

Town of Victor, NY  
Monday, February 6, 2023

## Chapter 211. Zoning

### Article III. Zoning Districts

#### § 211-22. Commercial District regulations.

C Districts are districts created for commercial uses. The purpose of establishing this district is to provide a broad range of commercial goods and services necessary to serve all elements of the community and to do so in an orderly fashion that maintains the integrity and viability of the other zoning districts.

A. Permitted uses shall be as follows:

- (1) Bed-and-breakfast establishments. As described in the R-2 District permitted uses when incidental to a preexisting, nonconforming single-family detached residence.
- (2) Health care and institutional uses. Human service institutions, social halls, clubs, lodges, community service organizations, nursing homes, hospitals, institutions of a charitable, educational, financial, religious or social nature and medical offices for the treatment of humans by licensed medical practitioners.
- (3) Appropriate not-for-profit uses. Any public or institutional use of an educational, recreational, religious or cultural nature, such as churches, parish houses, schools, colleges, universities, libraries, museums, cemeteries, parks and playgrounds of a noncommercial nature. This class excludes correctional institutions.
- (4) Essential services. These are services necessary for the preservation of the public health, safety and convenience, including the erection, construction, alteration or maintenance of public utility systems. This provision excludes buildings, substations, pole yards and other open areas used for the storage of utility facilities, except that fire, ambulance and police stations are included. Public utilities requiring communication towers shall be subject to the provisions of § **211-47**, Communication towers.  
[Amended 1-27-1997 by L.L. No. 4-1997]
- (5) Customary accessory uses. Accessory uses or structures which are clearly subordinate to the principal use of a building located on the same lot and which serve a purpose customarily incidental to the use of the principal building shall be permitted in each district. Such uses include swimming pools, storage facilities, home gardening, servants quarters to be occupied only by servants employed on the premises, home occupations, professional offices employing not more than one person who is not a member of the household, signs, off-street parking and loading areas, temporary tract offices and other uses customarily appurtenant to a permitted use.
- (6) Customary agricultural operations. These are the same as are herein defined. Operations involving the housing of poultry or stabling of livestock or storage of manure or odor- or dust-producing material are not permitted within 100 feet of any lot line. This setback of 100 feet also shall apply to the stabling of horses, ponies or other animals kept as pets for recreation, but the setback will not apply to the keeping of household pets such as dogs or cats.
- (7) Retail commercial uses.

- (a) This class includes but is not limited to the following primary uses:
- [1] Shopping centers.
  - [2] Stores and shops for conducting a seasonal or year-round retail business, excluding uses specifically regulated or prohibited elsewhere in this chapter.
  - [3] Rental and repair services. Motor vehicle repair businesses shall meet the standards below:
    - [a] All repairs of damaged or inoperable vehicles must be conducted in an enclosed building.
    - [b] The facility shall be at least 1,000 feet from the boundary of any residentially zoned district.
    - [c] Facility structure(s) must be at least 500 feet from any off-site structure(s) of a residential use.
    - [d] All access roads to the site and all internal areas on which vehicles operate must be constructed and maintained in such a way as to prevent dust from being generated. Access roads shall be paved.
    - [e] Hours of operation shall be limited to Monday through Friday, 7:00 a.m. to 7:00 p.m., and 7:00 a.m. to 6:00 p.m. on Saturday.
    - [f] All vehicles which are awaiting repair shall be stored inside of a building or within an area which is entirely screened from public view.
    - [g] The business shall comply with all applicable rules and regulations concerning use, storage and disposal of petroleum products.
    - [h] Floor drains must be connected to a holding tank or sanitary sewer equipped with an oil and grit separating tank.
    - [i] Wastes collected in a holding tank must be disposed of through a licensed waste hauler.
    - [j] Waste degreasing solvents must be stored in drums or holding tanks and disposed of through a licensed waste hauler.
    - [k] Waste oil must be stored in tanks or drums for disposal by a licensed waste hauler.
    - [l] The storage facilities for tanks and/or drums require coated concrete floors and dikes to retain accidental spills or leaks. A permanent roof to protect tanks or drums and to protect precipitation from entering dikes is required. Drums shall be sealed, and tanks or drums must be located away from floor drains.
  - [4] Restaurants. Restaurants shall meet the standards below:
    - [a] The food preparation and service facilities must be designed and maintained so as not to produce smoke, dust, noise, odors, excessive heat or other deleterious by-products detectable beyond the property nor to litter the premises or those of adjoining properties.
    - [b] Control of solid waste. Restaurants shall maintain the premises in such a fashion that solid waste is not permitted to accumulate on the property nor to litter the premises or those of adjoining properties. To that end, the restaurant shall provide a walled or fenced enclosure for the storage of dumpster and other trash containers. The restaurant shall maintain trash receptacles for use by customers inside the restaurant and on the building lot.

- [c] Buffers. To provide effective screening and buffering for adjoining commercial property, the following provisions will be required for all restaurants. A five-foot-wide landscape area shall be provided along all property lines, excluding points of ingress and egress and property lines adjacent to existing commercial uses. This landscape area shall be densely planted with a mixture of shrubs and trees. All landscape areas along property lines which are crossed by access drives may be planted with low shrubs no greater than three feet high and with a branching habit no less than eight feet wide; further, no planting shall cause a hazardous condition by interfering with the normal line of sight (350 feet in either direction) needed for safe entering and exiting maneuvers by motor vehicles. Landscape areas shall be designed to be easily maintained and protected by at least a six-inch nonmountable concrete or granite curbing.
  - [d] Site plan review. The site plan must be approved by the Planning Board.
  - [5] Bakeries.
  - [6] Businesses with on-site consumption of alcoholic beverages.
  - [7] Recreational and commercial recreational services.
  - [8] Entertainment uses.
  - [9] Banks, theaters and book, tool and video rental and lending businesses, including those with drive-up tellers or other drive-up services.
  - [10] Laundromats and dry-cleaning establishments.  
[Amended 4-22-1996 by L.L. No. 8-1996]
    - [a] Site plan review. The site plan must be approved by the Planning Board.
    - [b] Groundwater protection measures will be reviewed.
  - [11] Automobile and/or mobile equipment sales and showrooms.
    - [a] Site plan review. The site plan must be approved by the Planning Board.
  - [12] Hotels and motels.
  - [13] Residential uses in conjunction with a principal permitted use, provided that the dwelling area is not located on the street level of the structure.
  - [14] Any other business not specifically enumerated but which is judged by the Zoning Board of Appeals to be of the same general character as uses permitted in this use class and not specifically prohibited herein.
- (b) The following provisions and requirements apply to retail commercial uses:
- [1] No structure shall be located within 50 feet of the boundary of any residential property.
  - [2] To the greatest extent feasible, all new construction and facade alterations shall be harmonious with existing business structures in the area.
- (8) Nonretail commercial uses. This class includes but is not limited to the following primary purposes:
- (a) Personal and professional services, including offices, office suites and consulting rooms of licensed professional workers such as attorneys, counselors, real estate brokers, clergy, architects, surveyors and engineers.
  - (b) Professional offices and outpatient clinics of licensed medical, dental and other licensed health care professional practitioners.

- B. Special use permits. The Planning Board may issue special use permits for the following:  
[Amended 8-23-1993 by L.L. No. 4-1993; 12-26-1995 by L.L. No. 7-1995; 4-22-1996 by L.L. No. 8-1996; 7-26-1999 by L.L. No. 8-1999; 10-23-2017 by L.L. No. 8-2017]
- (1) Dog kennels. All dog kennels shall require two or more acres of land.
  - (2) Gas stations and car washes.
    - (a) The proposed structures shall be located consistent with the regulations of the district in which they are to be located. The design and type of such structure shall be in harmony with other structures in the neighborhood.
    - (b) The proposed use shall not create a traffic hazard at the proposed location.
    - (c) The applicant shall have, in writing, agreed to construct and operate such proposed station in strict accordance with such conditions and restrictions as imposed by site plan approval.
    - (d) Site plan review. The site plan must be approved by the Planning Board.
    - (e) The business shall comply with all applicable rules and regulations concerning use, storage and disposal of petroleum products.
    - (f) Floor drains must be connected to a holding tank or sanitary sewer equipped with an oil and grit separating tank.
    - (g) Wastes collected in a holding tank must be disposed of through a licensed waste hauler.
    - (h) Waste degreasing solvents must be stored in drums or holding tanks and disposed of through a licensed waste hauler.
    - (i) Waste oil must be stored in tanks or drums for disposal by a licensed waste hauler.
    - (j) The storage facilities for tanks and/or drums require coated concrete floors and dikes to retain accidental spills or leaks. A permanent roof to protect tanks or drums and to protect precipitation from entering dikes is required. Drums shall be sealed, and tanks or drums must be located away from floor drains.
    - (k) Entrances and exits shall be aligned with public streets for maximum safety and for future development access such that the intersections shall be aligned with the opposite center lines of existing public rights-of-way or shall be more than 150 feet from a street intersection.
    - (l) No gas station or any commercial sale of gasoline shall be permitted to be established on any lot within a distance of 2,500 feet of any existing gasoline station, nor any lot for which a building permit or site plan approval has been issued for the erection of such a station.
    - (m) Only limited-use gasoline stations which have just gasoline pumps and a building for shelter of personnel may be constructed as an integral part of a shopping center or development area. These shall not have direct access to or from public highways.
    - (n) Minimarts may be developed in association with gasoline service stations, provided that:
      - [1] There are separate parking areas provided for non-gas-buying consumers, out of the service lanes of the gas-buying consumers.
      - [2] The minimart portion of the facility shall comply with design standards established during the site plan review and treated similarly to that of any other retail use.
    - (o) Gasoline or flammable liquids in bulk shall be stored fully underground, not nearer than 20 feet to any street line nor 40 feet to any lot line.
    - (p) No gasoline pumps shall be located nearer than 40 feet to any street or lot line.

- (q) No building permit shall be issued for any such establishment within a distance of 200 feet of any school, church, hospital or other place of public assembly designed for occupancy by more than 50 persons, said distance to be measured in a straight line between the nearest points of each of the lots or premises, regardless of the distance where either premises are located.
  - (r) The gasoline station or car wash must be occupied and operative within 60 days after completion of construction.
  - (s) The dispensing of gasoline and other flammable liquids to the public shall be governed by the following additional requirements:
    - [1] When the dispensing of flammable liquids is done by a person other than the regular attendant, the dispensing device nozzle shall be an Underwriters Laboratories, Inc., listed automatic-closing type without a hold-open latch. Emergency controls shall be installed at a location acceptable to the Code Enforcement Officer and Fire Marshal, but not over 100 feet from the dispensing device. Instructions for the operation of dispensers shall be conspicuously posted on the dispensing device.
  - (t) Car wash facility structures must be at least 500 feet from any off-site structures of a residential use.
- (3) Open displays. The following additional conditions will govern issuance of the special use permit for open displays in any commercial district:
- (a) The placement and arrangement of the displays must not be so prominent that the display is likely to cause a traffic hazard by significantly distracting the attention of passing motorists.
  - (b) The products, merchandise and other items displayed must directly reflect the products sold or services offered by the business or individual responsible for the display.
- (4) Day-care centers.
- (5) Adult entertainment uses and businesses. Adult bookstores, adult motion-picture theaters, massage establishments and adult entertainment uses and businesses shall only be located in the Commercial District as designated by the Town of Victor on its Zoning Map, as amended from time to time, shall require a special use permit and shall also be subject to the following regulations:
- (a) All provisions of this chapter applicable to any use specified in the Commercial District.
  - (b) Such uses and businesses shall be a minimum of 2,000 feet from schools, churches, public parks and recreation lands, municipal boundary lines, residentially zoned lands and other specified uses and businesses set forth in this article. Measurement of distances shall be from the property lines of the uses.
  - (c) In addition to any other requirements imposed by the Town of Victor or the State of New York, the following specified regulations shall apply to any adult entertainment and business use:
    - [1] No exterior sign shall contain any photographic or artistic representation of the human body.
    - [2] All building openings, entries, windows, doors, etc., shall be located, covered or screened in such a manner as to prevent a view into the interior of the building from any public right-of-way or adjacent property.
    - [3] No adult entertainment use or business shall be established in any building of which any part is used for residential purposes.

[4] No residential use shall be established in any building or which any part is used as an adult entertainment use establishment or business.

[5] Parking.

[a] One parking space for every 200 square feet of gross floor area devoted to the adult use shall be provided.

[b] All adult entertainment uses and businesses shall be provided with on-site parking for all vehicles during typical peak use periods.

(6) Self-storage facilities.

(a) Self-storage facilities may be allowed in Commercial Districts with the approvals of both a special use permit and a site plan by the Planning Board.

(b) There shall be no outdoor storage of materials or goods on a mini/self/public storage site except for areas designated and approved by the Planning Board.

(c) Fencing for all self-storage facilities shall comply with Town Code.

(d) All access roads to the site and all internal areas on which vehicles operate must be paved.

(e) All self-storage facilities shall have lighting that is in compliance with Town Code Chapter **131**.

(f) A landscaping plan shall be submitted as part of any site plan application. The site shall comply with open space requirements.

(g) All self-storage signage shall comply with the provisions of Chapter **165** of the Town Code with the exception of an information sign identifying telephone numbers to be called in the case of an emergency.

(h) Snow removal from within the self-storage compound shall be required unless the owner can demonstrate an area, within said compound, where snow storage will not interfere with internal circulation of emergency vehicles and users of the facility.

(i) All self-storage facilities shall provide internal roadway circulation designed to accommodate access throughout by emergency vehicles. The site plan shall account for access by emergency vehicles while renters are parked by the compartments.

(7) Uses of a similar character to the permitted uses listed in Subsection **A**, but not specifically listed therein, upon application for interpretation to and approval by the Zoning Board of Appeals as a use similar in character. Such a use shall be permitted upon a finding by the Zoning Board of Appeals that the use is indeed of the same general character as the above permitted uses and is in accord with the stated purpose of this district.

(8) Any permit granted may be revoked by the Planning Board after due hearing on not less than 10 days' notice to the person holding such permit in the event that the use violates any of the conditions or restrictions imposed by the Planning Board upon the issuance of such permit or shall have become a nuisance.

C. Additional provisions and requirements.

(1) All new construction, whether a new building or an addition, or any alteration or modification of a current site shall require site plan approval by the Planning Board.

(2) All utilities serving a site shall be placed underground.

(3) Thirty-five percent of the parcel must be green space. Parking lot landscaping and buffering areas may be included in calculating required green space.

- (4) No construction or impervious surfaces shall be permitted within 75 feet of the center line of any stream having year-round flow as delineated on a United States Geological Survey Map.
- (5) Environmental reviews pursuant to NYCRR 617 (SEQR) shall be completed prior to any project approvals.
- (6) Whenever a permitted use in the district is located adjacent to any other district, a fully landscaped buffer shall be provided along the full length of the adjacent district. A one-hundred-foot buffer shall be required adjacent to residential districts. A thirty-foot buffer shall be required adjacent to other districts. This buffer area shall be planted and perpetually maintained with live trees and shrubs at least six feet in height and shall have such other grading and landscaping as necessary to visually and audibly screen the commercial activity from the adjacent district. The design and maintenance plan shall be approved by the Planning Board during its review of the site plan. Fences, walls or hedge or screen plantings may be required by the Planning Board, such as may be deemed necessary to protect the residential quality of adjacent property in any residential district.  
[Added 8-25-1997 by L.L. No. 10-1997]