

LOCAL LAW NO. 5 - 2014

TOWN OF AMHERST COUNTY OF ERIE, STATE OF NEW YORK

A Local Law Amending Chapter 203 of the Code of The Town of Amherst, Zoning Ordinance, Enacted as Local Law No. 6-2006, With Respect to the Addition of a Recreation Conservation (RC) District and Amendment to the Community Facilities (CF) District

Be it enacted by the Town Board of the Town of Amherst as follows:

Section 1. Title

This Local Law shall be referred to as, "A Local Law Amending Chapter 203 of the Code of the Town of Amherst, Zoning Ordinance, Enacted As Local Law No. 6-2006, With Respect To The Addition of a Recreation Conservation (RC) District and Amendment to the Community Facilities (CF) District."

Section 2. Purpose

The purpose of this Local Law shall be to amend Chapter 203 of the Code of the Town of Amherst by creating a new Recreation Conservation (RC) District to provide a special zoning classification primarily for public, private and civic uses related to recreation and conservation; and making associated changes in the existing Community Facilities (CF) District.

Section 3.

Chapter 203 of the Code of the Town of Amherst shall be amended as follows:

- I. Amend the table in Section 1-11-1 as follows:

Special Purpose Districts

AG	Agricultural District
NCD	New Community District
PRD	Planned Residential District
PDD	Planned Development District
CF	Community Facilities District
RC	Recreation Conservation District
TND	Traditional Neighborhood Development District

II. Amend Section 2-4, Specific Terms, as follows:

INDOOR RECREATION FACILITY - An indoor facility designed for sports and recreation activities including, but not limited to, golf, basketball, baseball, football, soccer, ice skating, tennis or swimming.

OUTDOOR RECREATION FACILITY - An outdoor facility designed for sports and recreation activities including, but not limited to, golf, basketball, baseball, football, soccer, ice skating, tennis or swimming.

III. Amend Section 2-5-4B(3) as follows:

(3) When adjacent to a residential district, any building or structure in the MFR-6, MFR-7, OB, GB, MS, SC, RD, GI, AG, CF or RC districts shall be set back one foot for each foot of building height. In no case shall the set back be less than that required for a parcel abutting a nonresidential district. When adjacent to a residential or nonresidential district, any building or structure in the R-R, S-A, and AG districts shall be set back one foot for each foot of building height with a minimum set back of ten feet. No building shall encroach into the vehicle use setback. [Amended 1-16-2007 by L.L. No. 2-2007; 2-4-2008 by L.L. No. 1-2008; 8-1-2011 by L.L. No. 19-2011]

IV. Add the following section:

§5-9 Recreation Conservation District (RC)

5-9-1 Purpose

To provide a special zoning classification primarily for public, private and civic uses related to recreation and conservation.

5-9-2 Principal and Special Uses

A. Permitted Uses and Structures

RC	Permitted	Special Use	Standards
OPEN USES			
No open uses allowed			
RESIDENTIAL USES			
No residential uses allowed			
PUBLIC AND CIVIC USES			
Indoor recreation facilities			
Outdoor recreation facilities	✓		
Outdoor ice-skating facility	✓		
Outdoor tennis, racquetball or handball facility	✓		
Park or open space	✓		

RC	Permitted Special Use		Standards
	Permitted	Special Use	
Place of worship	✓		6-3-3
Public or private golf course and country club		✓	
Public utility service structure or facility		✓	6-3-4
Swimming facility	✓		
Telecommunication facility		✓	§6-7
Wildlife reservation or conservation area	✓		
COMMERCIAL			
No commercial uses allowed			
INDUSTRIAL			
No industrial uses allowed			

B. Dimensional Standards

RC	Principal Use Dimensional Standards	Vehicle Use Area
	Min. lot width	None
	Min. front yard	50 ft. / 15 ft*
	Min. rear yard (abutting residential/nonresidential)	50 ft / 15 ft / 25 ft* / 5 ft*
	Min. side yard (abutting residential/nonresidential)	50 ft / 15 ft / 25 ft* / 5 ft*
	Max. height	65 ft
	Max. building coverage	10 %

* The entire area must be landscaped

5-9-3 Accessory Uses and Structures

A. Permitted Accessory Uses and Structures

RC	Permitted Accessory Uses and Structures	Standards
	Landscaping	§7-2
	Off-street parking, loading, and stacking	§7-1
	Private schools and day-care centers, accredited when required by NYS, when accessory to a place of worship	
	Residence for staff	
	Signs	§7-8
	Other uses and structures customarily incidental to the principal use	

B. Dimensional Standards

The dimensional standards for an accessory use or structure shall be the same as those for the principal use in §5-9-2B.

5-9-4 General Development Standards

- A. 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.

- B. Exterior wall surfaces of buildings shall be of masonry, wood, glass, stone or metal or a combination of these materials. Exterior wall facings and mansard roofs shall not include asbestos or corrugated metal products. Any side or rear wall facing a street, residential district or public or semi-public area shall consist of the same facing materials as the building front.
- C. Interior side or rear yards separating parking, loading and stacking area from lot lines are not required for unified developments.
- D. Development in the RC district shall also comply with the requirements referenced in the table below.

RC General Development Standards	
Off-Street Parking	§7-1
Landscaping and Buffering	§7-2
Site Lighting	§7-3
Outdoor Storage and Display	§7-4
Fences and Walls	§7-5
Access and Circulation	§7-6
Flood Damage Prevention	§7-7
Sign Regulations	§7-8
Performance Standards	§7-9

V. Add to Section 6, Use Regulations:

6-3-6 Archery and Shooting Club, Outdoor

Upon approval of a special use permit by the Zoning Board of Appeals, an archery and shooting club is permitted in accordance with the district use tables in Part 5, subject to the following standards.

- A. The minimum site area shall be 15 acres.
- B. The facility owner shall provide to the Town a hold-harmless agreement signed by all owners of the facility and to remain valid throughout the existence of the club.
- C. The minimum distance from any firing point measured in the direction of fire to the nearest property line shall be a minimum of 500 feet and a minimum of 3,000 feet from any occupied structure.
- D. Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
- E. The facility shall be monitored at all times by an attendant, and no unsupervised clients shall be permitted in any of the shooting areas.
- F. All facilities to be designed and constructed in accordance with nationally recognized guidelines for such facilities, such as the National Rifle Association's The Range Manual: A Guide to Planning and Construction.
- G. All construction of such facilities shall comply with all codes including the Town fire code and building code.
- H. The entire perimeter of all hunting and shooting clubs shall be fenced and signed to reduce the potential for trespassing into firing zones. Warning

signs identifying the range shall be posted around the perimeter of the parcel on which the shooting range is located at minimum intervals of 75 feet.

- I. No sales or consumption of alcoholic beverages shall be permitted on the property.

6-3-7 Outdoor Recreation Facility

An outdoor recreation facility is permitted in accordance with the district use tables in Part 5, provided that the facility is not within 50 feet from an abutting residential district or use.

- VI. Amend the table in Section 7-8-8 as follows:

Sign Area (square feet) per Linear Foot			
District	Under 2 Stories	2 Stories	Over 2 Stories
RD, ST, GI	1.00	1.25	1.50
GB, SC	2.00	2.00	2.00
MS, CS	1.50	1.75	2.00
NB, OB	0.75	1.00	1.25
CF, RC	0.50	0.50	0.50

- VII. Amend Section 7-2-4B as follows:

B. Minimum Impact of Screening Required. The following table and criteria shall be used to determine the level of screening between adjoining land uses. Single Family Residential districts include the R-R, S-A, R-1, R-2, R-3, CR-3A, TR-3 and R-4 districts. Multifamily Residential districts include the MFR-4A, MFR-5, MFR-6, MFR-7 and MHR-8 districts. For circumstances falling outside of these categories, the level of screening required will be determined during site plan review. For the RC district, the amount of screening required will be determined during site plan review. [Amended 2-4-2008 by L.L. No. 1-2008; 12-12-2011 by L.L. No. 30-2011]

Proposed Land Use	Existing Adjacent Zoning					
	SF Res.	MF Res.	Office	Commercial	Industrial	Public and Civic
MF Res.	High	Medium	High	High	High	High

Existing Adjacent Zoning

Proposed Land Use	SF Res.	MF Res.	Office	Commercial	Industrial	Public and Civic
Office	High	High	Low* Medium†	Medium	Medium	Medium
Commercial	High	High	Medium	Low* Medium†	Low* Medium†	Medium
Industrial	High	High	Medium	Low* Medium†	Low* Medium†	Medium
Public and Civic	High	High	Medium	Medium	Medium	Low* Medium†

Key:* = 0-3 acres † = 3+ acres (proposed use)

VIII. Effective August 1, 2014, amend table in Section 5-5-2 as follows:

5-5-2. Principal and Special Uses.

A. Permitted Uses and Structures. [Amended 2-4-2008 by L.L. No. 1-2008]

CF	Permitted	Special Use	Standards
OPEN USES			
No open uses allowed			
RESIDENTIAL USES			
Adult care facility	✓		§ 3-13-2B
Hospice	✓		§ 3-13-2B
Intermediate care facility	✓		§ 3-13-2B
Nursing home	✓		§ 3-13-2B
Residential care center for adults	✓		§ 3-13-2B
Senior citizen housing	✓		§ 3-13-2B
PUBLIC AND CIVIC USES			
Airport	✓		
Cemetery or mausoleum	✓		§ 6-3-1

CF	Permitted	Special Use	Standards
Civic association	✓		
College, university, technical or theological school	✓		
Day-care center	✓		§ 6-3-2
Fraternal organization	✓		
Government structure or use	✓		
Hospital	✓		
Library	✓		
Minor utilities	✓		
Museum	✓		
Non-profit institution providing care and protection of persons	✓		
Place for public assembly	✓		
Place of worship	✓		§ 6-3-3
Private club	✓		
Private park	✓		
Public or private school	✓		
Public utility service structure or facility	✓		
Senior or youth center	✓		
Telecommunication facility		✓	§ 6-7
COMMERCIAL			
Human health care institutions providing in-patient care	✓		
Private parking facility	✓		§ 6-4-8 [Amended 12-19-2011 by L.L. No. 34-2011]
INDUSTRIAL			

CF

Permitted

Special
Use

Standards

No industrial uses allowed

Section 4. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and published pursuant to Sections 130 & 133 of the Town Law and Chapter 28 of the Code of the Town of Amherst.

**Marjory Jaeger
Town Clerk
Town of Amherst
County of Erie, State of New York**

Adopted: February 24, 2014