

Article IX RB Restricted Business

[Amended 8-13-2008 by L.L. No. 2-2008]

§ 229-75 Intent.

The intent of this district is to allow for the continued and future use, expansion, and new development of professional offices and similar less intensive business uses. The regulations are designed to be more compatible with residential areas of the Town and are intended to be less traffic-generating than retail businesses. Professional office development is encouraged along the Sheridan Drive corridor, northern Transit Road, and small sections of Wehrle Drive and Bergtold Road. As most of the restricted business districts are located outside of areas serviced by public sewers, designs should reflect a more open character.

§ 229-76 Permitted uses.

[Amended 3-11-2020 by L.L. No. 1-2020]

The following list of uses are allowed as vested rights in structures measuring up to 10,000 square feet in area or a cumulative total of 30,000 square feet of building area on an individual property:

- A. Professional offices.
- B. Nursing homes.
- C. Bed-and-breakfasts.
- D. Home occupations.
- E. Day-care centers.
- F. Mortuary/funeral homes.
- G. Medical clinics.
- H. Community facilities.
- I. Public utility facilities.
- J. Beauty salons.

§ 229-77 Uses permitted with special exception use permits.

- A. Any permitted use that involves a structure in excess of 10,000 square feet or a cumulative total of 30,000 square feet of building area on an individual property and the following list of uses:
 - (1) Telecommunications towers (Chapter 173 of the Code of the Town of Clarence).
 - (2) Multiple-family dwellings.
 - (3) Bank or financial institution.

§ 229-78 Accessory structures.

- A. Permitted accessory structures:

- (1) Private garages.
- (2) Sheds.
- (3) Enclosures for dumpsters.
- (4) Barns.
- (5) Fences/walls.
- (6) Private recreational facilities.

B. No accessory buildings designed, intended or used for business purposes shall extend closer than 25 feet to any side or rear lot line of any residential lot used wholly for residential purposes, nor closer than 25 feet to any residential district boundary, nor closer than 10 feet to any side or rear lot line wholly within the restricted business district. Accessory buildings lying wholly to the rear of the principal buildings shall not extend closer than 10 feet to the side or rear lot line, provided that these lines do not designate a residential district boundary or are in common with a lot used wholly for residential purposes.

C. Private garages, toolhouses and other accessory buildings used wholly in connection with private residences shall extend not closer than 10 feet to any side or rear lot line.

§ 229-79 Development and design provisions.

A. Minimum lot size. No lot shall be less than 100 feet of public road frontage and be at least 120 feet in depth. Corner lots shall be not less than 300 feet of public road frontage on each street. If the property has public sewer access, then no lot shall contain less than 20,000 square feet nor less than 5,000 square feet of area per family unit if used for multiple dwellings. If the property has no public sewer access, then no lot shall contain less than one acre (43,560 square feet) of land area and be subject to review and approval of the Erie County Health Department or New York State Department of Environmental Conservation for private wastewater treatment permits.

B. Minimum development setbacks:

- (1) Front yard: 80 feet. Where there is an established front setback line between adjoining properties, that setback line would apply to the property to a minimum of 45 feet.
- (2) Side yard: 25 feet.
- (3) Rear yard: 25 feet.
- (4) Setback to adjoining residential (minimum): 45 feet.
- (5) Any commercial uses shall not be located adjacent to residential uses unless separated by a minimum forty-five-foot greenbelt.
- (6) Arcades, awnings and open porches shall be permitted to encroach a maximum of 12 feet into front setbacks and side setbacks.

C. Size of buildings. No principal building shall contain less than 800 square feet of usable floor space. Buildings used in whole or in part for residential purposes, exclusive of accessory buildings and exclusive of porches, entries, garages and terraces, shall contain no less than 900 square feet of usable living space if a one-story building used as a one-family dwelling, nor less than 600 square feet of usable first floor living space if more than one story, provided that no such building shall contain a total of less than 1,000 square feet of usable living space if used as a one-family dwelling, and provided further that no such building shall contain a total of less than 600 square feet of usable living space for each one-bedroom family unit or apartment; 720 square feet of usable living space for each two-bedroom family unit or apartment; and 1,000 square feet of usable living space for each three-bedroom family unit or apartment.