

## § 230-16. Commercial districts.

Architectural review standards. The design, construction and materials of all structures in this district shall demonstrate compatibility to adjacent residential developments. Such factors may include architectural style of the building and its massing, roofline, exterior facade materials, color of materials, windows, doors and service areas and other aspects of the building design.

### A. NC-1 Neighborhood Commercial District (based on C-2).

- (1) Intent. It is the intent to maintain in NC-1 Districts the quality of environment that is usually found in areas of commercial use often located near residential neighborhoods. The intensity and scale of the uses, lots and structures are intended to be compatible to nearby residential areas. Compatibility of site development shall be enhanced by encouraging adequate provisions for landscaped open space, attractive architecture and other amenities.
- (2) Uses allowed:
  - (a) Office of Planning and Development issuing a building permit: (reserved)
  - (b) Planning Board site plan approval:
    - [1] Retail use (less than 5,000 square feet).
    - [2] Personal service use.
    - [3] Office building.
    - [4] Bank/credit union.
    - [5] Medical office.
    - [6] Instructional facility.
    - [7] Day-care center. **[Added 3-20-2006 by L.L. No. 3-2006]**
  - (c) Planning Board special permit approval: (reserved)
  - (d) ZBA special permit approval and optional advisory referral to the Planning Board: (reserved)
  - (e) Town Board special permit approval and optional advisory referral to the Planning Board:
    - [1] Emergency vehicle station.
    - [2] Hospital/clinic.
    - [3] Nursing home/assisted-living facility.
    - [4] Retail use (5,000 to 15,000 square feet).
    - [5] Drive-in service.

[6] Secondary use.

(3) Cross-reference to other commonly used regulations; see sections noted:

- (a) Definitions: see Article II.
- (b) Accessory uses and structures: see § 230-20A.
- (c) Lot: structure dimensional exemptions: see § 230-20B.
- (d) Parking: see § 230-21.
- (e) Signs: see § 230-22.
- (f) Utility substation: see § 230-27.
- (g) Highway Overlay Zone: see § 230-19.

(4) NC-1 lot and structure dimensional requirements.

(a) Lot.

- [1] Area, minimum: 40,000 square feet.
- [2] Width, minimum: 150 feet.
- [3] Depth, minimum (feet): n/a.
- [4] Coverage, maximum building (%): n/a.
- [5] Coverage, maximum total (%): n/a.
- [6] Maximum gross floor area/lot: 15,000 square feet.

(b) Principal structure and attached accessory structures.

- [1] Front yard minimum: 50 feet.
- [2] Side yard minimum:
  - [a] One side: 25 feet.
  - [b] Total both sides: 50 feet.
- [3] Rear yard minimum: 25 feet.
- [4] Maximum height: 30 feet.
- [5] Maximum number of floors: two.
- [6] Maximum number of principal structures: n/a.

(c) Accessory structures, detached.

- [1] Front yard minimum: 50 feet.

[2] Side yard setback: 25 feet.

[3] Rear yard setback: 25 feet.

[4] Maximum height: 15 feet.

(5) NC-1 supplemental district design standards.

(a) Perimeter landscape strip: 10 feet.

(b) Additional setback where abutting residential district: 25 feet.

(c) Lot and structure design, scale and materials: subject to site plan review; shall reflect and be consistent with the existing or planned character of the surrounding area.

(d) Multiple buildings on one lot. More than one principal land use and/or principal structure is permitted in this district, subject, if applicable, to subdivision review and to site plan review for each lot development.

B. HC-1 Highway Commercial (based on C-2).

(1) Intent.

(a) It is the intent to maintain in this district the quality of environment that is usually found in areas of commercial use often located near, but generally not immediately adjacent to, residential neighborhoods. The intensity and scale of the uses, lots and structures are intended to be commensurate to moderately concentrated business areas.

(b) Development in these districts should be designed so as to be compatible with the general characteristics which exist or are to be expected in the nearby neighborhoods, such as open space, green areas, landscaping and architecture.

(2) Uses allowed:

(a) Office of Planning and Development issuing a building permit: (reserved)

(b) Planning Board site plan approval:

[1] Retail use.

[2] Personal service use.

[3] Office building.

[4] Bank/credit union.

[5] Theater, indoor.

[6] Shopping center.

[7] Public self-storage facility.

- [8] Medical office.
- [9] Outdoor retail sales and service.
- [10] Day-care center. **[Added 3-20-2006 by L.L. No. 3-2006]**
- [11] Instructional facility. **[Added 10-1-2007 by L.L. No. 6-2007]**
- (c) Planning Board special permit approval:
  - [1] Hospital/clinic.
  - [2] Nursing home/assisted-living facility.
  - [3] Secondary use.
- (d) ZBA special permit approval and optional advisory referral to the Planning Board: (reserved)
- (e) Town Board special permit approval and optional advisory referral to the Planning Board:
  - [1] Emergency vehicle station.
  - [2] Restaurant.
  - [3] Automobile car wash facility.
  - [4] Motor vehicle service. **[Amended 4-5-2010 by L.L. No. 3-2010]**
  - [5] Motor vehicle sales. **[Added 4-5-2010 by L.L. No. 3-2010<sup>1</sup>]**
  - [6] Motor vehicle rental. **[Added 4-5-2010 by L.L. No. 3-2010]**
  - [7] Drive-in service.
  - [8] Hotel/motel.
  - [9] Veterinary care facility.
  - [10] Indoor recreation: participant. **[Added 12-19-2011 by L.L. No. 4-2011]**
  - [11] Indoor recreation: spectator. **[Added 12-19-2011 by L.L. No. 4-2011]**
  - [12] Outdoor recreation: participant. **[Added 12-19-2011 by L.L. No. 4-2011]**
  - [13] Outdoor recreation: spectator. **[Added 12-19-2011 by L.L. No. 4-2011]**
  - [14] Motor vehicle sales (limited). **[Added 3-5-2012 by L.L. No. 1-2012]**
- (3) Cross-reference to other commonly used regulations; see sections noted:
  - (a) Definitions: see Article II.

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1. Editor's Note: This local law also redesignated former Subsection B(2)(e)[5], [6] and [7] as Subsection B(2)(e)[7], [8] and [9], respectively.

- (b) Accessory uses and structures: see § 230-20A.
- (c) Lot: structure dimensional exemptions: see § 230-20B.
- (d) Parking: see § 230-21.
- (e) Signs: see § 230-22.
- (f) Utility substation: see § 230-27.
- (g) Highway Overlay Zone: see § 230-19.
- (4) HC-1 lot and structure dimensional requirements.
  - (a) Lot.
    - [1] Area, minimum: 80,000 square feet.
    - [2] Width, minimum: 200 feet.
    - [3] Depth, minimum (feet): n/a.
    - [4] Coverage, maximum building (%): n/a.
    - [5] Coverage, maximum total (%): n/a.
    - [6] Maximum gross floor area/lot: 30,000 square feet.
  - (b) Principal structure and attached accessory structures.
    - [1] Front yard minimum: 75 feet.
    - [2] Side yard minimum:
      - [a] One side: 50 feet.
      - [b] Total both sides: 100 feet.
    - [3] Rear yard minimum: 50 feet.
    - [4] Maximum height: 35 feet.
    - [5] Maximum number of floors: two.
    - [6] Maximum number of principal structures: n/a.
  - (c) Accessory structures, detached.
    - [1] Front yard minimum: 75 feet.
    - [2] Side yard setback: 50 feet.
    - [3] Rear yard setback: 50 feet.
    - [4] Maximum height: 25 feet.

(5) HC-1 supplemental district design standards.

- (a) Perimeter landscape strip: 20 feet.
- (b) Additional setback where abutting residential district: 30 feet.
- (c) Lot and structure design, scale and materials: subject to site plan review; shall reflect and be consistent with the existing or planned character of the surrounding area.
- (d) Multiple buildings on one lot. More than one principal land use and/or principal structure is permitted in this district, subject, if applicable, to subdivision review and to site plan review for each lot development.

C. RC-1 Regional Commercial (based on C-3, -5, -7 and -10).

- (1) Intent. This district is intended to allow for diverse, large-scale commercial development of potentially multiple lots, structures and uses arranged in a planned and coordinated manner. Such development shall be treated as a unified development maintaining coordinated site management of shared parking, signage and similar site improvements. This district shall emphasize design to ensure compatibility with adjoining properties, land uses, public facilities and environmental features and, therefore, each shopping center complex shall conform to both district and individual lot development standards.

(2) Uses allowed:

- (a) Office of Planning and Development issuing a building permit: (reserved)
- (b) Planning Board site plan approval:
  - [1] Shopping center.
  - [2] Retail use.
  - [3] Personal service use.
  - [4] Office building.
  - [5] Bank/credit union.
  - [6] Restaurant.
  - [7] Theater, indoor.
  - [8] Motel/hotel.
  - [9] Medical office.
  - [10] Hospital/clinic.
  - [11] Nursing home/assisted-living facility.
  - [12] Public self-storage facility.

- [13] Outdoor retail sales and service.
- [14] Veterinary care facility.
- [15] Day-care center. **[Added 3-20-2006 by L.L. No. 3-2006]**
- [16] Instructional facility. **[Added 10-1-2007 by L.L. No. 6-2007]**
- (c) Planning Board special permit approval: (reserved)
- (d) ZBA special permit approval and optional advisory referral to the Planning Board: (reserved)
- (e) Town Board special permit approval and optional advisory referral to the Planning Board:
  - [1] Emergency vehicle station.
  - [2] Drive-in service.
  - [3] Automobile car wash facility.
  - [4] Motor vehicle service. **[Amended 4-5-2010 by L.L. No. 3-2010]**
  - [5] Motor vehicle sales. **[Added 4-5-2010 by L.L. No. 3-2010<sup>2</sup>]**
  - [6] Motor vehicle rental. **[Added 4-5-2010 by L.L. No. 3-2010]**
  - [7] Gasoline service station.
  - [8] Nightclub/dance hall.
  - [9] Indoor recreation: participant. **[Added 12-19-2011 by L.L. No. 4-2011]**
  - [10] Indoor recreation: spectator. **[Added 12-19-2011 by L.L. No. 4-2011]**
  - [11] Outdoor recreation: participant. **[Added 12-19-2011 by L.L. No. 4-2011]**
  - [12] Outdoor recreation: spectator. **[Added 12-19-2011 by L.L. No. 4-2011]**
  - [13] Motor vehicle sales (limited). **[Added 3-5-2012 by L.L. No. 1-2012]**
  - [14] Animal care/training facility. **[Added 7-17-2023 by L.L. No. 3-2023]**
  - [15] E-commerce or delivery use. **[Added 6-20-2023 by L.L. No. 2-2023]**
- (3) Cross-reference to other commonly used regulations; see sections noted:
  - (a) Definitions: see Article II.
  - (b) Accessory uses and structures: see § 230-20A.
  - (c) Lot: structure dimensional exemptions: see § 230-20B.

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2. Editor's Note: This local law also redesignated former Subsection C(2)(e)[5] and [6] as Subsection C(2)(e)[7] and [8], respectively.

- (d) Parking: see § 230-21.
  - (e) Signs: see § 230-22.
  - (f) Utility substation: see § 230-27.
  - (g) Highway Overlay Zone: see § 230-19.
- (4) RC-1 lot and structure dimensional requirements.
- (a) RC site.
    - [1] The following site requirements shall supersede and override any of the following individual lot or structure requirements and shall collectively apply to all lots within the complex:
      - [a] Minimum site area: five acres.
      - [b] Site perimeter landscape strip: 30 feet.
      - [c] Additional site perimeter landscape strip abutting residential districts: 50 feet.
      - [d] Cumulative coverage structure and pavement: 75%.
    - [2] Required yards for an RC site shall apply to all principal uses and structures within the RC site. These yards are determined in the same manner as yards for an individual lot. These yards shall include within the same space any perimeter landscape strip required above. These site requirements shall apply to RC sites occupied by a single principal use or multiple principal uses.
      - [a] Front yard: 100 feet.
      - [b] Side yard (each): 75 feet.
      - [c] Rear yard: 75 feet.
- (5) RC-1 individual lot standards.
- (a) Lot.
    - [1] Area, minimum (square feet): n/a.
    - [2] Width, minimum (feet): n/a.
    - [3] Depth, minimum (feet): n/a.
    - [4] Coverage, maximum building (%): n/a.
    - [5] Coverage, maximum total: 100%.
    - [6] Maximum gross floor area (square feet): n/a.
  - (b) Principal structure and attached accessory structures. These requirements apply to



all structures within an RC-1 shopping center site:

- [1] Front yard minimum: zero feet.
  - [2] Side yard minimum:
    - [a] One side: zero feet.
    - [b] Total both sides: zero feet.
  - [3] Rear yard minimum: zero feet.
  - [4] Maximum height:
    - [a] Office building, motel/hotel, hospital/clinic, nursing home/assisted-living facility: 50 feet.
    - [b] All other uses: 35 feet.
  - [5] Maximum number of floors: four.
  - (c) Accessory structures, detached:
    - [1] Front yard minimum: zero feet.
    - [2] Side yard setback: zero feet.
    - [3] Rear yard setback: zero feet.
    - [4] Maximum height: same as principal structure.
  - (6) RC-1 supplemental district design standards.
    - (a) Individual lot perimeter landscape strip: subject to site plan review.
    - (b) Additional setback where abutting residential district (feet): n/a.
    - (c) Lot and structure design, scale and materials: subject to site plan review.
    - (d) Multiple principal uses or structures are permitted, subject to site plan and/or subdivision review, if applicable.
- D. LuC-1 Limited Use District for Gasoline Services (based on C-4).
- (1) Intent. The intent of this district is to augment the uses of existing or planned general commercial districts with the enumerated limited uses. In this district, it allows for the inclusion of motor vehicle and gasoline service facilities to serve the residents, employees and customers of surrounding residential neighborhoods or business areas.
  - (2) Uses allowed:
    - (a) Office of Planning and Development issuing a building permit: (reserved)
    - (b) Planning Board site plan approval:

- [1] Gasoline service station.
- [2] Accessory uses related to the gasoline service station:
  - [a] Retail service of automobiles conducted inside a structure.
  - [b] Preparation and/or retail sale of food and other convenience store items.
  - [c] Automobile car wash facility.
- (c) Planning Board special permit approval: (reserved)
- (d) ZBA special permit approval and optional advisory referral to the Planning Board: (reserved)
- (e) Town Board special permit approval and optional advisory referral to the Planning Board:
  - [1] Drive-in service.
  - [2] Motor vehicle sales (limited). **[Added 3-5-2012 by L.L. No. 1-2012]**
- (3) Cross-reference to other commonly used regulations; see sections noted:
  - (a) Definitions: see Article II.
  - (b) Accessory uses and structures: see § 230-20A.
  - (c) Lot: structure dimensional exemptions: see § 230-20B.
  - (d) Parking: see § 230-21.
  - (e) Signs: see § 230-22.
  - (f) Utility substation: see § 230-27.
  - (g) Highway Overlay Zone: see § 230-19.
- (4) LuC-1 lot and structure dimensional requirements.
  - (a) Lot.
    - [1] Area, minimum: 40,000 square feet.
    - [2] Width, minimum: 200 feet.
    - [3] Depth, minimum (feet): n/a.
    - [4] Coverage, maximum building (%): n/a.
    - [5] Coverage, maximum total (%): n/a.
  - (b) Principal structure and attached accessory structures.
    - [1] Front yard minimum: 50 feet.

- [2] Side yard minimum:
  - [a] One side: 25 feet.
  - [b] Total both sides: 50 feet.
- [3] Rear yard minimum: 25 feet.
- [4] Maximum height (feet): n/a.
- [5] Maximum gross floor area (square feet): n/a.
- [6] Maximum number of floors: n/a.
- (c) Accessory structures, detached.
  - [1] Front yard minimum: existing principal structure rear line.
  - [2] Side yard setback (feet): n/a.
  - [3] Rear yard setback (feet): n/a.
  - [4] Maximum height (feet): n/a.
- (5) LuC-1 supplemental district design standards.
  - (a) Perimeter landscape strip: 20 feet.
  - (b) Additional setback where abutting a residential district: 50 feet (total).
  - (c) Lot and structure design, scale and materials: subject to site plan review; shall reflect and be consistent with the existing or planned character of the surrounding area.
- E. LuC-2 Limited Use District for Restaurants (based on C-8).
  - (1) Intent. The intent of this district is augment the uses of existing or planned general commercial districts with the enumerated limited uses. This district is to allow for restaurant land uses on sites that afford adequate parking, storage and related facilities in a manner that is compatible with the existing or planned character of surrounding commercial or industrial land uses and with minimal or no adverse effect upon public facilities and environmental features.
  - (2) Uses allowed:
    - (a) Office of Planning and Development issuing a building permit: (reserved)
    - (b) Planning Board site plan approval:
      - [1] Restaurant.
    - (c) Planning Board special permit approval:
      - [1] Drive-in service.

- (d) ZBA special permit approval and optional advisory referral to the Planning Board: (reserved)
- (e) Town Board special permit approval and optional advisory referral to the Planning Board: (reserved)
- (3) Cross-reference to other commonly used regulations; see sections noted:
  - (a) Definitions: see Article II.
  - (b) Accessory uses and structures: see § 230-20A.
  - (c) Lot: structure dimensional exemptions: see § 230-20B.
  - (d) Parking: see § 230-21.
  - (e) Signs: see § 230-22.
  - (f) Utility substation: see § 230-27.
  - (g) Highway Overlay Zone: see § 230-19.
- (4) LuC-2 lot and structure dimensional requirements.
  - (a) Lot.
    - [1] Area, minimum (square feet): n/a.
    - [2] Width, minimum (feet): n/a.
    - [3] Depth, minimum (feet): n/a.
    - [4] Coverage, maximum building (%): n/a.
    - [5] Coverage, maximum total (%): n/a.
  - (b) Principal structure and attached accessory structures.
    - [1] Front yard minimum: 50 feet.
    - [2] Side yard minimum:
      - [a] One side: 25 feet.
      - [b] Total both sides: 50 feet.
    - [3] Rear yard minimum: 25 feet.
    - [4] Maximum height (feet): n/a.
    - [5] Maximum gross floor area (square feet): n/a.
    - [6] Maximum number of floors: n/a.
  - (c) Accessory structures, detached.

- [1] Front yard minimum: existing principal structure rear line.
  - [2] Side yard setback (feet): n/a.
  - [3] Rear yard setback (feet): n/a.
  - [4] Maximum height (feet): n/a.
- (5) LuC-2 supplemental district design standards.
- (a) Perimeter landscape strip: 15 feet.
  - (b) Additional setback where abutting residential district: 30 feet (total).
  - (c) Lot and structure design, scale and materials: subject to site plan review; shall reflect and be consistent with the existing or planned character of the surrounding area.