

Local Law No. 4 of 2018
(Adoption of §280-18A (Transit Oriented Development District))

Be it enacted by the Town Board of the Town of Guilderland that the following new §280-18A (Transit Oriented Development (TOD) District) is adopted:

§280-18A Transit Oriented Development (TOD) District

- A. Purpose. The Transit Oriented Development (TOD) District is designed to implement the recommendations of the Westmere Corridor Study (Study) by using an overlay district to support and incentivize development that adequately protects nearby residential neighborhoods and utilizes resources within and near the TOD's boundary including regional shopping, entertainment, and employment centers, a robust transit service with high ridership and proposed enhancements, direct vehicle access to the interstate highway system, and a nearby local business community. The TOD District encourages more compact development, traffic calming measures, better access management, improving the environment for non-automobile oriented modes of transportation, reducing the number of required parking spaces, supporting mixed-use buildings and pedestrian linkages, and focusing intense development away from existing residential neighborhoods.
- B. Boundary. The boundary of the TOD shall be as described in the attached Schedule A.
- C. Site Plan Uses. The following uses and their accessory uses are authorized by Site Plan approval under §280-53.
1. A use listed as a Site Plan Use in the GB and MR Districts unless prohibited in (E)(1) below.
- D. Special Uses. The following uses and their accessory uses are authorized by Special Use Permit under §280-52.
1. A use listed as a Special Use in the GB and MR Districts unless prohibited in (E)(1) below.
 2. Other uses not specifically listed here, but approved by the Zoning Board as being of a similar nature or consistent with the goals of the TOD District. Under no circumstances shall a use only allowed in the IP or I Districts be permitted in the TOD District.

E. Prohibited and Restricted Uses.

1. The following uses are prohibited:
 - a. Single-family Dwelling.
 - b. Two-family Dwelling.
 - c. Automobile Lot, except that the sales and servicing of electric, battery powered, or similar green technology vehicles are allowed as a Special Use.
 - d. Drive-in Movie Theater.
 - e. Restaurant, Drive Thru.
2. The following additional restrictions shall apply:
 - a. The following are the only uses allowed west of Rapp Road:
 - i. Multifamily Dwelling which may include ground floor uses that are a Permitted Use, Site Plan Use or Special Use Permit in the GB District.
 - ii. The maximum gross floor area of a use is 4,000 square feet.

F. Dimensional and Site Requirements. Except as provided in this subsection, the dimensional and site requirements applicable to uses that are permitted or authorized in this district are set forth in Articles III and IV.

1. Minimum Lot Size: 25,000 square feet.
2. Maximum Lot Coverage: 75%. To encourage consolidation of green space, a reviewing board may consider all property within the TOD District which is owned or controlled by the applicant if the green space is identified on an approved site plan.
3. Maximum Residential Unit Density: 16 units per buildable acre.
4. Maximum Building Height:
 - a. 35 feet for buildings located within 75 feet of Western Avenue.

- a. The use of access management, traffic calming, pedestrian, bicycle and transit improvements in design and layout is encouraged. The TOD District's features are central to successful development, including underutilized land adjacent to major destinations that attract high volumes of people (such as shopping, entertainment and employment centers within close proximity to one another) which can support high ridership transit stops.
- b. Vehicular traffic should be directed, if feasible, to the existing Crossgates Mall Ring Road with improved vehicle and transit interconnectivity with Western Avenue in order to internalize circulation within the TOD District and relieve traffic pressures on Western Avenue.
- c. Compact development form with an enhanced pedestrian, bicycle and transit presence is encouraged.
- d. Future street connections and extensions should be considered, particularly for providing access to underutilized outparcels to the Crossgates Mall Ring Road.

2. Pedestrian and Bicycle Facilities

- a. Pedestrian and bicycle facilities within the TOD District should be developed and, where economically feasible, should effectively link uses within the district and adjacent residential neighborhoods and local businesses, and expand and complement bicycle movements and networks in the community.
- b. Bicycle parking, pedestrian seating, and transit shelters should be visible and conveniently located throughout the TOD District.

3. Landscaping and Open Spaces

- a. Landscaping, berms and buffers should be utilized to screen neighboring residential uses and extended parking fields.
- b. Landscaping should be designed to serve multiple functions, including softening and framing building structures, highlighting building and vehicle entrances, defining pedestrian movement, screening undesirable views, and serving stormwater management functions, and accommodating the goals of the TOD District. The security of walking and biking environments should be considered.

- c. Appropriately located natural open spaces, recreational areas and pedestrian amenities shall be considered in coordination with adjoining uses.

H. **BUILDING DESIGN GUIDELINES.** The following building design guidelines are recommended to promote the purposes of the TOD District.

1. **Mixed-Use Building.** The street level side of a mixed-use building should be designed to accommodate commercial use.
2. **Scale and Massing:** The size and height of buildings should transition from the core area of the TOD District towards its boundary with existing adjacent residential neighborhoods. Architectural features, such as bay windows, porches, porticoes, building extensions, towers, recessed doorways, and similar treatments should be used to establish and reinforce the character of the area.
3. **Orientation.** Buildings should be oriented towards a street or internal driveway.
4. **Sustainability.** To the extent practicable, building and site design incorporate elements of ecological and sustainable principles, including elements identified by the United State Green Building Council LEED[®] green building rating program, the Brownfields program, and higher quality pedestrian and bicycle amenities.

I. **ADDITIONAL FACTORS FOR SITE PLAN AND SPECIAL USE PERMIT REVIEW.** In addition to the considerations set forth in §280-53 for Site Plan Use and §280-52 for Special Use Permit, the reviewing board shall consider the additional following considerations for any new development or redevelopment proposed within the TOD:

1. The Site Plan and Building Design Guidelines shall be carefully considered to assure that the proposed development will support the goals and objectives of the TOD District.
2. Development may occur in one or more phases, upon a tract or tracts of land within the TOD District that may be owned, leased or controlled either by a single person or entity or by independent individuals or entities. The owner(s) or contract vendee(s) of property, or their authorized agents must file applications for each phase. Each phase shall be subject to either Site Plan Approval or Special Use Permit. A building permit shall only be

issued upon the development receiving the required Site Plan or Special Use Permit approval.

