

229-83 INTENT

Developments in the Commercial districts are intended to achieve the high quality site layout and use flexibility inherent in campus design. This is accomplished through attention to architectural compatibility with other buildings and the relationship of building facades to public roadways.

These regulations are intended to encourage larger commercial facilities to locate on Main Street between the hamlets of Harris Hill and Clarence Hollow, Wehrle Drive near Transit Road, and parts of Sheridan Drive. These provisions should encourage designs that will minimize traffic congestion, reduce conflict points, and encourage a pleasing community character.

229-84 PERMITTED USES

A. The following list of uses are allowed as vested rights in facilities measuring up to 30,000 square feet in area:

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| Two-family homes | Permitted in-fill uses in existing structures |
| Professional offices | Medical offices |
| Funeral homes | Nursing homes, Dependent living facilities |
| Convention facilities | Motels, Hotels |
| Retail sales activities | Grocery store/Convenience store |
| Personal service shops, craft shops, antique shops | Retail nursery or greenhouse |
| Trade or industrial school | Restaurants |
| Small animal hospital/veterinary clinic | Banks/financial institutions |
| Dry cleaners/commercial laundry | Plumbing, heating, electrical shops |
| Printing shops | Day care centers/Nursery schools |
| Community facilities | Public utility facilities |

B. Exclusions: Uses listed above which involve on-site manufacturing, outdoor storage of merchandise, hazardous materials, warehousing and/or storage necessitating truck travel, and mining.

229-77 USES PERMITTED WITH SPECIAL EXCEPTION USE PERMITS

Any permitted use that involves a facility in excess of 30,000 square feet and the following list of uses:

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| Automotive sales, automotive equipment and implement sales, trailer sales | Business/Commercial parks |
| Shopping plaza | Car wash |
| Drive-in/Drive-thru facilities | Automotive service station, commercial garage |
| Gasoline service station | Light manufacturing operations |
| Multiple-family dwelling units | Manufactured housing park |
| Lumber/Building supply companies. | Indoor storage of hazardous materials |
| Telecommunications towers (Chapter 173) | |
| Parking facilities | |
| Theatres, assembly halls, bowling alleys, and all similar public recreation uses | |

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2. Building side and rear setbacks shall be determined by the following:
 - a. Parking loading and storage needs for the use;
 - b. Adequate internal circulation of all traffic, and all fire and safety concerns.

E. Size of buildings:

No principal building shall contain less than eight hundred square feet (800 sq. ft.) of usable floor space. Buildings used in whole or in part for residential purposes, exclusive of accessory buildings and exclusive of porches, entries, garages and terraces, shall contain no less than nine hundred square feet (900 sq. ft.) of usable living space if a one-story building used as a one-family dwelling, nor less than six hundred square feet (600 sq. ft.) of usable first floor living space if more than one story, provided that no such building shall contain a total of less than one thousand square feet (1,000 sq. ft.) of usable living space if used as a one-family dwelling, and provided further that no such building shall contain a total of less than six hundred square feet (600 sq. ft.) of usable living space for each one-bedroom family unit or apartment, seven-hundred twenty square feet (720 sq. ft.) of usable living space for each two-bedroom family unit or apartment and one-thousand square feet (1,000 sq. ft.) of usable living space for each three-bedroom family unit or apartment.

F. Maximum height: 45 ft.

1. Exceptions:

- Roof equipment not intended for human occupancy and which is necessary to the structure upon which it is placed.

229-88 ADDITIONAL PARKING REQUIREMENTS

- A. All parking required by the uses in this district shall be provided on site and in sufficient number not to require on-street parking on adjacent streets or encroachment on adjacent property.
- B. Parking may occur within the required side and rear yard development setbacks, but not the front yard setback area. A minimum of five feet (5') must be maintained between a commercial zoning district property line and forty-five feet (45') to a residential zoning district property line.
- C. Parking for interior lots may not occur within front setbacks. Adjacent parking lots shall be interconnected within the property.
- D. Trash containers, storage areas, loading and mechanical equipment shall be located within the parking area and shall be screened from public view. Dumpsters shall be properly secured.

229-89 ARCHITECTURAL STANDARDS

- A. Due to the visibility of the district, architectural compatibility is necessary in order to visually connect development and allow for proximity of varied uses. Approved metal paneling may not exceed thirty percent (30%) of a building wall façade, which is visible from a street.

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229-78 ACCESSORY STRUCTURES

A. Permitted Accessory Structures:

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| Private garages | Barns |
| Sheds and similar structures | Fences/Walls |
| Enclosures for dumpsters, outdoor storage, etc. | Private recreational facilities |

B. No accessory buildings designed, intended or used for business purposes shall extend closer than twenty-five feet (25') to any side or rear lot line of any residential lot used wholly for residential purposes, nor closer than twenty-five feet (25') to any residential district boundary, nor closer than ten feet (10') to any side or rear lot line wholly within a commercial zoning classification. Accessory buildings lying wholly to the rear of the principal buildings shall not extend closer than ten feet (10') to the side or rear lot line, provided these lines do not designate a residential district boundary or are in common with a lot used wholly for residential purposes.

229-87 DEVELOPMENT & DESIGN PROVISIONS

A. No lot shall have less than one hundred feet (100') of public road frontage nor be less than one hundred twenty feet (120') in depth. Corner lots shall be not less than three hundred feet (300') of public road frontage on each street. If the property has public sewer access, then no lot shall contain less than twenty thousand square feet (20,000 sq. ft.) nor less than five thousand square feet (5,000 sq. ft.) of area per family unit if used for multiple dwellings. If the property has no public sewer access, then no lot shall contain less than 1 acre (43,560 sq. ft.) of land area and be subject to review and approval of the Erie County Health Department or New York State Department of Environmental Conservation for private wastewater treatment permits.

B. Lot of record: No lot shall have less than seventy feet (70') of public road frontage and be at least one hundred twenty feet (120') in depth. No lot shall contain less than fifteen thousand square feet (15,000 sq. ft.) in area if used for a dwelling or dwellings.

C. Minimum development setbacks:

1. Front Yard: 80 ft. Where there is an established front setback line between adjoining properties, that setback line would apply to the property to a minimum of forty-five feet (45').
2. Side Yard: 25 ft.
3. Rear Yard: 25 ft.
4. Setback to adjoining residential (min): 45 ft.
5. Any commercial uses shall not be located adjacent to residential uses unless separated by a minimum forty-five foot (45') greenbelt.
6. Arcades, awnings, and open porches shall be permitted to encroach a maximum of twelve feet (12') into front setbacks and side setbacks.

D. Interior road lot setbacks:

1. Buildings located along main interior roads shall have unified front setbacks of at least ten feet (10').

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- B. Materials:
Walls shall be clad in stone, brick, marble, approved metal paneling, cast concrete, vinyl siding, drivit, and hardiboard or other cement paneling.

- C. Configurations
 - 1. Two wall materials may be combined (horizontally) on one facade. The heavier material must be below.
 - 2. Roof lines shall not be flat

- D. Techniques
 - 1) All rooftop equipment shall be enclosed in the building material that matches the structure or is visually compatible with the structure.

229-90 LOT COVERAGE

All principal buildings, accessory structures, and impervious surfaces located on a Commercial District property may not exceed seventy percent (70%) of the gross area of the lot. Where a property owner has shared access and shared parking arrangements with adjoining property owners in perpetuity (for example: via a permanent easement recorded in the deed) the lot coverage requirements may be increased to eighty percent of the lot (80%).