

*Town of Amherst, NY
Wednesday, July 9, 2014*

Chapter 203. ZONING

PART 5.. SPECIAL PURPOSE AND OVERLAY DISTRICTS

§ 5-6. Traditional Neighborhood Development District (TND)

5-6-1. **Purpose.** To provide for new, greenfield development of fully integrated, mixed-use, pedestrian-oriented neighborhoods that encourage walkability and minimize traffic congestion, sprawl, infrastructure costs and environmental degradation based on the following principles:

- A. Traditional neighborhood business districts have identifiable centers and edges that are consistent in scale and context with the surrounding neighborhood;
- B. Uses and housing types are mixed or in close proximity to one another;
- C. Density is highest in the center of the district and decreases with distance from the center;
- D. Serve as a foci of community activity in Amherst;
- E. Are designed to encourage walking, biking, and use of public transportation as alternatives to automobile trips;
- F. Streets are interconnected and blocks are small; and
- G. Civic buildings and community facilities are given prominent sites in the neighborhood.

5-6-2. **Principal and Special Uses.**A. **Permitted Uses and Structures.**

TND	Permitted	Special Use	Standards
OPEN USES			
No open uses allowed			
RESIDENTIAL USES			
Single-family detached	✓		§ 3-8-2B
Attached dwelling (up to four units)	✓		
Patio home	✓		§ 6-2-4
Upper-story dwelling	✓		§ 6-2-6
Zero lot line home	✓		§ 6-2-7
PUBLIC AND CIVIC USES			
Civic association (upper story only)	✓		
Daycare center, nursery or other private school	✓		
Fraternal organization (upper story only)	✓		

TND	Permitted	Special Use	Standards
Government structure or use	✓		
Library	✓		
Museum	✓		
Park or open space	✓		
Place for public assembly	✓		
Place of worship	✓		§ 6-3-3
Telecommunication facility		✓	§ 6-7
COMMERCIAL			
Advertising agency	✓		
Animal grooming, animal hospital or veterinarian		✓	§ 6-4-1
Antiques and second-hand merchandise store	✓		
Apparel and accessories store	✓		
	✓		

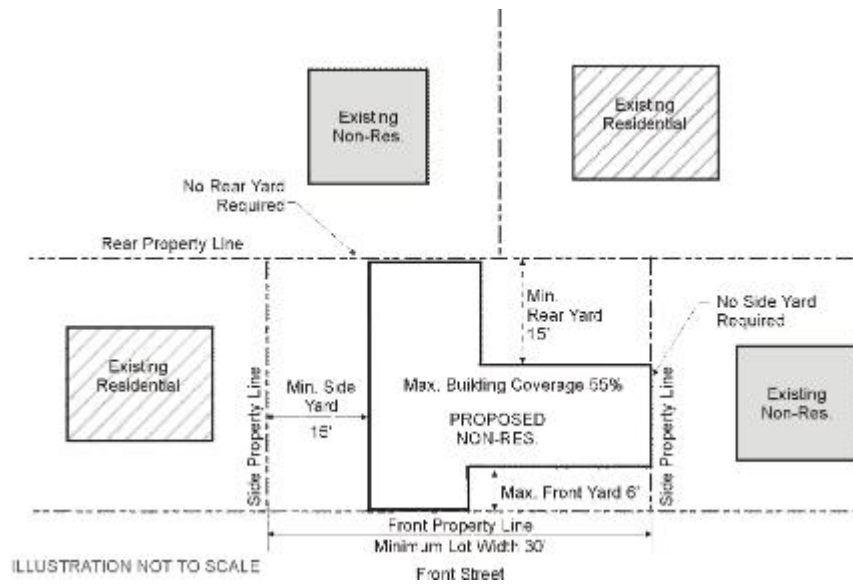
TND	Permitted	Special Use	Standards
Apparel repair and alterations and shoe repair shop			
Bank	✓		
Bakery or confectionary shop (retail)	✓		
Beauty or barber shop	✓		
Bed and breakfast	✓		§ 6-4-2
Book and stationery store	✓		§ 6-4-7 [Amended 12-19-2011 by L.L. No. 34-2011]
Contracting or construction services	✓		§ 6-4-4
Drug store	✓		§ 4-8-4
Food store	✓		
Hardware store	✓		
Home furnishing store	✓		

TND	Permitted	Special Use	Standards
Home garden store	✓		
Jewelry store	✓		
Job printing or photography store	✓		
Ice store	✓		
Laundromat, cleaning and dyeing outlets and pickup	✓		§ 6-4-6 [Amended 12-19-2011 by L.L. No. 34-2011]
Liquor store	✓		
Office	✓		
Personal training facility [Added 2-4-2008 by L.L. No. 1-2008]	✓		
Photography studio [Added 2-4-2008 by L.L. No. 1-2008]	✓		
Printing and photocopying store	✓		

TND	Permitted	Special Use	Standards
Radio or television station [Added 4-12-2010 by L.L. No. 2-2010]	✓		
Recording studio [Added 4-12-2010 by L.L. No. 2-2010]	✓		
Restaurant with outdoor dining	✓		§ 6-4-9 [Amended 12-19-2011 by L.L. No. 34-2011]
Restaurant without drive-through	✓		
Service station		✓	§ 6-4-10 [Amended 12-19-2011 by L.L. No. 34-2011]
Sporting goods or bicycle store	✓		
INDUSTRIAL			
<i>No industrial uses allowed</i>			

B. Dimensional Standards.

TND Principal Use Dimensional Standards		Vehicle Use Area
Minimum district area	40 acres	
Min. lot width	30 ft	
Min. front yard	None/see § 2-5-2A(2)	
Max. front yard	6 ft	
Min. rear yard (abutting residential/nonresidential)	15 ft/none required	25 ft/15 ft
Min. side yard (abutting residential/nonresidential)	15 ft/none required	25 ft/15 ft
Max. height	50 ft	
Min. height	26 ft	
Max. building coverage	55%	
Min. interior building separation	None required	



5-6-3. **Accessory Uses and Structures.**

A. **Permitted Accessory Uses and Structures.** The following accessory uses and structures incidental to any permitted principal use are allowed subject to the requirements of § 6-8, Accessory Uses and Structures or Part 7, General Development Standards.

TND Permitted Accessory Uses and Structures	Standards
Landscaping	§ 7-2
Off-street parking, loading, and stacking	§ 7-1
Signs	§ 7-7
Small wind energy system [Added 8-17-2009 by L.L. No. 12-2009]	§ 6-8-14
Uses and structures customarily incidental to the principal use	

B. **Dimensional Standards.** The dimensional standards for an accessory use or structure shall be the same as those for the principal use in § 5-6-2B.

[Amended 8-20-2012 by L.L. No. 15-2012]

5-6-4. **General Development Standards.**

A. **Mix of Uses.** The following table establishes the minimum and maximum land allocation that shall be devoted to various land uses in a TND District. The land use allocations in the table below may be applied to multi-story buildings and to unified developments.

Use	Not Less Than	Not More Than
Residential		
Upper-Story Dwelling	10% of floor area of nonresidential structures listed below	200% of total nonresidential floor area
All Other Residential	0% of floor area	10 units / acre
Nonresidential		
Public and Civic	5% of floor area	50% of floor area
Commercial		
Office Uses	30% of floor area	80% of floor area
All Commercial Uses (excluding office uses)	5% of floor area	15% of floor area

B. **Off-Street Parking, Loading and Stacking Facilities.**

(1) No drive-through facility shall be allowed to face any street within the TND District.

- (2) No vehicle use area shall be permitted between the front building line and any street except for alleys. Such areas shall be located to the interior side or rear of the lot.
- (3) No vehicle use area shall abut a public and civic use or open space nor shall such use terminate a vista.
- (4) The minimum parking requirements in § 7-1-6A shall apply. In addition, there shall be a maximum of one parking space per 300 square feet of gross floor area for all office uses and one parking space per 500 square feet of gross floor area for all other uses.

C. Other Development Standards.

- (1) Any particular acre of a TND development may contain a maximum of 30 dwelling units, provided that the average residential density of the entire TND development shall not exceed 15 dwelling units per acre.
- (2) A commercial tenant other than an office shall have a maximum gross floor area of 25,000 square feet.
- (3) The Planning Board may approve alternative landscape improvements in the TND District in lieu of strict compliance with the landscape standards in § 7-2-3A(2) and § 7-2-3A(3), provided that such improvements are in accord with the purpose of the TND District and the purpose of § 7-2.
- (4) All principal and accessory uses, except signs and off-street parking, loading and stacking, shall be conducted within completely enclosed structures.
- (5) Development in the TND District shall also comply with the requirements referenced in the table below.

TND General Development Standards

Off-Street Parking, Loading and Stacking	§ 7-1
Landscaping, Buffers and Screening	§ 7-2
Site Lighting	§ 7-3

TND General Development Standards

Outdoor Storage and Display	§ 7-4
Fences and Walls	§ 7-5
Access and Circulation	§ 7-6
Provisions for Flood Hazard Reduction	§ 7-7
Sign Regulations	§ 7-8
Performance Standards	§ 7-9
Bulk Storage of Combustible or Flammable Liquids	§ 7-10