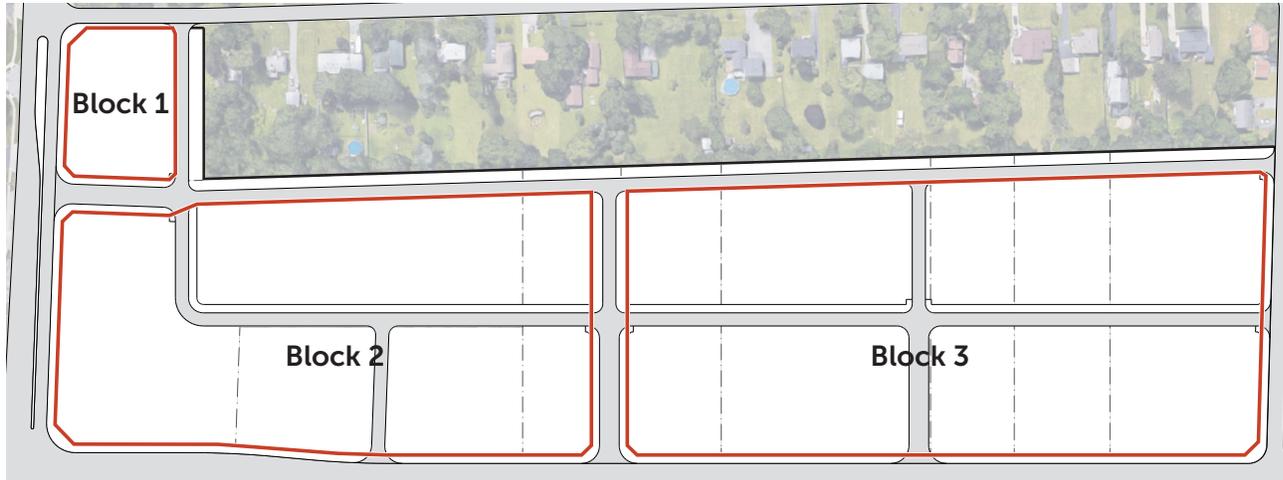
Cross access distance is measured as a minimum and maximum distance from the street lot line that fronts the subject property. A private easement is required for cross access (see Sec. 6.5.5).



### Sec. 3.5.3. **Blocks**

#### A. **Perimeter**

1. A block is bounded by a public or private right-of-way (not including an alley).
2. Block perimeter is measured along the edge of the property adjoining the right-of-way.



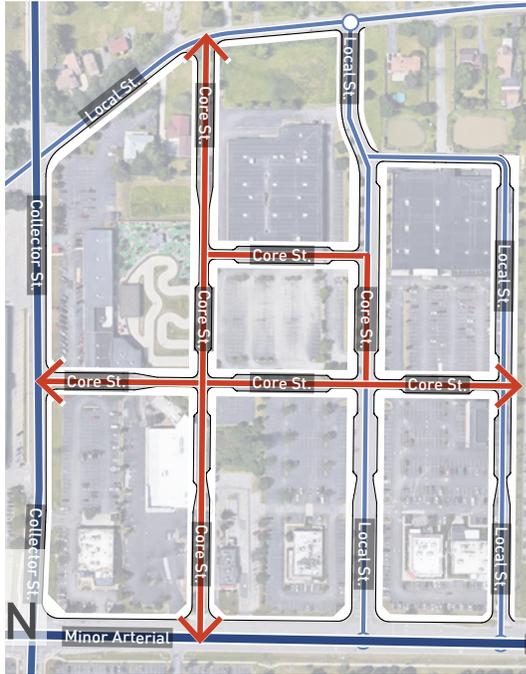
3. The Zoning Enforcement Officer may waive the block perimeter requirements when steep slopes in excess of 25%, freeways, waterways, railroad lines, tree conservation areas, stream buffers, cemeteries, open space or easements would make the provision of a complete block infeasible or does not advance the intent of this Chapter.
4. Where the block pattern is interrupted by public parkland, including greenways, that is open and accessible to the public, pedestrian access points must be provided with a minimum spacing equal to maximum block length.

#### B. **Length**

Block length is measured along the edge of the public or private right-of-way of each block face.

Sec. 3.5.4. **Core Streets**

The minimum percentage of core streets is based on the linear length of streets, including abutting streets, measured along each street centerline.



Sec. 3.5.5. **Open Space**

The minimum required open space is measured as a percentage of the lot area or the proposed development site. 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.

PART 4.  
**DESIGN STANDARDS**

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## DIV. 4.2. NONRESIDENTIAL/MIXED USE

### Sec. 4.2.1. Business District Design Standards

[FROM EXISTING AMHERST BUSINESS DISTRICT DESIGN STANDARDS]

#### A. Materials

1. All nonresidential street facades shall be constructed of the following materials:
  - a. Brick;
  - b. Stucco (cementitious finish only, no more than 30 percent of any facade);
  - c. Architectural concrete masonry;
  - d. Hardi-plank or similar cementitious siding;
  - e. Masonry;
  - f. Wood;
  - g. Field stone, ledge stone or other native veneer;
  - h. Metal (for beams, lintels, trim elements and ornaments); or
  - i. Glass (no more than 80 percent of any facade).
2. The following materials are prohibited on all primary facades and mansard roofs:
  - a. Asbestos or corrugated metal products;
  - b. Highly reflective metal siding or panels;
  - c. Plain Concrete Masonry Unit (CMU);
  - d. Bare or painted plywood; and
  - e. T-111 or unfinished lumber grade wood.
3. 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.

#### B. Building Entrances

1. Nonresidential buildings ~~must shall~~ provide a minimum of one building entrance oriented towards a street, pedestrian walkway or parking area.
2. Nonresidential building entrances on corner lots ~~must shall~~ be either oriented in the same direction as entrances of adjacent buildings or oriented toward the corner of the lot.

#### C. 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.

## D. Covered Pedestrian Walkway on Retail Facades

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

### 1. 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.

### 2. Multiple Development

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

- a. An arcade covering 100 percent of the length of the facade; or
- b. An awning covering a minimum of 85 percent of the length of the facade.

### 3. Arcades

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

### 4. Awnings

- a. Awnings must be associated with windows and doors and constructed of solid materials.
- b. 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.
- c. Awnings may extend a maximum of two feet into the required setback area.
- d. The following awnings are prohibited:
  - i. Mansard awnings (awnings that cover more than 85 percent of a facade or those that connect two facades); and
  - ii. Back-lit awnings.
- e. Fabric awnings must be kept in good repair so that the original color and integrity of the fabric is maintained.

## Sec. 4.2.2. Retrofit Districts

### A. Open Space

[INSERT standards for quality, improvement of open space]

[ Intentionally Blank ]

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## DIV. 5.1. **GENERAL**

### Sec. 5.1.1. **Distance Between Uses**

Where a provision of this Zoning Ordinance requires the determination of the distance between two uses, the following principles shall be followed:

- A. The measurement to or from a use that is the principal use on a lot shall be measured from the point on a lot line that is nearest to the other lot line from or to which the measurement is being made;
- B. The measurement from or to one of several principal uses on a lot, such as in a shopping center, shall be measured from the point on the boundary of the leasehold or other space occupied by that use that is nearest to the lot line from or to which the measurement is being made; and
- C. The distance shall be measured by the shortest linear distance between the points.

## Sec. 5.1.2. Key to Use Tables

### A. Permitted

A P in the ~~Permitted~~-column of a district use table indicates that a use is allowed by right in the respective district, ~~subject to the use regulations in Part 6~~. Such uses are subject to all other applicable regulations of this Ordinance.

### B. Permitted With Supplemental Use Standards

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

An S in the ~~Special Use~~-column of a ~~district~~-use table indicates that a use is allowed only if reviewed and approved as a special use permit in accordance with Sec. 8.2.5. 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 exception approval process.

### D. Uses Not Allowed

A blank cell ~~Any unlisted use~~ indicates that the use is not allowed in the particular district.

### E. Uses Not Listed

The Zoning Enforcement Officer shall determine whether or not an unlisted use is similar to an existing use or is substantially similar to an already defined specific use, using the criteria in §8-12-4, Determination of Similar Uses.

### F. Standards

The "Standards" column on the use table is a cross-reference to any supplemental use standard limited or special use standard regulation-listed in Part 6.

### G. Developments with Multiple Principal Uses

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. A development comprised of uses regulated by separate rows on the Use Table shall be reviewed using the most restrictive process from among the proposed uses.

# DIV. 5.3. MIXED USE DISTRICT USE TABLE

## Sec. 5.3.1. Mixed Use Districts

MIXED USE DISTRICTS	TI-2.5	TI-4	SC-3	DC-5	CTR-5	CTR-8	Use Standards
<b>OPEN USE</b>							
Open Use							
<b>RESIDENTIAL USES</b>							
Attached Dwelling	P*	P*	P*	P*	P*	P*	Sec. 6.2.1
Upper-Story Dwelling	P*	P*	P*	P*	P*	P*	Sec. 6.2.6
Multifamily Dwelling					P	P	
Assisted Group Living	P*	P*	P*	P*	P*	P*	Sec. 6.2.2
<b>PUBLIC AND CIVIC USES</b>							
Ambulance Service	P	P	P	P	P	P	
Business College, Commercial School	P	P	P	P	P	P	
College, University					P	P	
Day Care	P*	P*	P*	P*	P*	P*	Sec. 6.3.2
Place of Worship	P*	P*	P*	P*	P*	P*	Sec. 6.3.3
Public Utility Service Structure or Facility	P*	P*	P*	P*	P*	P*	Sec. 6.3.4
School, Elementary/Secondary (Private)	P	P	P	P	P	P	
Telecommunication Facility	S	S	S	S	S	S	Div. 6.7
Utility, Minor	P	P	P	P	P	P	
<b>COMMERCIAL USES</b>							
Animal Care	P*	P*	P*	P*	P*	P*	Secs. 6.4.2, 6.4.13
Drive-Through Facility				P*	P*	P*	Sec. __
Lodging	P	P	P	P	P	P	
Medical	P	P	P	P	P	P	
Office	P	P	P	P	P	P	
Personal Service	P	P	P	P	P	P	
Recreation, Indoor	P	P	P	P	P	P	
Recreation, Outdoor							
Restaurant	P	P	P	P	P	P	
Restaurant with outdoor dining	P*	P*	P*	P*	P*	P*	Sec. 6.4.9
Retail Sales and Service	P	P	P	P	P	P	
Sexually Oriented Business				P*	P*	P*	Div. 6.6
Vehicle Sales and Service							
<b>INDUSTRIAL USES</b>							
Light Industrial							
Heavy Industrial							
<b>ACCESSORY USES</b>							
All uses and structures customarily incidental to a principal use	P	P	P	P	P	P	

P = Permitted P\* = Permitted with supplemental use standards S = Special Use (ZBA approval required) [blank] = Not Permitted

## PART 7.

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Sec. 7.2.6. **Site Plan Review**

**A. Applicability**

1. In accordance with § 274-a of NYS Town Law no construction or site improvement work may commence until site plan approval, where required, has been granted.
2. Site plan review shall not be required for development of two or fewer single- or two-family lots except in the NCD district.
3. The addition of residential units to a mixed use development shall be regulated by the provisions for residential units.

**B. 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
<b>RESIDENTIAL</b>		
<b>Up to 4 Residential Units</b>		
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
<b>5 or More Residential Units</b>		
Proposed construction of 5 or more residential units (If 5 or more residential lots are proposed, see Town of Amherst Subdivision Regulations)	X	
<b>SEQRA Type 1 Action</b>		
Any proposed residential development classified as a Type 1 action under Town Code, Chapter 104, Environmental Quality Review, as amended.	X	
<b>NONRESIDENTIAL</b>		
<b>Within 250 Feet of Residential</b>		
Proposed nonresidential or mixed-use development located within 250 feet of residential use or zoning	X	
<b>Under 4,000 SF</b>		
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	
<b>Over 4,000 SF</b>		
Nonresidential or mixed-use development of greater than 4,000 square feet of gross floor area of all buildings	X	
<b>Under 25,000 SF in Mixed Use District</b>		
<u>Nonresidential or mixed-use development of less than 25,000 square feet of gross floor area and beyond 250 feet from a residential lot boundary</u>		X
<u>Nonresidential or mixed-use development of less than 25,000 square feet of gross floor area and within 250 feet from a residential lot boundary</u>	X	

**Over 25,000 SF in Mixed Use District**

Nonresidential or mixed-use development of more than 25,000 square feet of gross floor area X

~~Under 10,000 SF in the TNB Overlay District~~

~~Nonresidential or mixed-use development of less than 10,000 square feet of gross floor area in the TNB overlay district 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

**C. Modification to a Previously Approved Site Plan or Sites Developed Prior to 1968**

1. Previously approved sites shall be modified in accordance with the following table:

TYPE OF DEVELOPMENT	MAJOR SITE PLAN	MINOR SITE PLAN	MINOR ADJUSTMENT
<b>RESIDENTIAL</b>			
<b>Adding 4 or Fewer Residential Units</b>			
Addition of 4 or fewer residential units not on an individual lot		X	
<b>Adding 5 or More Residential Units</b>			
Addition of 5 or more residential units not on an individual lot	X		
<b>Multifamily Landscape Plan</b>			
Modifications to approved landscape plan for a multi-family residential development			X
<b>Adding Accessory Structures</b>			
Proposed accessory structures, such as A/C compressors, generators, tool or garden sheds, decks and gazebos			X
<b>Modifications to Parking</b>			
<b>NONRESIDENTIAL</b>			
<b>Adding Less Than 750 Square Feet</b>			
Proposed addition of less than 750 square feet of gross floor area		X	
<b>Adding Between 750 and 4,000 Square Feet</b>			
1. Proposed addition of between 750 and 4,000 square feet of gross floor area and within 250 feet of a residential lot boundary, as measured[1] from the work limit line as shown on the site plan. In the event that no work limit line is shown, the property boundary shall be used as the work limit line.	X		
2. Proposed addition of between 750 and 4,000 square feet of gross floor area and greater than 250 feet of a residential lot boundary, as measured from the work limit line.		X	

TYPE OF DEVELOPMENT	MAJOR SITE PLAN	MINOR SITE PLAN	MINOR ADJUSTMENT
<b>Adding More Than 4,000 Square Feet</b> Proposed addition of more than 4,000 square feet	X		
<del>Adding Less Than 10,000 Square Feet in the TNB Overlay District</del> <del>Proposed addition of 10,000 square feet or less of gross floor area in the TNB overlay district</del>		X	
<b>Changes to Parking, Loading or Stacking</b> Any proposed changes to parking, loading or stacking located more than 250 feet from residential use or district. Changes to parking, loading or stacking located within 250 feet of residential use or district may require a major site plan at the discretion of the Zoning Enforcement Officer		X	
<b>Adding Accessory Structures</b> Accessory structures, such as generators, RPZ's, tool sheds, HVAC equipment, hot boxes, transformers, or compressors		X	
<b>Minor Adjustment</b> Proposed modification to an approved landscape plan to preserve existing mature trees and/or vegetation or change proposed plant species or the relocation of underground utilities where such modifications are determined by the Zoning Enforcement Officer to be consistent with the intent and objectives of the original site plan			X
<b>Other</b> A proposed modification to a previously approved site plan where such modification is not included in any of the other categories in this section.			X

- No site plan review shall be required for improvements on an existing single- or two-family lot created as part of a site plan, except in the NCD district.
- Notwithstanding the requirements in the table in § 8-7-3, a major site plan may be required if the Zoning Enforcement Officer determines that the proposed modifications are not consistent with the intent and objectives of the original site plan approval or generally consistent with the policies of the Comprehensive Plan.

**D. Application Requirements**

- An application for site plan review shall be submitted in accordance with § 8-2-2, Application Requirements.
- All applications shall be complete in accordance with § 8-2-2D before the Zoning Enforcement Officer is required to review the application. An application shall not

be considered complete until a SEQR determination under Town Code, Chapter 104, Environmental Quality Review, as amended, can be made.

3. The site plan shall be prepared by a NYS licensed engineer, architect, landscape architect, or surveyor, as appropriate.
4. The content of the site plan application shall be approved by the Zoning Enforcement Officer prior to filing.

#### E. Minor Site Plan Approval

1. A minor site plan requires only Zoning Enforcement Officer approval.
2. Within 30 days of receipt of a complete application, the Zoning Enforcement Officer shall, after receiving recommendations from the Town's review agencies and any appropriate reviewing agencies, approve, approve with modifications, or deny the site plan. Where a site plan does not meet the requirements of this Ordinance, the Zoning Enforcement Officer shall refer said site plan to the Planning Board for their review.
3. The Zoning Enforcement Officer may grant minor site plan approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into complete compliance with applicable regulations or where additional conditions have been agreed to by the petitioner. If the proposed minor site plan is determined to be consistent with all applicable regulations, the Zoning Enforcement Officer shall approve the minor site plan.
4. The Zoning Enforcement Officer shall have sole authority in determining the compliance of a minor site plan with the provisions of this Ordinance and generally consistent with the policies of the Comprehensive Plan.
5. The Zoning Enforcement Officer may refer a minor site plan to the Planning Board for review as a major site plan where the Zoning Enforcement Officer determines that there is high potential for detrimental impacts on immediately abutting residential neighbors.
6. The date the Zoning Enforcement Officer signs the approved minor site plan shall establish the date of approval for a minor site plan.

#### F. Major Site Plan Approval

A major site plan shall require Planning Board approval.

##### 1. Action by the Zoning Enforcement Officer

Within 30 days of receipt of a complete application, and after receiving recommendations from the appropriate reviewing agencies, the Zoning Enforcement Officer shall notify the Planning Board in writing of any comments or recommendations on the action.

##### 2. Action by the Planning Board

- a. The Planning Board shall schedule a public hearing within 62 days of receipt of a complete application and give notice in accordance with § 8-2-3, Notice and Public Hearings. Within

## DRAFT FOR DISCUSSION

62 days of the close of the public hearing, the Planning Board shall act on it and notify the appropriate agencies, petitioner and Town Clerk of its action.

- b. The time within which the decision shall be rendered may be extended by mutual consent of the petitioner and the Board.
- c. In determining its action, the Planning Board may seek advice from the agencies it deems appropriate.
- d. In determining its action, the Planning Board shall also seek advice and assistance from the Town Attorney with respect to all covenants, restrictions and easements to be recorded and covenants for maintenance; the Town Engineer and Highway Superintendent with respect to improvements plans; the Commissioner of Building with respect to building plans and any other persons or committees.
- e. The Planning Board decision date shall establish the date of approval for a major site plan.

### G. Site Plan Review Criteria

During review of a minor or major site plan the Zoning Enforcement Officer or Planning Board, as applicable, shall ensure that the site plan is consistent with this Ordinance and generally consistent with the policies of the Comprehensive Plan.

### H. Additional Review Criteria for Residential Site Plans

When reviewing a minor or major residential site plan, the Zoning Enforcement Officer or Planning Board, as applicable, shall consider the following factors in addition to those described in § 8-7-7:

1. The adequacy of usable space for active and passive recreation including pedestrian connections;
2. Adequacy of open space lands for public ownership and use offered for dedication or other disposition to the town or other public entity; and
3. Adequacy of school sites and facilities.
4. The extension of roadways provided to adjacent property.

### I. Design Exception

1. A design exception allows a project to use an alternative design approach to satisfy a particular design standard in the Mixed Use Districts.
2. The alternative design approach must satisfy the overall intent of the particular design standard.
3. A design exception is not a variance, which provides relief from a requirement considered to be an unnecessary hardship.
4. 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 ordinance standard.

5. 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.
6. 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.

#### J. Findings for Site Plan Approval

In rendering a final decision, the Zoning Enforcement Officer or Planning Board, as applicable, shall consider and make findings that:

1. The proposed site plan is consistent with the development plan if one is required.
2. The proposed site plan is consistent with the purpose and specific requirements of this Ordinance and generally consistent with the policies of the Comprehensive Plan;
3. Adequate services and utilities will be available prior to occupancy; and
4. The site plan is consistent with all other applicable laws.

#### K. Approval with Conditions

The Planning Board may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into complete compliance with applicable regulations and the policies of the Comprehensive Plan or where additional conditions have been agreed to by the petitioner.

#### L. Notice of Decision

In accordance with NYS Town Law § 274(a), the decision of the Planning Board or Zoning Enforcement Officer, as applicable, shall be filed in the Office of the Town Clerk consistent with all applicable state requirements.

#### M. Changes in Site Plan

1. At any time within 30 days following the initial site plan submission to the Zoning Enforcement Officer, the petitioner may submit to the Zoning Enforcement Officer site plan modifications which do not materially affect the fundamental character of a proposed site plan, and the time periods stated in this Section shall continue to apply.
2. If, subsequent to the approval of a site plan by the appropriate authority, the petitioner proposes any modification (other than to correct minor or technical omissions or inaccuracies) of the site plan, the procedures set forth in § 8-2-2, Application Requirements, shall be applicable to such modification, except that the materials submitted to the Zoning Enforcement Officer shall relate only to such modification.
3. Minor modifications to the site plan may be approved by the Zoning Enforcement Officer. Minor modifications include:
  - a. Error correction that does not alter the site plan.
  - b. Modifications that are not in violation of this Ordinance
  - c. Changes that do not affect overall site layout or properties outside of the site.

- d. Changes that are of a lesser intensity than those listed in the table in § 8-7-3A.
- e. Location of dumpster containers and other refuse containers, including enclosures.

#### **N. Subdivision Review**

Site plan review under the provisions of this ordinance may occur simultaneously with subdivision plat review, where required. A single public hearing for approval of the site plan and its associated plat shall be permitted, as determined by the Zoning Enforcement Officer.

#### **O. Development Phasing**

1. If the development is to be implemented in phases, each phase shall have adequate provision for access, parking, open space, recreation areas and stormwater management and other public improvements to serve the development in accordance with the applicable criteria in the event that other phases are not constructed.
2. Each phase shall be provided with temporary or permanent transitional features, buffers or protective areas in order to prevent damage to completed phases, to future phases and to adjoining property.
3. For developments which are developed in phases, construction of all phases of the development as shown on the approved site plan for that development shall be commenced within five years from the date of that site plan approval. If construction of all phases of a development is not commenced within five years from the date of site plan approval, the phased development is thereafter required to obtain site plan approval in accordance with the current requirements of this Ordinance in effect at the time of the next phase of development for all undeveloped phases of the original site plan. Construction of all phases of a development shall be deemed to have commenced when building permits have been obtained and construction has started for all buildings shown on the approved site plan.

#### **P. Period of Validity**

Except for subdivision plans that have been duly filed in the Office of the County Clerk, if construction of the approved development has not commenced within two years from the time of site plan approval, that approval shall be deemed revoked. Extensions not to exceed two years may be granted by the Planning Board or Zoning Enforcement Officer. Approval of extensions for site plans shall be made by the applicable approval body for Major or Minor Site Plan or Minor Site Adjustment. Multiple extensions may be granted.