

Chapter 200. Zoning

Article VI. Business Districts

§ 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).

- (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) Tire, battery and other automotive parts and accessories and sales.
[Added 2-3-2016 by L.L. No. 1-2016]
- (z) Self-storage facilities (a.k.a. public mini-storage). Self-storage units shall not be visible from the highway, and the following options can be utilized to accomplish this:
[Added 4-18-2018 by L.L. No. 1-2018]
 - [1] A landscaped berm, solid architectural fence or wall can be added in the front yard. These shall be of a height to sufficiently screen the units.
 - [2] Full-scale buildings (with approved architectural style) that include offices or other approved uses along with components listed in Subsection **B(1)(z)[1]** can be utilized to screen the units.
- (aa) Dog day-care facilities.
[Added 7-17-2019 by L.L. No. 7-2019]

[1] Definition. As used in this subsection, the following terms shall have the meanings indicated:

DOG DAY-CARE FACILITY

A commercial facility for the supervised care and socialization of dogs, not to include facilities that provide overnight boarding, breeding or selling of dogs, or facilities whose primary source of revenue is licensed veterinarian services.

[2] Permitted use.

- [a] Dog day-care facilities shall only be permitted in Agriculture and Open Space, Rural Agriculture, General Business Districts.
- [b] All dog day-care facilities shall require the issuance of a special use permit approval pursuant to § **200-45** from the Evans Town Board. The Town Board shall refer all special use permit applications to the Planning Board and Code Enforcement Office for review and recommendations prior to the issuance of site plan approval and the special use permit.

[3] Design criteria.

- [a] Dogs may be groomed, trained, exercised and socialized, but not boarded overnight, bred or sold.
- [b] All activities related to the dog day-care facility shall be undertaken indoors with the exception of short-term outdoor periods for the dogs to relieve themselves.
- [c] Indoor areas designed for dog supervision, training, exercising, socializing, grooming and resting (not to include office, retail, reception and bathrooms) must consist of a minimum 100 square feet per dog.
- [d] Dog day-care facilities may include an accessory use for the retail sale of products related to the operation of the facility.
- [e] Dog day-care facilities shall be soundproofed to the best of the owner's ability to prevent a noise nuisance to surrounding properties. Any and all noise complaints will be reviewed by the Code Enforcement Officer to determine if additional action is required.
- [f] The operation of the facility shall not allow the creation of noise by any animal or animals under its care which can be heard by any person at or beyond the property line of the lot on which the facility is located repeatedly over a ten-minute period.

shall end no later than 11:00 p.m. with no dogs allowed outdoors prior to 7:00 a.m. or after 10:00 p.m.

- [h] Outdoor areas shall be located in either the rear or side yards and a minimum of 100 feet from the nearest residential property line.
- [i] Outdoor areas shall be screened by solid wood, vinyl or masonry fencing or other visual barrier that is six feet high and not to extend into the front yard or past the front line of the building.
- [j] All animal waste must be placed in closed waste disposal containers and collected and disposed of by a qualified waste disposal company at least weekly. Waste receptacles are to be screened appropriately with fencing and/or landscaping from neighboring properties.
- [k] The operator of the facility will be required to maintain all required licenses and permits.

(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.

[Amended 5-26-2010 by L.L. No. 1-2010; 5-2-2012 by L.L. No. 1-2012; 8-17-2016 by L.L. No. 5-2016; 4-18-2018 by L.L. No. 1-2018]

- (1) Minimum lot area: none. Exception: self-storage facility minimum lot area: four acres.
- (2) Minimum width of a lot abutting a dedicated street: 100 feet.
- (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	30	15
Exception: self-storage facilities	300	20
Side, abutting a nonresidential district	None; or, if separated, a minimum of 10	10*
Exception: self-storage facilities	25	
Rear, abutting a nonresidential district	15	10*
Exception: self-storage facilities	25	
Side and rear, abutting a residential district	25	25*
Exception: self-storage facilities	50	

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

- (4) Side and rear setbacks abutting a residential structure, self-storage facility: 100 feet.
- (5) Minimum interior building separation: 30 feet.
- (6) Minimum square feet of interior building storage space: 10,000 square feet.
- (7) Maximum building height: 50 feet. Exception: for self-storage facilities, 35 feet.
- (8) 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.

stacking, shall be conducted within completely enclosed structures. The outdoor sale of merchandise shall require a permit from the Building Department.

Chapter 200. Zoning

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 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 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.

[21] Optical goods and sales.

[22] Hardware store, not exceeding 3,500 square feet.

[23] Farmers market.

(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] Day-care center, nursery school and other private preschool 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 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) Minimum lot size: 1/2 acre.

[Amended 5-26-2010 by L.L. No. 1-2010; 8-17-2016 by L.L. No. 5-2016]

(2) Minimum lot width: 50 feet.

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

Yard	Structures	Parking, Loading and Stacking Areas
	(feet)	(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 chapter.

(4) Maximum building height: 30 feet.

(5) Maximum lot coverage: as use, yard and off-street parking, loading and stacking and landscaping

Chapter 200. Zoning

Article IV. Residential Districts

§ 200-10. Residential District One (R-1).

- A. Intent. The intent of this district is to provide areas within the Town for low-density single-family detached residential development where each dwelling unit must be located on an individual lot of at least 12,150 square feet for sewerred areas. Maximum density will be approximately 3.5 dwelling units per gross acre. For unsewerred areas, each dwelling unit must be located on an individual lot meeting the minimum Erie County Health Department requirements. Maximum density for unsewerred areas will be approximately two dwellings per gross acre, which meets the minimum requirements of the Erie County Health Department.
[Amended 10-2-1996 by L.L. No. 10-1996]
- B. Permitted structures and uses. The following structures and uses are permitted in Residential District One (R-1):
- (1) Principal structures and uses.
 - (a) Single-family detached dwelling units, as defined in the R-R District.
[Amended 11-1-2006 by L.L. No. 10-2006]
 - (b) Common recreational structure or use, provided that:
 - [1] The land is owned by a homeowners' association or other common ownership and is maintained and used only by the members of the association or the owners in common, their families and guests;
 - [2] The members of the association or common owners are residents of the subdivision within which the structure or use is located; and
 - [3] All buildings shall be located at least 75 feet from any adjoining residential lot line and all other structures and uses are at least 25 feet therefrom.
 - (c) A church or synagogue or other place of public worship.
 - (d) A bed-and-breakfast establishment and tourist home. (Special use permit required; see §§ 200-16.1 and 200-45 of this chapter.)
[Added 5-17-2000 by L.L. No. 5-2000; amended 11-1-2006 by L.L. No. 10-2006]
 - (2) Accessory structures and uses.
 - (a) Uses and structures customarily incidental to the above.
 - (b) Home occupations, as permitted and regulated by this chapter.
 - (c) The office of a resident professional, as permitted and regulated by this chapter.
 - (d) Rooming and boarding for not more than three persons.
 - (e) Detached private garages and parking areas.
 - (f) Private recreational uses and structures.
 - (g) Swimming pools, as permitted and regulated by this chapter and other laws.
 - (h) Signs, as permitted and regulated by this chapter.

when accessory to a church, synagogue or other place of public worship.

(j) Off-street parking, loading and stacking, as required by this chapter.

C. Design regulations.

(1) Principal structures and uses.

(a) Minimum lot area per dwelling unit.

[1] Sewered: 12,150 square feet.

[2] Sewered corner lot: 13,500 feet.

[3] No public sewer: 20,000 square feet, the minimum Health Department requirements.

(b) Minimum width of lot abutting a dedicated street.

[1] Public sewer: 90 feet.

[2] Public sewer corner lot: 100 feet.

[3] No public sewer: 125 feet.

(c) Minimum yards.

[1] Front: 40 feet.

[2] Combined sides: 20 feet.

[3] Minimum side: eight feet.

[4] Rear: 35 feet.

(d) Maximum lot coverage by structure: 35%.

(e) Maximum structure height: 30 feet.

(f) Minimum floor area.

[1] One story: 1,200 square feet.

[2] More than one story: 1,600 square feet.

(2) Accessory structures and uses.

(a) Structure location.

[1] From any other structure: 10 feet.

[2] From side lot: five feet.

[Amended 4-17-1996 by L.L. No. 4-1996]

[3] From rear lot: five feet.

(b) Maximum structure height: 16 feet.

(c) Maximum lot coverage, including area covered by the principal structure: 40%.