



**Local Law Filing**

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

03 \_\_\_\_\_ of the year 20 25 \_\_\_\_\_

Local Law Title: Amend zoning ordinance to allow for a "Stadium Mixed Use" SMU Zone & amend zoning map to allow for a "Stadium Mixes Use" SMU Zone & rezone 282 +/- acres from various districts including DR2, R3 & R4 to "Stadium Mixed Use" SMU Zone

Be it enacted by the Town Board \_\_\_\_\_ of the  
(Name of Legislative Body)

County     City     Town     Village  
(Select one)

of Orchard Park \_\_\_\_\_ as follows on the attached pages:  
(Name of Local Government)

**For Office Use Only**

Department of State Local Law Index Number: \_\_\_\_\_ of the year 20 \_\_\_\_

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

**Local Law Filing**

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto ascribed as local law number 03 of 2025 of the ~~(County)~~(City)(Town)(Village) of Orchard Park was duly passed by the Town Board on December 17 2025 in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, ascribed as local law number \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was \_\_\_\_\_ (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, ascribed as local law number \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was \_\_\_\_\_ (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, ascribed as local law number \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was \_\_\_\_\_ (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**Local Law Filing**

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, ascribed as local law number \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_ became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed thereto, ascribed as local law number \_\_\_\_\_ of 20 \_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph <sup>1</sup> \_\_\_\_\_ above.



\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

January 5, 2026

\_\_\_\_\_  
(Date)

(Seal)

**The following definitions of uses shall be added to Article II, Section 144-5:**

**College/university facilities:** Facilities for an educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

**Community Center:** A facility used for educational, recreational, cultural, or social activities that serves the general public.

**Cultural Facility:** A facility used for the promotion, presentation, and participation in cultural activities, which may include art exhibitions, performing arts (music, dance, theater) workshops and classes, and community cultural events.

**Day Care Facility:** A facility for the care of one or more children on a regular basis, for periods of less than 24 hours per day, in a place other than the child's own dwelling unit.

**Emergency Services:** A facility for the conduct of publicly owned safety and emergency services, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance service.

**Government Services:** A publicly accessible building or site that provides governmental services to the public and is operated by or in partnership with a governmental institution. This can include facilities such as government offices, courthouses, post offices, libraries, public safety buildings (e.g., police and fire stations), and civic centers.

**Park/Recreation Facilities:** Facilities that may include public parks, playgrounds, sports fields, recreation centers, trails, and nature preserves, and are intended to serve the recreational needs of the local population.

**Schools:** Educational facilities that provide instruction to students, typically in grades K–12, and may include public, private, charter, or specialized institutions.

**Sports Facilities:** A recreational or athletic complex operated by a private entity (such as a business, club, or nonprofit) that provides sports-related services or amenities to members or paying customers.

**Business and Professional Offices:** A facility or space used primarily for professional, administrative, or clerical activities, such as those conducted by businesses, or nonprofit organizations.

**Eating and drinking establishment:** A commercial use where food or beverages are offered for purchase, and/or are available to or consumed by customers or patrons. This includes facilities such as restaurants, bars, and cafés.

**Indoor Recreation Facility:** A building or enclosed space used for recreational activities such as sports, fitness, games, or leisure, operated by public, private, or nonprofit entities. These facilities may include gyms, fitness centers, indoor sports courts, climbing walls, skating rinks, or similar amenities designed for active use by individuals or groups.

**Convenience Store:** A retail store generally containing less than 2,500 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers.

**Retail Store:** A commercial establishment where goods or merchandise are sold directly to consumers for personal or household use.

**Brewpub:** A restaurant that prepares handcrafted beer as an accessory use intended for consumption on the premises. Production capacity shall be limited to not more than 5,000 barrels per year. Such accessory use may occupy up to 30 percent of the gross floor area of the restaurant.

**Parking Deck:** Parking spaces and adjacent access drives, aisles, and ramps that are located in a structure with two or more levels, where the parking structure is not the principal use of the premises. This term does not include private one-story garages for single-, two-, or multifamily dwellings but does include parking spaces that are integrated into a larger structure that houses the principal use of the premises.

**Outdoor Recreation Facility:** Any outdoor recreational use that is owned or operated by a private or commercial entity for profit or public access. These facilities may include golf courses, outdoor sports fields, climbing parks, zip lines, and similar venues, but often exclude large spectator facilities like stadiums with seating over 500 seats and do not include firing ranges.

**Bed and Breakfast:** A lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight lodging for the general public and may provide meals for compensation.

**Mixed-Use Development:** A building which contains dwellings located above the ground floor of an institutional, civic, office, commercial, or retail use

ARTICLE VI  
**Special Uses, Site Plan Review, & Design Review**

**§ 144-43. Special exceptions.**

- A. Application. Any application for a building permit or a certificate of occupancy for a special permit use shall be submitted to the Town Board for special consideration and approval before such permit or certificate is issued. Such application shall be accompanied by a survey map showing contours, other natural features and existing development on the adjacent site or sites and also on all adjacent premises, and a proposed development plan showing all proposed structures, uses, drives, parking areas, computation of unoccupied area, utility and lighting installations and landscaping. The application shall be submitted by the owner of the property. **[Amended 10-7-1992]**
- B. Referral to Planning Board. The Town Board shall refer every such application, survey map and proposed plan to the Planning Board for its recommendation thereon.
- C. Action by planning board. The Planning Board shall approve, approve with modifications or disapprove such application and shall report its recommendation within 60 days to the Town Board, stating its reasons based on the following:
- (1) The relation of the proposed project to the long range or comprehensive plan of development of the town.
  - (2) The need for the proposed project at the present time.
  - (3) The compatibility of the proposed project with adjoining land uses and with other proposed development, having particular reference to its probable effect on the value of other land and to the adequacy of features intended to promote public safety and the general purposes of this chapter.
  - (4) The orderly flow of traffic or effect on normal traffic patterns and satisfactory methods of ingress and egress.
  - (5) The design and suitable location of parking facilities.
  - (6) The use of landscaping for screening purposes.
  - (7) The intelligent design of free areas for recreational use.
  - (8) The nearness and impact on schools and other public utilities.
  - (9) The health and safety of the residents or workers on adjacent properties and in the general neighborhood. **[Added 10-7-1992<sup>22</sup>]**
  - (10) Lot areas, type of construction, fire hazards, offensive odors, smoke, fumes, noise and light. **[Added 10-7-1992]**
  - (11) Other pertinent requirements of this chapter.
- D. Action by Town Board. Prior to granting a special permit in the case of any special exception use permitted by this chapter, the Town Board shall conduct a public hearing in relation thereto, at which time all interested parties shall have an opportunity to be heard. At least 10 days' notice of the time
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and place of such hearing shall be published in a paper having general circulation in the town. Subsequent to granting a special permit in any zone, the application for a building permit or certificate of occupancy shall be subject to the provisions of § 144-44, Applications for building permits and certificates of occupancy in B, I-1 MU or D-R Zones. **[Amended 3-4-1992]**

- E. Notices for special exception uses. Notice of the application for special exception use pursuant to this section shall be provided to all owners of property within 500 feet of the nearest line of the property for which the special exception use is sought and to such other owners as the Chairman of the Planning Board may direct. Notices to owners of the property abutting the property for which the special exception use is sought shall be sent via first class mail. **[Amended 10-7-1992]**
- F. Special exception use regulations. Any parcel of land which is granted a special exception use shall be subject to and regulated by the zoning ordinances which apply to the permitted uses of the zone in which the special exception is located. **[Added 3-4-1992]**
- G. Special permit expiration. A permit for a special exception use granted by the Town Board shall be deemed to authorize only one particular use and shall have expired unless a building permit shall have been issued within 30 months after the Town Board has granted a special permit. **[Added 10-7-1992]**

#### **§ 144-44. Site Plan Review**

##### A. Applicability

Any application for a commercial, mixed-use, multi-family building or townhouse permit or certificate of occupancy in any B, I, MU or D-R Zones shall be submitted to the Town Board for special consideration and approved before such permit or certificate is issued. The Town Board shall refer every such application to the Town Planning Board, the Conservation Board and the Town Engineer for recommendation thereon. Single-family and two-family, and developments are not subject to these standards **[Amended 1-18-1989; 5-17-1989]**

##### B. Site plan specification.

- (1) Application for any commercial mixed-use, or multi-family building, structure or group of structures shall require the submission of a site development plan to the Planning Board and to the Conservation Board. Said plan or plans as submitted are required to show contours, other natural features, all structures, existing and proposed roadways, walkways, parking areas, driveways, utility and exterior lighting installations, signage and landscaping on the site, all existing structures and usages within 200 feet of the site boundaries and any other elements as may be deemed essential by the Planning Board or the Conservation Board. **[Amended 1-2-1991]**
- (2) Stormwater pollution prevention plan. A stormwater pollution prevention plan consistent with the requirements of Chapter 119B and Article XII of this chapter shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in Article XII of this chapter. The approved site plan shall be consistent with the provisions of Chapter 119B and Article XII of this chapter. **[Added 6-20-2007 by L.L. No. 3-2007]**

##### C. General standards. The Town Conservation Board shall approve, approve with modifications or disapprove the landscape plan submitted with such application and shall report its decision to the Town Board based upon the following: **[Amended 1-18-1989; 9-21-1994]**

##### (3) Landscape plan.

- (a) Requirements. **[Amended 3-17-1999; 5-7-2008 by L.L. No. 4-2008; 4-27-2011 by L.L. No. 1-2011]**

- [1] In the case of an application for a building permit or certificate of occupancy pertaining to the erection or construction of an independent structure, unattached to an existing structure, the landscaping plan shall be prepared and certified by a New York State-licensed landscape architect. A minimum of 20% of the total site shall be landscaped open space. Any revised plans submitted to the Conservation Board shall have the revisions color coded or clouded and provide a written narrative of the changes. **[Amended 8-16-2017 by L.L. No. 5-2017]**
  - [2] The owner shall deposit with the Town Clerk a certified check amounting to 50% of the cost of completion of all landscaping as set forth in the landscaping plan approved by the Planning Board and as shown on the landscaping value estimation form. Three years after the final certificate of occupancy is issued, the owner shall submit the landscape certificate of compliance and landscape completion forms to request a review of the installed landscape for completeness and return of the landscaping deposit. If by five years after the final certificate of occupancy has occurred the owner has not complied with the required landscaping or requested the deposit to be returned, the deposit should be forfeited to the Town of Orchard Park and deposited in the dedicated Tree Vegetation Account. **[Amended 4-18-2018 by L.L. No. 5-2018]**
  - [3] Upon the completion of the installation of the landscape materials, the owner shall provide, on a form supplied by the Town of Orchard Park, an affirmation from a licensed landscape architect that the plant materials specified on the landscape plan have been installed in accordance with approved plans and specifications. All plant material must be tagged with the correct botanical names at the time of the landscape architect's certification. **[Amended 5-25-2011 by L.L. No. 2-2011]**
  - [4] Tags with Latin and English names on all newly installed plants shall be left on the plant until the landscape architect certifies the installation.
- (b) All plant materials installed pursuant to a landscape plan shall meet the following minimum specifications:
- [1] Major deciduous trees, such as oak, maple and linden, must have a minimum trunk diameter of two to 2 1/2 inches as measured six inches from the ground.
  - [2] Major evergreen trees, such as Austrian pine, spruce and fir, must be a minimum of five feet in height, measured from the ground to the highest point of the tree.
  - [3] Minor trees, such as flowering crab, dogwood and flowering cherry, must have trunks which are 1 1/2 inches in diameter measured six inches from the ground.
- (c) Each landscape plan must contain the following varieties of trees:
- [1] Fifty percent major deciduous.
  - [2] Twenty-five percent evergreen.
  - [3] Twenty-five percent minor trees.
- (d) Each landscape plan must contain at least one tree. Each landscape plan must contain at least one tree per 1,000 square feet of green area. **[Amended 3-17-1999]**

- (e) Existing trees.
    - [1] All existing trees over six inches in caliper measured four feet from the ground shall be located and identified by species on the landscape plan.
    - [2] All existing trees and vegetation that are to be preserved shall be protected with fencing during construction. The fencing shall be at least 10 feet from and surrounding the existing trees and vegetation that are to be preserved.
  - (f) All developers of multiple dwellings, apartments, townhouses or condominiums and commercial property shall obtain the name of the appropriate street trees from the Town Shade Tree Plan<sup>23</sup> and be required to plant the appropriate street trees in accordance with the present Landscape Ordinance,<sup>24</sup> including the species of tree, the size of the tree and all other requirements of § 144-44C of this chapter.
  - (g) The landscape architect shall provide a statement to the Conservation Board estimating the cost of completing the landscape plan. The landscape architect shall provide a statement to the Conservation Board indicating the number of square feet contained in the green area set forth in the landscape plan.
- (4) The proposed development shall provide for an effective and unified treatment of the development possibilities on the project site, making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas.
  - (5) The proposed development shall be planned to harmonize with all existing and/or proposed development in the area surrounding the project site.
  - (6) Financing is available to the applicant on conditions and in an amount which is sufficient to assure the completion of the planned development.
  - (7) A lighting plan shall be submitted detailing the site's photo metrics levels, and the fixture design details. All lights shall be full cut-off fixtures and dark sky compliant. The maximum mounting height shall be 25 feet above the established grade unless adjacent to a residential zone, then the limit shall be 15 feet. **[Added 8-16-2017 by L.L. No. 9-2017]**
  - (8) Perimeter control. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the proposed development, the following shall be required:
    - (a) Structures located on the perimeter of the proposed development shall be permanently screened in a manner, which is sufficient to protect the privacy and amenity of adjacent existing uses, as approved by the Town.
- D. The Town Planning Board shall approve, approve with modifications or disapprove such application and shall report its decision to the Town Board stating its reason based upon: **[Amended 1-18-1989]**
- (9) All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and roadways.
  - (10) Individual buildings shall be related to each other in design, mass, materials, placement and connections to provide a visually and physically integrated development.

- (11) All buildings shall be arranged so as to avoid undue exposure to concentrated loading or parking facilities wherever possible.
- (12) All buildings shall be arranged so as to be accessible to emergency vehicles.

E. Landscape design standards. Landscape design standards shall be as follows:

- (1) Landscape treatment for plazas, roads, walks, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire development.
- (2) Primary landscape treatment shall consist of shrubs, ground cover and trees and shall be combined with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to local growing conditions.
- (3) Whenever appropriate, existing trees shall be retained and integrated into the landscape design.

F. Circulation system design standards. Circulation system design standards shall be as follows:

- (13) Where a commercial development abuts or contains an existing or proposed expressway or major arterial street or railroad right-of-way, the Planning Board may require the separation of local and through traffic. This shall be achieved by one of the following means:
  - (a) A marginal access street, separated from the arterial street by a planting strip.
  - (b) Reverse frontage lots, with lots fronting on an interior local street and having nonaccess reservation along the rear property line.
- (14) All proposed site traffic accessways shall be adequate but not excessive in number, adequate in grade, width, alignment and visibility and not located too near street corners, entrances to schools or places of public assembly and other similar considerations.
- (15) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces.
- (16) Roads, public or private, pedestrian walks and open space shall be designed as an integral part of the overall site design. They shall be properly related to existing and proposed buildings and appropriately landscaped. Such roads, public or private, shall meet Town specifications and standards except private roads shall have a minimum asphaltic paved width of 21 feet plus thirty-inch-wide Town standard concrete gutters on each side. **[Amended 9-3-2008 by L.L. No. 5-2008]**
- (17) There shall be an adequate amount, in a suitable location, of pedestrian walks, malls and landscaped spaces in order to discourage pedestrian use of vehicular ways and parking and loading spaces from general vehicular circulation facilities.
- (18) Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
- (19) Landscaped, paved and comfortably graded pedestrian walks shall be provided along

lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.

- (20) The location and design of pedestrian walks should emphasize desirable views of new and existing development in the area.
- (21) The maximum separation of private automobiles and service vehicles shall be provided through the use of separate service lanes.
- (22) Materials and design of paving, lighting fixtures, retaining walls, bulkheads, fences, curbs, benches, etc., shall be of good appearance, easily maintained and indicative of their function.

G. Parking and loading design standards. Requirements for parking and loading facilities shall be as follows:

- (23) Parking and loading facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and the monotony of parked vehicles.
- (24) Pedestrian connections between parking areas and buildings shall be via special pedestrian walkways.
- (25) Parking facilities shall be designed with careful regard to arrangement, topography, landscaping and ease of access and shall be developed as an integral part of an overall site design.
- (26) Any above-grade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.

H. Perimeter control. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the proposed development, the following shall be required:

- (27) Structures located on the perimeter of the proposed development shall be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.

I. Drainage. Where adequate surface drainage is not possible by grading alone, a supplementary drainage system approved by the Town of Orchard Park shall be required. On-site management of surface drainage shall be planned so that there shall be no greater runoff during and following construction than prior to commencement of construction. Lawn and yard areas shall be adequately drained to permit normal use and maintenance. All development that disturbs more than one acre shall follow New York State requirements for stormwater permits for construction activity and submit a Stormwater Pollution Prevention Plan (SWPPP) with the site plan as well as any additional requirements in Article XII.

J. Finding of the Planning Board; finding of the Conservation Board; action by the Town Board. Before approving the site plan, the Planning Board shall make findings with respect to all of the above that are applicable. The Conservation Board shall make findings with respect to the proposed landscape plan. The Town Board, on receipt of the Planning Board's recommendations and the Conservation Board's recommendations, shall approve or disapprove the application or shall request the submittal of revised or more detailed plans and specifications. If the application is approved, building and occupancy permits may be obtained,

but only for the development and use approved by the Town Board in accordance with the specifications and plans filed with and approved by the Town Board and with any further conditions imposed by the Town Board as to operation. **[Amended 1-18-1989]**

- K. Upon receipt of final approval from the Town Board, construction of any structures which are the subject of this article shall commence no later than one year after the date of approval. In the event that construction has not commenced within one year after the date of approval, the Town Board and the Planning Board may require that the review procedures set forth in this article be repeated. **[Added 8-6-1997]**
- L. Prohibited development. No development of land, including excavation, clearing of brush or laying out of roads, shall be undertaken without fully complying with the requirements of this chapter. **[Added 3-17-1999]**
- M. Relationship of business and industrial uses to residential and agricultural districts shall be modified as follows: **[Added 5-25-2011 by L.L. No. 2-2011]**
  - (28) Site plans for business and industrial uses adjacent to a residential or agricultural district shall be reviewed with regard to the impact of the development on that district. The Planning Board is hereby expressly authorized to require such additional front, side and rear yard setbacks as may be required to ensure that the business or industrial use does not interfere with the quiet enjoyment of neighboring residential or agricultural property within a residential or agricultural district.
  - (29) Buildings and parking areas proposed for business and industrial uses, including uses on property in the business or industrial districts where such property is adjacent to a residential or agricultural district, a setback from the rear lot line or any building or accessory building shall be 60 feet. Please see attached: Attachment 15.<sup>25</sup> **[Amended 9-7-2022 by L.L. No. 5-2022]**
  - (30) The additional setbacks are intended to provide a visual and noise buffer between residential, agricultural and nonresidential uses. The additional setback, as well as the minimum yard setback area, shall be planted with a mixture of evergreen and deciduous plantings at a height so as to provide, as much as practicable, a visual screen of the nonresidential improvements from the residential uses. Species type, location and planted height of such landscaping shall be subject to the recommendation of the Conservation Board and the Planning Board and the approval of the Town Board.
  - (31) This subsection shall be subject to all requirements of § 144-44C, entitled General standards.  
§ 144-44C is repeated herein by reference as if it were fully set forth herein.

## § 144-45. Building and Site Design Review

### A. Applicability

As part of a Site Plan Review process as outlined in section 144-44, any commercial, mixed-use, or multi-family application for a building permit or certificate of occupancy in any B, I, MU or D-R Zones should be submitted to the Town for consideration and approved as part of the Site Plan review process before such permit or certificate is issued, including a change in use, or expansion of a principal structure that exceeds 25% of the existing structure's square footage. Single-family and two-family developments are not subject to these standards.

### B. Purpose

These design standards are intended to protect and preserve the quality and character of the Town. The intent of this section is to:

- (1) Encourage well-designed, high-quality developments
- (2) Ensure variability in streetscapes and building design
- (3) Protect & enhance property values

### C. Design Standards

To approve or disapprove an application, the Planning Board should consider whether the proposed alteration or construction is compatible with the structure on the property and/or the surrounding properties regarding:

#### (1) Façade Design

- a. Building facades that abut a public right-of-way must not contain blank wall areas that exceed 30 linear feet, measured per story parallel to the street.
- b. Facades abutting a public right-of-way must be divided into multiple "modules," expressed through significant architectural changes such as a change in materials, a change in pattern elements such as fenestration, columns or pilasters, or a change in building setback through recesses or projections.
- c. Commercial storefronts must include traditional pedestrian-oriented elements such as display windows, bulkheads, transoms, and cornices.
- d. Buildings must be designed with consistent building materials and treatments that wrap around all facades visible from a public street. Where material or color treatments change, there should be a significant change in surface plane of a minimum of six inches in difference.
- e. Mechanical equipment and structural components such as vents must be located and screened to minimize visibility

#### (2) Fenestration

- a. The ground floor of the front facade must maintain a minimum transparency of 50%, measured between two and 10 feet in height.
- b. The upper floors of a building facade abutting a public right-of-way must maintain a minimum transparency of 15% of the wall area of the story.
- c. Primary building entrances shall clearly be distinguished through the use of one of more of the following:

- i. Covered walkways or arcades
- ii. Awnings
- iii. Projected or recessed building mass

(3) Roof Design

- a. Rooflines of 100' in length or more must be varied through the use of architectural design elements such as dormers, gables, or projected wall features. Such elements of variation may be no wider than 50'.

(4) Site Design

- a. Sites must be designed to ensure safe pedestrian and bicycle access from the public right-of-way, and safe pedestrian and bicycle circulation within the development.
- b. Off-street parking and traffic flow must not interfere with the flow of pedestrian travel or otherwise detract from the aesthetic character of a development or redevelopment. No off-street parking should be located in the front yard area.
- c. Any developments near existing or planned pedestrian and bicycle trails should provide sidewalks or trails connecting to the trail.
- d. Developments shall provide public civic space equal to a minimum of 5% of the lot area in public civic space. Public civic spaces are public gathering spaces, seating areas, and other similar elements that provide areas that allow people to congregate. This includes public green space maintained for the use of the general public, such as parks and plazas. Any public green space constructed in multi-family developments shall count toward the required 20% green space, as approved by the Town.
- e. Landscaped buffers shall be required as follows:
  - i. Perimeter – perimeter landscaping refers to portions of the property not on the right-of-way. Perimeter landscaped buffers shall be required including 6 shade trees per 100 lineal feet and 20 evergreen shrubs per 100 lineal feet. At least 50% of the shade trees shall be evergreens.
  - ii. Street abutting – street facing buffers are required along rights-of-way including at least 3 shade trees per 100 lineal feet.
- f. All ground-mounted mechanical equipment and garbage areas shall be screened with landscaping or masonry or a combination that is 2 feet higher than the equipment of garbage container and a minimum of eight feet, subject to clear zone requirements of the manufacturer or utility agency.
- g. Developers should install public sidewalks where feasible and there should be sidewalks connecting the building to any existing public sidewalks.
- h. When a parking deck is the closest structure to an adjoining property in a residential zoning district, a continuous opaque wall or fence at least six feet high shall be provided along the property line(s) between the parking deck and the adjoining property and extending for at least 50 feet beyond the edge of the parking deck or to the property line.
- i. Access management between adjacent properties is encouraged to limit exits and entrances along arterials.

(5) Materials- the following building materials are prohibited on any non-residential façade facing a public right-of-way, however, such materials can be used as part of the construction that is not surface material:

- a. Plain concrete masonry units (CMU)
- b. Corrugated metal

- c. Exposed aggregate concrete wall panels
  - d. T-111 composite plywood siding
  - e. Plastics such as PVC, polyurethane foam & polyester laminates.
- (6) General design standards.
- a. All on-site roads and driveways shall be constructed to standards as approved by the Town Engineer. Curb cuts for proposed entrance and exit access roads and driveways shall not be closer than 100 feet to any existing road intersection.

D. Submission requirements. All applicants shall submit the following information:

- (1) Photographs of the site and building which clearly show exterior details.
- (2) Photographs of adjacent buildings or properties.
- (3) Drawings and elevations of the proposed exterior changes which clearly illustrate exterior materials, material dimensions, colors, height, openings, lighting and includes an accurate scale.
- (4) Material details, specification sheets, and product literature/samples.
- (5) For new buildings and building additions, applicants shall also follow site plan review submission guidelines.
- (6) Additional information as needed.

**§ 144-46. Multiple dwellings and townhouses.**

- A. Site plan review. An application for a building permit or certificate of occupancy for a multiple dwelling or townhouse shall be submitted to the Town Planning Board and approved before such permit or certificate is issued. The Town Planning Board shall refer every such application to the Conservation Board for recommendation thereon. **[Amended 5-17-1989]**
- B. Site plan specification. Application for any multiple dwelling or townhouse shall require the submission of a site development plan to the Town Planning Board. The Town Planning Board shall refer every such application and development plan to the Conservation Board for recommendation thereon. Said plan or plans are required to show the following: **[Amended 5-17-1989]**
  - (1) Present elevations at five-foot intervals.
  - (2) Proposed elevations at five-foot intervals.
  - (3) Present and proposed structures.
  - (4) Roadways, pathways and parking areas.
  - (5) Recreation areas.
  - (6) Utilities and lighting.
  - (7) Landscaping. At least 15% of the total site shall be landscaped open space.
  - (8) Proposed storm drainage classification of streams.
  - (9) All usages and structures within 500 feet.
  - (10) Plans and elevations of proposed multiple dwellings.

- (11) Phases of construction.
- (12) Financial backing.
- (13) Copies of all items listed shall be provided to the Town Engineer for approval and his recommendations where necessary.
- (14) The owner shall deposit with the Town Clerk landscape completion security in accordance with § 144-44C(1)(a)[1][a] and [b], [c] and [d], Landscape plan; requirements. **[Amended 3-17-1999]**
  - (a) All plant materials installed pursuant to a landscape plan shall meet the following minimum specifications:
    - [1] Major deciduous trees, such as oak, maple and linden, must have a minimum trunk diameter of two to 2 1/2 inches as measured six inches from the ground.
    - [2] Major evergreen trees, such as Austrian pine, spruce and fir, must be a minimum of five feet in height, measured from the ground to the highest point of the tree.
    - [3] Minor trees, such as flowering crab, dogwood and flowering cherry, must have trunks which are 1 1/2 inches in diameter measured six inches from the ground.
  - (b) Each landscape plan must contain the following varieties of trees:
    - [1] Fifty percent major deciduous.
    - [2] Twenty-five percent evergreen.
    - [3] Twenty-five percent minor trees.
  - (c) Each landscape plan must contain at least one tree. Each landscape plan must contain at least one tree per 1,000 square feet of green area.
  - (d) Existing trees. All existing trees over nine inches in caliper, measured four feet from the ground, shall be located and identified by species on the landscape plan.
- (15) Proposed plans for homeowners' association or condominium ownership for review by the Town Attorney. A homeowners' association shall be required in all townhouse or multiple dwelling developments when individual living units are owned by different persons or entities.
- (16) In the case of alterations, application for building permits or certificates of occupancy pertaining to structural or other alterations to multiple dwelling units or townhouses presently existing, only such of the foregoing requirements shall apply as in the discretion of the Planning Board shall be necessary or advisable and tending toward the most appropriate use of the land.

C. General standards.

- (1) Traffic access. Site traffic accessways shall be adequate in number, grade, width, alignment and visibility and not located too near street corners, entrances to schools or

places of public assembly.

- (2) Circulation system. The interior circulation system shall be adequate. Roads deeded to the Town and private roads shall meet Town specifications and standards. Private roads shall have a minimum asphaltic paved width of 21 feet plus thirty-inch Town-standard concrete gutters on each side. **[Amended 9-3-2008 by L.L. No. 5-2008]**
- (3) Parking shall comply with the provisions of § 144-29, Automotive facilities; parking.  
**[Amended 11-20-1991; 10-7-1992]**
- (4) Arrangement of buildings.
  - (a) No building shall be closer than 60 feet to another building or 50 feet to the right-of-way of an access road.
  - (b) No driveway or parking lot should be closer than 25 feet to the front of any building nor 10 feet to the side or rear of any building. This shall not apply to garages or carports attached to the main structure.
  - (c) Individual buildings should be related to each other in design, mass, material, placement and connection to provide a visually and physically integrated development.
  - (d) All buildings shall be arranged so as to be accessible to emergency vehicles.
- (5) Proper landscaping.
  - (a) Whenever appropriate and possible, existing trees shall be retained and integrated into the landscape design.
  - (b) Where necessary, buffer or screen planting may be required. Such screening shall conform to § 144-25.
  - (c) Exclusive of screening needs, there shall be a minimum of one tree planted per dwelling unit as an integral part of a coordinated landscape design for the entire development.
  - (d) No building permits shall be issued for any building or buildings unless the landscaping has been completed for the previous phase. In the case of the last phase or one-phase development, the certificate of occupancy for the last 16 dwelling units shall not be issued until the landscaping is complete.
- (6) Drainage.
  - (a) No modification of existing stream channels, filling of lands with above-moderate susceptibility to erosion or excavation for and construction of site improvements shall begin until the developer has received site plan review approval. Failure to comply shall be construed as a violation of this chapter, and, where necessary, the site plan review approval may require the modification or removal of unapproved site improvements.
  - (b) A map or maps of present site conditions, including streams or watercourses, together with their classification under the State Stream Protection Law shall be

submitted, showing areas susceptible to erosion, flooding or ponding.

- (c) A description of a drainage plan, approved by the Town Engineer, so as to minimize any increase in runoff flow resulting from the development shall be submitted.
  - (d) Areas denoted as floodplains shall be submitted. These areas should be kept free of structures and, if necessary, should be conveyed to the Town.
  - (e) Where adequate surface drainage is not possible by grading alone, a supplementary drainage system approved by the Town of Orchard Park shall be required. On-site management of surface drainage shall be planned so that there shall be no greater runoff during and following construction than prior to commencement of construction. Lawn and yard areas shall be adequately drained to permit normal use and maintenance.
  - (f) Stormwater control design shall be in compliance with all provisions of Chapter 144, Article XII (Stormwater Control), of the Town Code. **[Added 4-27-2011 by L.L. No. 1-2011]**
  - (g) Stormwater system design shall also be in compliance with all NYSDEC Phase II stormwater regulation requirements except where the Town requirements are more restrictive. **[Added 4-27-2011 by L.L. No. 1-2011]**
  - (h) Detention/retention basins shall be designed to contain the one-year, ten-year, twenty-five-year, fifty-five-year and one-hundred-year twenty-four-hour design storms with post-development peak rates of runoff, while restricting the outflow to a rate equal to the one-year, ten-year, twenty-five-year, fifty-year and the one-hundred-year twenty-four-hour design storms for pre-development peak rates of runoff, respectively. The detention/retention ponds shall also include an auxiliary emergency spillway to direct stormwater to a positive outlet in the event of an overflow. **[Added 4-27-2011 by L.L. No. 1-2011]**
- (7) Staging or phasing of the project. A clear indication shall be given of how the phasing of the project is to proceed.
- (a) Approximate date of start and completion of each phase.
  - (b) Structures, roadways, landscaping, recreation areas, etc., to be included in each phase.
- (8) Ownership. An application must be filed by the owner or jointly by the owners of all property included in a project. In the case of multiple ownership at the time of application or later, the approved site plan shall be binding on all owners.
- (9) Miscellaneous.
- (a) Garbage pickup areas shall comply with the provisions of § 144-25, General screening regulations. **[Amended 10-7-1992]**
  - (b) Any sign will comply with the Sign Ordinance.
  - (c) Recreation space and possible use must be shown. Location of tennis courts, recreation buildings, swimming pools and walkways should be planned so as to

service the residents.

- (10) Number of units per building. There shall be no more than eight units per building, unless specifically approved by the Town Planning Board.
- (11) Sanitary sewer remediation. **[Added 4-27-2011 by L.L. No. 1-2011]**
  - (a) Sanitary sewer infiltration/inflow (I/I) removal (remediation) is required for all projects as per the Erie County Division of Sewage Management requirements.
  - (b) All remediation shall be performed within the Town of Orchard Park sewer district.
  - (c) The remedial work must be completed prior to the project's final acceptance, dedication and/or issuance of a certificate of occupancy.
- (12) A lighting plan shall be submitted detailing the site's photo metrics levels, and the fixture design details. All lights shall be full cut-off fixtures and dark sky compliant. The maximum mounting height shall be 15 feet above the established grade. **[Added 8-16-2017 by L.L. No. 10-2017]**
- D. Public hearing. The Town Planning Board shall hold a public hearing, which shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing. **[Added 12-18-1991]**
- E. Findings of the Town Planning Board. The Town Planning Board shall approve or disapprove the application or shall request the submittal of revised or more-detailed plans and specifications. The Planning Board may require a second public hearing prior to final approval when it deems such a hearing necessary or advisable to obtain additional public comment or to consider revisions or modifications to the site plan. **[Amended 5-17-1989; 12-18-1991]**
- F. Conditions of approval. No building permit shall be issued by the Building Inspector for any stage of development or for a one-stage development, as approved in the site plan review, until the required public improvements are constructed and dedicated to the Town of Orchard Park (each stage of development may, however, be phased, in which event building permits would be issued only for structures to be constructed on dedicated roads and in relation and proportion to the percentage of public or private roads or other public improvements required for the particular stage already completed and dedicated) and until all prior stages, if any, have been completed as determined by the Town Planning Board upon recommendation of the Building Inspector and Town Engineer. **[Amended 5-17-1989; 12-18-1991]**

**§ 144-46.1. Senior Residential District (SR). [Added 11-15-1995]**

- A. Statement of intent and objectives.
  - (1) It is the intent of this section to regulate the construction of senior residential apartments and encourage the construction of affordable senior citizen housing. Housing specifically designed for an aging population is a desirable need within the community; it is equally important to encourage the construction of new senior housing and maintain and safeguard community ambiance, character and environmental quality. To achieve those objectives requires development standards and criteria tailored to the needs of senior citizens' lifestyles.
  - (2) The Senior Residential District (SR) is specifically created to encourage the

development of affordable elderly apartment units to meet the ever-growing demand to house elderly people in a quality environment; efficient and cost-effective use of land is a driving force behind achieving that objective. By crafting and adopting land use and site standards that facilitate new elderly housing and protect the environment and provide quality housing in harmony with the community, the Town will continue to serve and protect all residents. This section recognizes that while standard zoning criteria are important to the protection of the community as a whole, in the instance of elderly housing developments standards can be tailored to meet the special conditions, uses and demands required of an elderly population without compromising the integrity of this zoning section. This section protects the community through the adoption of standards and regulations that encourage elderly residential development, while protecting health, safety and general welfare of the entire community.

- (3) The Town Board, with the advice and assistance of the Planning Board, may assign the SR designation in areas of town currently zoned R-3 and R-4. **[Amended 5-25-2011 by L.L. No. 2-2011]**

**B. Permitted uses in the SR District.**

- (1) The housing of persons 60 years of age and older or in a conjugal relationship where one person is 60 years of age or more or handicapped persons below 60 years of age in a residential complex shall be permitted. Said persons must be able to live without special medical and/or special supervisory care.
- (2) Supplemental service and activity space for tenants of the housing complex shall be provided as follows:

Number of Units	Minimum Activity Space (square feet)
1 to 20	400
21 to 50	650
51 to 80	800
81 to 99	1,200
Over 100	10 per unit

**C. Required lot size. Unless otherwise provided, the minimum lot size shall be as specified in this subsection.**

- (1) Lot width: 100 feet minimum.
- (2) Lot areas. Lot areas shall be determined by the number and size of units in the senior citizen housing complex respecting the following:

Unit Size (square feet)	Lot Area (square feet per unit)
780 or less	3,600

781 or more	5,000

D. Required open space. Unless otherwise provided, the minimum required open spaces shall be as specified in this subsection.

(1) Front yard: 50 feet.

(2) Side yards (two required).

(a) Dwelling up to 35 feet in height. The minimum width of any side yard shall be 30 feet; the total of both side yards shall not be less than 70 feet.

(b) Emergency vehicle access. A perimeter road around the building will be provided for emergency vehicles. Said road will be a minimum of 16 feet wide, hard surface and shall be restricted from parking thereon. Furthermore, parking will be restricted between the building and the perimeter road. The perimeter road will be designated as a fire lane.

(c) Other than principal buildings. Each side yard shall equal 15 feet or a distance equal to 1/2 the height of the principal building, whichever is greater.

(3) Rear yard: equal to 15% of the lot depth but shall not be less than 50 feet.

(4) Open space between principal buildings on a single lot. No vertical wall of the principal building shall be nearer to a vertical wall of any other principal building than 30 feet or a distance equal to the average height of such vertical walls measured from an adjoining finished grade, whichever is greater.

(5) Recreation open space. A minimum of 25 square feet per unit shall be provided and designated as open space for social or recreational purposes.

E. Maximum height of buildings. The height of a building at any point shall be no more than 35 feet and 2 1/2 stories. **[Amended 8-5-2020 by L.L. No. 4-2020]**

F. Senior citizen housing conditions of approval. Standards and procedure for approval of senior citizen housing not covered by regulations herein shall be governed by the procedures set forth in § 144-46 (Multiple dwellings and townhouses) of this chapter.

G. Parking. There shall be 3/4 of a parking space provided for each dwelling unit. One visitor parking space shall be provided for every 10 units. A parking space shall contain a minimum of 200 square feet exclusive of driveways or aisles. A parking space adjacent to the main entrance of the apartment complex shall be reserved for emergency vehicles.

H. Approved senior residential apartment complexes shall have backup generators with capacity to power the facility in the event of a power shortage or blackout. **[Added 4-27-2011 by L.L. No. 1-2011]**

**§ 144-46.2. Collegiate Residential District (CR). [Added 11-16-2011 by L.L. No. 4-2011]**

A. Statement of intent and objectives.

(1) It is the intent of this section to regulate the construction of residential apartments in R-3 and R-4 Multiple Dwellings for full-time students matriculated at an accredited college

or university. Housing specifically designed for students is a desirable need within the community; it is equally important to maintain and safeguard community ambiance, character and environmental quality.

- (2) This section recognizes that while standard zoning criteria are important to the protection of the community as a whole, in the instance of collegiate housing developments, standards can be tailored to meet the special conditions and uses. This section protects the community through the adoption of standards and regulations that encourage collegian residential development while protecting health, safety and general welfare of the entire community.
- (3) It is the specific intent of this section to provide the Town of Orchard Park with the flexibility to designate property with the CR designation. The Town Board, with the advice and assistance of the Planning Board, may assign the CR designation in areas of the Town currently zoned R-3 or R-4 within 1,000 feet of the main campus of an accredited college or university.

B. Permitted uses in CR District.

- (1) The housing of full-time matriculated students at an accredited college or university or a college or university that is a member of the State University System of New York (SUNY). The housing development shall have a written contractual relationship with the accredited college or university to regulate the residents to those attending their educational institute.

C. Lot regulations.

- (1) Lot size, set backs, coverage shall be per the R-3 or R-4 requirements in which the CR district is.
- (2) Emergency vehicle access. A perimeter road around the building shall be provided for emergency vehicles. Said road shall be a minimum of 16 feet wide, hard surface and restricted from parking thereon. Furthermore, parking shall be restricted between the building and the perimeter road. The perimeter road shall be designated as a fire lane.
- (3) At least one ingress and egress shall be located on a public highway.

D. Maximum number of stories shall be three.

E. Maximum height of buildings. The maximum mean building height shall be 40 feet.

F. Lot density. Based on a review of the site plan which meets the required set backs and details required by this section, the Planning Board shall recommend the appropriate number of units to the Town Board for its consideration and adoption for the specific project.

G. Parking. There shall be 3/4 parking space provided for each bedroom in the apartment. One visitor parking shall be provided for every 10 units.

H. Collegiate housing conditions or approval. Standards and procedure for approval of collegian housing not covered by regulations herein shall be covered by the procedures set forth in § 144-46, Multiple dwellings and townhouses, of this chapter.

144 Attachments 14 and 15

Schedule of Height, Lot, Yard and Bulk Regulations  
Stadium Mixed Use (SMU)

Zoning District	Area (square feet)	Area Dwelling Unit (square feet)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)	Rear for Accessory Buildings (feet)	Maximum Height of Buildings (stories, feet)		Maximum Height Accessory Areas (feet)	Maximum Lot Coverage
<u>SMU Stadium Mixed Use</u>												
<u>One-family, detached</u>	<u>12,000</u>	<u>12,000</u>	<u>90</u>	<u>120</u>	<u>40</u>	<u>15</u>	<u>40</u>	<u>10</u>		<u>35</u>	<u>35</u>	<u>50</u>
<u>One-family, attached</u>	<u>20,000</u>	<u>10,000</u>	<u>45</u>	<u>120</u>	<u>40</u>	<u>0</u>	<u>40</u>	<u>10</u>		<u>35</u>	<u>35</u>	<u>50</u>
<u>Other uses</u>	<u>20,000</u>		<u>150</u>	<u>150</u>	<u>40</u>	<u>25</u>	<u>40</u>			<u>35</u>	<u>35</u>	<u>60</u>

**144 Attachment 17**

**Schedule of Use Controls**  
**Stadium Mixed-Use (SMU)**

<b><u>Permitted Principal Uses</u></b>	<b><u>Permitted Accessory Uses</u></b>	<b><u>Special Exception Uses</u></b>	<b><u>Prohibited Uses</u></b>
<ul style="list-style-type: none"> <li>• <u>Single-family dwellings attached</u></li> <li>• <u>College/university facilities</u></li> <li>• <u>Community center</u></li> <li>• <u>Cultural facility</u></li> <li>• <u>Day Care facility</u></li> <li>• <u>Emergency services</u></li> <li>• <u>Urgent care</u></li> <li>• <u>Government services</u></li> <li>• <u>Park/Recreation facilities</u></li> <li>• <u>Schools</u></li> <li>• <u>Sports facilities</u></li> <li>• <u>Business and professional offices, including medical</u></li> <li>• <u>Eating or drinking establishment</u></li> <li>• <u>Indoor recreation facility</u></li> <li>• <u>Convenience store, no gas services</u></li> <li>• <u>Shopping center</u></li> <li>• <u>Retail store</u></li> <li>• <u>Hotel/Motel</u></li> <li>• <u>Brewpub</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Parking, including parking decks, as an accessory use</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Outdoor recreation facility</u></li> <li>• <u>Outdoor entertainment facility</u></li> <li>• <u>Convenience store with fuel services</u></li> <li>• <u>Bed &amp; Breakfast</u></li> <li>• <u>Parking, including parking decks, as principal uses</u></li> <li>• <u>Single-family dwellings, detached</u></li> <li>• <u>Drive-in service facilities</u></li> <li>• <u>Mixed-use Development</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Adult Uses</u></li> </ul>

HDR

East Abbott Grove

GMU

Sheldon Road

Southwestern Boulevard

Drive 5

SMU

Connecting Road

Drive 2

Abbott Road

Bills Drive

Unnamed Street

Fay Street

Drive 1

Glen Street

Pilger Place

Allen Street

Oakwood Street

Shadow Lane

GMU

Big-Tree Road

Penhurst Street

