

W.1

Special Use District (S-1).

W.1.1.

Purpose. The Special Use District is established to encourage the innovative and creative design of office and industrial development and:

1. To promote economic development of the Town of Orchard Park and to increase real estate tax revenue;
2. To maintain good planning and site review principles for new development proposals [i.e., encourage commercial cluster development approaches, reinforce front yard buffers, provide performance standards and more definitive criteria for the special permit process, etc.
3. To attract improved land uses (e.g., professional office/research and development uses) in Orchard Park, and to discourage strip or "ribbon" type of commercial development;
4. To assure environmental protection and preservation, and to preserve the Town's rural character;
5. To minimize the number of access points onto Route 219 and to lessen traffic congestion;
6. To minimize development demands placed on Town services and infrastructure; and
7. To implement proper procedures to assure that future development surrounding the Buffalo Bills Football Stadium (as it may from time to time be called) will be completed in accordance with the above planning objectives.

W.1.2. Dimensional requirements.

1. The Planning Board may grant a special permit to allow lots with not less than 100 feet of frontage.
2. There shall be a landscaped buffer strip comprising a minimum of 25 feet of the front yard and 10 feet of the side yard for all uses. Under no circumstances shall parking be allowed within these required buffer zones. These requirements may not be waived.
3. Parking is allowed in the front yard, provided that there is compliance with the applicable building setback and buffer strip requirements. Parking in the side and rear yards is preferred.

W.1.3. Retail limitation.

The total gross floor area of retail establishments, except restaurants with seating, shall not exceed 75% of the gross square footage of the buildings or structures located on a lot in which any such use is situated, provided that the Planning Board may grant a special permit to increase the gross floor area that is used for such purposes to more than 75% of the gross square footage of any such buildings or structures

W.1.4. Special permit process. Applicants seeking special permits in the S-1 District shall comply with the following standards and requirements:

1. The Planning Board, acting as the special permit granting authority (SPGA), shall obtain with each submission a deposit sufficient to cover any expenses connected with the public hearing and review of the plans. The SPGA is authorized to retain a professional engineer, architect, or landscape architect, or other professional consultant to advise the Board on any or all aspects of the site plan. The cost of these services shall be borne by the applicant.
2. Prior to the required public hearing before the SPGA, the applicant shall meet informally with the Town Board. The Town Board may present its comments to the SPGA before the public hearing date.

W.1.5.

Design guidelines. The development shall be integrated into the existing terrain and surrounding landscape. Building sites shall, to the extent feasible:

1. Minimize use of wetlands, steep slopes, floodplains, and hilltops; and
2. Preserve natural and historic features; and
3. Maximize open space retention; and
4. Minimize obstruction of scenic views from publicly accessible locations; and
5. Minimize tree, vegetation and soil removal, blasting and grade changes; and
6. Screen objectionable features from neighboring properties and roadways; and
7. Minimize demands placed on Town services and infrastructure; and
8. Maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways; and
9. Minimize the obstruction of views from the access ways due to the siting of proposed buildings; and
10. Encourage the use of common driveways.

W.1.6. Design requirements.

1. The development shall be served with adequate water supply and waste disposal systems.
2. The development shall incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased rates of runoff and potential for flooding. Drainage shall be designed so that peak flow rates shall not be increased above pre-development levels, and groundwater recharge is maximized.
3. Building design and landscaping shall be in harmony with the prevailing character and scale of buildings in the neighborhood through the use of appropriate building materials, screenings, and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and to avoid monotony. Proposed buildings shall relate harmoniously to one another.
5. Electric, telephone, cable TV and other such utilities shall be underground except where this cannot be accomplished because it is physically or environmentally not feasible, in which case a waiver from such will be requested by the applicant.
6. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back and/or suitably landscaped.

7. No land use or establishment shall be permitted to produce a strong dazzling light or reflection of that light beyond its lot lines onto neighboring properties or onto any Town way so as to impair the vision of the driver of any vehicle upon that way. All such activities shall also comply with applicable federal and state regulations.

9. Excessive noise at unreasonable hours shall be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume. Hours of operation may be regulated to ensure that the peace and tranquility of abutting residential neighborhoods is maintained.

10. As required by the Planning Board, common driveways shall conform to the requirement in the Town of Orchard Park Subdivision Regulations that 100 feet of frontage shall be designed and constructed to allow for access from abutting lots. An easement allowing for such access (enforceable by the Town) shall be approved by the Planning Board and recorded at the Erie County Clerk with the special permit.

11. Driveways constructed on lots with 100 feet of frontage shall be designed and constructed to allow access from abutting lots. An easement allowing for such access (enforceable by the Town) shall be approved by the Planning Board and recorded at the Erie County Clerk with the special permit.

12. For those uses or activities where the general public may be assembled, the SPGA shall request the Chief of Police to recommend a crowd management plan. It may include requiring the applicant to maintain police details at the site to ensure public safety and convenience. As a condition of the special permit, the SPGA may also require the approved plan to be reviewed and, if necessary, revised from time to time to ensure continual compliance.

X.X. Stadium Overlay District (SOD).

X.X.1. Purpose. It is the purpose of this Section X.Y:

1. To supplement existing zoning regulations to provide regulating flexibility to encourage economic development within the District; and
2. To address the unique pressures and demands of development and the use of property within the District due to the high volume of pedestrian and vehicular traffic generated by uses in this area.

X.X.2. Overlay district. The Stadium Overlay District (SOD) is established as an overlay district and includes that area designated on a map entitled "Stadium Overlay District, Town of Orchard Park, NY" that is on file with the Town Clerk and which, together with any explanatory material thereon, is hereby incorporated in and made a part of these bylaws. This map shall be considered as superimposed over other districts established by these bylaws.

X.X.3. Applicability. Buildings and land uses within the SOD shall be governed by the pertinent regulations within the Special Use (S-1) District, except as modified by the provisions of this Section X.X. Where the base zoning regulations of the Special Use (S-1) District differ from the provisions of this Section X.Y, the provisions of this Section X.Y shall govern.

X.X.4. Permitted uses. The following uses shall be permitted as of right as either primary or accessory uses:

1. All uses permitted as of right in the Special Use (S-1) District.
2. Parking lots, whether paved or unpaved, serving uses with seating or attendance capacities of over 7,500 people, provided that any such parking lot shall comply with the parking standards otherwise set forth herein.
3. Retail establishments, provided that (i) the total gross floor area used for such uses shall not exceed 75% of the gross square footage of the buildings or structures located on a lot in which any such use is situated, and (ii) the Planning Board may grant a special permit to increase the gross floor area that is used for such uses to more than 75% of the gross square footage of any such buildings or structures, and (iii) for the purpose of this provision any such use within a stadium or associated directly with and accessory to a stadium shall not be subject to the total gross floor area restriction.
4. Restaurants with or without seating, including, without limitation, restaurants employing "take out service" and so-called "fast-food restaurants."
5. Stadiums.
6. Sewage treatment plants and sewage treatment facilities.
7. Parking garages, provided that any such parking garage shall comply with all applicable dimensional and other zoning requirements set forth in these bylaws.
8. Offices.
9. Indoor entertainment facilities, housing permanent or temporary events.
10. Entertainment productions for theme-oriented or seasonal entertainment events, temporary in nature, which may be held in an outdoor setting or a combination of an indoor/outdoor setting, provided that no singular event shall exceed 30 days in duration, and that the cumulative number of days in a calendar year for all such events shall not exceed 90 days. No more than one such seasonal or theme-oriented event or production shall occur on a lot at a given time.
11. Hotels.

Notwithstanding the foregoing, the time, duration and event limitations contained herein shall not apply to any of the uses permitted under Section X.X.5, below.

X.X.5. Permitted accessory uses - stadium.

The following uses shall be permitted as accessory uses to the primary use of a lot for a stadium, whether such accessory uses are located on the same lot as such stadium or on an adjacent or contiguous lot under common or affiliated ownership (whether the ownership interest is fee simple or leasehold):

1. Sports-oriented entertainment centers, including, without limitation, National Football League pavilion-type uses, whether permanent or temporary, with vending machines, interactive manual, mechanical, audiovisual, electronic and computer games, equipment or systems and general entertainment facilities.
2. Practice fields, weight-training facilities, practice pavilions and other sports-related structures for similar uses.
3. Access ways (including no more than one limited access way through residential districts) and associated infrastructure, including, but not limited to, drainage, sewer lines and utilities, serving events licensed by the Town Board at a stadium within the District. For (i) all National Football League (or successor) football games, (ii) soccer games, and (iii) six other events, for which tickets will be made available for 50,000 or more attendees (the "permitted events"), the one limited access way through residential districts may be used pursuant to site plan approval granted by the Planning Board and shall be subject to limitations as to time, and the number

and type of vehicles using said access way, pursuant to Section X.X.10.4. For any other stadium event for which greater than 50,000 tickets will be made available, the Planning Board may allow the use of said limited access way through residential districts subject to the issuance of a special permit. When reviewing a request for a special permit, the Planning Board shall employ the criteria detailed in Section 10.4 of these bylaws. Among these and other concerns, the Planning Board shall also review the day(s) of the week the access way is proposed to be open, the proposed hours of operation, the proposed number and types of vehicles to use it, and the general impacts on the neighborhood.

4. Dormitories, provided such use shall be limited to stadium-related purposes.
5. Storage yards, water tanks and towers, cooling towers, emergency generators, water filtration plants and utility facilities and structures, including sewage treatment plants and electric power substations.
6. Passive outdoor recreational uses such as parks and picnic groves.

X.X.6. Dimensional standards.

1. Yards. All yards shall comply with the requirements of Section 4.0 of these bylaws, except that there shall be no minimum front yard, side yard and rear yard requirements applicable to a lot on which is located a stadium, or to a pedestrian crossover located over a street or way, thoroughfare, highway or driveway where the crossover services such a lot.

2. Frontage. The provisions of the frontage requirements for the S-1 District shall apply to lots within the District.

3. Lots: coverage and definition. The maximum impervious surface coverage limitations within the District shall be as follows:

a. Maximum impervious surface coverage shall not exceed 70%, to be measured cumulatively with respect to contiguous or adjacent lots under common or affiliated ownership.

b. For any lot on which a stadium is located, the maximum impervious surface coverage shall not exceed 95%.

c. Notwithstanding any other provisions of these bylaws except Section X.X.6.3.b, above, for the purposes of applying the requirements of these bylaws to the SOD, adjacent or contiguous lots (including lots separated by a public or private street or way, thoroughfare, highway or driveway) under common or affiliated ownership (whether the ownership interest in such lot is fee simple or leasehold) shall be deemed a single lot.

X.X.7. Height. The height limitations of Section 4.0 shall not apply to buildings or structures in the SOD. The height limitations applicable to buildings or structures in the SOD shall be as follows:

1. Section 4.4.1 shall apply to buildings or structures within the SOD.

2. The building height of any structure shall not exceed 70 feet, provided that the Planning Board may grant a special permit pursuant to the requirements of Section X.X.7.5 to authorize any such structure to be constructed to a height in excess of 70 feet but not greater than 150 feet. The building height of any structure, other than a stadium, that is located less than 200 feet from any property line that abuts a residential district shall not exceed 70 feet, provided that the Planning Board may grant a special permit pursuant to the requirements of Section X.X.7.5 to authorize any such structure to be constructed to a height in excess of 70 feet but not greater than 100 feet. Notwithstanding any foregoing provision, the height of stadiums shall not exceed 220 feet in the case of outdoor air stadiums and 280 feet in the case of domed stadiums.

Deviations within the SOD from the height requirements of this Section X.X.7 may be allowed by the Planning Board by issuance of a special permit. When reviewing a request for a special permit, the Planning Board shall employ the criteria detailed in Section 10.4 of these bylaws. Among these and other concerns, the Board shall also consider the proximity of the proposed structure to Routes 20 and 20A and residential abutters, the visual impacts of the proposed

structure, the impacts of the structure on the municipal water supply, the water distribution system, off-street parking impacts, minimum fire flows and the proximity of the structure to other nonresidential buildings.

X.X.8. Buffer strips. Buffer strips shall comply with the applicable minimum requirements set forth in Sections 6.4 and W.0, except that such requirements shall not apply to:

1. Any lot the primary use of which is a stadium, or any pedestrian crossover located over a street or way, thoroughfare, highway or driveway where the crossover services such a lot;
2. The front yard of any lot within 500 feet of the Buffalo Bills Stadium, except that a minimum front yard landscaped strip of 15 feet shall be required, which landscaped strip shall consist of the following visual screening elements:

- a. At least one row of individual shrubs or trees, at least 50% of which shall be large shade trees; and

- b. A three-foot-high earth berm.

3. The access way through residential districts allowed under Section X.X.5.3, except that a minimum buffer strip of 20 feet shall be required along each side of any such access road. It shall contain two rows of shrubs or trees planted six feet on center not less than six feet in height (from the "top of the ball") at the time of occupancy. At least 50% of the shrubs or trees shall consist of evergreens and shall thereafter be maintained by the owner or occupant to provide a dense screen year-round. In addition, fences may be required by the Planning Board. In the areas where such buffer would be within a wetland resource area, such buffer shall comply with and conform to any applicable order of conditions issued by the Town of Orchard Park Conservation Board or the New York State Department of Environmental Conservation.. The Planning Board may require screening and buffer strips and/or designated "no cut/no build" areas that are established under the applicable site plan or special permit process required under these bylaws to have a written deed restriction permanently preserving such. This document shall be submitted for review by the Planning Board and suitable for recording at the Erie County Clerk with any approval.

Deviations within the SOD from the buffering and screening requirements of this Section X.X.8 may be allowed by the Planning Board by issuance of a special permit. When reviewing a request for a special permit, the Planning Board shall employ the criteria detailed in Section 10.4 of these bylaws. Among these and other concerns, the Planning Board shall also consider existing topography in the vicinity of the request, existing vegetation, the proximity of abutting structures and the proposed buffering and landscaping within the area under consideration.

X.X.W. Parking standards and location. Off-street parking in the SOD shall comply with the following standards and location requirements and shall not be subject to the provisions of Section 6.1, except as otherwise provided in this Section X.Y:

1. Table 6-1 shall govern the number of parking spaces required for uses in the SOD; except that there shall be no minimum off-street parking requirement applicable to a stadium use in the District.

2. Section 6.0 of these bylaws shall apply to off-street parking in the SOD.

3. Required off-street parking spaces do not have to be located on the same lot as a proposed use, provided that contracts, easements, agreements or other evidence are presented to the appropriate board to ensure that parking facilities not owned by the applicant will continue to be available.

4. Shared, multi-use parking is permitted in the SOD and will be counted in determining whether a use has the requisite number of spaces.

5. Multi-level parking structures shall be permitted in the SOD, provided that such structures comply with all dimensional and other zoning requirements set forth in these bylaws.

6. Off-street parking spaces are allowed in the front yard of lots with frontage on Routes 20 and 20A, provided that a fifteen-foot landscape strip is maintained in accordance with Section X.X.8.2 of these bylaws.

7. The maximum curb cut for curb cuts in the SOD shall not exceed 40 feet in width unless (i) otherwise required by nonlocal regulations and/or approved by the New York Department of Transportation (NYSDOT) or (ii) recommended by a traffic engineer selected by the applicant in connection with the development of the property based on a traffic engineering study compiled by such engineer.

All parking spaces shall be suitably marked with striping.

The surfacing requirements for parking lots within the SOD shall be as follows:

a. All parking areas serving a stadium or mercantile or retail uses associated directly with and accessory to such stadium shall either be paved with bituminous concrete or cement concrete or shall be surfaced with a minimum of six inches of densely graded crushed stone, crushed gravel or stone dust, graded and compacted so as to achieve a stabilized surface and dispose of all surface water accumulation.

b. All parking areas required under Table 6-1 for uses other than those set forth in X.X.W.W.a, above, shall be paved with bituminous concrete or cement concrete.

A bituminous concrete curb, berm or wheelstop shall be placed at the edge of paved parking areas except where necessary to facilitate overland drainage flow and stormwater management in accordance with a stormwater management plan approved for such parking area. In any nonpaved parking area, if stormwater catch basins are installed, there shall be a paved area around each basin to help control sediments that might flow into said basins.

Interior landscaping shall not be required for parking areas serving a stadium or uses related to such stadium. For parking areas required for other primary uses that are not stadium-related, the interior landscaped bumper strip requirements of Section 6.0 of these bylaws shall apply, except that such interior landscaped bumper strips shall not be required, provided that additional landscaped areas equal in area to the otherwise required interior landscaped bumper strips are provided at the perimeter of such lot as shown on a site plan subject to site plan approval.

Parking areas will have controlled points of access and egress.

Nonresidential driveways or access lanes shall be a minimum of 26 feet in width, except that the access way through residential districts allowed under Section X.X.5.3 of these bylaws shall not be subject to this limitation.

Deviations within the SOD from the parking standards and location requirements of this Section X.X.9 may be allowed by the Planning Board by issuance of a special permit. When reviewing a request for a special permit, the Planning Board shall employ the criteria detailed in Section 10.4 of these bylaws. Among these and other concerns, the Board shall consider existing or proposed shared parking, the proximity of the spaces to abutters and to the building they service, drainage impacts, impacts on environmentally sensitive areas and landscaping.

X.X.10. Site plan review. Site plan review pursuant to Section 10.5 of these bylaws will be required for any new building, any addition to any existing building or structure or any change of use in the SOD. Applicants shall not be required to obtain special permits with respect to proposed development plans and/or uses that comply with the requirements set forth in this Section X.X. Site plan review is not required for those uses which require a special permit pursuant to this Section X.Y, unless otherwise required to comply with the requirements of this Section X.X. In addition to the standards and requirements set forth in Section W.1 of these bylaws, applicants seeking site plan review approval within the SOD shall comply with the following additional standards and requirements:

1. To the extent feasible, development proposals shall minimize demands placed on Town services and infrastructure. In the case of increased impact developments (as hereinafter defined), the Planning Board may require off-site enhancements or other appropriate responses to mitigate the identified impact(s). As used herein, the term "increased impact developments" shall mean a development that (i) will increase traffic volume on a street by 25% or more during any given peak traffic period and result in insufficient capacity, or (ii) will reduce existing fire flow at the project site below 500 gallons per minute.

2. Development plans shall maximize the convenience and safety of vehicular and pedestrian movements within the subject site in relation to a stadium, Routes 20 and 20A, interior access roads (existing or proposed) and adjacent ways. Impacts on abutting residences shall be limited to the maximum extent feasible.

3. The use of common driveways (limiting curb cut openings onto Routes 20 and 20A) is encouraged. To the extent feasible, these driveways and access roads shall conform to the construction standards found in the Town of Orchard Park Subdivision Regulations.

4. To the extent feasible, except with respect to the access way through residential districts allowed under Section X.X.5.3 of these bylaws, sidewalks, crosswalks and other pedestrian amenities shall be incorporated into street and access drive designs. In connection with the development of a stadium and accessory uses thereto, the widths of such sidewalks, crosswalks and other pedestrian amenities should reflect their proximity to such stadium, and expected use by stadium patrons. To the extent feasible, sidewalks should be separated from vehicle travel/breakdown lanes and access roads by distance, grade changes or other physical impediments.

5. Any access way through a residential district that is allowed pursuant to :7

X.Y X.Y

Section X.X.5.3 of these bylaws shall be subject to limitations pursuant to site plan approval by the Planning Board, for the purpose of protecting residences from excessive impacts arising from traffic on said access way, based on the following criteria:

a. Time of use of said access way may be limited to further the foregoing purpose, provided that such limitations allow for the use of said access way during the hours before and after permitted events during which attendees typically enter and exit a stadium for an event.

b. Number of vehicles using said access way may be limited to further the foregoing purpose; provided, however, that not less than 1,400 vehicles per permitted event shall be allowed.

c. Types of vehicles using said access way may be limited such as to prohibit commercial truck traffic to further the foregoing purposes.

d. Signage along said access way in areas abutting residential neighborhoods may be limited to further the foregoing purpose.

e. Lighting for said access way in areas abutting residential neighborhoods may be limited to further the foregoing purpose.

f. Width of said access way may be limited to further the foregoing purpose; provided, however, that such width shall not be less than is reasonably necessary to insure vehicle access to permitted events and to insure that, simultaneously therewith, emergency vehicles will have sufficient access on said accessway.

X.X.11. Stadium. The standards and requirements set forth in Section W.1 of these bylaws and this Section X.Y shall govern the site plan review process, provided that in connection with the development of a stadium and stadium-related uses, the Planning Board shall not require a deposit of money or an irrevocable letter of credit to secure conditions of approval where the Planning Board receives as security a surety bond, executed escrow agreement, executed retainage agreement or other similar agreement.

Y. 1

Erie County Football Stadium Parking

Y.1.1.

[NOTE: This is intended to REPLACE current OP Town Code 144-12 "Erie County Football Stadium parking. Redline edits include below].

~~On any Erie County Football Stadium activity date, residential property owners may permit parking for compensation on their premises in the R-3 and R-4 Zones that fall within a one-mile radius from the center of the Erie County Football Stadium. Said radius is described on a map which is made part of this chapter. Such map modifies a Zoning Map of the Town of Orchard Park referred to in § 144-7.~~

Y.1.2

~~On any Erie County Football Stadium activity date, the property owners in any B-2 or I-1 Zone within the one-mile radius described above the Stadium Overlay District may permit parking for compensation, providing they have obtained a commercial special parking permit from the Town of Orchard Park Planning Board. A special permit granted by the Planning Board to allow temporary parking in the Stadium Overlay District with respect to events at Buffalo Bills Stadium shall be valid for a period of three years from the date on which issued, after which period such special permit shall be of no further force or effect unless renewed by the Planning Board by the grant of a new special permit that shall be valid for a period of three years. The Planning Board shall have the authority upon notice and following a hearing to modify, suspend or revoke any special permit that it has granted in the event of any of the following:~~

~~a.~~

~~Any change to the number of spaces, parking layout, or access to and egress from a parking lot authorized by a special permit.~~

~~b.~~

~~A determination by a Town of Orchard Park Code Enforcement Officer or any public safety official of the Town of Orchard Park, Erie County, or State of New York that the operation of a temporary parking lot is hazardous to the safety of the public, or is in violation of these bylaws, any provision of applicable law or any of the conditions to a special permit that have been imposed by the Planning Board.~~

~~The fee for such parking permit shall be determined on an annual basis by the Orchard Park Town Board.~~

Y.1.3

~~Only parking lots in existence on May 3, 2017, are allowed hereunder, and all others are specifically prohibited.~~

Y.1.4

~~No such allowed parking lot, residential or commercial, shall change its topography or be expanded beyond its footprint or parking capacity by number of cars beyond that which existed May 3, 2017.~~

Y.1.5

All such allowed ~~residential~~ parking lots are specifically prohibited to park buses of over twenty (20) passengers.

Y.1.6

~~Any parking lot, residential or commercial, with outstanding violations from the Code Enforcement Office shall not be issued a new parking permit.~~

Y.1.7

The above-referenced regulations are subject to enforcement by the Orchard Park Police Department or any other agency charged with the regulation of traffic, crowd control, and/or public health and welfare.