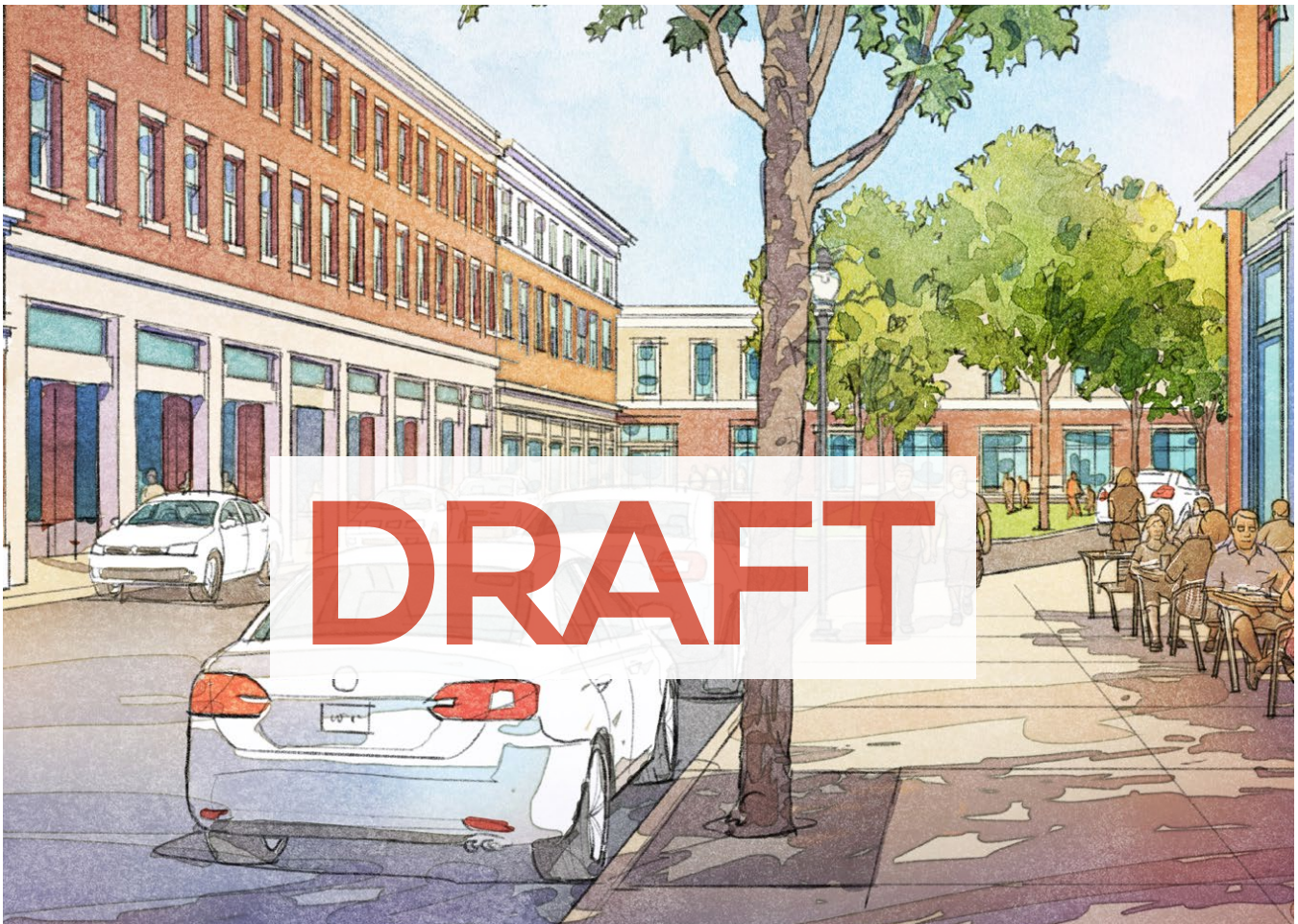




# Plan Implementation Assessment and District Framework

## Commercial & Mixed Use Center Plan and Zoning



REVISED DRAFT 08.24.2017



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

**AMHERST TOWN BOARD:**

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- Steven D. Sanders,  
Deputy Supervisor & Councilmember
- Ramona D. Popowich, Councilmember
- Deborah Bruch Bucki RN, PhD, Councilmember
- Francina J. Spoth, Councilmember

**PROJECT WORKING COMMITTEE:**

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- Planning Board: Dan Ulatowski
- Planning Board: Duncan Black
- Town Board Liaison: Ramona Popowich
- Amherst Conservation Advisory Council (ACAC):  
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- Zoning Board of Appeals: Gary Palumbo
- Village of Williamsville: Brian Kulpa
- Homeowners Organization: Jane Woodward
- Homeowners Organization: Frank Pasztor
- Homeowners Organization: Jim Cwierley
- Small Business Owner: Bob White
- Developer: Carl Montante, Jr.
- Developer: David Chiazza

**TECHNICAL REVIEW COMMITTEE:**

- Planning Director (Chair): Rick Gillert
- Building Commissioner: Brian Andrzejewski
- Building Department: Bill Pidgeon
- Amherst Industrial Development Agency:  
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- GBNRTC: Kelly Dixon
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Mark Rountree
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# HOW DID WE GET HERE?

## ZONING UPDATE NEEDED

Today, the majority of Amherst's commercial centers are zoned using a single zoning district, General Business (GB). This district allows for 65 feet of height (approximately 5 stories), and was originally crafted for growing portions of the community located on large commercial corridors. While GB zoning may have created adequate results in that setting, it was not appropriate for use in areas that are embedded in neighborhoods or located along smaller streets.

The Town created zoning specific to traditional places in the form of several Traditional Neighborhood Business (TNB) overlay districts; however, the private development market has not responded to the new regulations. Over time, and following a series of very controversial zoning cases, it became clear to the Town Board and Planning Board that new zoning tools were needed to manage development in the variety of types of centers within the Town.

The Town's existing Comprehensive Plan primarily focused its guidance on the economic aspects of new activity in the centers, describing them in terms of the scale of retail activity that might be found within various centers, but never specifically mapping all of the center types throughout the community based on their context. The recently-proposed Plan Amendment is intended to remedy this by providing maps and guidance for the application of new zoning in the Town's commercial areas and mixed-use centers.

Amherst's commercial areas and mixed-use centers vary by scale and function. Their location also plays a significant role in shaping the size and character of buildings and parking areas. This is the main reason that a "one size fits all" zoning category (like the GB district) is ineffective in providing satisfactory transitions to surrounding areas.

# IMPLEMENTING THE AMENDED PLAN

## MEETING THE PLAN'S OBJECTIVES

The Town's proposed Plan Amendment includes modest revisions to the original goals and objectives of the Plan adopted in 2007. Many of these Land Use objectives (Sec. 3.2) remain unmet, in spite of the passage of time, as further discussed below.

### **OBJECTIVE:**

*Promote the development/revitalization of walkable higher density, mixed-use centers surrounded by lower density development*

As described earlier in the assessment of the Town's zoning regulations, the application of GB zoning, with its permissive setbacks and allowance for parking between buildings and the street, has yielded auto-oriented environments across the community. In the majority of cases, retail has been single-story, and vertical mixed use is rare in the Town.

### **OBJECTIVE:**

*Implement context-sensitive zoning and incentives to improve the quality and appearance of non-residential development*

The current zoning regulations do not respond to the depth of the lot or the adjacent development when establishing setbacks or transitions. This often yields development out of character with adjacent land use, and with little relationship to the type of parcel it occurs on. Both front setbacks and rear transitions to neighborhoods must do a better job of relating to the surrounding context.

### **OBJECTIVE:**

*Improve the predictability and consistency of the development review and decision-making process*

Without alternative zoning districts that are a better match to existing and planned development patterns, the Town will be unable to improve consistency and predictability of outcomes of the development process. The proposed Plan Amendment will improve the level of detail of the Town's vision of future development, and link that vision to specific mapped sites. The next logical step is to prepare regulations that implement the variety of places the Town envisions.

## TOWN BOARD INPUT

On September 6 and 7, 2016, Code Studio traveled to Amherst to update the Town Board on the status of the Comprehensive Plan and Zoning Update project. The intent was to confirm the direction of the project to date with the Town Board.

At the Town Board meeting on September 6, 2016, Lee Einsweiler made a presentation on the progress to date, and responded to questions from the Board and meeting attendees from the general public. The following are suggestions made by the Town Board and members of the public attending the Town Board meeting. This discussion was held following the Town Board presentation (available on the project website [www.imagineamherst.com](http://www.imagineamherst.com) as part of Task 4.5A).

### TECHNICAL ISSUES

- » Keep the language accessible to the general public. Limit use of terms such as “form-based,” “charrette” and “node.”
- » New zoning must be sensitive to surrounding neighbors. Transitions to neighbors are very important.
- » Clarified that the project does not include residential, office areas or industrial, just commercial and mixed use areas.
- » Encourage use of precedent commercial or mixed use centers as examples from the Northeast region.
- » Need to be certain we do not continue the “one size fits all” approach to zoning (GB).
- » Clarified that uses would still be regulated, even though the emphasis of the new zoning would be on built form.

### PROCESS ISSUES

- » Meetings should be held around the Town, not just in one location. Would gain greater participation.
- » Need to ensure opportunities for input from homeowners, not just developers.
- » Areas selected for pilot study intentionally did not include controversial locations.
- » Need to focus on something that can be adopted.
- » Encourage posting more material on the web, including materials from the commercial center tours to allow a self-guided activity for residents.

## CENTER FORMS

### TRADITIONAL FORM



### SUBURBAN FORM



## CENTER TYPES

### LOW-SCALE NODE



- Located adjacent to single-family residential, typically at intersections
- Shallow parcel depth, compact form
- Buildings are 1 to 2½ stories in height

### MEDIUM-SCALE NODE



- Located near single-family residential, typically at intersections
- Moderate parcel depth, compact form
- Buildings are 1 to 4 stories in height

### CORRIDOR



- May or may not be located near single-family areas, typically along commercial roadways
- Consistent parcel depth, linear form, different corridors may have different parcel depths
- Buildings are 1 to 5 stories

### CENTER



- Located away from single-family residential, typically along major roadways, at higher volume intersections, or near interstate interchanges
- Parcels are large and deep
- Buildings are 1 to 8 stories

## ZONING STRATEGY

The follow material details the proposed zoning strategy for the designated commercial and mixed use activity centers.

### REPLACE EXISTING DISTRICTS

- » The NB, GB and SC zoning districts and -TNB overlay district should be removed from the regulations.
- » The CS, MS and TND, districts should be revised to incorporate the form and type characteristics of the new commercial zoning districts.
- » A series of districts that allow for implementation of the proposed Plan Amendment should be adopted:
  - **Two types of form** - traditional and suburban
  - **Four types of places** - low-scale node, medium-scale node, corridor and center.
- » Where areas of NB, GB and SC exist outside of designated centers, they should either be rezoned using the proposed districts, or returned to another, more appropriate zoning designation.

### IMPROVE EXISTING TRANSITIONS

- » Provide for at least two types of transitions where abutting single-family neighborhoods:
  - **Shallow lots** - provide a wall and buffer, limit building height near the property line
  - **Deep lots** - provide a wall and buffer, control land use in rear portions of the lot, and limit building height near the property line.

### REVIEW ALLOWED USES

- » Allow a variety of complementary uses in close proximity to promote vibrant walkable places
- » Encourage vertical mixed-use development to provide opportunities for diverse investments more aligned to today's market
- » Assess the ability to easily establish appropriate **uses** in these mixed use areas, including revisiting the need for special use approval by the Town Board.

### REVISIT DEVELOPMENT STANDARDS

- » Consider establishing appropriate **maximum tenant footprint** for ground floor uses based on center types.
- » Add **design and form standards** that reflect the need to break up the bulk of large buildings and screen parking garages.
- » Update **parking standards** to reflect mixed use character of these areas, including revised parking location (to the side and rear on most sites).
- » Update **sign standards** to reflect pedestrian nature of traditional sites and internal streets of suburban sites.
- » Review opportunities to **allow for low impact development** options for stormwater management.
- » Provide **block standards and access requirements** that ensure large parcels provide frequent vehicular and pedestrian access.
- » Establish **open space and amenity standards** within future development.
- » Create cross-sections for **new internal streets**.
- » Establish **streetscapes** for new and existing streets.



## DISTRICT FRAMEWORK

The following table summarizes the proposed zoning districts to implement the Commercial and Mixed Use Center designations proposed in the update to the Comprehensive Plan.

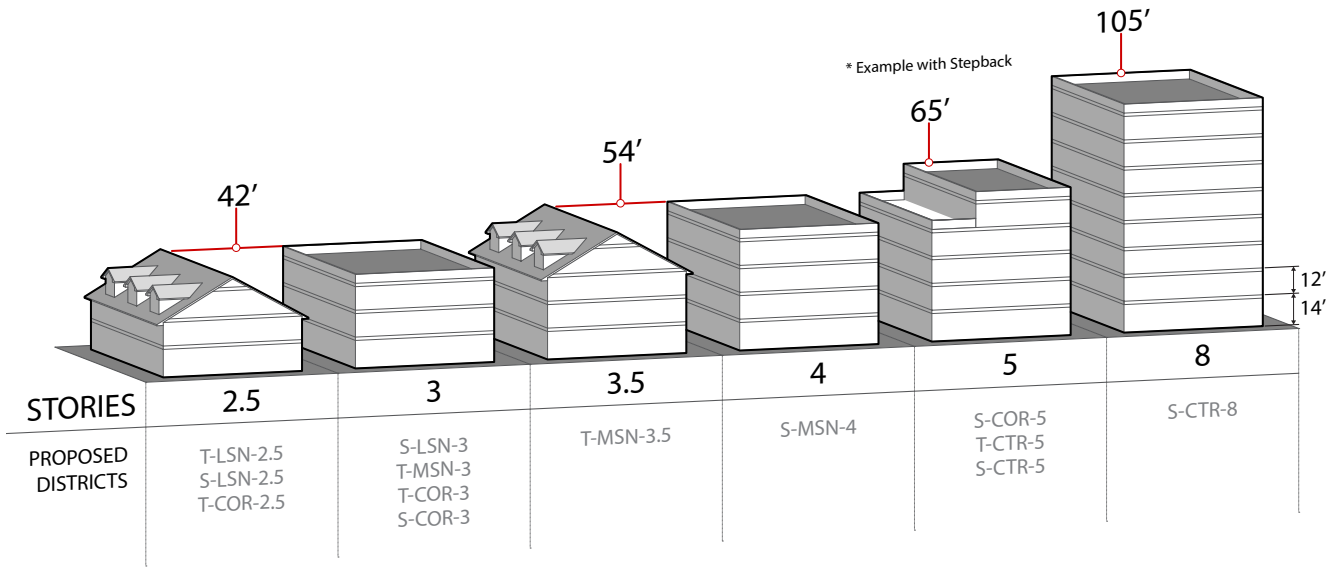
### PROPOSED ZONING DISTRICTS

Designation	Zoning District	Uses						Front Setback (from ROW)	Height	Frontages				
		Townhouse	Multifamily	Office	Retail	Personal Services	Restaurant			Hotel	Urban/Village	Green	Suburban	Residential
Low-Scale Node	T-LSN-2.5	Traditional Low-Scale Node 2.5							0' min 10' max	2½ stories 42' max	●	●	-	●
	S-LSN-2.5	Suburban Low-Scale Node 2.5	●	●	●	●	●	●	-	2½ stories 42' max	-	●	●	●
	S-LSN-3	Suburban Low-Scale Node 3							10' min 30' max	3 stories 42' max	-	●	●	-
Medium-Scale Node	T-MSN-3	Traditional Medium-Scale Node 3							0' min 10' max	3 stories 42' max	●	●	-	●
	T-MSN-3.5	Traditional Medium-Scale Node 3.5	●	●	●	●	●	●	-	3½ stories 54' max	●	●	-	●
	S-MSN-4	Suburban Medium-Scale Node 4	●	●	●	●	●	●	●	10' min 30' max	4 stories 54' max	-	●	●
Corridor	T-COR-2.5	Traditional Corridor 2.5							0' min 10' max	2½ stories 42' max	●	●	-	●
	T-COR-3	Traditional Corridor 3	●	●	●	●	●	●	-	3 stories 42' max	●	●	-	●
	S-COR-3	Suburban Corridor 3							10' min 30' max	3 stories 42' max	-	●	●	-
	S-COR-5	Suburban Corridor 5	●	●	●	●	●	●	●	10' min 100' max	5 stories 65' max	-	●	●
Center	T-CTR-5	Traditional Center 5	●	●	●	●	●	●	10' min 20' max	5 stories 65' max	●	●	-	-
	S-CTR-5	Suburban Center 5							10' min 100' max	5 stories 65' max	-	●	●	-
	S-CTR-8	Suburban Center 8	●	●	●	●	●	●	●	10' min 100' max	8 stories 105' max	-	●	●

## BUILDING HEIGHT

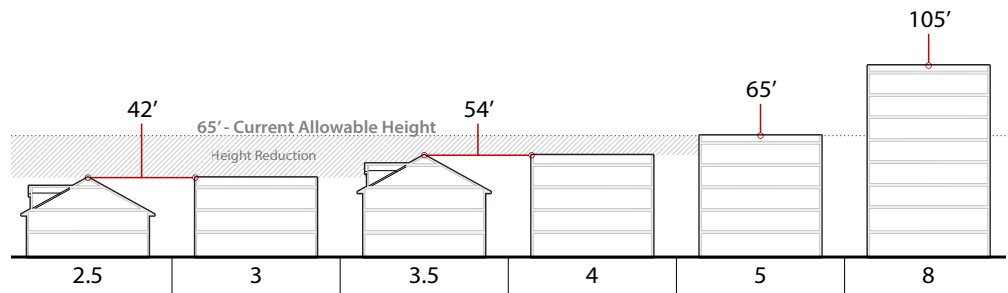
Building heights in Amherst are currently measured from the ground to the top of the highest point of the roof. Several proposed districts include maximum heights measured using half-stories. The graphic below illustrates this half-story concept, and displays the maximum height for all of the Districts.

### MAXIMUM BUILDING HEIGHT



### CURRENT ALLOWED HEIGHTS BY DISTRICT

District	Height
GB	65 ft. Max.
NB	30 ft. Max.
SC	65 ft. Max.
TNB	35 - 50 ft.
LW	35 ft. Max. (2 Stories)



### FRONTAGES

The application of a frontage to one of the new districts can modify the public realm (that portion of the site between the building and the street). Some possible tools that may help refine the zoning districts to their specific context are shown below (from the charrette report published previously). If neighboring areas exhibit one of the characteristics displayed in the images, such as a deep green front yard, then placing new development behind a similar deep green setback may also be appropriate.

Frontages (where appropriate) are typically applied in advance on a map adopted with the new zoning.



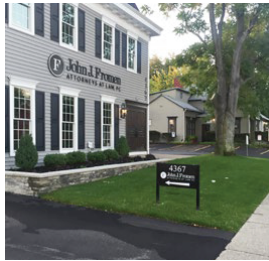
Urban/Village



Green



Suburban



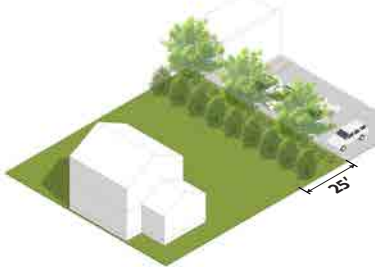
Residential

## TRANSITIONS

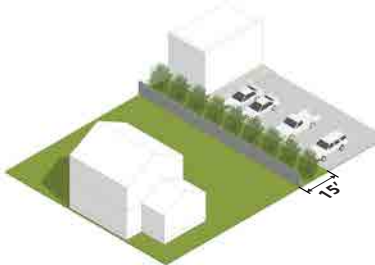
The rear or side lot line, when it abuts a residential neighborhood, deserves special attention. This transition is often coded differently for a shallow lot versus a deep lot. Two possible examples of how a rear/side transition might appropriately occur are shown below - a shallow lot and a deep lot. If the nonresidential project was taller than three stories in height, it might also be appropriate to step down the height as buildings get closer to any adjacent residential area.

In addition to the use of buffers, sometimes other land use issues can be handled with development standards for a particular use. For example, if speaker boxes for drive-through facilities cause noise concerns for immediate neighbors, the use standards can manage the location of speakers, the volume allowed, and generally encourage use of modern technology such as touchpads and phone or website ordering to eliminate the problem.

DEEP LOT TRANSITION

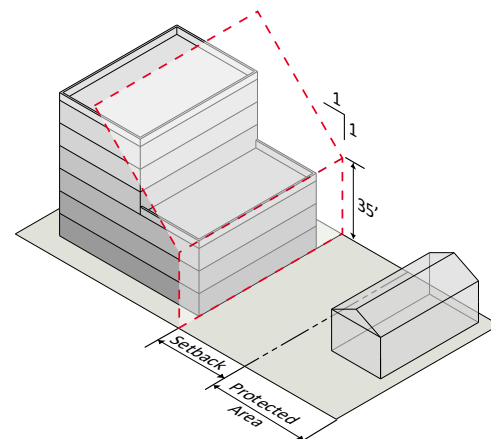


SHALLOW LOT TRANSITION



- » Parcels 200 feet and greater in depth are typically not considered constrained and would require a deeper landscaped transition including hedges, shrubs, and canopy trees.
- » Parcels less than 200 feet in depth are often considered constrained and would require a shallower transition including plantings and a wall.
- » In some communities, a bulk plane is applied to districts taller than 3 stories to ensure that new buildings do not loom over existing neighborhoods. A typical bulk plane is established where a commercial or mixed use district abuts a residential district (on a lot line, not usually across a street or alley). The bulk plane would normally begin using the adjacent district height (in most cases, 35 feet), and would require 1 additional foot of setback for every 1 foot of upper story height added. For example, a 45-foot building's upper floor would be required to set back an additional 10 feet from the established setback line.

TRANSITION EXAMPLE

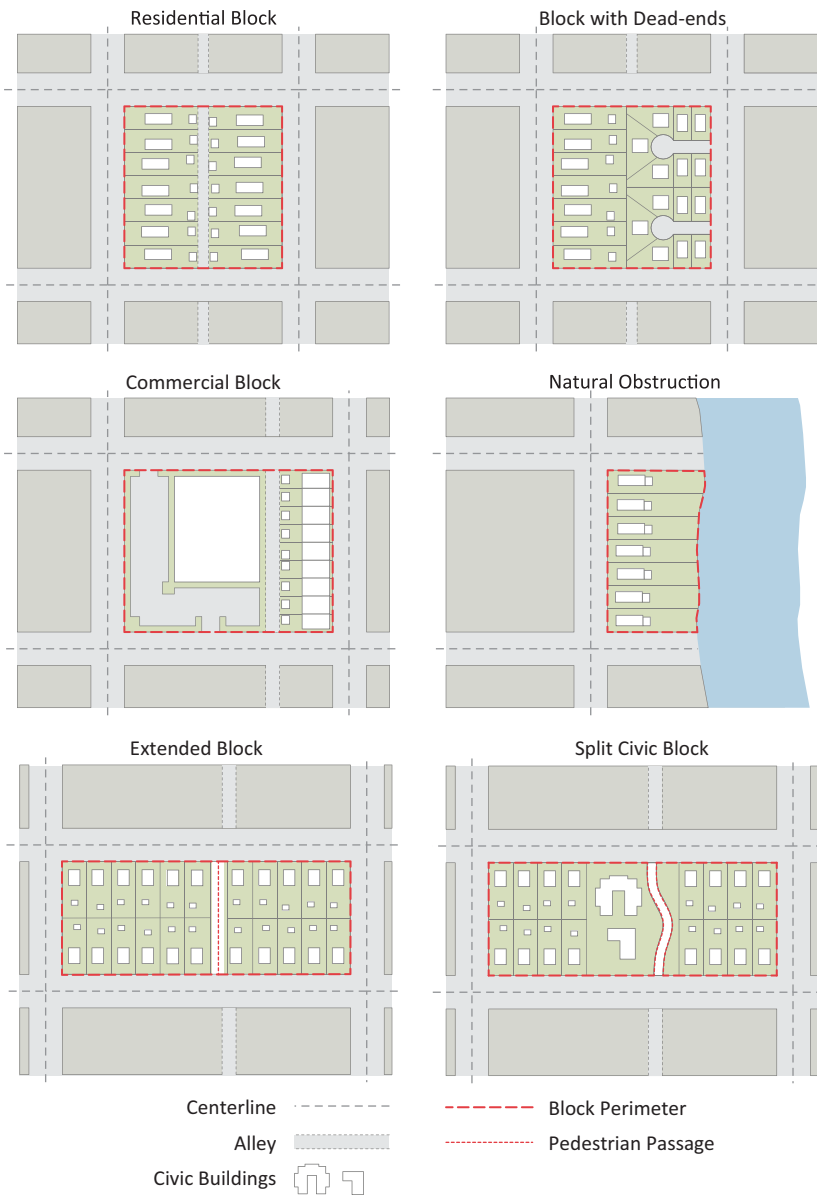


BULK PLANE EXAMPLE

## BLOCK STANDARDS

Zoning districts that include large parcels of land that, if developed without internal circulation, would constitute barriers to walking and biking may require standards based on appropriate block breaks to ensure that internal connections occur. These standards would create connections for vehicle parking access, internal streets, and bike/pedestrian connections.

Block standards most frequently are measured as the perimeter of the block, allowing for a wide variety of block shapes.



### BLOCK STANDARD EXAMPLE

# Commercial & Mixed-Use Center Zoning District Designations

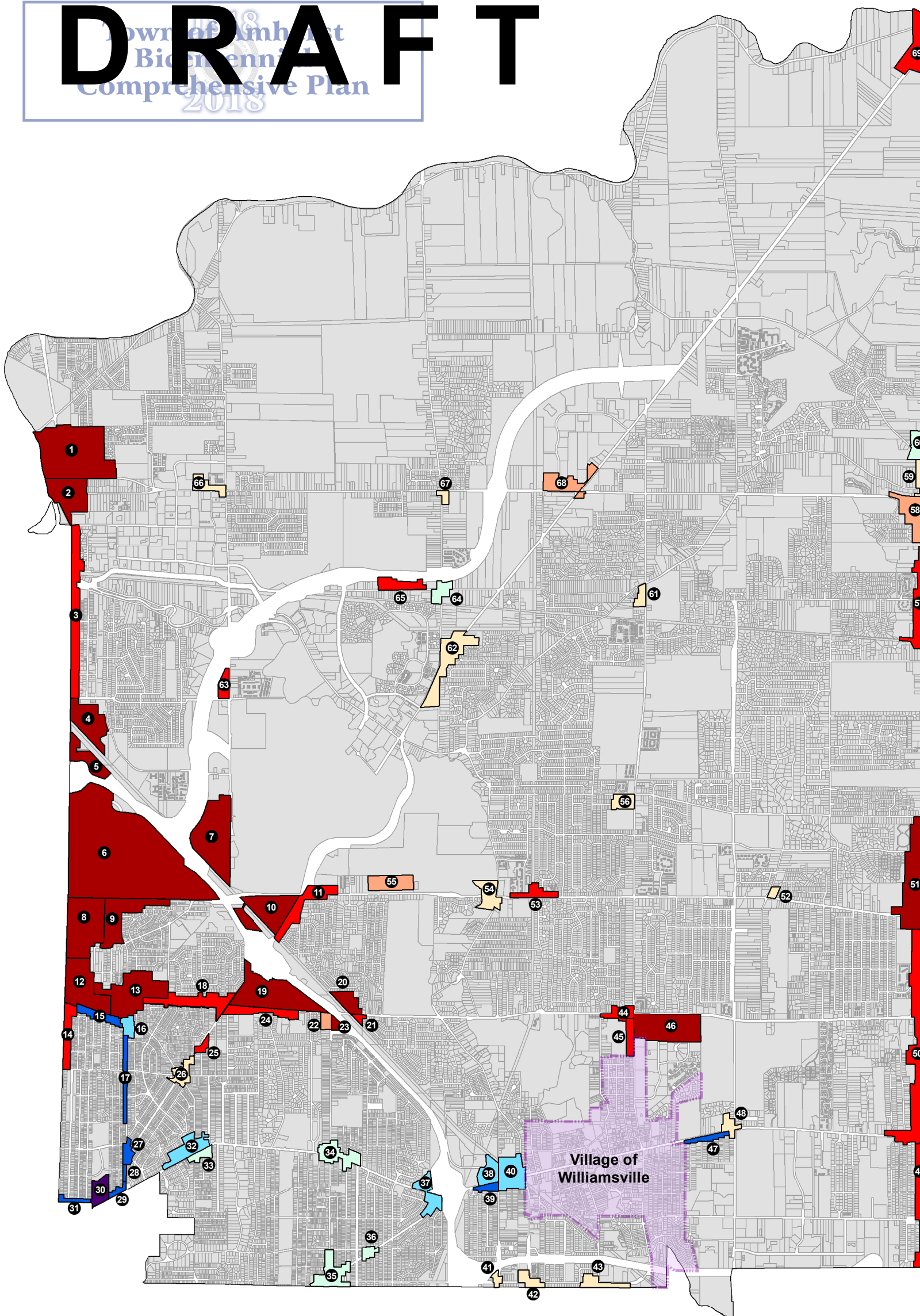
DRAFT 8/24/17

#	Name	Form	Type	Proposed Zoning District
1	Wegmans (NFB)	Suburban	Center	S-CTR-5
2	Walgreens (NFB)	Suburban	Center	S-CTR-5
3	NFB / Ellicott Creek Strip	Suburban	Corridor	S-COR-3
4	Home Depot (NFB)	Suburban	Center	S-CTR-5
5	Inkeepers Lane	Suburban	Center	S-CTR-5
6	Consumer Square / Ridge Lea	Suburban	Center	S-CTR-5 S-CTR-8
7	University Place	Suburban	Center	S-CTR-5
8	Boulevard Mall	Suburban	Center	S-CTR-5
9	Wegmans (Alberta)	Suburban	Center	S-CTR-5
10	Golden Triangle	Suburban	Center	S-CTR-8
11	Maple / Amherst Manor	Suburban	Corridor	S-COR-3
12	Northtown Plaza	Suburban	Center	S-CTR-5
13	Walmart (Sheridan)	Suburban	Center	S-CTR-5
14	NFB Strip	Suburban	Corridor	S-COR-3
15	Eggert Strip	Traditional	Corridor	T-COR-2.5
16	Eggert / Bailey	Traditional	Medium-Scale Node	T-MSN-3
17	Bailey Strip	Traditional	Corridor	T-COR-2.5
18	Sheridan / Millersport Strip	Suburban	Corridor	S-COR-3
19	Northtown Auto (Sheridan)	Suburban	Center	S-CTR-5 (west of Getzville) S-CTR-8 (east of Getzville)
20	Sheridan / Sunrise - North Side	Suburban	Center	S-CTR-5
21	Sheridan / Sunrise - South Side	Suburban	Corridor	S-COR-3
22	Sheridan / Harlem - West Side	Suburban	Medium-Scale Node	S-MSN-4
23	Sheridan / Harlem - East Side	Suburban	Center	S-CTR-5
24	Sheridan / Getzville Strip	Suburban	Corridor	S-COR-3
25	Millersport / Arcade	Suburban	Corridor	S-COR-3
26	Six Corners	Suburban	Low-Scale Node	S-LSN-3
27	Bailey / Grover Cleveland	Traditional	Corridor	T-COR-2.5
28	Bailey Live-Work	Traditional	Corridor	T-COR-2.5
29	Main / Bailey	Traditional	Corridor	T-COR-2.5
30	University Plaza	Traditional	Center	T-CTR-5
31	Kenmore Avenue	Traditional	Corridor	T-COR-2.5
32	Eggertsville (Main / Eggert - North Side)	Traditional	Medium-Scale Node	T-MSN-3.5
33	Eggertsville (Main / Eggert - South Side)	Traditional	Low-Scale Node	T-LSN-2.5
34	Snyder (Main / Harlem)	Traditional	Low-Scale Node	T-LSN-2.5
35	Harlem / Kensington	Traditional	Low-Scale Node	T-LSN-2.5
36	Kensington / Saratoga	Traditional	Low-Scale Node	T-LSN-2.5
37	Main / Kensington	Traditional	Medium-Scale Node	T-MSN-3
38	Main / South Forest - North Side	Traditional	Medium-Scale Node	T-MSN-3.5
39	Main / South Forest - South Side	Traditional	Corridor	T-COR-3
40	West of Village of Williamsville	Traditional	Medium-Scale Node	T-MSN-3.5
41	Wehrle / South Forest	Suburban	Low-Scale Node	S-LSN-3
42	Wehrle / South Union	Suburban	Low-Scale Node	S-LSN-3
43	Wehrle / Cayuga	Suburban	Low-Scale Node	S-LSN-3
44	Sheridan / Hopkins	Suburban	Corridor	S-COR-3
45	Evans Strip	Suburban	Corridor	S-COR-3
46	Williamsville Place	Suburban	Center	S-CTR-5
47	Main Strip	Traditional	Corridor	T-COR-3
48	Main / Youngs	Suburban	Low-Scale Node	S-LSN-3
49	Transit / Wehrle	Suburban	Corridor	S-COR-3
50	Transit from Main to Maple	Suburban	Corridor	S-COR-3
51	Transit / Maple	Suburban	Center	S-CTR-5
52	Maple / Ayer	Suburban	Low-Scale Node	S-LSN-2.5
53	Maple Strip	Suburban	Corridor	S-COR-3
54	Maple / North Forest	Suburban	Low-Scale Node	S-LSN-3
55	Gun Club	Suburban	Medium-Scale Node	S-MSN-4
56	Clearfield Plaza	Suburban	Low-Scale Node	S-LSN-3
57	Transit / Casey	Suburban	Corridor	S-COR-3
58	Transit / North French	Suburban	Medium-Scale Node	S-MSN-4
59	Transit / Dodge	Suburban	Low-Scale Node	S-LSN-2.5
60	Swormville	Traditional	Low-Scale Node	T-LSN-2.5
61	Hopkins / Dodge	Suburban	Low-Scale Node	S-LSN-2.5 (strip plaza) S-LSN-3 (swim school building)
62	Getzville Plaza	Suburban	Low-Scale Node	S-LSN-2.5
63	Sweet Home / Skinnersville	Suburban	Corridor	S-COR-3
64	Campbell / Dodge	Traditional	Low-Scale Node	T-LSN-2.5
65	Dodge Strip	Suburban	Corridor	S-COR-3
66	Sweet Home / North French	Suburban	Low-Scale Node	S-LSN-3
67	Campbell / North French	Suburban	Low-Scale Node	S-LSN-2.5
68	Crosspointe	Suburban	Medium-Scale Node	S-MSN-4
69	Transit / Millersport	Suburban	Corridor	S-COR-3

\*\*based on Figure 6-A - Draft Commercial and Mixed-Use Center Designations Map

# DRAFT

Town of Amherst  
 Bicentennial  
 Comprehensive Plan  
 2018



- 1 Wegmans (NFB)
- 2 Walgreens (NFB)
- 3 NFB / Ellicott Creek Strip
- 4 Home Depot (NFB)
- 5 Inkeepers Lane
- 6 Consumer Square / Ridge Lea
- 7 University Place
- 8 Boulevard Mall
- 9 Wegmans (Alberta)
- 10 Golden Triangle
- 11 Maple / Amherst Manor
- 12 Northtown Plaza
- 13 Walmart (Sheridan)
- 14 NFB Strip
- 15 Eggert Strip
- 16 Eggert / Bailey
- 17 Bailey Strip
- 18 Sheridan / Millersport Strip
- 19 Northtown Auto (Sheridan)
- 20 Sheridan / Sunrise - North Side
- 21 Sheridan / Sunrise - South Side
- 22 Sheridan / Harlem - West Side
- 23 Sheridan / Harlem - East Side
- 24 Sheridan / Getzville Strip
- 25 Millersport / Arcade
- 26 Six Corners
- 27 Bailey / Grover Cleveland
- 28 Bailey Live-Work
- 29 Main / Bailey
- 30 University Plaza
- 31 Kenmore Avenue
- 32 Eggertsville (Main / Eggert - North Side)
- 33 Eggertsville (Main / Eggert - South Side)
- 34 Snyder (Main / Harlem)
- 35 Harlem / Kensington
- 36 Kensington / Saratoga
- 37 Main / Kensington
- 38 Main / South Forest - North Side
- 39 Main / South Forest - South Side
- 40 West of Village of Williamsville
- 41 Wehrle / South Forest
- 42 Wehrle / South Union
- 43 Wehrle / Cayuga
- 44 Sheridan / Hopkins
- 45 Evans Strip
- 46 Williamsville Place
- 47 Main Strip
- 48 Main / Youngs
- 49 Transit / Wehrle
- 50 Transit from Main to Maple
- 51 Transit / Maple
- 52 Maple / Ayer
- 53 Maple Strip
- 54 Maple / North Forest
- 55 Gun Club
- 56 Clearfield Plaza
- 57 Transit / Casey
- 58 Transit / North French
- 59 Transit / Dodge
- 60 Swormville
- 61 Hopkins / Dodge
- 62 Getzville Plaza
- 63 Sweet Home / Skinersville
- 64 Campbell / Dodge
- 65 Dodge Strip
- 66 Sweet Home / North French
- 67 Campbell / North French
- 68 Crosspointe
- 69 Transit / Millersport

## Committee Endorsed Changes to Plan Amendment

### Changes in Center Designations

- o Sheridan / Harlem East Side - was Traditional, is now Suburban
- o Sheridan / Harlem West Side - was Traditional, is now Suburban
- o Bailey / Grover Cleveland - was Low-Scale Node, is now Corridor
- o Transit / Millersport - was Medium-Scale Node, is now Corridor
- o Getzville Plaza - was Medium-Scale Node, is now Low-Scale Node
- o Removed note in legend which said "centers shown to transorm" and corresponding bolding of center names
- o Boundary of Center #18 was extended west along the south side of Sheridan
- o Sheridan / Sunrise (#20 and #21) was split into 2 centers (north & south sides) - North side as Suburban Center, South side as Suburban Corridor

## Commercial and Mixed-Use Designations

### LEGEND

#### Future Center Designations

- |  |   |
|--|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #800000; border: 1px solid black;"></span> Suburban Center            | <span style="display: inline-block; width: 15px; height: 10px; background-color: #4B0082; border: 1px solid black;"></span> Traditional Center            |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000; border: 1px solid black;"></span> Suburban Corridor          | <span style="display: inline-block; width: 15px; height: 10px; background-color: #0000FF; border: 1px solid black;"></span> Traditional Corridor          |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFA500; border: 1px solid black;"></span> Suburban Medium-Scale Node | <span style="display: inline-block; width: 15px; height: 10px; background-color: #00BFFF; border: 1px solid black;"></span> Traditional Medium-Scale Node |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700; border: 1px solid black;"></span> Suburban Low-Scale Node    | <span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90; border: 1px solid black;"></span> Traditional Low-Scale Node    |

Village of Williamsville Boundary

### SOURCE NOTES:

Original Source Data Provided by the Town of Amherst Information Technology Department, URS Corporation and Wallace Roberts & Todd, LLC

Map Compiled by the Town of Amherst Planning Department

Date: August 2017

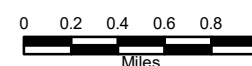


FIGURE 6-A