

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town
Village

of Evans

Local Law No. 7 of the year 2000

A local law ~~amending Local Law # 8 of the Year 1987 and any amendments thereto~~
(Insert Title)
~~Town Code Chapter 200 commonly known as the Zoning Law Article V,~~
~~Article VI and Article VII and the Zoning Map as follows:~~
.....
.....

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

County
City
Town
Village

of Evans

as follows:

(SEE ATTACHED LOCAL LAW # 7 OF THE YEAR 2000)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JUL 10 2000
Richard F. Quilley
Secretary of State

ARTICLE V
Community Facilities Districts

§ 200-18. Public Facilities District (PF).

- A. Intent. The intent of this district is to provide a special zoning classification for public and semi-public uses, including governmental, educational and other civic uses, in order to ensure the proper location of such uses in relation to transportation facilities and other land uses in the Town, the compatibility of such uses with adjacent development, and proper site design and land development.
- B. Permitted uses. The following uses are permitted in the Public Facilities District (PF):
- (1) Principal structures and uses.
 - (a) Governmental structures and uses.
 - (b) Cemeteries, including mausoleums, provided that mausoleums shall be a distance of at least two hundred (200) feet from any adjoining residence district and provided, further, that any new cemetery shall contain a single contiguous area of twenty (20) acres or more.
 - (c) Fire stations.
 - (d) Colleges and universities, theological schools, including their buildings owned or leased for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, and multi-family apartment dwellings for housing students or staff members.
 - (e) Technical schools (special use permit required)
 - (f) Museums and libraries.
 - (g) A church, synagogue or any other place of public worship.
 - (h) Schools.
 - (i) Indoor public recreational facilities.

(2) Accessory structures and uses.

- (a) Uses and structures customarily incidental to the above.
- (b) Private and parochial schools and state accredited day care centers, when accessory to a church, synagogue or other place of worship.
- (c) Off-street parking, loading and stacking areas or structures, as required by § 200-27 of this chapter.
- (d) Residence for custodians and/or staff.
- (e) Landscaping, as permitted by § 200-28 of this chapter.
- (f) Signs, as permitted by § 200-29 of this chapter.

C. Design Regulations.

- (1) Minimum lot area. The area or parcel of land for a permitted public facilities use shall be as required to provide a site adequate for the main and accessory buildings, off-street parking, loading and stacking, landscaping and other accessory uses, yards and open spaces.
- (2) Minimum yards for structures and parking, loading and stacking areas:

Yard	Structures (feet)	Parking, Loading and Stacking Areas (feet)
Front from right-of-way of a dedicated street	50	15*
Side, abutting a residential district	25	25*
Rear abutting a residential district	50	25*
Side and rear, abutting a residential district	15	10*

* NOTE: Entire area must be landscaped in compliance with § 200-28 of this chapter.

- (3) Maximum lot coverage by structures: as use, yard, off-street parking, loading and stacking, and landscaping requirements permit.
- (4) Maximum height of structure: thirty-five (35) feet.

- (5) **Boundary treatment.** Fences, walls or plantings or other screening materials may be required to provide visual screening between adjacent structures and uses and parking or other areas or uses on the parcel.

§ 200-19. Park Lands District (PL).

- A. Intent. The intent of this district is to provide a special zoning classification for passive and active recreational facilities, including both public and privately owned properties, in order to ensure the proper location and protection of recreational lands.
- B. Permitted uses. The following uses are permitted in the Park Lands District (PL):
- (1) Principal structures and uses.
 - (a) Publicly owned recreational uses.
 - (b) Wildlife reservations and conservation areas, including related structures.
 - (c) The following recreational uses, both public and private (special use permit required):
 - [1] Golf courses and country clubs.
 - [2] Sportsman and gun clubs.
 - [3] Tennis, racquetball and handball facilities.
 - [4] Ice-skating facilities.
 - [5] Basketball, baseball, football, soccer, and other field sport facilities.
 - [6] Picnic grounds and groves, for which a fee or rental is charged.
 - [7] Campgrounds.
 - [8] Swimming and marina facilities.
 - (2) Accessory Structures and Uses.
 - (a) Uses and structures customarily incidental to the above.
 - (b) Residence of custodian or staff.
 - (c) Off-street parking, loading and stacking areas and structures, as permitted by § 200-27 of this chapter.

- (d) Landscaping, as permitted by § 200-28 of this chapter.
- (e) Signs, as permitted by § 200-29 of this chapter.

C. Design Regulations.

(1) Minimum lot area. The area or parcel of land for a permitted public facilities use shall be as required to provide a site adequate for the main and accessory buildings, off-street parking, loading and stacking, landscaping and other accessory uses, yards and open spaces.

(2) Minimum yards for structures and parking, loading and stacking areas:

Yard	Structures (feet)	Parking, Loading and Stacking Areas (feet)
Front from right-of-way of a dedicated street	50	15*
Side, abutting a residential district	25	25*
Rear abutting a residential district	50	25*
Side and rear, abutting a residential district	15	10*

* NOTE: Entire area must be landscaped in compliance with § 200-28 of this chapter.

- (3) Maximum lot coverage by structures: as use, yard, off-street parking, loading and stacking, and landscaping requirements permit.
- (4) Maximum height of structure: thirty-five (35) feet.
- (5) Boundary treatment. Fences, walls or plantings or other screening materials may be required to provide visual screening between adjacent structures and uses and parking or other areas or uses on the parcel.
- (6) Outdoor recreation activities shall not be permitted within one hundred fifty (150) feet of an abutting residential district, except for town owned land.
- (7) Campsites, subject to the following additional regulations:
 - (a) Minimum lot area: ten (10) acres.

- (b) No structures or uses can be located within three hundred (300) feet of any residential property lines.
- (c) All provisions of the Sanitary Code or regulations of the State Health Department shall be complied with and after the issuance of a special permit by the Town Board.

D. Definitions. As used in this section, the following terms shall have the meanings indicated:

CAMPSITES - Those areas specifically designated for temporary recreational use with a defined season and non-permanent occupancy.

WILDLIFE RESERVATIONS - Areas including conservation areas set aside to protect and encourage native species of birds and wildlife.

SPORTSMAN AND GUN CLUBS - Institutions whereby members and/or guests enjoy said sport without any permanent occupancy of premises.

**ARTICLE VI
BUSINESS DISTRICTS**

§ 200-20. Neighborhood Business District (NB).

- A. Intent. The intent of the Neighborhood Business District is to provide areas within the Town that meet the needs of residential neighborhoods without adversely affecting their character. The regulations of this district allow for the establishment of minor commercial uses and structures that are in harmony with the surrounding neighborhood. Preserving the character of the area, by focusing on aesthetics, public safety and welfare, and pedestrian access, is a high priority and is encouraged to provide an environment that compliments the surrounding land uses.
- B. Permitted uses. The following uses are permitted in the Neighborhood Business (NB) District:
- (1) Principal structures and uses.
 - (a) Retail trade only.
 - [1] Food store under six thousand (6,000) square feet.
 - [2] Bakery and confectionery shops, including the manufacture of baked and confectionery goods primarily for on-site retail sale.
 - [3] Apparel and accessories store.
 - [4] Home furnishing store.
 - [5] Restaurant, sit-down and/or takeout.
 - [6] Drugstore.
 - [7] Liquor store.
 - [8] Antiques and secondhand merchandise store.
 - [9] Book and stationery store.
 - [10] Sporting goods and bicycle store.

- [11] Neighborhood tavern, not exceeding three thousand five hundred (3,500) square feet.
 - [12] Jewelry store.
 - [13] Churches, synagogues and other places of worship.
 - [14] Bait shop.
 - [15] Laundromat, dry, cleaning and dyeing outlets and pickup station.
 - [16] Photographic store.
 - [17] Florist.
 - [18] Cigars and cigarettes shop.
 - [19] Newspaper and magazine shop.
 - [20] Gifts, novelties, sundries and souvenirs shop.
 - [21] Optical goods and sales.
 - [22] Hardware store, not exceeding three thousand five hundred (3,500) square feet.
- (b) Other uses.
- [1] Beauty and barber shop.
 - [2] Apparel repair and alterations and shoe repair shop.
 - [3] Finance, insurance, real estate services and travel agencies.
 - [4] Medical and other health services.
 - [5] Legal, engineering, architecture, educational and scientific research, accounting, auditing and bookkeeping and community planning services.
 - [6] Daycare center, nursery school and other private pre-school facilities. (special use permit required)
 - [7] Art, dance, photography, or music studios.

[8] Printing and photocopying store.

(2) Accessory structures and uses

- (a) Uses and structures customarily incidental to the above.
- (b) Dwelling units not exceeding fifty percent (50%) of the gross floor area of the structure.
- (c) Signs as permitted and regulated in compliance with § 200-29 of this chapter.
- (d) Off-street parking, loading and stacking spaces or structures, as permitted and regulated in compliance with § 200-27 of this chapter.
- (e) Landscaping as regulated in compliance with § 200-28 of this chapter.
- (f) Gasoline pumps incidental to a permitted retail food store or bakery shop.

C. Design regulations

- (1) Maximum lot area: one (1) acre.
- (2) Minimum lot width: fifty (50) feet.
- (3) Minimum yards for structures and parking, loading and stacking areas:

Yard	Structures (feet)	Parking, Loading and Stacking Areas (feet)
Front from right-of-way of a dedicated street	40	30*
Side, abutting a nonresidential district	None; or if separated, a minimum of 10	10*
Rear abutting a nonresidential district	15	10*
Side and rear, abutting a residential district	25	25*

* NOTE: Entire area must be landscaped in compliance with § 200-28 of this chapter.

- (4) Maximum building height: thirty (30) feet.

- (5) Maximum lot coverage: as use, yard and off-street parking, loading and stacking and landscaping requirements permit in compliance with § 200-27 and § 200-28 of this chapter.
- (6) Enclosure. All principal and accessory uses, except signs, landscaping and off-street parking, loading and stacking, shall be conducted within completely enclosed structures.

§ 200-21. General Business District (GB)

- A. Intent. The intent of the General Business District is to establish areas for larger scale commercial operations that provide a wider variety of goods and services. These areas typically have access to major roads and highways that link them to surrounding communities. Consideration to pedestrian and automobile access, traffic congestion, aesthetics, landscaping, adaptive reuse, residential buffering and protection of incompatible uses, and enhancing the overall character of the Town shall be part of any design.
- B. Permitted uses. The following uses are permitted in the General Business (GB) District:
- (1) Principal structures and uses.
 - (a) Any structure and/or use permitted in the Neighborhood Business (NB) District.
 - (b) Department store/supermarket.
 - (c) Variety store.
 - (d) Furniture store.
 - (e) Household fixture, electrical, and appliance sales and/or repair services.
 - (f) Hardware and plumbing sales and service.
 - (g) Farm supply, lawn and garden supply, sales and/or landscape services and retail nurseries.
 - (h) Wholesale store; catalog sales.
 - (i) Motels and hotels.
 - (j) Commercial recreation activities.
 - (k) Shops for custom work for the making of articles to be sold at retail on the premises, provided that such activity shall not produce offensive odors, noise, vibration, heat, glare or dust.
 - (l) Veterinarian office; animal hospital
 - (m) Nursing, assisted living or convalescent homes.

- (n) Funeral homes and mortuaries, with attendant or owner apartment.
 - (o) Retail services.
 - (p) Bar/tavern.
 - (q) Banks and drive-in bank facilities.
 - (r) Lumber and other building materials and services.
 - (s) Business services, including sign company, window cleaning and other dwelling and building services and equipment sales and rental.
 - (t) Motor vehicle washings. (special use permit required)
 - (u) Residential uses in existence at the time this chapter was enacted.
 - (v) Human health care institutions providing out-patient care. (special use permit required)
 - (w) Not-for-profit institutions providing care and protection of persons. (special use permit required)
 - (x) Civic associations, fraternal organizations, private clubs, museums and other places for public assembly.
- (2) Accessory structures and uses.
- (a) Uses and structures customarily incidental to the above.
 - (b) Signs, as permitted and regulated in compliance with § 200-29 of this chapter.
 - (c) Off-street parking, loading and stacking spaces or structures, as permitted and regulated in compliance with § 200-27 of this chapter.
 - (d) Landscaping, as required in compliance with § 200-28 of this chapter.

C. Design regulations

- (1) Minimum lot area: none
- (2) Minimum lot width: none

- (3) Minimum yard setbacks for structures and parking, loading and stacking areas:

Yard	Structures (feet)	Parking, Loading and Stacking Areas (feet)
Front, from right-of-way of a dedicated street	60	30*
Side, abutting a nonresidential district	None; or, if separated, a minimum of 10	10*
Rear, abutting a nonresidential district	15	10*
Side and rear, abutting a residential district	25	25*

* NOTE: The entire area must be landscaped in compliance with § 200-28 of this chapter.

- (4) Minimum interior building separation: thirty (30) feet.
- (5) Maximum building height: thirty-five (35) feet.
- (6) Maximum lot coverage: as use, yard, off-street parking, loading and stacking areas and landscaping requirements permit in compliance with § 200-27 and § 200-28 of this chapter.
- (7) Enclosure. All principal and accessory uses except signs, landscaping and off-street parking, loading and stacking, shall be conducted within completely enclosed structures. The outdoor sale of merchandise shall require a permit from the Building Department.

§ 200-22. Motor Vehicle Service District (MS).

- A. Intent. It is the intent of the Motor Vehicle Service District to establish limited areas within the Town for the location of commercial uses designed to provide vehicular-related goods and services.

- B. Permitted uses. The following uses are permitted in the Motor Vehicle Service (MS) District:
 - (1) Principal structures and uses.
 - (a) Warehousing and storage facilities.
 - (b) Tire, battery and other automotive parts and accessories and sales.
 - (c) Gasoline service stations and truck stops. (special use permit required)
 - (d) New or used automobile, farm equipment, boat and trailer sales, rental, repair, and services. (special use permit required)
 - (e) Motor vehicle washings. (special use permit required)

 - (2) Accessory structures and uses.
 - (a) Uses and structures customarily incidental to the above.
 - (b) Signs, as permitted and regulated in compliance with § 200-29 of this chapter.
 - (c) Off-street parking, loading and stacking spaces or structures, as permitted and regulated in compliance with § 200-27 of this chapter.
 - (d) Landscaping, as required in compliance with § 200-28 of this chapter.

- C. Design regulations.
 - (1) Minimum lot area: one (1) acre.
 - (2) Minimum width of lot abutting a dedicated street: one hundred (100) feet.

(3) Minimum yards for structures and parking, loading and stacking areas:

Yard	Structures (feet)	Parking, loading and Stacking Areas (feet)
Front, from right-of way of a dedicated street	60	20*
Side and rear, abutting a residential district	50	25*
Side and rear, abutting a nonresidential district	25	10*

* NOTE: The entire area must be landscaped in compliance with § 200-28 of this chapter.

- (4) Minimum interior building separation : thirty (30) feet.
- (5) Maximum structure height: thirty-five (35) feet.
- (6) Maximum lot coverage: as use, yard, off-street parking, loading and stacking areas and landscaping requirements permit or require in compliance with § 200-27 and § 200-28 of this chapter.

§ 200-23. Provisions applicable to all business districts.

- A. Side yard on corner lots. The shorter line abutting a street on a corner lot is the front lot line. The width of the side yard setback on the street shall be not less than the front yard setback, and the interior side yard shall comply with the minimum regulations for the district.
- B. Lighting. Lighting facilities shall be arranged so that adjoining properties and streets are protected from glare and hazardous interference of any kind. In no instance shall lighting standards exceed twenty-five (25) feet in height.
- C. Enclosure of waste materials. All waste materials, including garbage and trash, shall be stored in covered containers in a screened or enclosed area.
- D. Supplemental front yard regulations in Neighborhood Business (NB) and General Business (GB) Districts. Where fifty percent (50%) or more of the aggregate street frontage on one (1) side of a street between the two (2) successive intersecting streets is occupied by the buildings of the type and use permitted in the district, the minimum front yard of a lot to be developed shall be the average setback distance of existing buildings on the lots on either side.
- E. Minimum building separations. Except where a greater requirement has been established under the regulations for the district, separated buildings within the business districts shall not be located within ten (10) feet of each other.
- F. Outdoor display of merchandise.
 - (1) Outdoor display of merchandise is allowed as an accessory use in all business districts but not within parking, loading and stacking areas.
 - (2) Seasonal fruit and vegetable stands.
 - (a) Seasonal fruit and vegetable stands requiring any structure shall be required to obtain a building permit.
 - (b) Seasonal fruit and vegetable sellers or any other hawker-or peddler-type use operated from the rear of a vehicle or trailer shall be required to obtain a license as required under Chapter 144, Peddling and Soliciting.

**ARTICLE VII
Industrial Districts**

§ 200-24. Light Industrial District (LI)

- A. Intent. The intent of the Light Industrial District is to provide areas within the Town for the location of light industrial, manufacturing, assembly, compounding, processing, fabrication, and packaging facilities, wholesale warehouses and storage facilities, and research, development and laboratory facilities. Finished goods produced in these districts shall be from previously prepared materials that were refined elsewhere. This district is for selective uses that do not adversely impact the environment and quality of life of the residents and property owners of the Town, or create an impact that is injurious to public health, safety or general welfare.
- B. Permitted uses. The following uses are permitted in the Light Industrial District (LI):
- (1) Principal structures and uses.
 - (a) Any structure and/or use permitted in the Motor Vehicle Service District (MS), except that § 200-21 B (1) (c), (d) and (e) shall require a special use permit.
 - (b) Administrative and general offices.
 - (c) Research-development facilities: experimental, research and testing facilities, including but not limited to, the construction and operation of small-scale experimental and pilot plant operations; production operations if ancillary to or resulting from a permitted experimental, research or testing operation.
 - (d) Compounding, manufacturing and assembly of:
 - [1] Electrical equipment and appliances.
 - [2] Household items, furniture and furnishings; office equipment furniture and furnishings.
 - [3] Musical, scientific, medical, dental and photographic instruments, equipment and supplies.
 - [4] Recreational equipment and toys.
 - [5] Clothing and other textile products.

- [6] Pharmaceutical products, cosmetics and toiletries.
- [7] Panels, sheets, tubes and rods.
- [8] Automobile and boating accessories from previously prepared materials.
- [9] Web printing, and job and newspaper printing, bookbinders and engraving.
- [10] Food and beverage products.
- [11] Airport or private airstrip (special use permit required)
- (e) Warehousing, storage services and distribution centers.
- (f) Public utility stations or exchanges.
- (g) Fire stations.
- (h) Agricultural businesses and industries.
- (i) Contracting or construction services.
- (j) Motels and hotels.
- (2) Accessory structures and uses.
 - (a) Uses and structures customarily incidental to the above.
 - (b) Storage of raw materials used in production and finished products.
 - (c) Retail sale of products manufactured, compounded or assembled on the premises, occupying not more than fifteen percent (15%) of the gross floor area of the principal structure.
 - (d) Signs as permitted and regulated in compliance with § 200-29 of this chapter.
 - (e) Off-street parking, loading and stacking spaces or structures, as permitted and regulated in compliance with § 200-27 of this chapter.
 - (f) Landscaping as regulated in compliance with § 200-28 of this chapter.

C. Design regulations.

- (1) Minimum lot area: one (1) acre.
- (2) Minimum lot width: one hundred (100) feet.
- (3) Access. Buildings and land shall either abut a dedicated street or be arranged in groups or clusters so that groups or clusters abut a dedicated street for the required lot width, provided that:
 - (a) Each building is accessible by means of a private drive for service and emergency vehicles.
 - (b) The standards of design and construction for private streets meet applicable Town specifications for public streets unless modified by the approved site plan.
 - (c) The location, design and construction of all utilities meet all applicable specifications and are adequate to serve the needs of the group or cluster.
 - (d) The procedures for the preservation and maintenance of all private drives and pedestrian ways comply with all applicable laws.
- (4) Enclosure. All manufacturing or processing activities shall be completely enclosed in buildings.
- (5) Outdoor storage is not permitted in any front yard. Outdoor storage may be permitted in a side or rear yard abutting a residential district or other yard abutting a front yard of an adjacent parcel. Permitted outdoor storage areas shall be screened from adjacent parcels and shall not exceed sixteen (16) feet in height or be closer than fifty (50) feet to any property line.

(6) Minimum yards for structures and parking, loading and stacking areas:

Yard	Height of Structure		Parking, Loading and Stacking Areas (feet)
	30 Feet or Less	Over 30 Feet**	
Front, from right-of-way of a dedicated street	40	75	25*
Side and rear, abutting a residential district	50	75	50*
Side and rear, abutting a nonresidential district	15	25	10*

NOTES:

* The entire area must be landscaped in compliance with § 200-28 of this chapter.

** Special use permit required.

- (7) Interior minimum building separation: thirty (30) feet.
- (8) Maximum lot coverage: as use, yard, off-street parking, loading and stacking and landscaping requirements permit in compliance with § 200-27 and § 200-28 of this chapter.
- (9) Maximum structure height: sixty-five (65) feet.

§ 200-25. General Industrial District (GI)

- A. Intent. It is the intent of the General Industrial District to provide locations within the Town for the location of heavier manufacturing and processing facilities and uses. Such uses and facilities would involve the processing and manufacturing of materials and products from extracted or raw materials and the outdoor storage and shipment by heavy truck or rail of raw and finished products and materials. No industrial use shall be permitted in this district that engages in the storage and manufacturing of explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized noxious or highly offensive conditions by reason of emission of odor, dust, fumes, smoke, gas, vibration or noise.
- B. Permitted uses. The following uses are permitted in General Industrial the (GI) District:
- (1) Principal structures and uses.
 - (a) Principal structures and uses permitted in the Light Industrial (LI) District .
 - (b) Principal structures and uses permitted in the Motor Vehicle Service (MS) District, except that § 200-21 B (1) (c) and (d) shall require a special use permit.
 - (c) Other industrial processes: blending, mixing and packaging of disinfectants, insecticides, fungicides, ink, soap, detergents and related household and industrial chemical compounds, but excluding the preparation of any primary acids or other primary chemicals.
 - (d) Railroad freight yard.
 - (e) Concrete products mixing and manufacturing. (special use permit required)
 - (f) Processing or treatment of bituminous products. (special use permit required)
 - (g) Metal casting and foundry products. (special use permit required)
 - (h) Brewing or distilling of beverages. (special use permit required)
 - (i) Adult entertainment. (special use permit required)
 - (2) Accessory structures and uses.

- (a) Uses and structures customarily incidental to the above.
- (b) Signs, as permitted in compliance with § 200-29 of this chapter.
- (c) Off-street parking, loading and stacking spaces or structures, as permitted and regulated in compliance with § 200-27 of this chapter.
- (d) Landscaping as required in compliance with § 200-28 of this chapter.
- (e) Retail sale of products manufactured, compounded or assembled on the premises, occupying not more than fifteen percent (15%) of the gross floor area of the principal structure.

C. Design regulations.

- (1) Minimum lot area: one (1) acre.
- (2) Minimum lot width: one hundred (100) feet.
- (3) Access. Buildings and land shall either abut a dedicated street or be arranged in groups or clusters so that groups and clusters abut a dedicated street for the required lot width, provided that:
 - (a) Each building is accessible by means of a private drive for service and emergency vehicles.
 - (b) The standards of design and construction for private streets meet applicable Town specifications for public street unless modified by the approved site plan.
 - (c) The location, design and construction of all utilities meet all applicable specifications and are adequate to serve the needs of the group or cluster.
 - (d) The procedures for the preservation and maintenance of all private streets and pedestrian ways comply with all applicable laws.
 - (e) Outdoor storage is not permitted in any front yard. Outdoor storage may be permitted in a side or rear yard abutting a residential district or other yard abutting a front yard of an adjacent parcel. Permitted outdoor storage areas shall be screened from adjacent parcels and shall not exceed sixteen (16) feet in height or be closer than fifty (50) feet to any property line.

(4) Minimum yards for structures and parking, loading and stacking areas:

Yard	Height of Structure		Parking, Loading and Stacking Areas (feet)
	30 Feet or Less	Over 30 Feet**	
Front, from right-of-way of a dedicated street	40	75	25*
Side and rear, abutting a residential district	50	75	50*
Side and rear, abutting a nonresidential district	15	25	10*

NOTES:

- * The entire area must be landscaped in compliance with § 200-28 of this chapter.
- ** Special use permit required.

- (5) Interior minimum building separation: thirty (30) feet.
- (6) Maximum lot coverage: as use, yard and off-street parking, loading and stacking and landscaping requirements permit in compliance with § 200-27 and § 200-28 of this chapter.
- (7) Maximum structure height: sixty-five (65) feet.

D. Adult entertainment standards.

- (1) Intent. In order to promote the health, safety, morals and general welfare of the residents of the town, this section is intended to restrict adult uses to non-residential, non-business and non-commercial areas of the town and otherwise regulate their operation while providing for the location of the same within the town. Moreover, in that the operational characteristics of adult uses increase the deleterious impact on a community when such uses are concentrated, this section is intended to promote the health, safety, morals, general welfare and good order of the residents of the town by regulating the concentration of such uses.
- (2) Permitted uses. Principal structures and uses, retail sales only.
 - (a) Adult bookstores.
 - (b) Adult motion-picture theaters.
 - (c) Adult mini-motion-picture theaters.
 - (d) Businesses licensed to sell beer, wine and/or liquor in which nude or seminude performers or employees are employed.

- (e) Massage parlors.
 - (f) Adult retail novelty shop.
- (3) Design regulations.
- (a) Minimum lot area: two (2) acres.
 - (b) Minimum lot width: none.
 - (c) Minimum yards for structures and parking, loading and/or stacking.

Yard	Structure (feet)	Parking, Loading and/or Stacking (feet)
Front, from right-of-way of a dedicated street	112	50*
Side, abutting a non- residential district	112	50*
Rear, abutting a non- residential street	112	50*
Side and rear, abutting a residential district	Not permitted	Not permitted

* NOTE: Entire area must be landscaped with conifers and deciduous trees in equal proportions, at a spacing of not more than twenty-five (25) feet on center. Trees shall have a minimum caliper of two and one-half (2 1/2) inches one (1) foot above finished grade.

- (d) Maximum building height: twelve (12) feet.
 - (e) Maximum lot coverage: as use, yard, off-street parking, loading and stacking and landscaping requirements permit.
 - (f) Enclosure. All principal and accessory uses, except signs, landscaping and off-street parking, shall be conducted within a completely enclosed structure.
- (4) General provisions. The following provisions apply to all adult entertainment uses unless otherwise indicated and shall supersede conflicting regulations for those districts:
- (a) Any adult entertainment uses shall be permitted, provided that any property line of use shall:

- [1] Not be any closer than one thousand (1,000) feet to any residential district.
- [2] Not be any closer than one thousand five hundred (1,500) feet to any place of public assembly.
- [3] Not be closer than five hundred (500) feet to any other adult entertainment use establishment

(b) Prohibition regarding public observation. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, from any public way. This provision shall apply to any display, decoration, sign, show window or other opening.

(5) Special use permit.

(a) No use as described in this subsection shall be established until a special use permit is obtained from the Town Board pursuant to § 200-45 of this chapter. Application for such a special use permit shall be in writing to the Town Board and shall consist of a description of the premises for which the permit is sought and a plain and concise statement of the use which is proposed, stating specifically that minors shall be prohibited from entering the premises, and such additional information as shall be required by the Town Board.

(b) A special use permit issued under the provisions of this subsection shall not be transferable.

(6) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

ADULT BOOKSTORE—An establishment having as a substantial or significant portion of its sales books, magazines, films for sale or viewing on the premises, by the use of motion-picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

ADULT ENTERTAINMENT CABARET—A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers and/or bottomless dancers, strippers, male

or female impersonators or similar entertainers or employees appearing in a bottomless and/or topless manner of dress.

ADULT MINI-MOTION-PICTURE THEATER— An enclosed building with a capacity of fewer than fifty (50) persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT MOTION-PICTURE THEATER—An enclosed building with a capacity of fifty (50) or more persons used for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT RETAIL NOVELTY SHOP—Any business which has as a primary stock sexually oriented goods, products or novelties.

BOTTOMLESS—Any manner of dress in which a person appears with less than completely and opaquely covered human genitals and/or pubic region.

MASSAGE PARLOR—Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fermentations, electric or magnetic treatments or any other treatment or manipulation of the human body occurs as part of or in connection with specified sexual activities or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

PERSON— Any person, firm, partnership, corporation, association or legal representation acting individually or jointly.

SPECIFIED ANATOMICAL AREAS:

- (a) Less than completely and opaquely covered human genitals, pubic region or female breast below a point immediately above the top of the areola.
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

- (a) Human genitals in a state of sexual stimulation or arousal.
- (b) Acts of human masturbation, sexual intercourse or sodomy.

- (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- (d) Acts of a nature involving the sexual touching of humans and animals.

TOPLESS—Any manner of dress in which a female appears with the breast region exposed below a point immediately above the top of the areola.

E. Amusement centers or arcades.

- (1) Intent. In order to promote the health, safety, morals and general welfare of the residents of the Town of Evans, this subsection is intended to restrict amusement centers or arcades to nonresidential, non-business and non-commercial areas of the town and otherwise regulate their operation, while providing for the location of the same within the Town of Evans. Moreover, in that the operational characteristics of such uses increase the deleterious impact on a community when such uses are concentrated, this subsection is intended to promote the health, safety, morals, general welfare and good order of the residents of the town by regulating the concentration of such uses.
- (2) Permitted uses. Principal structures and uses, retail sales only.
 - (a) Amusement centers or arcades in which are contained electronic or other mechanical games or devices which are activated by the insertion of coins or other mediums of exchange and are principally intended for the enjoyment of the person playing or operating the game or device.
- (3) Design regulations.
 - (a) Minimum lot area: two (2) acres.
 - (b) Minimum lot width: none.

- (c) Minimum yards for structures and parking, loading and/or stacking:

Yard	Structure (feet)	Parking, Loading and/or Stacking (feet)
Front, from right-of-way of a dedicated street	112	50*
Side, abutting a non- residential district	112	50*
Rear, abutting a non- residential street	112	50*
Side and rear, abutting a residential district	Not permitted	Not permitted

* NOTE: Entire area must be landscaped with conifers and deciduous trees in equal proportions, at a spacing of not more than twenty-five (25) feet on center. Trees shall have a minimum caliper of two and one-half (2 1/2) inches one (1) foot above finished grade.

- (d) Maximum building height: twelve (12) feet.
- (e) Maximum lot coverage: as uses, yard and off-street parking, loading and stacking and landscaping requirements permit.
- (f) Enclosure. All principal and accessory uses, except signs, landscaping and off-street parking, shall be conducted within a completely enclosed structure.
- (4) General provisions. The following provisions apply to all amusement center or arcade uses unless otherwise indicated and shall supersede conflicting regulations for those districts:
- (a) Any amusement center or arcade use shall be located within the GI Zoning District.
- (b) Any amusement center or arcade use shall be permitted, provided that any property line of use shall:
- [1] Not be closer than one thousand (1,000) feet from any residential district.
 - [2] Not be any closer than one thousand five hundred (1,500) feet from any place of public assembly.
 - [3] Not be closer than five hundred (500) feet from any other amusement center or arcade establishment.

(5) Special use permit.

- (a) No use as described in this subsection shall be established until a special use permit is obtained from the Town Board pursuant to § 200-45 of this chapter. Application for such a special use permit shall be in writing to the Town Board and shall consist of a description of the premises for which the permit is sought and a plain and concise statement of the use which is proposed, stating specifically that minors shall be prohibited from entering the premises, and such additional information as shall be required by the Town Board.
- (b) A special use permit issued under the provisions of this subsection shall not be transferable.

§ 200-26. Provisions applicable to all industrial districts.

- A. Supplementary height regulations. Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified, provided that such mechanical space is set back a minimum of fifteen (15) feet from any exterior wall, does not exceed fifteen (15) feet in height and is screened from view.
- B. Boundary treatment where adjoining a residential area. Fences, walls, plantings or other screening materials shall be provided.
- C. Performance standards. Any use established in a Light Industrial or General Industrial District after the effective date of this chapter shall comply with the performance standards set forth hereinafter for the district in which such use shall be located as a precedence to occupancy and use. Any use already established in such districts shall not be altered, added to or otherwise modified so as to conflict with or further conflict with the performance standards set forth hereinafter for the district in which such use is located as a precedence to further use. The town may select and arrange for an independent survey by a person qualified in the particular field to determine whether or not any structure or use complies with the performance standards, and the costs for such service shall be paid by the owner or user.
 - (1) Dust and smoke. The emission of smoke, soot, fly ash, fumes, dust and other types of air pollution borne by the wind shall be controlled so that the rate of emission and quantity deposited shall not be detrimental to, or endanger, the public health, safety, comfort or welfare, or adversely affect property values.
 - (2) Glare and heat. Any operation producing glare or heat shall be conducted in such a manner that the glare or heat shall be completely imperceptible from any point along a lot line.
 - (3) Fissionable, radioactive or electrical disturbance. No activities shall be permitted which utilize fissionable or radioactive materials if their use results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground or sewage systems, and no activities shall be permitted which emit electrical disturbance affecting the operation of any equipment other than that of the creator of such disturbance.
 - (4) Liquid and solid wastes. All liquid waste disposal shall conform to county, state and federal standards. All solid waste materials, including garbage and trash, shall be stored in covered containers.

- (5) Lighting. Lighting facilities shall be arranged so that adjoining properties and streets are protected from glare and hazardous interference of any kind. In no instance shall lighting standards exceed twenty-five (25) feet in height.
- (6) Noise. The sound-pressure level as measured at the edge of a lot and which is produced by a mechanical, electrical or vehicular operation on the lot, where said lot is adjacent to a residential area as measured over a period of twenty-four (24) hours. In any event, no sound shall have objectionable intermittence, volume, beat frequency or shrillness characteristics.
- (7) Odorous matter. The emission of odorous matter so as to produce a public nuisance beyond the lot occupied by the use shall not be permitted.
- (8) Toxic or noxious matter. The emission of toxic, noxious or corrosive fumes or gases which would be injurious to property, vegetation, animals or human health at or beyond the boundaries of the lot occupied by the use shall be permitted.
- (9) Vibration. Every use shall be operated that consistent ground vibration inherently and recurrently generated by said use is not perceptible, without instruments, at any point along any property line of the lot on which the use is located.
- (10) Side yard on corner lots. The shorter line abutting a street on a corner lot is the front lot line. The width of the side yard setback on the street shall be not less than the front yard setback, and the interior side yard shall comply with the minimum regulations of the district.

(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, designated as local law No. 7 of 2000 of the (County)(City)(Town)(Village) of Evans was duly passed by the Town Board on July 5, 2000, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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, designated as local law No. _____ 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 _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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, designated as local law No. _____ 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been 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 hereto, designated as local law No. _____ 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 paragraph _____, above.

Carol A. Spraney

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

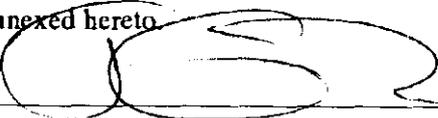
(Seal)

Date: July 6, 2000

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature

Town Attorney
Title

County
City of Evans
Town
Village

Date: July 6, 2000