

§ 210-35. Highway Business (B-H) District.

- A. District purposes. This district is designed to provide areas for commercial establishments that typically require direct auto access to and visibility from a major arterial highway. Specifically, the intent of this district is to:
- (1) Provide appropriate locations and regulations for commercial uses which require large amounts of land area for storage, parking and other site requirements.
 - (2) Accommodate those commercial uses which do not characteristically function well as part of regional or community shopping centers.
 - (3) Provide for those unique commercial uses which must have highway locations for economic survival.
 - (4) Provide regulations that ensure the visual and functional compatibility of highway business uses with surrounding land uses.
 - (5) Provide for the coordinated and concentrated development of highway-oriented commercial uses at appropriate location along major roadways.
 - (6) Provide for the coordinated development of highway business uses with other major regional and community commercial uses within the Town.
- B. Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board):
- (1) *Animal grooming, subject to § 210-52. [**Added 7-5-2023 by L.L. No. 8-2023¹**]
 - (2) *Animal training, indoor, subject to § 210-52. [**Added 7-5-2023 by L.L. No. 8-2023**]
 - (3) *Bakeries, retail.
 - (4) *Banks or financial services.
 - (5) *Boat and marine sales, subject to § 210-56.
 - (6) *Bowling alleys.
 - (7) *Building materials sales and storage (screened), subject to § 210-59.
 - (8) *Business parks, subject to § 210-60.
 - (9) *Clubs, health and fitness.
 - (10) *Country clubs, subject to § 210-64.
 - (11) *Delicatessens.
 - (12) *Fraternal clubs, subject to § 210-64.
 - (13) *Funeral homes, subject to § 210-71.

1. Editor's Note: This local law also redesignated former Subsection B(1) through (32) as Subsection B(3) through (34), respectively.

- (14) *Golf courses, subject to § 210-73.
 - (15) *Hotels, motels, subject to § 210-75.
 - (16) *Indoor recreation.
 - (17) *Inns, subject to § 210-77.
 - (18) *Laundries, laundromats, dry cleaners.
 - (19) *Mobile home sales, subject to § 210-85.
 - (20) *Motor vehicle accessory sales, subject to § 210-86.
 - (21) *Museums.
 - (22) *Nurseries, greenhouses and vegetable stands.
 - (23) *Offices.
 - (24) *Outdoor recreation, including miniature golf courses, archery ranges, driving ranges and skating rinks.
 - (25) *Personal service businesses, with or without drive-in or drive-through.
 - (26) *Places of religious worship, subject to § 210-95.
 - (27) *Public utility structures, subject to § 210-96.
 - (28) *Restaurants, with or without drive-in or drive-through.
 - (29) *Retail businesses, with or without drive-in or drive-through.
 - (30) *Service businesses, with or without drive-in or drive-through.
 - (31) *Shoe stores.
 - (32) *Supermarkets.
 - (33) *Swimming pools and pool accessory sales.
 - (34) *Veterinary office, subject to § 210-52. **[Amended 7-5-2023 by L.L. No. 8-2023]**
- C. Special uses shall be as follows (Note: "*" designates a use which is subject to both special use permit and site plan approval by the Planning Board; "+" designates a use that is subject to special use permit approval by the Zoning Board of Appeals; "^" designates a use that is subject to special use permit approval by the Town Board and site plan approval by the Planning Board.): **[Amended 7-19-2017 by L.L. No. 13-2017; 6-1-2022 by L.L. No. 2-2022; 7-5-2023 by L.L. No. 8-2023; 8-2-2023 by L.L. No. 9-2023]**
- (1) *Animal hospitals, subject to § 210-52.
 - (2) *Animal training, outdoor, subject to § 210-52.
 - (3) *Bars, taverns subject to § 210-54.

- (4) ^Cannabis retail dispensary, subject to § 210-61.
- (5) *Day-care centers, subject to § 210-65.
- (6) *Kennels, subject to § 210-52.
- (7) *Motor vehicle rental facilities, subject to § 210-88.
- (8) *Motor vehicle repair facilities, subject to § 210-87.
- (9) *Motor vehicle sales and service facilities, subject to § 210-89.
- (10) *Motor vehicle service facilities, subject to § 210-90.
- (11) *Nursery schools, subject to § 210-65.
- (12) *Recreation clubs, subject to § 210-64.
- (13) *School-age child-care facilities, subject to § 210-65.
- (14) *Tattoo parlor.
- (15) *Tobacco store, subject to § 210-111.1.
- (16) *Warehousing, storage buildings, subject to § 210-115.

D. Accessory uses shall be as follows: (Note: "*" designates a use which is subject to site plan approval by the Planning Board): **[Amended 3-24-2010 by L.L. No. 5-2010]**

- (1) *Accessory buildings and structures, subject to § 210-48.
- (2) *Bus passenger shelters.
- (3) *Parking garages.
- (4) *Outdoor restaurant dining facilities, subject to § 210-102.
- (5) Temporary buildings for construction purposes, subject to § 210-109.

E. The area and bulk regulations for the B-H District shall be as follows: **[Amended 4-6-2011 by L.L. No. 8-2011]**

Minimum Lot Area (acres)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
2	200	200	400	40	40	40	25%	75%	45 or 3 stories

- (1) On a lot, no single retail use shall occupy ground floor space in excess of 55,000 square feet.
- (2) The continuous ground level frontage of a single commercial use building in excess of 80 feet in length on any frontage exposed to a street, public space or parking area and

ground-level commercial uses larger than 20,000 square feet shall be contained in a mixed-use structure or be architecturally designed to appear as a streetscape composed of a variety of small buildings that helps to further prevent the visual dominance or appearance of a single, large commercial use.

- (3) Unless approved by the Planning Board, parking shall be located to the side or to the rear of principal structures.
- F. Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the B-H District. The Planning Board shall use its discretion as to the applicability of these guidelines to an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.
- (1) A landscaped buffer area of not less than 30 feet in depth shall be provided along the front yard, side yard, and rear yard of any lot, except where the nonresidential development abuts a property in residential use, in which case the setbacks and landscaping for nonresidential and mixed-use developments shall be subject to the requirements of § 210-152A(2) of this chapter. Roads, pathways, and sidewalks providing access through the buffer are permitted.
 - (2) Utilities shall be placed underground.
 - (3) Sidewalks shall be provided along any public street and shall, where practicable, link with existing and future potential sidewalks and pedestrian pathways. The sidewalks shall be separated from the street by a tree lawn at least four feet wide. In approving sidewalks, the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively, the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.
 - (4) The development of public parks, commons, or small pedestrian plazas with amenities such as benches and landscaping is encouraged.
 - (5) The adaptive reuse of existing structures is encouraged.
 - (6) Where practicable, existing tree rows and hedgerows, stone walls, and similar features shall be retained in the development of any new use or the expansion of any existing use.
 - (7) Additions to existing buildings shall use materials and details complementary to those incorporated in the parent structure.
 - (8) New buildings, or additions to existing buildings, shall reflect any discernible pattern of window and door openings that is established among adjacent structures or is present in the existing building.
 - (9) Trash and storage containers shall meet the requirements of § 210-112. Enclosures shall be constructed of masonry walls with a steel gate and shall be compatible with the color

of the walls of the building to which they are associated.

- (10) The construction of any blank, windowless facade facing a corridor that provides frontage for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.
- (11) The utilization of ribbon or continuous strip glazing in any building facade shall be avoided.
- (12) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall-mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed or, in the case of freestanding signs, with which it is associated.
- (13) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and facade variations and other architectural features can disguise the flatness of the roof. Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entryway or tower element to break the horizontal facade.
- (14) Any large building facade and the sides visible from a street shall incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.
- (15) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.
- (16) The number of off-street parking spaces provided shall be the minimum necessary to adequately serve the intended use.
- (17) The total number of required parking spaces shall be broken up into smaller "blocks" of parking, with no more than 20 parking spaces per parking block. Parking blocks shall be separated from each other by a landscaped area no less than five feet wide.
- (18) Where practicable, service alleys for deliveries and utility access should be established along rear property lines.
- (19) Where permitted, drive-in and drive-through facilities shall be located at the side or rear of buildings, and landscaping should be used to reduce the visibility of such facilities.
- (20) Pedestrian safety and internal vehicular circulation must be considered in the design of any drive-through facilities.
- (21) Cross-easements should be used to provide shared access to parking and driveways whenever possible.
- (22) Off-street parking lots and loading areas, accessory use structures or storage other than sheds shall be screened from walkways and streets utilizing appropriate vegetation and/or fencing.

- (23) All roof-mounted equipment shall be screened utilizing screens of a height equal to the height of the unit.