



# Code Assessment Report

## Mixed Use Activity Center Plan and Zoning



**DRAFT 10.02.2018**



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

**AMHERST TOWN BOARD:**

Brian Kulpa, Supervisor  
Francina J. Spoth, Deputy Supervisor  
Jacqueline Berger  
Shawn Lavin  
Deborah Bruch Bucki RN, PhD

**TECHNICAL REVIEW COMMITTEE:**

Building Commissioner: Brian Andrzejewski  
Building Department: Doug Gesel  
Amherst Industrial Development Agency:  
David Mingoia  
GBNRTC: Kelly Dixon  
Erie County Dept. of Environment and Planning:  
Mark Rountree  
University at Buffalo Regional Institute (UBRI):  
Bart Roberts

**TOWN STAFF:**

Daniel Howard, Planning Director  
Ellen Kost, Assistant Planning Director  
Kimberly Amplement, Planner  
Scott Marshall, Associate Planner  
Jeffrey Szatkowski, Landscape Architect

**CONSULTANT:**

Code Studio: Austin, Texas

# CONTENTS

## 1. INTRODUCTION

## 2. EXISTING ZONING ORDINANCE

### **PART 1: GENERAL PROVISIONS . . . . . 4**

- Establishment of Zoning Districts . . . . 4
- Transitional Provisions . . . . . 4

### **PART 2: DEFINITIONS AND MEASUREMENT. . . . . 4**

- Definitions . . . . . 4
- Rules for All Districts . . . . . 4

### **PART 3: RESIDENTIAL DISTRICTS . . . . . 5**

- Small-Lot Single-Family . . . . . 5
- Renaming . . . . . 5
- Large-Lot Single Family . . . . . 5
- Multifamily Density . . . . . 5
- Page Formatting . . . . . 6
- Consolidated Use Table . . . . . 6

### **PART 4: NONRESIDENTIAL DISTRICTS . . . . . 7**

- New Mixed Use Districts . . . . . 7
- Office Districts . . . . . 8
- Industrial Districts . . . . . 8
- New Community District . . . . . 8

### **PART 5: SPECIAL PURPOSE AND OVERLAY DISTRICTS . . . . . 8**

- Moved Districts . . . . . 8
- Deleted Districts . . . . . 8
- TNB Overlay . . . . . 8
- NCD Districts . . . . . 8
- Airport Overlay . . . . . 8

### **PART 6: USE REGULATIONS . . . . . 9**

- Renaming . . . . . 9
- Additional Use Standards . . . . . 9
- Dimensional Standards . . . . . 9
- Service Station . . . . . 9
- Telecommunications Facility . . . . . 9
- New Uses . . . . . 9
- Planned Unit Development Process . . 9
- Solar Energy . . . . . 9

### **PART 7: DEVELOPMENT STANDARDS. . . . . 10**

- Parking, Loading and Stacking . . . . . 10
- Landscaping, Buffers and Screening. 10
- Flood Hazard Reduction. . . . . 10
- Signs . . . . . 10

**PART 8: ADMINISTRATION AND ENFORCEMENT . . . . . 11**  
 Authority . . . . . 11  
 Planned District Processes . . . . . 11  
 Alternative Compliance . . . . . 11

**PART 9: NONCONFORMITIES . . . . . 12**  
 Usability . . . . . 12  
 Mixed Use Districts . . . . . 12

**3. COMMERCIAL/MIXED-USE CENTERS**

**HOW DID WE GET HERE? . . . . . 13**  
**IMPLEMENTING THE AMENDED COMPREHENSIVE PLAN . . . . 14**  
**MIXED USE ZONING STRATEGY . . . . . 15**  
 Replace Existing Districts . . . . . 15  
 Improve Existing Transitions . . . . . 15  
 Review Allowed Uses . . . . . 15  
 Revisit Development Standards . . . . 15

**MIXED USE DISTRICT FRAMEWORK . . . . . 17**  
 Current Allowed Heights by District . . 18  
 District . . . . . 18  
 Height . . . . . 18  
 Building Height . . . . . 18  
 Frontages . . . . . 19  
 Transitions . . . . . 20  
 Block Standards . . . . . 21

**4. SMART GROWTH IMPROVEMENTS**

**NYSERDA GOALS . . . . . 22**  
**NEW MIXED USE DISTRICTS . . . . . 22**  
**RELATED IMPROVEMENTS . . . . . 23**  
 Streamlined Permitting . . . . . 23  
 Transit-Ready Standards . . . . . 23  
 Mobility Enhancements . . . . . 23  
 Green Standards . . . . . 23

**5. DOCUMENT IMPROVEMENTS**

**BEST PRACTICES . . . . . 24**  
 Plain Language . . . . . 24  
 Graphics and Tables . . . . . 24  
 Page Layout . . . . . 26  
**PROPOSED DOCUMENT OUTLINE . . . . . 27**

# 1. INTRODUCTION

This Code Assessment Report covers four key issues:

- » Best Practice revisions to the existing zoning ordinance
- » Implementation of the recently-adopted Comprehensive Plan Amendment through new Mixed Use Districts
- » Potential Smart Growth improvements to the existing zoning ordinance
- » Document format improvements for ease of use and administration

Each of these issues is a Chapter of this report, and is discussed on the following pages. This assessment is based on review of the Town's Comprehensive Plan and existing zoning regulations. While a study of these documents provides a foundation for understanding the community's vision and regulatory framework, it was the time spent touring the community and meeting with Town staff, stakeholders and private sector development professionals that provided many of the details of the issues facing the Town.

The approach used in preparing this report required the consultant to read the existing provisions very literally. In other words, the technical review focuses on what the existing regulations actually "say" and not on how they have been interpreted or administered over time. While this approach can result in occasional misinterpretations of regulatory intent or established local traditions, such miscues provide valuable insight into provisions in need of clarification.

While the Best Practice revisions and proposed Smart Growth improvements are presented here based on the knowledge of the consultant, the proposed technical revisions respond to issues heard throughout the project from staff assigned to review actual development applications.

## 2. EXISTING ZONING ORDINANCE

The following is an analysis of the various parts of the Town's existing Zoning Ordinance.

### PART 1: GENERAL PROVISIONS

The General Provisions represent the legal introduction to the Zoning Ordinance and handle issues related to development rights at the time of adoption of new regulations. This Part has two areas that may need revisions, as follows.

#### ESTABLISHMENT OF ZONING DISTRICTS

The complete list of zoning districts applied throughout the Town is included in this Section. As new districts are developed to implement the recent Comprehensive Plan Amendment and some of the existing districts are eliminated or consolidated with others, this Section will need to be revised.

#### TRANSITIONAL PROVISIONS

The transitional provisions were specifically prepared for the adoption of the current version of the Zoning Ordinance in 2006. These provisions will need to be updated with new dates (although the policy will not change).

### PART 2: DEFINITIONS AND MEASUREMENT

This Part of the Zoning Ordinance should be split up to better reflect an outline matching best practices.

#### DEFINITIONS

In order to retain the organization of the majority of the existing Ordinance, a new Part 10 should be added and Definitions moved there. Where measurement is part of the existing definition, it would be retained here, and a cross-reference back to here would be added in the Definitions at the end of the document (a new Part 10).

#### RULES FOR ALL DISTRICTS

Part 2 should be renamed Rules for All Districts, and should include the current material from Measurements and Exceptions. This material will need to be expanded to include new concepts for the Mixed Use Districts implementing the recent Comprehensive Plan Amendment.

## PART 3: RESIDENTIAL DISTRICTS

The residential-only zoning districts are consolidated in this Part. These districts are not impacted by the recent Comprehensive Plan Amendment, but some consolidation and clarification may be desired, as described below.

### SMALL-LOT SINGLE-FAMILY

The Traditional Single-Family District (TR-3) has only been used once, and no platting has yet occurred on the parcel zoned for this District. The existing district should be renamed RS-4 to better match the other districts. This district should be used to reduce the extent of existing nonconforming lots in the R-3 District. The concepts embedded in the Cluster Residential platted District (CR-3A) should be combined with the proposed RS-4 District, since there are only two subdivisions zoned CR-3A and they are fully-built out.

### RENAMING

The residential districts follow a confusing naming convention. Consideration should be given to renaming the districts as follows:

| EXISTING NAME |   | PROPOSED NAME |                          |
|---------------|---|---------------|--------------------------|
| R-R           | Rural Residential                       | R-R           | Rural                    |
| S-A           | Suburban Agriculture                    | S-A           | Suburban Agriculture     |
| R-1           | Residential District One                | --            | <i>Combine with RS-2</i> |
| R-2           | Residential District Two                | RS-2          | Single-Family Detached 2 |
| R-3           | Residential District Three              | RS-3          | Single-Family Detached 3 |
| TR-3          | Traditional Single-Family Three         | RS-4          | Single-Family Detached 4 |
| CR-3A         | Cluster Residential District Three-A    | --            | <i>Combine with RS-4</i> |
| R-4           | Residential District Four               | RA-4          | Residential Attached 4   |
| MFR-4A        | Multifamily Residential District Four-A | RA-4A         | Residential Attached 4A  |
| MFR-5         | Multifamily Residential District Five   | RM-5          | Multifamily 5            |
| MFR-6         | Multifamily Residential District Six    | RM-6          | Multifamily 6            |
| [NEW]         | Proposed New Multifamily District       | RM-7          | Multifamily 7            |
| MFR-7         | Multifamily Residential District Seven  | RM-8          | Multifamily 8            |
| MHR-8         | Manufactured Home Residential District  | R-MH          | Manufactured Home        |

### LARGE-LOT SINGLE FAMILY

The current R-1 District is only used on two areas within the Town, containing a total of 5 lots. This district should be deleted and the existing lots rezoned to RS-2 (see table below).

### MULTIFAMILY DENSITY


The density of the existing multifamily districts in the Town jumps from about 18 units/acre to 60 units/acre. It would appear appropriate to add a new 30 unit/acre multifamily district. The current MFR-7 allows only senior housing at this density. All of the other multifamily districts should be modified to include the senior living options allowed in MFR-7.

## PAGE FORMATTING

To improve general usability, as well as create a consistent look, these districts should include tables that match the proposed Mixed Use zoning districts. Each district should also be illustrated to improve understanding of the zoning district requirements.

Traditional Districts

**Sec. 7.2.4. T-MSN-3 Traditional Medium-Scale Node 3**



**INTENT**

The Traditional Medium-Scale Node 3 District is intended to provide for a variety of retail, service and commercial uses, as well as multi-unit residences or offices in upper stories. This district is typically applied to development nodes that are slightly larger than low-scale nodes, but the parcels are not as large as those in centers. New development will range from 1 to 3 stories in height. Where these districts abut single-family residential areas, a transition is required.

**USE**

Allowed uses See Div. 3.1

**A. Building Placement**



**LOT**

|                   |     |
|-------------------|-----|
| Area              | n/a |
| Width             | n/a |
| Building coverage | n/a |

**BUILDING SETBACKS**

|                               |                |
|-------------------------------|----------------|
| 1 Build-to zone               | 5' min/15' max |
| 2 Primary street lot frontage | 70% min        |
| 3 Side street lot frontage    | 40% min        |
| 4 Common lot line             | 0' min         |
| 5 Alley                       | 5' min         |

**PARKING SETBACKS**

|                   |         |
|-------------------|---------|
| 1 Primary Street  | 10' min |
| 2 Side Street     | 10' min |
| 3 Common lot line | 0' min  |
| 4 Alley           | 5' min  |

**TRANSITIONS** see Div. 4.1

6 Mixed Use Districts | Amherst, New York Draft December 22, 2017

## CONSOLIDATED USE TABLE

Currently, each zoning district has its own use table. While this is user-friendly for those who already know their district, it makes it difficult for drafters of the ordinance to consistently use the same language, and to ensure that like uses are treated in similar fashion across all districts. For these reasons, best practice would suggest that a Use Table be added at the end of this Part. This Use Table would include all of the residential zoning districts in columns. Each use standard in the right-hand column would be a clickable link both on the web and in PDF format as well, allowing easy access to the standards (even though they are located in Part 6). The location of this Use Table after the districts encourages more focus on the form of development, rather than the allowed uses.

Use

**Sec. 7.7.2. Use Table**

|  | T-LSN-2.5 | T-MSN-3/-3.5 | T-COR-2.5/3 | T-CTR-5 | S-LSN-2.5/3 | S-MSN-4 | S-COR-3 | S-COR-5 | S-CTR-5/48 | Use Standards       |
|--|-----------|--------------|-------------|---------|-------------|---------|---------|---------|------------|---------------------|
| <b>OPEN USE</b>                                    |           |              |             |         |             |         |         |         |            |                     |
| Open Use   | --        | --           | --          | --      | --          | --      | --      | --      | --         |                     |
| <b>RESIDENTIAL USES</b>                            |           |              |             |         |             |         |         |         |            |                     |
| One-Family Attached Dwelling (Townhouse, Rowhouse) | P*        | P*           | P*          | P*      | P*          | P*      | P*      | P*      | P*         | § 6-2-1             |
| Upper-Story Dwelling                               | P*        | P*           | P*          | P*      | P*          | P*      | P*      | P*      | P*         | § 6-2-6             |
| Multifamily Dwelling                               | --        | --           | --          | P       | --          | --      | --      | --      | P          |                     |
| Assisted Group Living                              | P*        | P*           | P*          | P*      | P*          | P*      | P*      | P*      | P*         | § 6-2-2             |
| <b>PUBLIC AND CIVIC USES</b>                       |           |              |             |         |             |         |         |         |            |                     |
| Ambulance Service                                  | P         | P            | P           | P       | P           | P       | P       | P       | P          |                     |
| Business College, Commercial School                | P         | P            | P           | P       | P           | P       | P       | P       | P          |                     |
| College, University                                | --        | --           | --          | P       | --          | --      | --      | --      | P          |                     |
| Day Care Center (Child or Adult)                   | P*        | P*           | P*          | P*      | P*          | P*      | P*      | P*      | P*         | § 6-3-2             |
| Place of Worship                                   | P*        | P*           | P*          | P*      | P*          | P*      | P*      | P*      | P*         | § 6-3-3             |
| Public Utility Service Structure or Facility       | P*        | P*           | P*          | P*      | P*          | P*      | P*      | P*      | P*         | § 6-3-4             |
| School, Elementary or Secondary (Private)          | P         | P            | P           | P       | P           | P       | P       | P       | P          |                     |
| Telecommunication Facility                         | S         | S            | S           | S       | S           | S       | S       | S       | S          | § 6-7               |
| Utility, Minor                                     | P         | P            | P           | P       | P           | P       | P       | P       | P          |                     |
| <b>COMMERCIAL USES</b>                             |           |              |             |         |             |         |         |         |            |                     |
| Adult Establishment                                | --        | --           | --          | P*      | --          | --      | --      | P*      | P*         | § 6-6               |
| Animal Care  | P*        | P*           | P*          | P*      | P*          | P*      | P*      | P*      | P*         | § 6-4-1<br>§ 6-4-13 |
| Lodging  | P*        | P*           | P*          | P       | P*          | P       | P*      | P       | P          | Sec. 3.3.1          |
| Medical  | P*        | P*           | P*          | P       | P*          | P       | P*      | P       | P          | Sec. 3.3.1          |
| Office   | P*        | P*           | P*          | P       | P*          | P       | P*      | P       | P          | Sec. 3.3.1          |
| Personal Service                                   | P*        | P*           | P*          | P       | P*          | P       | P*      | P       | P          | Sec. 3.3.1          |
| Recreation, Indoor                                 | P*        | P*           | P*          | P       | P*          | P       | P*      | P       | P          | Sec. 3.3.1          |
| Recreation, Outdoor                                | --        | --           | --          | --      | --          | --      | --      | --      | --         |                     |
| Restaurant   | P         | P            | P           | P       | P           | P       | P       | P       | P          |                     |
| Restaurant with drive-through                      | P*        | P*           | P*          | P*      | P*          | P*      | P*      | P*      | P*         | § 4-8-4             |
| Restaurant with outdoor dining                     | P*        | P*           | P*          | P*      | P*          | P*      | P*      | P*      | P*         | § 6-4-9             |
| Retail Sales and Service                           | P*        | P*           | P           | P*      | P           | P*      | P       | P       | P          | Sec. 3.3.1          |
| Vehicle Sales and Service                          | --        | --           | --          | --      | --          | --      | --      | --      | --         |                     |
| <b>INDUSTRIAL USES</b>                             |           |              |             |         |             |         |         |         |            |                     |
| Light Industrial                                   | --        | --           | --          | --      | --          | --      | --      | --      | --         |                     |
| Heavy Industrial                                   | --        | --           | --          | --      | --          | --      | --      | --      | --         |                     |

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

Draft December 25, 2017 Mixed Use Districts | Amherst, New York 45



## PART 4: NONRESIDENTIAL DISTRICTS

Part 4 currently contains all of the nonresidential zoning districts.

### NEW MIXED USE DISTRICTS

As part of the implementation of the recent Comprehensive Plan Amendment, the following recommendations have been made. Many of these changes are required to ensure consistency between the Plan and Zoning Ordinance, which is a legal requirement for the Town based on NY statutes.

- » A series of Mixed Use 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
- » The NB, GB and SC zoning districts should be deleted and replaced with the Mixed Use Districts described above
- » Where areas of NB, GB and SC exist outside of designated centers (as mapped during the recent Comprehensive Plan revision process), they should either be rezoned using the proposed Mixed Use Districts, or rezoned to another, more appropriate zoning district
- » The CS and MS zoning districts should be revised to incorporate the form and type characteristics of the new Mixed Use Districts

Based on the recommendations above, it would be appropriate to rename this Part 4: Mixed Use Districts. All the districts in this Part should be formatted consistent with the page layout proposed in this report. A Use Table specific to the Mixed Use Districts should be added at the end of the Part.

### NEW MIXED USE DISTRICTS

- » **Traditional Districts (T-)**
  - Low-Scale Node (LSN-)
  - Medium-Scale Node (MSN-)
  - Corridor (COR-)
  - Center (CTR-)
- » **Suburban Districts (S-)**
  - Low-Scale Node (LSN-)
  - Medium-Scale Node (MSN-)
  - Corridor (COR-)
  - Center (CTR-)
- » **Height Options**
  - 2.5 Stories (2.5)
  - 3 Stories (3)
  - 3.5 Stories (3.5)
  - 4 Stories (4)
  - 5 Stories (5)
  - 8 Stories (8)

#### DISTRICT NAME EXAMPLES:

**T-LSN-2.5**

*Traditional Low-Scale Node, 2.5 Stories*

**S-COR-4**

*Suburban Corridor, 4 Stories*

## OFFICE DISTRICTS

The Office Building (OB) District should be moved to the following Part 5: Special Purpose and Overlay Districts. No changes are proposed to the OB District at this time. Many communities consider office-only districts to be obsolete, and therefore all of the existing OB Districts should be reviewed, and where appropriate, rezoned to one of the new mixed use districts.

## INDUSTRIAL DISTRICTS

Along with the renaming of the Part to Mixed Use Districts, the Industrial Districts (RD and GI) should be moved to Part 5. The ST District has only been used once, and should be consolidated into the Research & Development (RD) District.

## NEW COMMUNITY DISTRICT

As part of a longer-term effort by the Town, the New Community District (NCD) developed for managing the development surrounding the "new" campus of the University, should be replaced by existing zoning districts. This effort would require coordination with the Town and Empire State Development, and may also require additional planning that recognizes the existing development the NCD District.

## PART 5: SPECIAL PURPOSE AND OVERLAY DISTRICTS

### MOVED DISTRICTS

The Office Building (OB) District should be moved to this Part 5. The remaining Industrial Districts (RD and GI) should also be moved here.

### DELETED DISTRICTS

Provided that the new Mixed Use Districts are added to the Zoning Ordinance, the following districts can be deleted.

- » Planned Residential District (PRD) - rezone to most similar residential district and delete (currently 2 small areas)
- » Planned Development District (PDD) - delete (not currently mapped)
- » Live-Work District (LW-1) - delete (currently 1 small area)

### TNB OVERLAY

The Traditional Neighborhood Business (-TNB) overlay district is no longer needed once the new Mixed Use Districts are implemented. It can be deleted.

### NCD DISTRICTS

If the NCD Districts are not deleted at this time, they should be moved to the end of this Part so that their later deletion does not require the renumbering of other special districts.

### AIRPORT OVERLAY

The Town should consider the creation of an Airport Overlay to be certain that development does not include uses that are inappropriate near Buffalo-Niagara International Airport. The overlay could also ensure that the height of new buildings and structures near the airport does not create issues for aviation. The Bird Hazard performance standard in existing 7-9-8 should be moved into this overlay.

## PART 6: USE REGULATIONS

### RENAMING

Since this Part does not include all of the use regulations, it should be renamed Part 6. Use Standards, to more accurately reflect its content.

### ADDITIONAL USE STANDARDS

The preparation of the new Mixed Use Districts may include the addition of new use standards.

### DIMENSIONAL STANDARDS

The dimensional standards for Patio Home and Zero Lot Line Home should be moved to Part 3: Residential Districts.

### SERVICE STATION

The Service Station standards for the -TNB Overlay District should be applied in Traditional Mixed Use Districts, if service stations are an allowed use.

### TELECOMMUNICATIONS FACILITY

The definitions in the telecommunications facility section of the ordinance should be integrated with the other definitions in a new Part 10: Definitions.

### NEW USES

The preparation of the new Mixed Use Districts may require new uses to be considered. Short-term rental (AirBNB and similar operations) may be one of the new uses that should be considered, and standards added to ensure compatibility.

### PLANNED UNIT DEVELOPMENT PROCESS

The Planned Unit Development (PUD) Process section is not a use standard and should not be located in this Part. The process is currently triggered by the size of the development, and allows for optional relaxing of some development standards. The Alternative Compliance procedure proposed for inclusion in Part 8: Administration and Enforcement, may allow this procedure to be eliminated. If it is retained, it should be moved to Part 7: Development Standards.

### SOLAR ENERGY

The recently-added Solar Energy provisions implement NY law. The definitions in this Section should be moved to the proposed Part 10: Definitions. The remaining material should be integrated with the other use standards, in a way similar to the current provisions for Wind Energy Systems.

## PART 7: DEVELOPMENT STANDARDS

This Section contains the standards for site development. These standards typically apply to all development within the Town.

### PARKING, LOADING AND STACKING

This section is key to the appropriate layout of development sites, and deserves to be illustrated so that the parking and stacking design concepts are easier to understand.

The parking ratios applicable to Traditional and Suburban Mixed Use Districts may alter the parking ratios established Town-wide in the current ordinance.

The development of more mixed use places may require standards for the design of parking structures (especially related to screening parking spaces from view).

Incorporating a new reduction option for transit may make sense in light of the proposed extension of the light rail line into Amherst.

Current best practice for loading spaces is to apply loading space design standards only when an applicant proposes a loading space (eliminating required ratios).

### LANDSCAPING, BUFFERS AND SCREENING

This section is key to the appropriate layout of development sites, and deserves to be illustrated so that the landscaping, buffering and screening design concepts are easier to understand.

A rethinking of the buffers and screening for Mixed Use Districts is necessary to differentiate these places (which may require buffers surrounding the District) from isolated commercial zoning (which may require buffers for each isolated parcel).

### FLOOD HAZARD REDUCTION

The definitions in this Section should be moved to the proposed Part 10: Definitions.

### SIGNS

This section is key to the aesthetics of a development site, and deserves to be better illustrated so that the sign design concepts are easier to understand.

Illumination standards for all sign types should be added to the existing regulations.

The consideration of appropriate sign types and area to be allowed in Traditional and Suburban Mixed Use Districts will be required.

Another recommendation is to expand the use of Coordinated Sign Plans by amending that section to clarify that when a sign permit application comes in for an individual tenant in a multi-tenant building, a coordinated Sign Plan must first be submitted and approved before the individual sign permit can be issued.

## PART 8: ADMINISTRATION AND ENFORCEMENT

The processes for administering and enforcing the Zoning Ordinance are located in this Part. This includes the authority for each decision-making or review body.

even more effective at resolving concerns on small sites, and the Town should consider adding this process, and defining when it may be used.

### AUTHORITY

The Summary of Review Authority is not well illustrated in the table in this Section. The clarity of the chart should be improved so that it is an easy-to-understand tool.

### PLANNED DISTRICT PROCESSES

If the PRD, PDD and TND planned districts are removed from the Zoning Ordinance, the related procedures and references to them must be removed from the document.

### ALTERNATIVE COMPLIANCE

In many communities, the addition of some flexibility in trade for improved urban design is allowed. A typical mechanism for this is called Alternative Compliance. It allows developers to meet the intent of a standard in an alternate way (as opposed to the variance process, which simply relieves the applicant of meeting the standard). It is an important concept because it encourages creative design based on the situation, and allows the inclusion of prescriptive standards without fear that they will be too restrictive for all projects.

Alternative compliance relies on the concept of "equivalent or better." This ensures that an alternative proposed by the applicant does not merely relieve them of responsibility to meet the design intent, but rather meets the intent in an alternative way. Typically, decisions would be made at the staff level (Building Commissioner), although the process can work with public review as well.

The Town currently allows this type of flexibility (through the PUD process) on sites of 30 acres or greater. In many cases, alternative compliance is

## **PART 9: NONCONFORMITIES**

This Part contains those rules that provide relief for development that was originally legally built either before the adoption of zoning or in locations where zoning rules have changed since the development was built or occupied.

### **USABILITY**

The ease of use of this Part would be enhanced by the provision of illustrated examples to help understand how these rules are applied.

### **MIXED USE DISTRICTS**

New thinking about nonconformities may be necessary as a result of adopting new Mixed Use Districts. In particular, the addition of the concept of "build-to" lines in place of permissive setbacks requires new language on handling existing nonconforming sites.

In addition, thinking about how existing development can be phased over time as it comes into compliance with new provisions is an important part of reducing the burden presented by the change in urban form of new development in the Mixed Use Districts.

### 3. COMMERCIAL/MIXED-USE CENTERS

#### HOW DID WE GET HERE?

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 neighborhoods.

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. In addition, substantial changes in both technology and market preferences have changed the way these centers operate. The recently-adopted 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.

## IMPLEMENTING THE AMENDED COMPREHENSIVE PLAN

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, until recently.

### 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. While the Town tried to remedy this issue with a 3:1 setback plane, it often resulted in substantial areas of undeveloped land, and generated many variance requests.

### 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.



## MIXED USE ZONING STRATEGY

The following 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 non-commercial 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, manage building height near the property line with a stepback or encroachment plane
  - 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 (private roadways) on 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, while balancing the traffic impact on adjacent streets.
- » Establish open space and amenity standards within future development.
- » Create cross-sections for new private internal streets.
- » Establish streetscapes for new and existing public and private streets.

**CENTER FORMS**

**TRADITIONAL FORM**

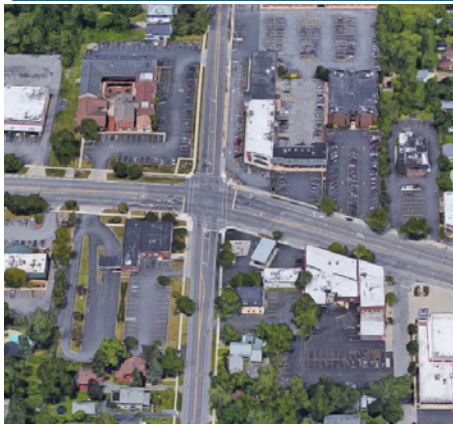


**SUBURBAN FORM**



**CENTER TYPES**

**LOW-SCALE NODE**



- Located adjacent to single-family residential, typically at intersections
- Shallow parcel depth, compact form
- Buildings are 1 to 3 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

## MIXED USE DISTRICT FRAMEWORK

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

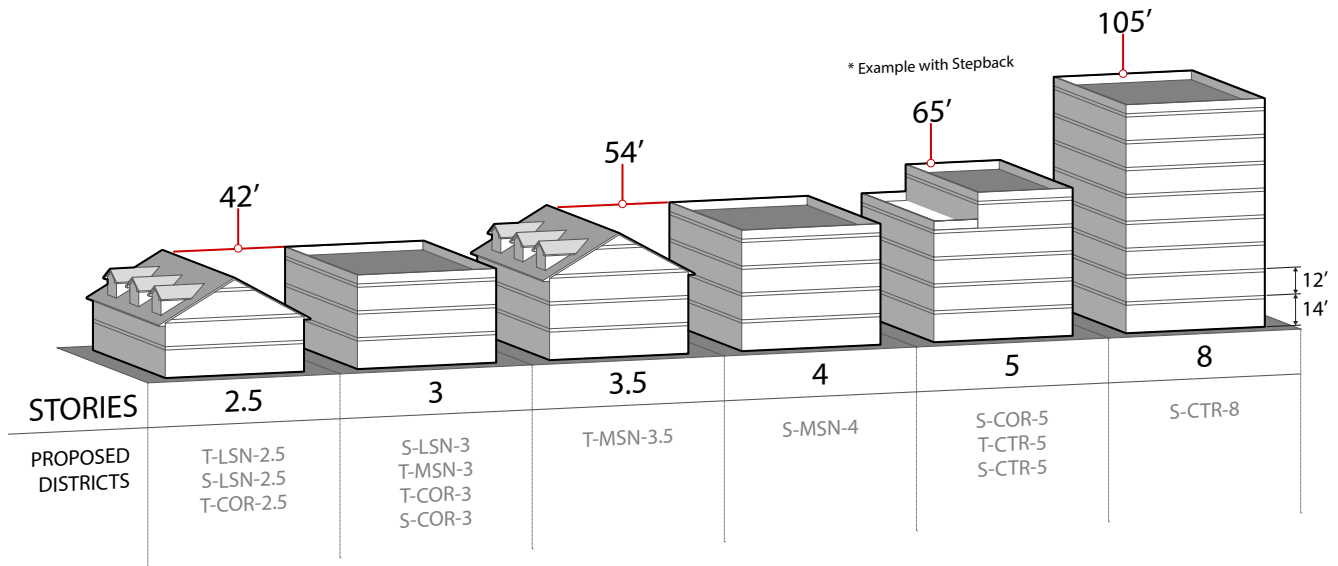
### PROPOSED ZONING DISTRICTS

| Designation       | Zoning District | Uses                              |             |        |        |                   |            |       | Front Setback<br>(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<br>10' max   | 2½ stories<br>42' max | ●     | ●        | -           | ● |
|                   | S-LSN-2.5       | Suburban Low-Scale Node 2.5       | ●           | ●      | ●      | ●                 | ●          | ●     | -                           | 10' min<br>30' max  | 2½ stories<br>42' max | -     | ●        | ●           | ● |
|                   | S-LSN-3         | Suburban Low-Scale Node 3         | ●           | ●      | ●      | ●                 | ●          | ●     | -                           | 10' min<br>30' max  | 3 stories<br>42' max  | -     | ●        | ●           | - |
| Medium-Scale Node | T-MSN-3         | Traditional Medium-Scale Node 3   | ●           | ●      | ●      | ●                 | ●          | ●     | -                           | 0' min<br>10' max   | 3 stories<br>42' max  | ●     | ●        | -           | ● |
|                   | T-MSN-3.5       | Traditional Medium-Scale Node 3.5 | ●           | ●      | ●      | ●                 | ●          | ●     | -                           | 0' min<br>10' max   | 3½ stories<br>54' max | ●     | ●        | -           | ● |
|                   | S-MSN-4         | Suburban Medium-Scale Node 4      | ●           | ●      | ●      | ●                 | ●          | ●     | ●                           | 10' min<br>30' max  | 4 stories<br>54' max  | -     | ●        | ●           | - |
| Corridor          | T-COR-2.5       | Traditional Corridor 2.5          | ●           | ●      | ●      | ●                 | ●          | ●     | -                           | 0' min<br>10' max   | 2½ stories<br>42' max | ●     | ●        | -           | ● |
|                   | T-COR-3         | Traditional Corridor 3            | ●           | ●      | ●      | ●                 | ●          | ●     | -                           | 0' min<br>10' max   | 3 stories<br>42' max  | ●     | ●        | -           | ● |
|                   | S-COR-3         | Suburban Corridor 3               | ●           | ●      | ●      | ●                 | ●          | ●     | -                           | 10' min<br>30' max  | 3 stories<br>42' max  | -     | ●        | ●           | - |
|                   | S-COR-5         | Suburban Corridor 5               | ●           | ●      | ●      | ●                 | ●          | ●     | ●                           | 10' min<br>100' max | 5 stories<br>65' max  | -     | ●        | ●           | - |
| Center            | T-CTR-5         | Traditional Center 5              | ●           | ●      | ●      | ●                 | ●          | ●     | ●                           | 10' min<br>20' max  | 5 stories<br>65' max  | ●     | ●        | -           | - |
|                   | S-CTR-5         | Suburban Center 5                 | ●           | ●      | ●      | ●                 | ●          | ●     | ●                           | 10' min<br>100' max | 5 stories<br>65' max  | -     | ●        | ●           | - |
|                   | S-CTR-8         | Suburban Center 8                 | ●           | ●      | ●      | ●                 | ●          | ●     | ●                           | 10' min<br>100' max | 8 stories<br>105' max | -     | ●        | ●           | - |

## BUILDING HEIGHT

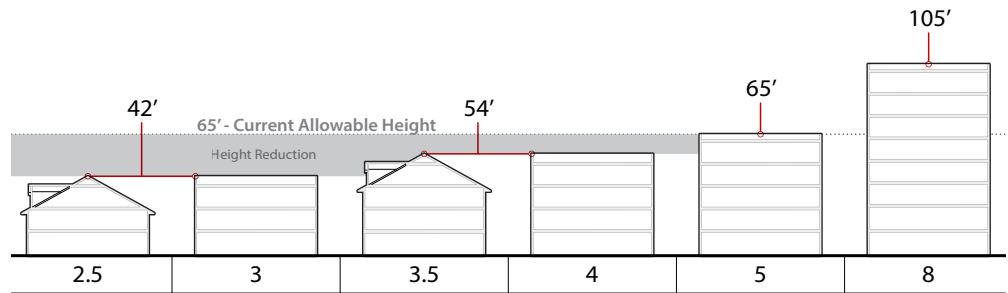
Building heights in Amherst are currently measured from the ground to the top of the highest point of the roof. Several proposed districts include maximum heights measured using half-stories. The graphic below illustrates this half-story concept, and displays the maximum height for all of the Districts.

### 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.<br>(2 Stories) |



Since the majority of commercial centers are zoned GB or SC today, the current allowable height in most cases is 65 feet (5 stories). The majority of the new districts will bring this height down to either 42 feet for 2.5 and 3 story buildings, or 54 feet for 3.5 and 4 story buildings. Only one district allows a height greater than the current 65 feet, and that has been mapped only in the "golden triangle," where it is surrounded by freeways.

## 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. Where parking occurs in large surface lots behind or to the side of a building, it should be divided into parking "rooms" that allow for landscaping and pedestrian access.



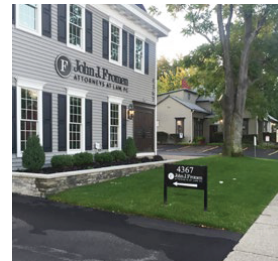
Urban/Village



Green



Suburban



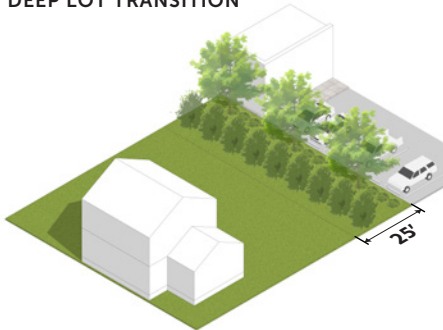
Residential

## TRANSITIONS

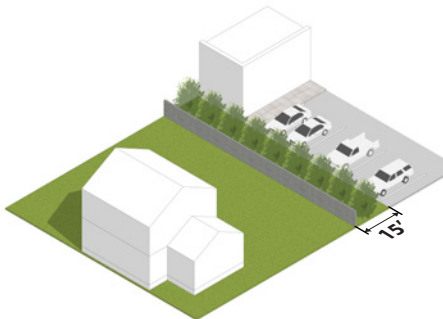
The rear or side lot line, when it abuts a residential neighborhood, deserves special attention. This transition is often coded differently for a shallow lot versus a deep lot. Two possible examples of how a rear/side transition might appropriately occur are shown below - a shallow lot and a deep lot. If the nonresidential project was taller than 3 stories (35 feet) 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

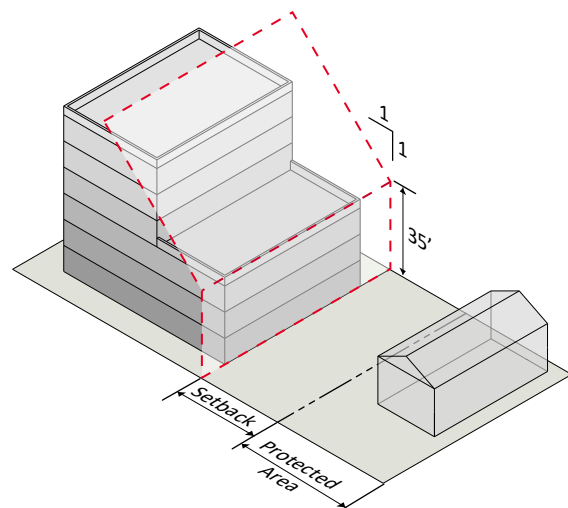


SHALLOW LOT TRANSITION



- » 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

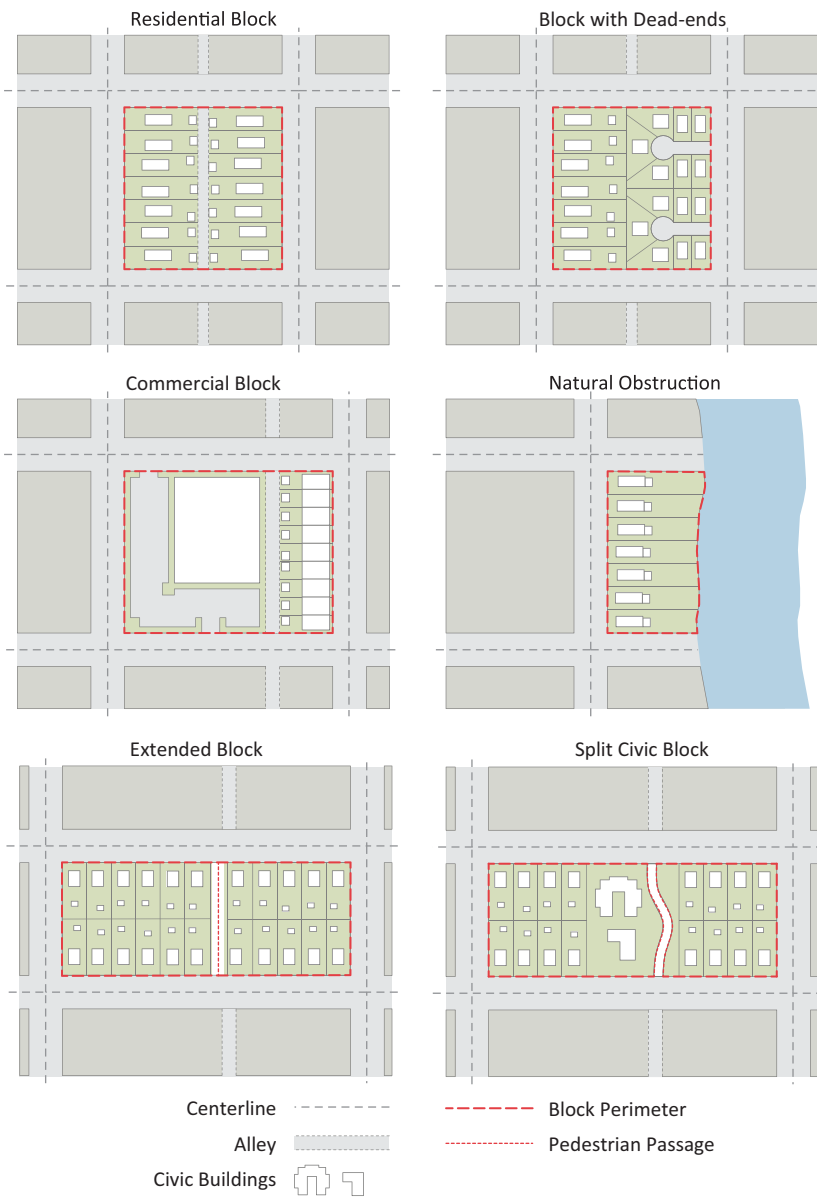


BULK PLANE EXAMPLE

## 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 at the perimeter of the block, allowing for a wide variety of block shapes. They must be implemented in both zoning (for site plans including private streets) and subdivision (for public streets).



BLOCK STANDARD EXAMPLE

## 4. SMART GROWTH IMPROVEMENTS

### NYSERDA GOALS

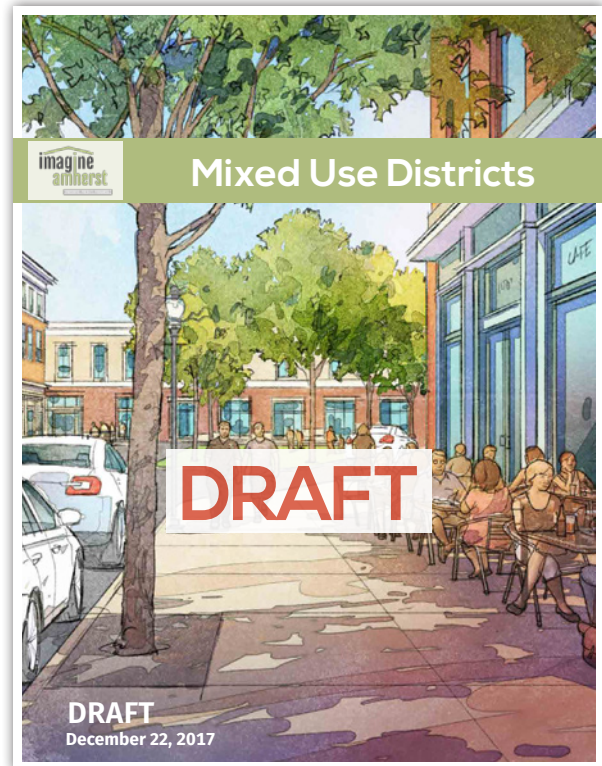
NYSERDA, through its *Cleaner, Greener Communities* program, provided funds to assist with the revision of the Town's zoning and the creation of new Mixed Use Districts. The following are some of the goals of the *Cleaner, Greener Communities* program that relate to this project:

- » Controlling sprawl to reduce housing and transportation costs
- » Building stores, schools, and workplaces near neighborhoods to reduce vehicle miles traveled
- » Attracting businesses into neighborhoods to create jobs and keep dollars local
- » Making walking and bicycling easy to foster healthy lifestyles
- » Reusing developed land to improve economic potential
- » Conserving resources to strengthen the natural environment
- » Reducing greenhouse gases to improve and protect our environment

The following are some Smart Growth actions the Town could take in order to implement NYSERDA's goals.

### NEW MIXED USE DISTRICTS

The primary way that the Town can ensure movement toward meeting the NYSERDA goals is to adopt the new Mixed Use Zoning Districts and their associated standards. These districts allow for more compact, walkable development in both Traditional and Suburban settings, encouraging walking and a "park once" strategy. Also, by replacing the "one size fits all" approach of the current GB District, the Town will also ensure more context-sensitive development in the future.





## RELATED IMPROVEMENTS

### STREAMLINED PERMITTING

The Town should consider expanding the thresholds for minor site plan review as a way to streamline development review for smaller infill and redevelopment projects. Given the proposed rezoning of GB and SC to a variety of new mixed use districts, the reduced allowed heights throughout the community, and the increased design standards for improved urban form, streamlined permitting may become more acceptable to the community.

The Town should also consider allowing the Building Commissioner to approve the continuation of Special Permits in all cases where no complaints or code enforcement violations have occurred.

### TRANSIT-READY STANDARDS

There are a variety of standards related to transit the Town should consider adding to the existing Zoning Ordinance in anticipation of improved transit in the coming years. These include improved site planning standards to accommodate public transit, such as requirements for transit stops or stations.



### MOBILITY ENHANCEMENTS

The Town should consider adding some new sections to the Zoning Ordinance to encourage walking and biking. These might include:

- » Bicycle parking requirements
- » Site plan requirements related to walkability such as sidewalks and landscaping in the right-of-way

### GREEN STANDARDS

The Town should take this opportunity to remove the barriers to green infrastructure, specifically allowing low impact development (LID) best management practices (BMPs) in yards and along rights-of-way.



# 5. DOCUMENT IMPROVEMENTS

## BEST PRACTICES

Contemporary zoning codes are approached with the intent of making them easier to read by the general public. This includes clear organization, enhanced readability, and illustration of concepts to assist understanding and administration.

### PLAIN LANGUAGE

The trend in development codes is to move away from writing primarily for lawyers (although every code needs to be legally defensible) and toward codes written for the general public and design professionals. An important part of this is to eliminate the typical “legalese” in favor of a more plain language approach to drafting, especially in the various provisions. Any excessively “lawyered” provisions, including legal terms of art such as “herein” or “notwithstanding” should be written out of the code, and replacing “shall” with “must” helps overall readability.

### GRAPHICS AND TABLES

The Town’s current zoning makes limited use of graphics. An illustration often goes a long way in explaining a concept, frequently more effectively than just words. Graphics are not intended to replace the text. Graphics supplement the code text to make it more intuitive for people, and they help to illustrate the Town’s vision. Graphics are most helpful for illustrating standards, especially those related to measurement. Graphics also provide the opportunity to signal the quality of development the community expects.

Tables simplify the display of information. Long paragraphs of text can be summarized and clarified through the use of consistent layout. Tables also allow for the quick scan of requirements to get the basics, without the need to delve into all of the details.

### MEASUREMENT GRAPHIC EXAMPLE - Raleigh, North Carolina



### USE TABLE EXAMPLE - Sandy Springs, Georgia

| Allowed Use Table<br>Use Category:<br>Specific Use | Protected Neighborhood |    |    |     | Urban Neighborhood |    |    |    | Corridors & Nodes |     |     |     |     |     | Perimeter Center |     |     | Definition/<br>Standards |     |                          |
|--|------------------------|----|----|-----|--------------------|----|----|----|-------------------|-----|-----|-----|-----|-----|------------------|-----|-----|--------------------------|-----|--------------------------|
|  | RE                     | RD | PK | CON | RU                 | RT | RM | RX | ON-               | OX- | CX- | SX- | TX- | CS- | IX-              | CC- | PR- |                          | PX- | PM-                      |
| <b>Residential Uses</b>                            |                        |    |    |     |                    |    |    |    |                   |     |     |     |     |     |                  |     |     |                          |     |                          |
| <b>Household Living</b>                            |                        |    |    |     |                    |    |    |    |                   |     |     |     |     |     |                  |     |     |                          |     |                          |
| Single unit detached                               | P                      | P  | -- | --  | P                  | P  | L  | -- | L                 | L   | L   | L   | L   | L   | L                | L   | L   | L                        | L   | Sec. 731                 |
| Guest house  | L                      | L  | -- | --  | --                 | -- | -- | -- | --                | --  | --  | --  | --  | --  | --               | --  | --  | --                       | --  | Sec. 731.B               |
| Short-term rental                                  | L                      | L  | -- | --  | L                  | L  | L  | L  | --                | L   | L   | L   | L   | L   | L                | L   | L   | L                        | L   | Sec. 731.C               |
| Single unit attached                               | --                     | -- | -- | --  | P                  | P  | P  | P  | P                 | P   | L   | P   | P   | P   | P                | P   | P   | L                        | L   | Sec. 731.D               |
| Multi-unit   | --                     | -- | -- | --  | --                 | P  | P  | -- | --                | P   | L   | P   | P   | P   | P                | P   | P   | P                        | P   | Sec. 731.E<br>Sec. 733   |
| Live/work  | --                     | -- | -- | --  | --                 | L  | L  | -- | --                | L   | L   | L   | L   | L   | --               | L   | L   | L                        | L   | Sec. 731.F<br>Sec. 733   |
| <b>Group Living, except as listed below:</b>       |                        |    |    |     |                    |    |    |    |                   |     |     |     |     |     |                  |     |     |                          |     |                          |
| Personal care home, up to 3 residents              | L                      | L  | -- | --  | L                  | L  | L  | L  | --                | L   | L   | L   | L   | L   | L                | L   | L   | L                        | L   | Sec. 731.G<br>Sec. 733   |
| Personal care home, 4 or more residents            | C                      | C  | -- | --  | C                  | C  | C  | C  | --                | C   | C   | C   | C   | C   | C                | C   | C   | C                        | C   | Sec. 732                 |
| <b>Social Services</b>                             |                        |    |    |     |                    |    |    |    |                   |     |     |     |     |     |                  |     |     |                          |     |                          |
| <b>Public and Civic Uses</b>                       |                        |    |    |     |                    |    |    |    |                   |     |     |     |     |     |                  |     |     |                          |     |                          |
| <b>Civic</b>                                       |                        |    |    |     |                    |    |    |    |                   |     |     |     |     |     |                  |     |     |                          |     |                          |
| College/university                                 | --                     | -- | -- | --  | --                 | -- | -- | -- | P                 | P   | --  | P   | P   | P   | P                | --  | P   | P                        | P   | Sec. 741                 |
| Club or lodge, nonprofit                           | --                     | -- | -- | --  | --                 | -- | -- | -- | P                 | P   | --  | P   | P   | P   | P                | --  | P   | P                        | P   | Sec. 741.B<br>Sec. 741.C |

### DISTRICT EXAMPLE - Fort Worth, Texas



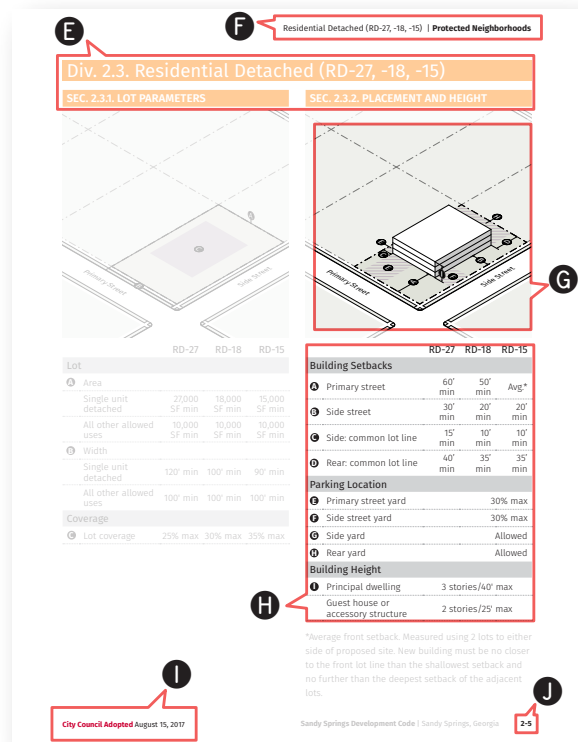
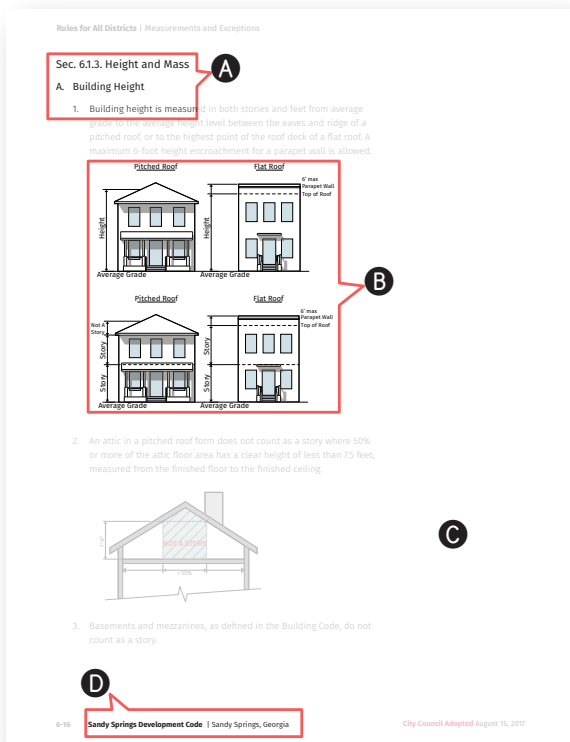
- A Secondary Dwelling Unit
- B Duplex: Side by Side
- C Duplex: Back to Back
- D Fourplex
- E Cottage Court
- F Townhouse
- G Garden Apartment
- H Single-family House

## PAGE LAYOUT

Development regulations don't have to read like a novel, but they do need to be laid out so that people can intuitively find the information they need. The evolution of page layout software beyond basic word processing has significantly evolved.

Features that once were provided only by codifiers are now commonplace. Running headers that allow the reader to flip through the pages of the code. Footers on each page with a date of publication or adoption help reassure users they have the most current copy of the code.

Adobe InDesign will be used to create the new zoning. The associated Creative Suite allows for graphic preparation and the creation of high-quality PDF files.



- A Consistent numbering, indented paragraphs
- B Graphics reinforce how to measure standards
- C Generous use of white space separates elements
- D Running footer

- E Prominent titles
- F Running header
- G Graphics and illustrations
- H Clean, easy to read tables convey information
- I Adoption date
- J Page numbers reference Article

## PROPOSED DOCUMENT OUTLINE

The following outline organizes the existing material around an outline that is similar to that used today so that users of the existing code will be able to navigate easily through the new code.

### PART 1. GENERAL PROVISIONS

- §1-1 Title
- §1-2 Purpose
- §1-3 Interpretation
- §1-4 Authority
- §1-5 Conflict with Other Laws
- §1-6 Jurisdiction
- §1-7 Subsurface Rights
- §1-8 Relationship to Comprehensive Plan
- §1-9 Effective Date
- §1-10 Severability
- §1-11 Establishment of Zoning Districts and Map
- §1-12 Transitional Provisions

### PART 2. RULES FOR ALL DISTRICTS

- §2-1 Rules of Measurement
- §2-2 Exceptions

### PART 3. RESIDENTIAL DISTRICTS

- §3-1 General
- §3-2 Rural Residential District (R-R)
- §3-3 Suburban Agricultural District (S-A)
- §3-4 Single-Family Detached 1 (RS-1)
- §3-5 Single-Family Detached 2 (RS-2)
- §3-6 Single-Family Detached 3 (RS-3)
- §3-7 Single-Family Cluster 3 (RC-3)
- §3-8 Four-Family Attached 4 (RA-4)
- §3-9 Four-Family Attached 4A (RA-4A)
- §3-10 Multifamily 12 (RM-12)
- §3-11 Multifamily 18 (RM-18)
- §3-12 Multifamily 30 (RM-30) [NEW]
- §3-13 Multifamily 60 (RM-60)
- §3-14 Manufactured Home (R-MH)
- §3-15 Use Table [NEW]
- §3-16 Supplemental Design Standards

### PART 4. MIXED USE DISTRICTS

- §4-1 General
- §4-2 Traditional Mixed Use Districts (T-) [NEW]
- §4-3 Traditional Mixed Use Frontages [NEW]
- §4-4 Suburban Mixed Use Districts (S-) [NEW]
- §4-5 Suburban Mixed Use Frontages [NEW]
- §4-6 Use Table [NEW]
- §4-7 Supplemental Design Standards [NEW]

### PART 5. SPECIAL PURPOSE, OVERLAY DISTRICTS

- §5-1 Agricultural (AG)
- §5-2 Community Facilities District (CF)
- §5-3 Office Building District (OB)
- §5-4 Research and Development District (RD)
- §5-5 General Industrial District (GI)
- §5-6 Supplemental Design Standards
- §5-7 Airport Overlay [NEW]
- §5-8 New Community District (NCD)

### PART 6. USE STANDARDS

- §6-1 Open Use Standards
- §6-2 Residential Use Standards
- §6-3 Public and Civic Use Standards
- §6-4 Commercial Use Standards
- §6-5 Industrial Use Standards
- §6-6 Adult Use Standards
- §6-7 Telecommunication Facility Standards
- §6-8 Accessory Uses and Structures
- §6-9 Temporary Uses and Structures

continued on next page . . .

## PROPOSED DOCUMENT OUTLINE (continued)

### PART 7. GENERAL DEVELOPMENT STANDARDS

- §7-1 Off-Street Parking, Loading and Stacking
- §7-2 Landscaping Regulations, Buffers, Screening
- §7-3 Site Lighting
- §7-4 Outdoor Storage and Display
- §7-5 Fences and Walls
- §7-6 Access and Circulation
- §7-7 Provisions for Flood Hazard Reduction
- §7-8 Sign Regulations
- §7-9 Performance Standards
- §7-10 Storage of Combustible/Flammable Liquids

### PART 8. ADMINISTRATION AND ENFORCEMENT

- §8-1 Development Review Bodies
- §8-2 Common Development Review Procedures
- §8-3 Zoning Map Amendment (Rezoning)
- §8-4 Planned District Rezoning
- §8-5 Text Amendment
- §8-6 Special Use Permit
- §8-7 Site Plan Review
- §8-8 Temporary Use Permit
- §8-9 Certificate of Occupancy or Compliance
- §8-10 Building Permit For Signs
- §8-11 Coordinated Sign Plan
- §8-12 Written Interpretation
- §8-13 Alternative Compliance [NEW]
- §8-14 Variance
- §8-15 Administrative Appeal
- §8-16 New Community District (NCD)
- §8-17 Enforcement

### PART 9. NONCONFORMITIES

- §9-1 Purpose
- §9-2 Nonconforming Uses
- §9-3 Nonconforming Structures
- §9-4 Nonconforming Sites
- §9-5 Nonconforming Lots of Record
- §9-6 Nonconforming Signs

### PART 10. DEFINITIONS

- §10-1 Definition of Terms
- §10-2 Abbreviations
- §10-3 General Terms
- §10-4 Specific Terms