

LOCAL LAW NO. 4-2022

**TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK**

**A Local Law Making Amendments To Chapter 203 Of The Code Of The Town Of Amherst, Also Known
As The Zoning Code As Adopted By Local Law 6-2006.**

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

Section 1. Title.

This Local Law shall be referred to as, "A Local Law Amending Chapter 203 of the Code of The Town of Amherst, "Section 5A Mixed Use Districts."

Section 2. Purpose

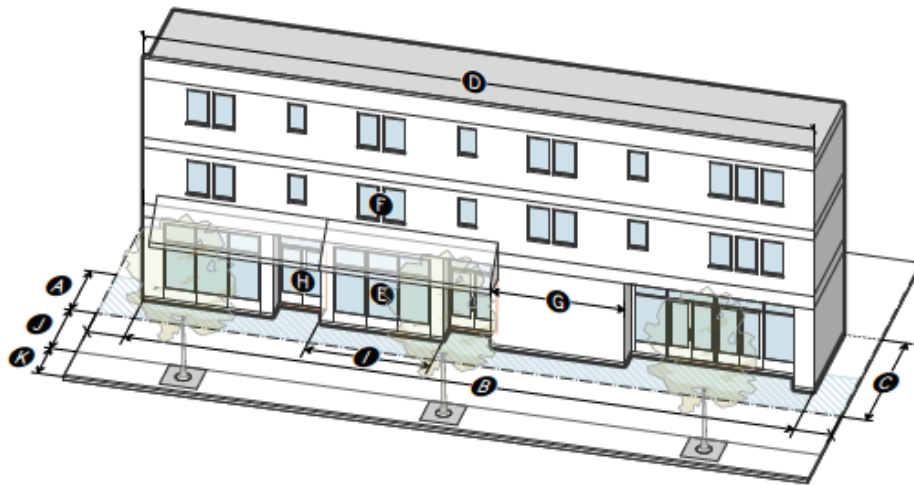
The purpose of this Local Law is to provide amendments to the Town's Mixed-Use district regulations to recognize existing developed conditions, address necessary text corrections and further the implementation of the original intent of the mixed-use provisions.

Section 3.

Chapter 203 of the Code of the Town of Amherst is amended as shown on the following pages

Proposed Text Changes to Part 5A, *(changes denoted by highlighted areas)*

5A-2-4. **Village** Frontage



BUILDING SETBACKS

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

PARKING SETBACKS

C Street	20' min
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BUILDING MASS

D Street-facing building length	200' max
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STORY HEIGHT

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

TRANSPARENCY

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

PEDESTRIAN ACCESS

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

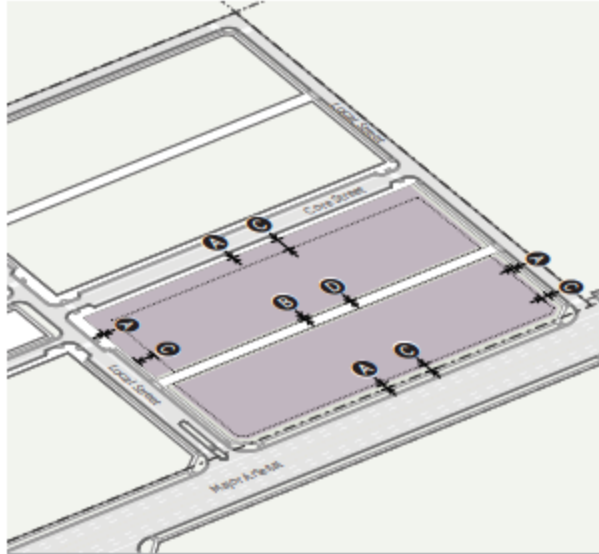
STREETScape

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

Amend entrance Spacing to 50' max.

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

B. Site



LOT

Width 0' min

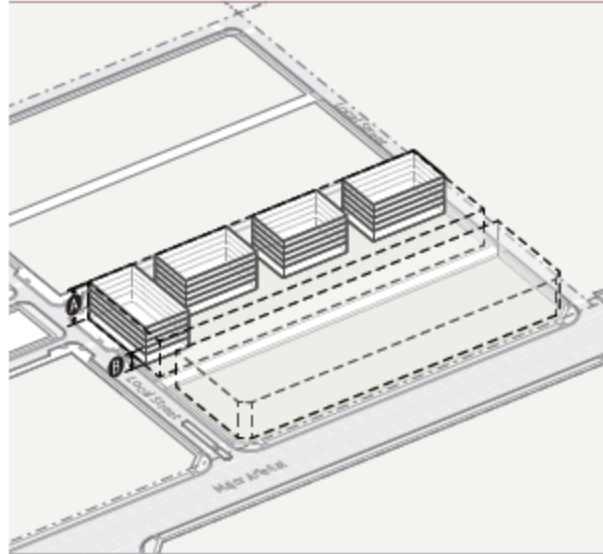
BUILDING SETBACKS

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

PARKING SETBACKS

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

C. Building



BUILDING MASS

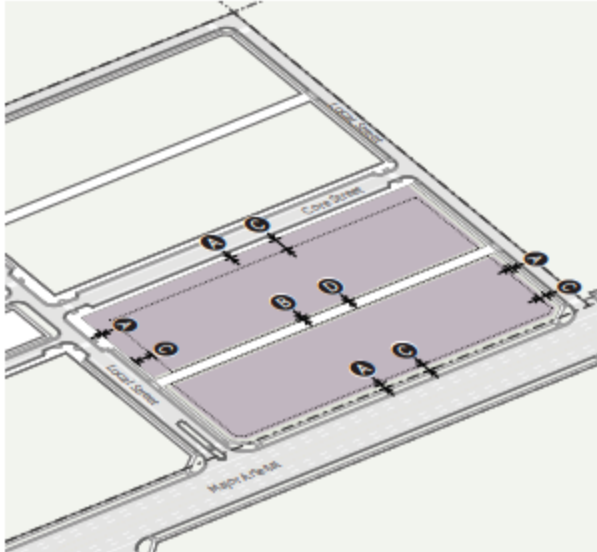
- A** Maximum building height 5 stories/75' max
- B** Minimum building height 2 stories/30' min
- Street-facing building length n/a

ACTIVATION

See 5A-4 Retrofit Frontages

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

B. Site



LOT

Area	0 SF min
Width	0' min

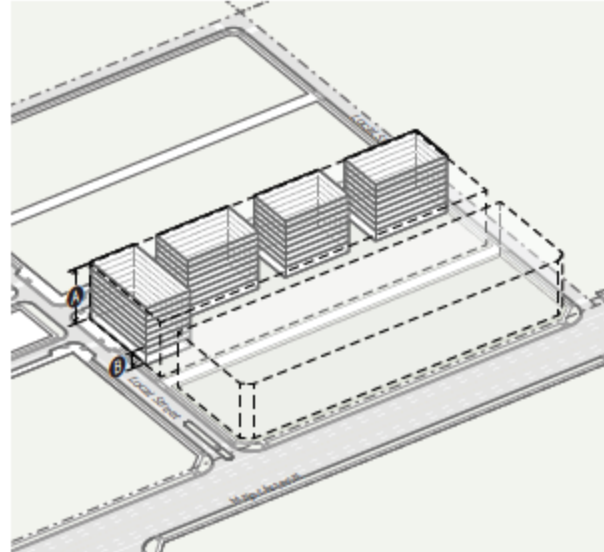
BUILDING SETBACKS

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

PARKING SETBACKS

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

C. Building



BUILDING MASS

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

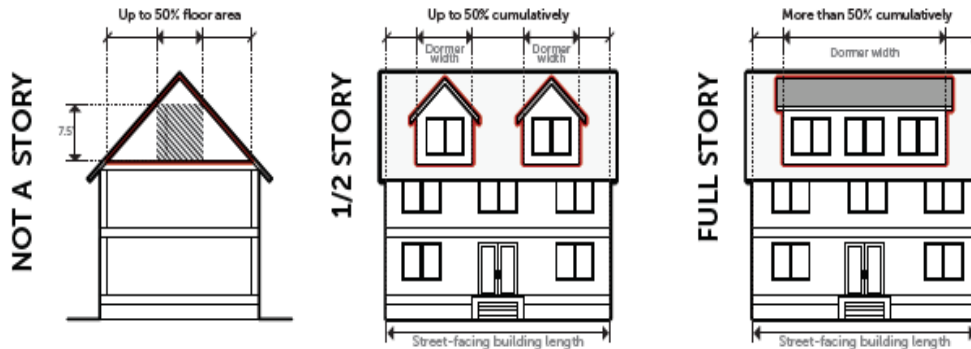
ACTIVATION

See 5A-4
Retrofit Frontages

5A-7-8. Building Height

A. Stories

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



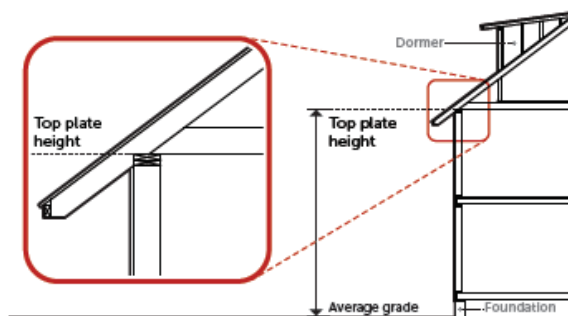
- (2) An attic in a pitched roof form does not count as a story when no dormers are present and 50% or more of the attic floor area has a clear height of less than 7.5 feet as measured from the finished floor to the finished ceiling.
- (3) Basements and mezzanines, as defined in the Building Code, do not count as a story.

Amend as follows:

- (4) Minimum height requirements must be met using additional functional stories above the ground story containing conditioned space and covering the full extent of the ground story. This requirement shall not apply to additions to existing buildings, when such building does not have a second story. Such building addition shall be constructed minimally at the height of the existing building. For new buildings a minimum of 50% of all buildings within the development site shall meet minimum height requirement.

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.

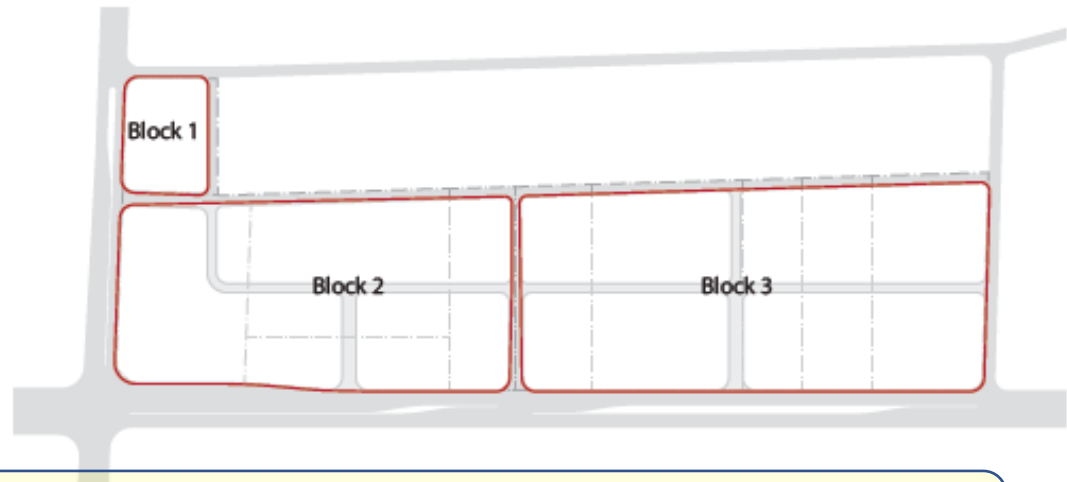
Add New Section D.

Decorative roof elements which do not serve as functional elements of a roof structure, such as pediments, cupolas, weather vanes and similar ornamentation may exceed the maximum building height listed in the building mass tables, providing such ornamentation does not exceed 48 inches in height and does not comprise more than 10 percent of the roof area.

5A-7-12. Blocks

A. Perimeter

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



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

Amend (4) above to read

The Planning Director may modify the block perimeter requirements when steep slopes in excess of 25%, freeways, waterways, railroad lines, tree conservation areas, stream buffers, cemeteries, open space, utility easements or when existing conditions make the provisions of a complete block structure infeasible, or warrant a larger block structure.

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

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

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

Add – “Meeting rooms for fraternal and civic organizations” as a permitted use under Public and Civic Uses.

Add: Drive Through ATM facility as a permitted use within the SC-3 Zoning District only when such location is a not along a property line which adjoins a protected district. All other drive through facility types shall be prohibited.

Strike language

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

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

A. Minimum Parking in Mixed Use Districts

(1) Off-Street Vehicle Parking

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

SCHEDULE OF PARKING REQUIREMENTS

RESIDENTIAL USES

Single-family detached	1.0 space per dwelling unit
Attached dwelling	1.0 space per dwelling unit
Multi-family dwelling, upper-story dwelling, assisted group living, senior citizen housing	.75 space per efficiency unit 1.0 space per one or two-bedroom unit 1.5 space per three or more bedroom unit

PUBLIC AND CIVIC USES

Ambulance service	2.5 spaces per 1,000 SF
Business college, commercial school	3.5 spaces per 1,000 SF
College, university	3.5 spaces per 1,000 SF
Day care	3.5 spaces per 1,000 SF
Place of worship	3.5 spaces per 1,000 SF
Public utility service structure or facility	2.5 spaces per 1,000 SF
School, elementary/secondary (private)	3.5 spaces per 1,000 SF
Telecommunication facility, minor utility	1 space per facility

Add: (gross square feet) to each SF

COMMERCIAL USES

Animal grooming, cat boarding facility, animal hospital or veterinarian	2 spaces per 1,000 SF
Lodging	.75 spaces per room
Medical	3.5 spaces per 1,000 SF
Office	2.5 spaces per 1,000 SF
Personal service	2.5 spaces per 1,000 SF
Recreation, indoor	2.5 spaces per 1,000 SF
Restaurant	4.0 spaces per 1,000 SF
Retail sales and service	2.5 spaces per 1,000 SF

D. Electric Vehicle Charging Stations

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

Amend : reduce to 1% of all parking spaces.

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

SIGN TYPE	RESIDENTIAL DISTRICTS	BUSINESS AND MIXED USE DISTRICTS	INDUSTRIAL DISTRICTS	ALL OTHER DISTRICTS
SIGNS NOT REQUIRING A PERMIT				
Address sign		✓	✓	✓
Construction sign	✓	✓	✓	✓
Incidental sign		✓	✓	✓
Fuel pump sign		✓	✓	✓
Home occupation sign	✓			✓
Political sign	✓	✓	✓	✓
Real estate sign	✓	✓	✓	✓
Window sign		✓	✓	✓
SIGNS REQUIRING A PERMIT				
Building Signs				
Awning sign		✓	✓	✓
Fascia sign		✓	✓	✓
Hanging sign		✓	✓	✓
Marquee sign		✓	✓	✓
Projecting sign		✓	✓	✓
Wall sign		✓	✓	✓
Menu Board		✓		
Freestanding Signs				
Ground sign		✓	✓	✓
Message center sign		✓***		✓***
Pole sign		✓**		✓**
Subdivision identification sign	✓			
Miscellaneous Signs				
Directory sign		✓	✓	✓

* In the ~~SC~~ district, in addition to the pole sign described in § 7-8-4, only wall, ground, hanging, fascia, and permanent changeable letter signs shall be permitted.

** Pole signs are not permitted in the OB, NB, ~~or~~ TNB overlay, ~~SC-3, DC- and CTR-~~ districts.
 *** Message center signs are not permitted in the - TNB, PRD, PDD, ~~or~~ TND overlay, ~~SC-3, DC- and CTR-~~ districts or within 500 feet of a residential district.

Ground, wall and awning signs only are permitted in the LW-1 District.

Amend to read * in the SC- Shopping Center District

Amend highlighted text to read:

** Pole signs are not permitted in the OB, NB, TNB or the TI- Traditional Infill districts.
 Such signs are permitted in the SC-3, DC-3, DC-5 and CTR-2.5, CTR-5 and CTR-8 districts subject to the following restriction:

Pole signs shall be permitted only on those parcels which are a “multiple development” and have a building which is at least 25,000 sf in area.

*** Message center signs are not permitted in the TNB, PRD, PDD, TND or the TI – Traditional Infill districts.

Section 4. Effective Date

This Local Law shall take effect immediately and be filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and published pursuant to Section 130 of the Town Law and Chapter 28 of the Code of the Town of Amherst.

Francina J. Spoth
Town Clerk
Town of Amherst
County of Erie, New York

Adopted: March 14, 2022