

## CHAPTER 10 ZONING

Business Districts

### 10.2.3 B-3 Highway Commercial Business District

#### A. Statement of Intent:

This district is intended to provide for the orderly and attractive grouping at appropriate locations of retail stores, offices, and service establishments serving the needs of the community area. The size and location of such districts shall be based upon evidence of community need, of adequate customer potential, and of satisfactory relationship to the arterial highway system and other related facilities. The impact on adjacent residential uses because of traffic, size of buildings, hours of operation, and the need for some arrangement of the uses within the district with respect to compatibility and interchange of customer traffic, will require Town Board of Supervisors approval of specific development plans. This district is also intended to provide space where office, retail, and customer service uses may be mixed with industrial uses in a highly landscaped setting free of outside storage or display, where the setting is highly visible to one or more main traffic arteries, and all of the uses seek or require such exposure and all are willing to adhere to a higher standard of architectural and grounds appearance to maximize the benefit of such visibility.

1. Limitations: Uses which depend upon a substantial amount of outdoor storage of their product such as building supply yards, motor vehicle equipment sales and service, or which present other types of characteristics such as an outdoor theater, trucking terminal, motor vehicle body repair, and similar uses, tend to be incompatible with the retail shopping center and office developments which form the core of the permitted uses of this district. Consequently such uses are prohibited as uses of right of this district.

#### B. Permitted Uses:

The following classes of uses subject to approval by the Town Board of Supervisors of building, site, and operational plans.

1. Retail stores and shops on individual sites or grouped into shopping centers, but involving only incidental outdoor storage of goods or display of merchandise.
2. Community and customer service establishments including financial services, consumer item repairs including motor vehicle service, eating and drinking establishments, overnight lodging, indoor commercial recreation such as bowling alleys, physical fitness salons, theaters.
3. Offices for the professions, businesses and utilities, studios, clinics.
4. Automobile drive-through facilities provided the service rendered or product sold is provided to each customer while they remain in or near their car and provided on or a few vehicles at a time are served as contrasted with an outdoor theater where all customers are served at once.
5. Offices, whether for single or multiple tenant use, including business, professional, governmental or other institutional occupancy as well as for medical and dental clinics.

#### C. Permitted Accessory Uses:

The following subject to approval by the Town Board of Supervisors of building, site and operational plans:

1. Off-street parking or loading areas.
2. Signs subject to the regulations of .24 of Ordinance.
3. Any accessory uses permitted in the B-1 through B-5 districts, as well as any others customarily associated with the permitted uses of this district, but excluding those involving outside storage or display.
4. Incidental service uses such as product or service display areas, warehousing and repair service, customer or employee services including restaurants, cafeterias, day care facilities, studios or instructional areas, provided that these uses are accessory or subordinate to the principal office use by not comprising cumulatively more than 30% of the floor area.

#### D. Uses Permitted by Conditional Grant:

1. Uses, which at the time of zoning permit application are questionable as to compliance with one or more of the standards of this Ordinance, which agree to a grant for specific time period as provided in this Ordinance in order to allow for site-specific testing of the questionable standard.
2. Clinics.
3. Clothing and apparel stores.
4. Clubs and lodges.
5. Drugstores.
6. Florists.
7. Gift stores.

8. Grocery stores.
9. Hardware stores.
10. Ice cream stores, soda fountains, soft drink stands.
11. Music stores.
12. Optical stores.
13. Packaged beverage stores.
14. Photographic supply stores.
15. Professional offices.
16. Restaurants
17. Second-hand stores.
18. Self-service and pick up laundry and dry cleaning establishments.
19. Shoe stores.
20. Sporting goods stores.
21. Tobacco stores.
22. Building material sales and storage.
23. Business offices.
24. Cleaning, pressing and dyeing.
25. Food lockers.
26. Machinery sales.
27. Painting studios.
28. Radio and television broadcasting stations and electric equipment.
29. Wholesale outlets.
30. Road maintenance shop, storage buildings and solid waste collection center.
31. Bars and taverns.
32. Automobile and truck rental services.
33. Hotels, motels and tourist courts.
34. Public parking lots.
35. Churches
36. Schools.
37. Arcades.
38. Funeral homes.

E. Special Regulations:

1. That the Town Board of Supervisors shall not approve building plans which do not treat all exterior walls of all structures permitted herein with acceptable materials that present an equally finished façade to all sides.
2. That necessary loading docks, and enclosed waste storage awaiting pickup, be especially well treated in terms of site placement and landscape and other suitable screening.

F. Uses Not Provided For:

Whenever in any zone, a use is neither specifically or generally permitted or denied and an application shall be made for such a use for a building or use permit, the Town Board of Supervisors shall determine whether the permit shall be issued. It shall be issued if the use is generally of the same nature as permitted uses and shall be denied if it is not so similar.

G. Area, Height and Yard Requirements:

LOT	AREA	Minimum, sufficient area for the principal structure and its accessory building off street parking and loading areas required by the Ordinance and all required yards. In addition, in all areas not serviced by a municipal sanitary sewage system, the lot area shall comply with the requirements of this Ordinance.
BUILDING	HEIGHT	Maximum 35 feet
YARDS	REAR	Minimum 50 feet
	SIDE	Minimum 50 feet
	STREET	Minimum 75 feet from center line of Town and County Roads and 75

		feet from right-of-way of State Roads
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