

§ 208-43

Limited Commercial District.

Used CAR sales

[Added 3-28-1990 by L.L. No. 2-1990]

A.

Intent. The intent of this district is as follows:

(1)

To limit the possible uses in such an area to lower-intensity commercial uses in smaller structures than the General Commercial District allows.

(2)

To provide areas within the Town for location of commercial uses serving the day-to-day convenient shopping and personal service needs of a neighborhood area and to assure the compatibility of such areas with nearby residential development.

B.

Uses permitted. The following uses shall be permitted in the Limited Commercial District:

(1)

All uses first permitted in Restricted Business District with the exception of banks, hotels and motels, provided that such uses do not exceed 6,000 square feet in area, and are part of an existing or proposed commercial site.

(2)

The following uses, when conducted within a completely enclosed building. Such uses are not to exceed 2,500 square feet in total area and individual buildings are not to exceed 10,000 square feet in size.

[Amended 2-12-1992 by L.L. No. 1-1992; 3-12-2008 by L.L. No. 3-2008]

(a)

Grocery store.

(b)

Apparel store.

(c)

Drugstore.

(d)

Antique and/or consignment store.

(e)

Bookstore.

(f)

Laundromat.

(g)

Beauty parlor, barbershop.

(h)

Apparel repair and alteration.

(i)

Bakery.

(j)

Florist shop.

(k)

Commercial schools.

(l)

Artist studio.

(m)

Restaurants, coffee shops or other similar places principally serving food for inside consumption, provided that occupancy does not exceed 90 persons.

(n)

Sporting goods store.

(o)

Bicycle sales and repair.

(p)

Continuance of a preexisting residential use in the portion of a building not used for other permitted uses.

(q)

Dwelling units accessory to primary permitted uses, provided that no more than 50% of the primary structure is dedicated to residential use and no more than two dwelling units are permitted in any structure.

(r)

Rental store.

(3)

The following uses, upon obtaining a special permit from the Town Board as provided in § [208-54](#):

[Amended 2-12-1992 by L.L. No. 1-1992; 10-26-1994 by L.L. No. 7-1994]

(a)

Veterinary office, provided that there is no outside keeping of animals and adequate soundproofing is provided so that the ambient sound level at the property boundaries is not elevated more than 10 decibels on the A-weighted scale as measured at a fast response with an instrument satisfying the requirements of ANSI S1.2-1983.

(b)

Public buildings and grounds.

(c)

Permitted uses exceeding the thresholds established in Subsection [B](#).

(d)

Uses which are consistent with the intent of this district (see § [208-43A](#)) and which are similar to uses permitted in § [208-43B\(2\)](#).

C.

Restrictions.

(1)

Lot size. The minimum width of a lot shall be 100 feet, and the minimum area shall be 20,000 square feet, unless part of a development area as described in Subsection [D](#).

(2)

There shall be no minimum size requirements for buildings or structures.

(3)

Setbacks (unless part of a development area as described in Subsection [D](#)) shall be as follows:

Yard	Setback for Principal and Accessory Structures (feet)
Front, from right-of-way	
Arterial or collector	70

Local or internal	50
Side, abutting nonresidential	30
Rear, abutting nonresidential	30
Side and rear, abutting residential	50

(4)

Maximum overall building height is not to exceed 35 feet or two stories.

(5)

Lot coverage. Total lot coverage, including structures, parking areas and other impervious surfaces shall not occupy more than 75% of the total lot area. The remainder of the lot shall be landscaped area.

(6)

All principal and accessory uses shall be conducted within completely enclosed structures, except for an outdoor eating area of no more than four tables associated with a restaurant, provided that:

(a)

There shall be no outdoor entertainment.

(b)

All structures and uses are contained within the setbacks.

(c)

Total outdoor seating is limited to 16 seats.

(7)

No business establishment in any Limited Commercial Zone shall be open to the public, except during the hours of 5:00 a.m. to 12:00 midnight.

[Amended 5-9-2001 by L.L. No. 4-2001]

(8)

Landscaping. The front setback shall include an area at least 30 feet in depth along the highway or highways bordering the lot, which shall be suitably landscaped and maintained by the owner.

(9)

No more than three delivery vehicles shall be used in the operation of said business.

(10)

Parking, landscaping, buffering, signing and other special provisions shall be established per other sections of this chapter and constructed in accord with the design criteria and construction specifications of the Town of Perinton.

D.

Design guidelines. During the review of the site plan by the Planning Board, the following design guidelines shall be considered and may be made conditions of the approval, where applicable:

(1)

Maximum lot area one acre, unless in conformance with Subsection D(4).

(2)

Joint access with contiguous parcels shall be encouraged. Access points to public highways shall be spaced no closer than 150 feet (edge to edge).

(3)

The design of the structure and signs shall be of a compatible architectural style and treatment with surroundings.

(4)

Development areas. In order to prevent strip-type development, to produce more harmonious appearances and to promote public safety by reducing access cuts to all public highways, the Town Board may require that neighborhood commercial areas are designed as development areas. All development must take place in areas which have a minimum frontage on public highways of 300 feet and a minimum size of two acres. Ownership need not be in one owner but adjacent owners similarly zoned may apply jointly if their aggregate holdings meet these requirements and agree to a coordinated development plan. Individual lots may be used within a development area. Adjacent property owners will be required to give mutual easements for vehicular traffic across their properties to permit vehicles to get to limited points of access to and from public highways. These frontage and area restrictions may be modified by the Planning Board if the owner can show that such modification is consistent with the intent of this section.

(a)

In a development area, the minimum width of a lot shall be 80 feet and the minimum area 8,000 square feet.

(b)

Setbacks. The minimum front setback shall be 50 feet, the minimum side setback five feet on one side and 30 feet total of both sides and the minimum rear setback 30 feet, except as provided in § [208-25](#) of this chapter. Common wall buildings are encouraged.

(c)

Access. Access points to public highways shall be minimized and spaced no closer together than 250 feet.

(5)

No nonresidential use shall be established by the conversion of any structure or premises originally designed for a residential use unless the existing residential character of the building shall be retained. No design or structural changes, additions or extensions shall be made to the front of any such structure, except as necessary to provide required means of ingress, egress, light and ventilation. No additions or extensions shall be made to the side(s) of any such existing residential structure unless the residential character of the whole shall be retained and upon approval of a detailed site plan.