

**§ 116-8.7. Commercial Zones Generally.**

- A. The purpose of establishing Commercial Zones and the following regulations is to establish certain areas in the Town where retail businesses, offices, and other commercial uses of land will be encouraged and to establish standards by which development in these areas will occur.
- B. Intent: Pursuant to the recommendations in the Regional Comprehensive Plan of [enter year], these districts are designed to preserve community character, properly manage future growth and development, and provide for economic development. All commercial zones must preserve and enhance cultural and historic resources and promote architectural development styles consistent with the character of these resources. Concentration is around the Village of East Aurora in order to avoid sprawl. Limited commercial uses are envisaged around Route 16 south of the Village of East Aurora up to Blakely Rd. to complement the village center and should be consistent with the surrounding area.
- C. Objectives.
  - (1) Parking should be at the sides or rear of the buildings wherever feasible, and screened to maintain the residential character of the Town.
  - (2) Landscaping and setback standards should be utilized to improve visual characteristics and buffer development and redevelopment from adjoining sensitive land uses.
  - (3) Architectural standards shall complement the character of the surrounding area and provide for an improved and positive image for the area. Appropriate facade designs that improve the character of the area are required.
  - (4) Franchise architecture is not permitted.
  - (5) A landscape plan must be provided as part of the site plan application.
  - (6) [Building frontages should be active, with nonreflective, minimally tinted window openings at ground level.]
- D. Accessory buildings. The combined footprint of all accessory buildings not to exceed 50% of the footprint of the principal building.
  - (1) Customary accessory uses, including but not limited to parking areas.
  - (2) Other uses not specifically listed as permitted uses, but similar in nature and compatible with C1 uses.
- E. Building size (non-commercial use).
  - (1) Dwelling, single-family: not less than 720 square feet.
  - (2) Dwelling, two-family: not less than 1,200 square feet with a minimum dwelling unit size of 500 square feet.

- (3) Dwelling, multiple-family: not less than 500 square feet per unit.
- (4) Accessory building residential: footprint not to exceed 25% of the required rear yard.
- (5) All other uses: as stipulated in the specific zone, but in any event, no building may exceed 30% of the lot area.

F. Maximum mean height.

- (1) For principal buildings: 38 feet in height from lowest interior grade nor 36 feet in height from lowest exterior grade.
- (2) For accessory buildings: two stories, not to exceed 20 feet.

G. Minimum lot size.

- (1) Frontage from one edge of the lot line to the other edge of the lot line along the street: 100 feet.
- (2) Area: 32,670 square feet (3/4 of an acre) for the principal building, not including the right of way.

H. Front yard depth or setback.

- (1) A minimum of 50 feet from the street right-of-way for buildings. A minimum of 20 feet of green space between the street right-of-way and any parking.
- (2) In the case of a corner lot, all buildings shall comply with the front yard setbacks from the right-of-way of the primary street (street of property address). All such buildings shall be allowed a setback of 30 feet from the right-of-way of the secondary street.
- (3) No accessory building in the front yard.

I. Side yards.

- (1) Each side yard: a minimum of 40 feet when used for a residence or 60 feet when used adjacent to any R District or residence on the side of the lot adjacent to the R District or residence.
- (2) Commercial buildings, including any accessory buildings, not adjacent to the R District or a residential use: a distance no less than the side wall height.

J. Depth of rear yard.

- (1) A minimum of [60 feet] when used for a residence or adjacent to any R District.
- (2) Commercial buildings not adjacent to the R District or a residence: a distance no less than the height of the rear wall.

K. Minimum usable open space.

- (1) Minimum usable open space may not be less than 30% of the lot area.

“Usable open space” means that portion of the lot not covered by any structure or driveway and intended to be occupied by vegetation or landscaping.

- L. Additional special requirements.
  - (1) Waste and refuse. A separate area for waste bins and receptacles shall be placed and fenced so as to be screened from the public view and may not be placed within 25 feet of the lot border.
  - (2) In addition to the requirements above, additional landscaping, fencing, screening, or earth berm may be required by the Town Board in the site plan review process in any area where the proposed structure or use would, in the reasonable opinion of the Town Board, create a hazardous condition or would detract from the value of neighboring property if such landscaping, fencing, screening, or earth berm were not provided.
  - (3) Activity shall not create objectionable noise, smoke, odor, vibration, or disorder beyond the lot lines of the specific lot. There shall be no emission of dust, dirt, smoke, fly ash, or noxious gases or other noxious substances which could cause damage to the health of persons, animals, or plant life.
  - (4) Drive-up or drive-through facilities are not allowed.
- M. Site plan review regulations of Chapter 95 are required for any nonresidential use abutting any R or A District.

**§ 116-8.7.1. C-1 Commercial District.**

- A. Purpose. The purpose of the C-1 Commercial District is to provide areas or centers for shopping and service-oriented uses that are easily accessible to the neighborhoods which they serve, which are not intended to draw customers from considerable distances, or which have low-volume traffic and no significant impacts so as to be minimally intrusive upon residential neighborhoods. These zones shall be limited both in size and in proximity to one another.
- B. Building size for commercial purposes.
  - (1) [5,000] square feet maximum.
- C. Uses permitted by right provided that the interior floor area for the permitted use is less than 2,500 square feet or less and the building size is no more than [5,000] square feet or less:
  - (1) Packaging/ mailing services.
  - (2) Nonprofits for charitable, religious, cultural or community social purposes, not including institutions for mental patients, correctional, or animal rescue purposes.
  - (3) Clubhouses as defined in Section 116-4.
  - (4) Any use permitted and as regulated in the R-2 District.

- D. Uses by special use permit of the Town Board provided that the building size is no more than [5,000] square feet or less:
- (1) Any of the uses set forth above as being permitted as of right where the interior floor area for such use exceeds 2,500 square feet.
  - (2) Small local retail shops: retail food store/grocery and sales, floral shops, arts and craft stores/studios, bookstores, sewing and knitting supplies, drugstore/pharmacy, bicycle sales/repairs, hardware store, bookstore or newsstand, and tourism-related materials.
  - (3) Personal services: bank or other financial institution, laundromat/dry cleaner pickup station, barbershop or beauty parlor, printing shop, tailor/dressmaker, shoe maker/repair, restaurant or coffee shop, caterer, optician, decorator, medical and dental clinics, photographer, etc.
  - (4) Eating and drinking places.
  - (5) Nonprofits for charitable, religious, cultural or community social purposes, not including institutions for mental patients, correctional, or animal rescue purposes. All nonprofit institutions are subject to site plan review regulations of Chapter 95, regardless of occupancy classification or the size of the building..
  - (6) Hotel or motel.
  - (7) Child day-care center and elder care center.
  - (8) Clubhouses as defined in Section 116-4 and community center.
  - (9) Health or fitness center.
  - (10) Motor vehicle washing facilities.
  - (11) Dental clinics not involving any overnight occupancy.
- E. Parking. In all cases off-street automobile parking shall be provided for all residents, staff and customers of the building.
- F. Storage. No storage except in completely enclosed buildings.

**§ 116-8.7.2. C-2 Commercial District.**

- A. Purpose. The purpose of the C-2 Commercial District is to provide areas in the Town where business offices and businesses may be located which include activities that may draw clientele from all areas in the Town and from outside the Town. It is the intention to locate such areas where there is minimal impact on established residential neighborhoods, where the necessary infrastructure is available, and where transportation facilities can be provided. The uses in this zone will typically involve more traffic and related noises than in the C-1 Commercial District.
- B. Building size for commercial purposes.

- (1) [20,000] square feet maximum.
- C. Uses permitted by right: any use permitted by right or by special use permit in the C-1 District as regulated in Section 116-8.7.1, including size of building and interior floor area.
- D. Uses by special use permit of the Town Board:
- (1) Shops for construction trade.
  - (2) Any use permitted by right or by special use permit in the C-1 District with a building size over 5,000 square feet up to 20,000 square feet maximum.
  - (3) Commercial amusement and recreation establishments such as sports facilities, indoor and outdoor theaters, bingo or dance halls and nightclubs.
  - (4) Automotive fuel filling station, automobile and truck repair, auto body repair, and agriculture equipment repair.
  - (5) Storage yards which shall be completely enclosed by a suitable fence and/or buffer at least six feet high and shall containing only the products of a business located on the same lot.
  - (6) New or used car sales.
  - (7) Warehouse and storage-type services..
  - (8) A club, organization, or recreation area or building including camps and campsites serving the public
  - (9) Wholesale sales and incidental storage, provided that all goods shall be stored in fully enclosed structures in conformance with the bulk regulations for buildings.
  - (10) Bowling alleys.
  - (11) Lumber and building material and equipment sales and service.
  - (12) New or used vehicle and equipment sales and rentals, including, but not limited to, farm equipment, snowmobiles, ATV's, trailers, motorbikes and the like.
  - (13) Medical clinics not involving any overnight occupancy.
- E. Parking. In all cases off-street automobile parking shall be provided for all residents, staff and customers of the building.

**§ 116-8.7.3. C-3 Commercial District.**

- A. Building size for commercial purposes.
- (1) 30,000 square feet maximum.
- B. Uses permitted by right:

- (1) Office buildings for editorial, business and professional offices and research, design and development laboratories, including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees.
  - (2) Pet shop, provided such shop does not have any outside pens or runs.
  - (3) Veterinary office or clinic.
  - (4) Research and development facilities utilizing office spaces, indoor scientific laboratories, and other similar indoor spaces.
- C. Uses by special use permit of the Town Board:
- (1) Any use permitted and as regulated in the C-2 District.
  - (2) Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing or incidental storage of products or materials involving the use of only oil, gas or electricity for fuel and which operation, in the opinion of the Town Board, will not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of air pollution, electromagnetic or other disturbance, glare or harmful discharge, storage or dispersal of liquid or solid wastes in a manner or amount so as to adversely affect the surrounding area.
  - (3) Food preparation (e.g., baking, bottling, mixing, and milling).
  - (4) Processing or canning of putrescible food products (e.g., meat, fish, or dairy products, fermented foods such as sauerkraut, vinegar, or the like).
  - (5) [Small wind and solar energy facilities.]
  - (6) Brewery, distillery.
  - (7) Adult entertainment businesses are permitted only in those C-3 Districts which adjoin a State Highway and are at least 500 feet from the closest R District, at least 150 feet from any highway right-of-way, at least 280 feet from the boundary of any other zoning district, and at least 500 feet from any public park, school, or religious facilities.
- D. Parking. In all cases off-street automobile parking shall be provided for all residents, staff and customers of the building.