

§ 250-5.10. Four Corners District (FC).

- A. Purpose. The purpose of the Four Corners District (FC) is to recognize the unique nature of this historic area of the Town and to help preserve and enhance the long-established community or "Village Center" character of Penfield and to further the goals and recommendations of the Four Corners Plan. The FC District regulations include special design features and controls that provide incentives to achieve a compatible mixture of residential and business uses, to provide buffer screening and landscaping to separate uses of different intensities, to encourage the shared use of access and parking areas, to improve traffic flow and safety, and to make more compatible use of available land areas.
- B. Special provisions.
- (1) In order to achieve the purposes specified herein, the Town shall employ additional standards and controls designed to:
- (a) Encourage a compatible mix of residential, retail, business, service and public uses.
 - (b) Provide adequate buffers and landscaping to visually separate residential uses from adjacent business and service uses.
 - (c) Preserve and protect the integrity of the historic and other resources that help create the character of the Four Corners.
 - (d) Encourage shared access to enhance traffic flow and safety.
 - (e) Encourage shared use and controlled linkages of off-street parking areas.
 - (f) Create alternative shared access points to off-street parking areas from Penfield Road and Five Mile Line Road.
- (2) Notwithstanding any language to the contrary expressed in this section, no building permit shall be issued for development within the FC District without the applicant first securing a conditional use permit from the Town Board pursuant to the standards of § 250-13.4, as amended and final site plan approval in accordance with procedures set forth in Article XII and compliance with all conditions and

requirements as may be set forth by the Town Board as well as any other board or authorized official having jurisdiction.

- (3) Subdivision approval requirements shall be consistent with the regulations of Article XI of this chapter, except as otherwise provided in this section.
 - (4) Upon a determination by the authorized official that any business or conditional use originally permitted within the FC District is to be changed so that it involves a separate, different and distinct use, process product or service, or involves a new operator, an application for a conditional use permit must be made to the Town Board. Prior to authorizing the Town Clerk to issue the conditional use permit, the Town Board shall ensure that the applicant satisfies the Town's standards and requirements of this section. As part of this process, the Town Board may require the modification of any and all phases of the operation that have become, or are liable to become, detrimental to the neighborhood. The Town Board, in its absolute discretion, in cases it deems to be appropriate, may delegate authority to the authorized official to grant or deny a conditional use permit consistent with the standards and requirements of this section.
- C. Permitted uses. The Four Corners District shall have no permitted uses as of right. Those uses existing at the time of the effective date of this chapter shall be permitted to continue to operate at their current level of activity. Any increase in the level of activity of said uses shall be subject to review and approval by the Town Board.
- D. Conditional uses. The following uses are conditionally permitted:
- (1) Retail shops.
 - (2) Sit-down/take-out restaurants.
 - (3) Convenience stores.
 - (4) Barber shops and hair salons.
 - (5) Offices for licensed professions, such as attorneys, architects, designers, dental and medical, engineers, insurance agents, etc.
 - (6) Banks.
 - (7) Gasoline service without vehicle repair.

- (8) Churches and similar religious facilities.
 - (9) Schools having a curriculum approved by the Board of Regents of the State of New York.
 - (10) Commercial schools providing instruction in such areas as art, music, dance and business.
 - (11) Photographic studios and art galleries.
 - (12) Senior living facilities.
 - (13) Proprietary health care facilities.
 - (14) Residential structures containing no more than four dwelling units.
 - (15) Combinations of conditionally permitted business and residential uses.
 - (16) Commercial off-street parking lots and garages.
 - (17) Other legal uses determined (following a public hearing) by the applicable board having jurisdiction to issue conditional use permits to be similar in nature to those uses described in Subsection D(1) through (16) to be compatible with the purposes of the FC District and to be consistent with the Town's Comprehensive Plan; provided, however, that in any event no conditional use permit shall or may be issued with respect to any explicitly prohibited use.
- E. Accessory uses: uses accessory to the above that are an integral part of and used solely by the conditionally permitted use and deemed appropriate by the Town Board or authorized official, as the case may be.
- F. Minimum dimensional requirements.
- (1) Lot area. The minimum lot size shall be that needed to accommodate the necessary structure and comply with this chapter, as well as all other Town requirements.
 - (2) Lot coverage. There shall be no specific lot coverage requirements for this district. The intent of the district is to encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land and to facilitate the adequate and economic use of streets, utilities and parking areas. The Town Board shall determine the lot coverage on a case-by-case basis. In cases

where shared or parking available to the general public is proposed, greater lot coverage will be encouraged and less green space or landscaped areas required. In cases where shared or parking available to the general public is not proposed, less lot coverage and additional landscaping may be required.

- (3) Setbacks. All setbacks shall comply with the buffering requirements of Article VII of this chapter. No structure within the Four Corners District shall be located closer than 30 feet to the front property line, 20 feet to a side property line or 30 feet to a rear property line. In the case of corner lots, the thirty-foot minimum front setback shall be provided along each road frontage. Notwithstanding any provisions contained in this chapter to the contrary, the Town Board shall have the power to modify applicable provisions of this Subsection F(3) with regard to setbacks for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land and to facilitate the adequate and economic use of streets and utilities. A buffer area of at least 50 feet shall be provided along the boundary line between the Four Corners District and any residential zoning district.
 - (4) Floor area. As a guideline, structures should be erected having no more than 5,000 square feet of floor area. Notwithstanding, the foregoing language, this guideline shall be flexible and the Town Board, in its discretion, shall have the power to modify the square footage to ensure that it is properly scaled to the site, the adjacent properties and to the properties within the Four Corners District. No structure shall exceed two stories or 35 feet in height, whichever is less.
- G. Hours of operation. Business establishments within the Four Corners District shall be open to the public only between the hours of 6:00 a.m. and 12:00 midnight; however, based upon the intensity of the proposed use and its potential impact on neighboring areas, the Town Board may modify the hours of operation as part of the process of granting a conditional use permit.
- H. Parking facilities. The applicant shall be responsible for ensuring that adequate parking facilities (either on- or off-site) to accommodate the needs of the proposed business are available as set forth in §§ 250-7.7 and 250-7.8 of this chapter. No conditional

use permit shall be granted by the Town Board until it is satisfied that the proposed parking arrangements will adequately support the proposed use.

I. Design regulations.

(1) The Four Corners Plan has identified the sharing of access and off-street parking areas, including the elimination or consolidation of curb cuts and controlled linkages between existing and proposed off-street parking areas, as priority objectives. The FC District Design Regulations are intended to achieve these objectives and shall supersede regulations where conflicts occur, but replace the site design regulations specified elsewhere in this chapter. The joint use or sharing of ancillary site features, including, but not limited to, off-street parking, loading, access, lighting, landscaping and signage, is encouraged within the FC District. The Town Board shall evaluate the potential for joint or shared use of such facilities in all development actions within the FC District. Any written agreement, including amendments or modifications, granting or providing shared or joint use of facilities or access thereto by two or more owners shall be approved by the Town Board as a condition of development authorization.

(2) Off-street parking and access.

(a) Shared off-street parking for employees may be located off-site, provided that such parking spaces shall not be located more than 1,500 feet from the nearest entranceway to the building(s) where the employees work.

(b) Shared access shall be encouraged for all sites within the FC District.

[1] Such access may be provided either by:

[a] One common driveway serving two or more sites having sufficient width for two vehicles to safely pass; or

[b] Two common driveways with alternate one-way traffic flows to and from a public street.

[2] Shared access shall also be reviewed on an individual basis to determine the feasibility of that proposed hereinabove.

- J. Signage. Signs shall comply with § 250-10.26, Four Corners signage, of this chapter.
- K. Review. No Town Board determinations with respect to varying setback requirements or granting or denying conditional use permits shall be subject to administrative review under this chapter; but rather, shall be subject to judicial review as provided by law.