

<i>Article 11</i>	MAJOR ARTERIAL	MA
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229-91 INTENT

The intent of these provisions is to encourage commercial enterprise in an area of town that can adequately provide for a high volume of automobile traffic and to facilitate convenient access, minimize traffic congestion, reduce vehicle conflict points, and reduce visual clutter for those commercial uses. Major Arterial District includes all those areas along Transit Road (NYS Rt 78) from Wehrle Drive to Swormville.

229-92 PERMITTED USES

A. The following list of uses are allowed as vested rights in facilities measuring up to 50,000 square feet in area:

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| Shopping center or plaza | Convention facilities |
| Permitted in-fill uses in existing structures | Restaurants |
| Hotels and motels | Professional, medical, executive offices |
| Banks and financial institutions | Dry cleaners/commercial laundry |
| Funeral homes | Printing shops |
| Theatres and public assembly | Bowling alleys |
| Public recreational facilities | Public utility facilities |
| Retail sales activities | Personal service shops, craft shops, antique shops |
| Non-profit institutions of charitable, religious, cultural or civic purposes | Day care centers and nursery schools |
| Heating, plumbing, and electrical shops | |

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.

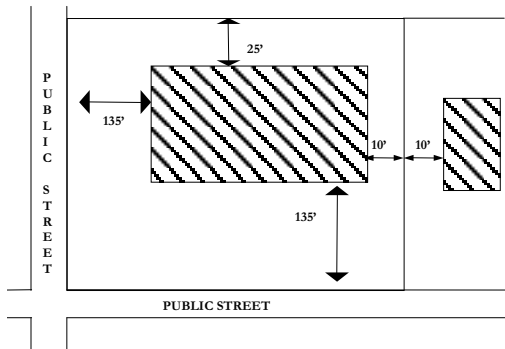
229-93 USES PERMITTED WITH SPECIAL EXCEPTION USE PERMIT

A. Any permitted use that involves a facility in excess of 50,000 square feet and the following list of uses:

- Motor vehicle, equipment and implement sales and service
- Multiple-family dwellings
- Commercial garages/Gasoline service stations
- Telecommunications towers (Chapter 173 of the Code of the Town of Clarence)
- Light manufacturing operations
- Lumber and building supply operations
- Drive-in/Drive-thru facilities
- Drive-in theaters
- Parking facilities
- Car washes

229-94 DEVELOPMENT AND DESIGN PROVISIONS

- A. Minimum Lot Size: No lot shall have less than one hundred feet (100') of public road frontage nor be less than two hundred feet (200') in depth. Corner lots shall have not less than three hundred feet (300') of public road frontage on each street. No lot shall contain less than twenty thousand square feet (20,000 sq. ft.). If the lot is used for dwelling purposes, then it shall not be less than five thousand square feet (5,000 sq. ft.) of area for each family dwelling unit.
- B. Lot width (min): 100 feet
- C. Lot depth (min.): 200 feet
- D. Front setback (min): 135 feet from centerline of all public road right-of-ways.
- E. Side setback (min): 25 feet to matching zone.
- F. Rear setback (min): 25 feet
- G. Setback to adjoining residential (min): 45 feet
- H. Any commercial uses shall not be located adjacent to residential uses unless separated by a minimum forty-five foot (45') greenbelt.
- I. Arcades, awnings, and open porches shall be permitted to encroach a maximum of twelve feet (12') into front setbacks and side setbacks.
- J. Interior setbacks: Buildings located along main interior roads shall have unified front setbacks of at least ten (10'). Building side and rear setbacks shall be determined by the following:
 - Parking, loading and storage needs for the use
 - Adequate internal circulation of all traffic, and all fire and safety concerns
- K. Size of buildings: No principal building shall contain less than one thousand square feet (1,000 sq. ft.) of usable floor space. Buildings used in whole or 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.



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- L. Building Height:
 - 1) Building height shall be measured as the vertical distance from the mean elevation of the finished grade relative to the frontage street, to the ridgeline of the structure.
 - a) All uses - Maximum 45 ft.
 - 2) Exceptions:
 - a) Roof equipment not intended for human occupancy and which is necessary to the structure upon which it is placed.
 - 3) Transmission and Receiving Towers, (total height from ground level to top of tower) intervening buildings are included in total tower height

229-95 ACCESSORY BUILDINGS

A. Permitted Accessory Structures:

Private Garages	Barns
Sheds	Fences/Walls (see Chapter 101)
Enclosures for dumpsters, outside storage, etc.	Private Recreational Facilities

- B. No accessory building designed, intended or used for business purposes shall extend closer than forty-five feet (45') 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 side or rear lot line wholly within a major arterial district. 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 lines, provided these lines do not designate a residential district or are in common with a lot used wholly for residential purposes.
- C. Private garages, sheds and other accessory buildings used wholly in connection with private residence shall extend not closer than ten feet (10') to any side or rear lot line.

229-96 ADDITIONAL PARKING REQUIREMENTS

Parking may occur within the side or rear setbacks of the principal building. Parking within required setback areas must be a minimum of five feet (5') from any property line. Adjacent parking lots and rear service lanes of lots shall have internal vehicular access. There shall be a minimum forty-five foot (45') greenbelt from any parking area to a residentially zoned property line.

229-97 ARCHITECTURAL STANDARDS

- A. All walls **visible** from a public right-of-way shall be clad with the same material required for the front of the building (see A. Materials below).
- B. Approved metal paneling may not exceed 40% of any facade of a structure visible from a R-O-W.
- C. All walls **not visible** from a public right-of-way may be constructed of cinder blocks or approved metal paneling but shall be painted to match the overall color scheme of the rest of the building.

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D. Materials

- 1) Walls shall be clad in stone, brick, marble, approved metal paneling, cast concrete, vinyl siding, drivit, and hardiboard or other cement paneling.
- 2) Pitched roofs shall be clad in wood shingles, slate, sheet metal, corrugated metal, or diamond tab asphalt shingles.

E. Configurations

- 1) Two wall materials may be combined horizontally on one facade. The heavier material must be below.
- 2) Roof pitch may not vary within a development.

F. Techniques

All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.

229-98 LOT COVERAGE

All principal buildings, accessory structures, and impervious surfaces located on a Major Arterial District property may not exceed seventy-five percent (75%) 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-five percent of the lot (85%).