

TOWN OF EVANS

**PROPOSED LOCAL LAW NO. 9 OF CALENDAR YEAR 2017, AS AMENDED,
2018-01-25**

Section 200: Zoning

1. Amend Section 200-4(B): Provision of Official Zoning Map, to rezone all properties in the Town of Evans designated as Motor Vehicle Service District (MS) to General Business District (GB) on the official zoning map, to read as follows:

§200-4. Districts established; Zoning Map.

- A. In order to carry out the purpose, intent and objective of this chapter, the Town is hereby divided into the following districts, which shall be designated on the official Zoning Map by symbols and boundaries, said districts to be known as:

[Amended 11-1-2006 by L.L. No. 10-2006]

- (1) Business districts:

NB Neighborhood Business District
GB General Business District
[Remove] MS Motor Vehicle Services District

2. Incorporate the associated Permitted Uses and Accessory Structures and Uses designated in Section 200-22, Motor Vehicle Service District (MS), specifically Sections 200-22(B)(1) and 200-22(B)(2), respectively, into Section 200-21, General Business District (GB), specifically Sections 200-21(B)(1) and 200-21(B)(2), respectively, with the related sections to read as follows:

§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.

TOWN OF EVANS

PROPOSED LOCAL LAW NO. 9 OF CALENDAR YEAR 2017, AS AMENDED, 2018-01-25

- 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 services
- 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 facilities, including outpatient services (special use permit required). [Amended 5-26-2010 by L.L. No. 1-2010]
- w. Other institutions providing care and protection of persons (special use permit required). [Amended 5-26-2010 by L.L. No. 1-2010]
- x. Civic associations, fraternal organizations, private clubs, museums and other places for public assembly.
- y. Tires, battery and other automotive parts and accessories and sales. [Added 2-3-2016 by L.L. No. 1-2016]
- z. Self-storage facilities
- aa. Warehousing (special use permit required)
- bb. Gasoline service stations and truck stops (special use permit required)

TOWN OF EVANS

**PROPOSED LOCAL LAW NO. 9 OF CALENDAR YEAR 2017, AS AMENDED,
2018-01-25**

cc. New or used automobile, farm equipment, boat and trailer sales, rental, repair and services (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.
- e. Restaurants and restaurant services.
[Added 11-1-2006 by L.L. No. 10-2006]
- f. Convenience store.
[Added 1-16-2013 by L.L. No. 1-2013]
- g. Finance, Insurance, legal, real estate services and travel agencies.
[Added 2-3-2016 by L.L. No. 1-2016]

C. Design Regulations.

- (2) Minimum lot area: none.
- (3) Minimum width of a lot abutting a dedicated street: 100 feet
[Amended 5-26-2010 by L.L. No 1-2010]
- (4) Minimum yard setbacks for structures and parking, loading and stacking areas:
[Amended 5-2-2012 by L.L. No 1-2012]

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

TOWN OF EVANS

**PROPOSED LOCAL LAW NO. 9 OF CALENDAR YEAR 2017, AS AMENDED,
2018-01-25**

	A minimum of 10	
Rear, abutting a nonresidential district	15	10*
Side and rear, abutting a residential district	25	25*
Uses with a Special use permit required		
Front, from right-of-way of a dedicated street	60	20
Side and Rear, abutting a nonresidential district	25	10
Side and rear, abutting a residential district	50	25

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

- (4) Minimum interior building separation: 30 feet.
- (5) Maximum building height: 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.

2. Amend all references to Motor Service (MS) to General Business (GB), with the related sections to read as follows:

§200-24. Light Industrial District (LI).

B. Permitted Uses. The following uses are permitted in the Light Industrial District (LI):

- (1) Principal Structures and uses.

TOWN OF EVANS

PROPOSED LOCAL LAW NO. 9 OF CALENDAR YEAR 2017, AS AMENDED,
2018-01-25

- a. Self Storage Facilities
- b. Gasoline service stations and truck stops (special use permit required)
- c. New or used automobile, farm equipment, boat and trailer sales, rental, repair and services (special use permit required)
- d. Administrative and general offices
- e. 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.
- f. Compounding, manufacturing and assembly of:

§200-25. General Industrial District (GI).

B. Permitted uses. The following uses are permitted in the General Industrial (GI) District:

(1) Principal Structures and uses.

(a) Principal structures and uses permitted in Light Industrial (LI) District.

(b) Principal Structures and uses permitted in General Business (GB) **§200-21B(1) t, z, aa, bb and cc**; except that **§200-21B(1)(t), (aa), (bb) and (cc)** shall require a special use permit.

§200-52. Where permitted, approvals and bulk requirements.

B. Non co-located/new structure antennas. An antenna that will not be mounted on an existing structure as defined above or is more than 50 feet higher than the existing structure on which it is mounted is permitted in accordance with the following regulations:

2. Zoning districts, approvals and bulk requirements:

- (b) A-OS, R-A, and GB [remove MS] Zoning Districts: site plan review and a tower special permit as set forth in §200-53. The tower must be set back a minimum of the height of the tower from any residentially zoned property or any front yard line and be a

TOWN OF EVANS

**PROPOSED LOCAL LAW NO. 9 OF CALENDAR YEAR 2017, AS AMENDED,
2018-01-25**

minimum of 500 feet, from any residential dwelling, school or historic structure. Towers exceeding 175 feet in height in commercial (A-OS, RA and GB [remove MS]) Zoning Districts shall be treated as Type 1 Actions under the State Environmental Quality Review Act (SEQRA).
[Amended 11-1-2006 by L.L. No. 10-2006]

§200-54. Telecommunications facility permit standards.

A. Siting preferences.

- (1) The Town may express a preference that the proposed telecommunications facility be located in a higher-intensity use district or an higher-intensity use property, provided that there is a technologically feasible and available location. A guideline for the town's preference, from most favorable to least favorable districts/property, is as follows:
- a. Property with an existing structure suitable for collocation
 - b. Municipal- or government-owned property.
 - c. LI and GI Districts
 - d. A, R-A and GB [remove MS] Districts
 - e. NB or (R-R, R-1, R-1-L, R-2, MFR-4 and MHR-5) Residential Districts and Historic Districts and important preservation/conservation areas.

[Amended 11-1-2006 by L.L. No. 10-2006]

3. Delete Section 200-22, Motor Vehicle Service District (MS).

TOWN OF EVANS

**PROPOSED LOCAL LAW NO. 9 OF CALENDAR YEAR 2017, AS AMENDED,
2018-01-25**

Addendum A

TOWN OF EVANS AFFECTED MOTOR SERVICE PROPERTIES; MOTOR SERVICE DISTRICT TO BE ELIMINATED AND USES TO BE ABSORBED INTO THE GENERAL BUSINESS DISTRICT

SBL	ADDRESS		SBL	ADDRESS	
251.00-3-33	0	SOUTHWESTERN BLVD	220.19-1-4	8320	ERIE RD
251.00-2-16	9725	SOUTHWESTERN BLVD	220.19-1-3	8316	ERIE RD
251.00-2-21	9712	SOUTHWESTERN BLVD	220.15-1-21	8175	ERIE RD
251.00-2-20	9702	SOUTHWESTERN BLVD	220.00-2-13.1	8120	ERIE RD
252.00-1-41	1303	PONTIAC RD	207.00-4-21.3	0	SOUTHWESTERN BLVD
252.00-1-36	9579	SOUTHWESTERN BLVD	207.00-4-12	0	SOUTHWESTERN BLVD
251.05-1-58	9336	Erie Rd	207.00-4-13	7611	SOUTHWESTERN BLVD
235.00-3-21	9320	Erie Rd	206.00-5-14	7312	ERIE RD
235.00-3-25.1	9297	ERIE RD	206.07-2-19	6919	ERIE RD
235.00-3-19	9268	ERIE RD	206.07-2-15	6889	ERIE RD
235.18-1-5	9073	ERIE RD	192.20-9-36	6868	ERIE RD
235.18-1-6	9065	ERIE RD	192.20-6-1.1	6777	ERIE RD
235.18-1-9	0	LAKE ST	192.20-4-9	6788	ERIE RD
235.18-1-8	0	LAKE ST	192.20-4-8	6750	PUTNAM DR
235.18-1-7	9059	ERIE RD	192.20-5-7.1	6749	PUTNAM DR
235.00-2-5.2	8890	ERIE RD	192.20-5-10	6774	ERIE RD
235.11-4-8	8700	NORTH MAIN ST	192.20-5-11	0	REVERE DR
235.11-4-7	8696	NORTH MAIN ST	192.20-5-22	6766	ERIE RD
235.11-4-6	8686	NORTH MAIN ST	192.20-8-8.1	6817	ERIE RD
235.01-1-19.1	8588	ERIE RD	251.00-3-11.112	9986	SOUTHWESTERN BLVD
235.06-2-1	8587	ERIE RD	251.00-3-47	9996	SOUTHWESTERN BLVD
235.01-1-18.11	8572	ERIE RD	251.00-3-46.2	9984	SOUTHWESTERN BLVD
235.01-1-7	8542	ERIE RD	251.00-3-10.1	9975	HARDPAN RD
221.00-3-16.2	8555	SOUTHWESTERN BLVD			
220.19-5-15.22	0	BENNETT RD			
220.19-5-15.1	0	BENNETT RD			
220.19-5-13.1	0	BENNETT RD			
220.19-2-8.1	0	BENNETT RD			