

**§ 190-140. Purpose.**

The purpose of this district is to provide the broader range of general and comparison commercial goods and services necessary to serve a number of neighborhoods and do so in an orderly fashion that maintains viability of residential areas and neighborhood commercial centers.

**§ 190-141. Permitted uses.**

The following uses and their customary accessory uses are permitted in the GB District:

- A. Any use permitted outright or conditionally in the Neighborhood Business District, except gasoline service stations and fast-food restaurants. **[Amended 9-7-1999 by L.L. No. 2-1999]**
- B. Commercial schools, such as barber, beauty, art and dancing studios and similar uses.
- C. Auto accessories and parts, excluding repairs, and home appliances, furniture and department stores.
- D. <sup>1</sup>Public buildings and grounds, excluding maintenance, storage or repair facilities.

**§ 190-142. Electronic games. [Added 7-19-1982]**

- A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ELECTRONIC GAME — Any type of machine which operates by electric power, battery power or any other form of activation and which is principally intended for use by the general public for the amusement of the user of such machine upon the payment of a stipulated amount by inserting one or more coins into such machine or by any other method and shall include but shall not be limited to pinball machines and video games. The definition does not include jukeboxes, amusement rides or bowling alleys.

ELECTRONIC GAME CENTER — Premises which are used to house electronic games as a principal use.

- B. Location. Electronic game centers shall be permitted in a General Business (GB) District upon the issuance of a conditional use permit by the Town Board pursuant to Article XXXII.
- C. Restrictions.
  - (1) No electronic game center shall be permitted within a one-fourth-mile radius of any public or private school.
  - (2) No electronic game center shall have more than 30 machines.
  - (3) For each machine in an electronic game center and for each machine where permitted as an accessory use, there shall be not less than 50 square feet of floor space of which not less than 25 square feet shall be unoccupied, open space. The purpose and intent of this requirement is to provide minimal space to accommodate those not playing machines.
  - (4) All game machines shall at all times be so located and kept in plain view of any person who may frequent or be in the premises.
  - (5) No game machine shall be so placed as to block or obstruct any passageway, fire door, means of ingress or egress or in any manner which may be or become a fire hazard. Location of game

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1. Editor's Note: Former Subsection D, Liquor stores, was repealed 5-3-2021 by L.L. No. 11-2021. This local law also provided for the redesignation of former Subsection E as Subsection D.

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machines shall be approved by the Town of Gates Fire Marshal.

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- (6) No electronic game machine shall be used on any premises unless there is on the premises at least one person 18 years of age or older all or part of whose responsibility shall be ensuring compliance with these regulations.

D. Accessory use.

- (1) Electronic games shall be permitted as an accessory use to the following principal uses and none other, subject to the limitations contained herein as follows:
  - (a) Bowling alley: one game for each four lanes, not to exceed 12 game machines.
  - (b) Indoor skating rink (ice or roller): one game for each 800 square feet of floor space, not to exceed 12.
  - (c) Restaurant: one game for each 30 seats, not to exceed four.
  - (d) Bar or tavern: one game for each 200 square feet of floor area, not to exceed four.
  - (e) Theater, motel or hotel: one machine for each 200 square feet of lobby area, not to exceed four.
  - (f) For all other principal uses in a General Business District or a Neighborhood Business District: one machine for each 500 square feet of floor area, not to exceed three.
- (2) Where premises contain more than one use, such as a bar and restaurant, the principal use to which the premises are devoted shall determine the maximum number of electronic games permitted as an accessory use.
- (3) The requirements specified under § 190-142C(3) through (6) shall apply to accessory use of electronic games.

E. Licensing.

- (1) No person, owner, lessee or occupant of premises shall install or permit the installation of electronic games where permitted under this section without first having obtained a license from the Town Clerk of the Town of Gates. License application forms shall be provided by the Town of Gates.
- (2) As part of the application for a license, the applicant shall provide a sketch layout of the premises demonstrating thereon compliance with applicable requirements of this section. The sketch layout submitted shall have plainly marked thereon the approval of the Town of Gates Fire Marshal.
- (3) The license shall be prominently displayed on the premises.
- (4) The license shall be for a period of one year. All licenses shall expire on the 31st day of December following the date of issue.
- (5) Renewal applications shall be filed with the Town Clerk at least 30 days prior to the expiration date of the license.
- (6) On each renewal, the applicant shall certify that location of electronic games has not changed or, if changed, that the change has been approved by the Fire Marshal.

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F. Fees. Fees for electronic game center licenses and all others shall be as set from time to time by resolution of the Town Board. [Amended 9-7-1999 by L.L. No. 2-1999] § 190-144

G. Responsibility of licensee. The holder of a license issued hereunder shall be responsible for compliance with the requirements of this section any other applicable state or local laws and shall not permit:

- (1) Fighting or rowdy behavior on or about the premises.
- (2) Possession or consumption of alcoholic beverages, except where duly licensed for on-premises consumption.
- (3) The use of marijuana or any controlled substance the use or possession of which is prohibited by New York Penal Law in or about the premises.
- (4) The offering or giving of any cash awards in any contest involving an electronic game on the premises.
- (5) The use of an electronic game as a gambling device.

H. Unauthorized use of premises. Any use of premises not in accordance with the requirements of this section shall cease and terminate by December 31, 1982, unless a license has been obtained for the year 1983 by said date.

**§ 190-143. Conditional uses.**

The following uses and their customary accessory uses are permitted upon issuance of a conditional use permit pursuant to Article XXXII:

- A. Gasoline service stations.
- B. Bowling alleys.
- C. Hospitals.
- D. Rentals of trucks, trailers, etc., associated with gasoline service stations or other uses.
- E. Theaters.
- F. Public utilities substations and uses, excluding power plants, maintenance, storage or repair facilities, and uses of a similar nature.
- G. Bus passenger stations.
- H. Motel or hotel.
- I. Fast-food service restaurant.
- J. Cocktail lounge/tavern. [Added 9-7-1999 by L.L. No. 2-1999]
- K. Pet shops. [Added 9-7-1999 by L.L. No. 2-1999]
- L. Other uses similar in nature but not specifically listed here, subject to approval of the Town Board.

**§ 190-144. Dimensional requirements.**

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A. Lot area.

- (1) The minimum lot area shall be that necessary to accommodate the necessary structures and all loading, parking, access and buffer area regulations required elsewhere in this chapter. When adjacent to R, MR, BN-R and/or NB Districts, there shall be a minimum setback distance equal to the height of the tallest structure closest to that district boundary on the general business site plus the buffer area required in § 190-34B.
- (2) Side and/or rear yard setback shall be equal to the height of the tallest structure on either lot or 25 feet, whichever is greater, exclusive of parking and loading requirements.
- (3) The depth to width ratio shall not exceed 3 to 1.

B. Building height.

- (1) Principal structures shall not exceed 40 feet.
- (2) Accessory structures shall not exceed 20 feet.

C. The maximum building lot coverage shall be 15% in the General Business Zone. [**Added 5-6-2019 by L.L. No. 1-2019**]

**§ 190-145. Off-street parking and loading requirement.**

Off-street parking and loading areas shall be provided as listed in Article IV.

**§ 190-146. Signs.**

Signs are permitted as listed in Article V.

**§ 190-147. Fences, hedges, berms and screen plantings.**

Fences, hedges berms and screen plantings are permitted or, alternatively, are required as listed in Article VI.

**§ 190-148. Site plan approval.**

Site plan approval shall be secured as required in Article XXXIII.