

Chapter 235. Zoning

Article VIII. C Business District

§ 235-27. Permitted uses; site plan.

A. In C Business Districts, the following uses are permitted:
[Amended 2-4-1997 by L.L. No. 1-1997]

- (1) Churches or similar places of worship, parish houses, convents, rectories or parsonages.
- (2) Private, nonprofit, elementary or secondary schools accredited by the New York State Department of Education, public hospitals, public libraries and municipal and special district buildings, provided that no such buildings shall be located within 50 feet of any adjoining lot line.
- (3) Fire stations without club facilities.
- (4) Professional offices for attorneys, physicians, physical therapy, physician's associates and specialists' assistants, chiropractic, dentistry and dental hygiene, veterinary medicine, nursing, podiatry, optometry, ophthalmic dispensing, engineering and land surveying architecture, landscape architecture, licensed accountants, shorthand reporting, psychology, speech pathologists and audiologists and occupational therapy.
- (5) Real estate and/or insurance offices.
- (6) Barbershops and beauty parlors.
- (7) Funeral homes.
- (8) Employment and travel agencies.
- (9) The following uses, provided that they are not used primarily for treatment of contagious diseases, mental patients, epileptics, drug or alcohol addicts or for penal or correctional purposes:
 - (a) Nursing or convalescent homes.
 - (b) Nonprofit institutions for charitable, religious, cultural or community social purposes.
- (10) Public parks, playgrounds and similar recreational areas and structures not operated for gain.
- (11) The following uses when conducted entirely within an enclosed building:
 - (a) Retail stores and shops.
 - (b) Personal service shops (dry-cleaning or laundry stores for pick up purposes only).
 - (c) Banks, business and professional offices not otherwise permitted in R-6 Residential Districts. Drive-in banks shall be permitted, provided that at least five car-length spaces are provided in the approach drive within the property line of the lot for each drive-in teller's window. Such spaces shall be exclusive of required parking spaces.

- (d) Baking, confectionery, dressmaking, tailoring shops, provided that all goods or products manufactured or processed shall be sold at retail on the premises and not more than 10 persons shall be employed at one time.
[Amended 6-17-1997 by L.L. No. 4-1997]
 - (e) Appliance and electrical stores or printing shops.
 - (f) Mini-storage/self-storage facilities.
[Added 2-4-1997 by L.L. No. 1-1997]
- (12) Restaurants or eating establishments, take-out food businesses and drive-in hamburger, ice cream, food or beverage stands with seating for 30 patrons or less.
[Added 10-6-1998 by L.L. No. 3-1998]
- B. No permits shall be issued for the foregoing uses until and unless a site plan of all proposals for the uses permitted shall be presented to and approved by the Planning Board in accordance with the considerations and determinations as set forth in § **235-16** and Article **XV**.
- C. Any of the uses permitted in Subsection **A** of this section that require the use of an area other than within an enclosed building for their best utilization may be conducted in whole or in part outside of such building, provided that the consent of the Board of Appeals is first obtained. The Board of Appeals may grant such consent after a public hearing is held thereon if it appears, in the judgment of the Board of Appeals, that the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be injured thereby. In granting such consent, the Board of Appeals may impose such conditions and safeguards as shall be necessary to attain the standards expressed in the preceding sentence.
[Amended 10-6-1998 by L.L. No. 3-1998]
- (1) Outdoor seating for restaurants and eating establishments shall be permitted without Board of Appeals consent for up to 20 seats, provided that:
- (a) Approval of the outdoor seating is obtained from the Director of Development Services upon review of setback requirements, life and fire safety requirements and clearances for ingress and egress.
 - (b) It is determined by the Director of Development Services that public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be injured thereby.
 - (c) No additional structures are needed to accommodate the outdoor seating.
 - (d) There is no outdoor entertainment (live or reproduced).

§ 235-28. Special use permits.

- A. The following uses shall be subject to the approval of the Town Board before a building permit may be issued:
- (1) Public garages, including car washes.
 - (2) Gasoline service stations.
 - (3) Pool or billiard rooms.
 - (4) Bowling alleys, theaters and places of public assemblage.
 - (5) Dry-cleaning establishments, laundries or laundromats.
 - (6) Outdoor advertising display signs.
 - (7) Cemeteries.

- (8) Restaurants or eating establishments, drinking establishments (grills, bars, etc.) with seating provided for more than 30 patrons, and outdoor entertainment provided in relation to such uses.
[Amended 10-6-1998 by L.L. No. 3-1998]
- (9) Hotels, motels, motor courts, dairies, ice cream manufacturers and commercial parking areas.
- (10) A combination of two or more of the uses permitted in this section on the same of contiguous lots, including but not limited to the development and use commonly known as a "shopping center or plaza," with an area threshold of 10,000 square feet of gross leasable area.
[Added 2-4-1997 by L.L. No. 1-1997; amended 6-17-1997 by L.L. No. 4-1997]
- (11) Parking lots for monetary gain.
- (12) Amusement centers where machines are used for monetary gain.
- (13) Animal hospitals.
- (14) Used car sales lots.
[Added 2-4-1997 by L.L. No. 1-1997]
- (15) Car washes.
[Added 2-4-1997 by L.L. No. 1-1997]
- (16) Miniature golf courses.
[Added 2-4-1997 by L.L. No. 1-1997]
- (17) Batting cages.
[Added 2-4-1997 by L.L. No. 1-1997]
- (18) Simulated golf facilities and other such uses.
[Added 2-4-1997 by L.L. No. 1-1997]
- (19) Multifamily dwellings, apartment buildings or other similar uses, subject to the lot and bulk requirements of § 235-19A(1)(c) of the Zoning Code of the Town of Irondequoit.
[Added 5-20-2008 by L.L. No. 1-2008]

B. The procedure for obtaining a special use permit from the Town Board shall be the same as for a special use permit from the Board of Appeals as provided in § 235-101D.

§ 235-29. (Reserved)

[1] *Editor's Note: Former § 235-29, Accessory business signs, as amended, was repealed 6-17-1997 by L.L. No. 4-1997.*

§ 235-30. Lot and bulk requirements.

The required lot size, yards and building height for structures in the C Business Districts shall be as follows:

- A. Minimum dimensions for lots.
 - (1) Width: not less than 100 feet.
 - (2) Depth: not less than 200 feet.
 - (3) Area: not less than 20,000 square feet.
- B. Minimum dimensions for yards.

- (1) Side yard: five feet, except that where a side lot line abuts a residential district, no building shall be nearer to such lot line than 25 feet or a distance equal to the height of building, whichever is greater.
 - (2) Rear yard: 60 feet, except that where a rear lot line abuts a residential district, no building shall be nearer to such lot line than a distance equal to the height of the building or 60 feet, whichever is greater.
 - (3) Front yard: 80 feet, except in the event that existing buildings within 200 feet on either side thereof extend nearer than 80 feet to a street line, such minimum front yard depth shall be the average setback of such existing buildings, but in no case less than 60 feet from a street line.
 - (4) Corner lot: in the case of a corner lot, no building shall extend nearer than 50 feet to the side street line.
- C. Maximum height of building: 45 feet.
- D. Percentage of lot occupancy the area of the buildings on any lot measured horizontally: not to exceed 33 1/3% of the area of such lot.
- E. Maximum impervious area ratio shall not exceed 80% of the total of any lot measured horizontally.
[Added 2-4-1997 by L.L. No. 1-1997]