

## ZONING

### 138 Attachment 5

#### Town of Southeast

#### Commercial Zoning Schedule

[Amended 1-21-1993 by L.L. No. 1-1993; 8-20-1998 by L.L. No. 5-1998; 2-18-1999 by L.L. No. 2-1999; 3-21-2002 by L.L. No. 2-2002; 4-24-2003 by L.L. No. 7-2003; 11-18-2004 by L.L. No. 16-2004; 3-16-2006 by L.L. No. 4-2006; 7-12-2007 by L.L. No. 4-2007; 12-20-2007 by L.L. No. 13-2007; 6-24-2010 by L.L. No. 2-2010;

3-24-2011 by L.L. No. 4-2011; 4-26-2012 by L.L. No. 3-2012; 7-12-2012 by L.L. No. 5-2012; 7-24-2014 by L.L. No. 1-2014; 2-19-2015 by L.L. No. 1-2015; 2-26-2015 by L.L. No. 3-2015; 8-20-2015 by L.L. No. 7-2015; 10-8-2020 by L.L. No. 8-2020; 6-3-2021 by L.L. No. 2-2021]

District	Permitted Principal Uses (see Notes G, N W and X)	Permitted Accessory Uses (see Notes F, H and M)	Permitted Special Permit Uses	Conditional Uses (See Notes Q, S)	Minimum Lot Size				Minimum Yards			Maximum Coverage			Open Space Requirements (percentage of lot)	Maximum Height		Parking Setback		
					Square Feet (thousands)	Frontage (feet)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)	Building Coverage	Floor Area Ratio	Lot Coverage		Stories	Feet	Front (feet)	Side (feet)	Rear (feet)
NB	Bed-and-breakfast/country inn Office Personal services Professional services Recreation small-scale Retail Restaurant Restaurant, fast casual	Private utilities Residence	General business Public utilities Motor vehicle dealership Senior housing Theater/performing arts	Outside storage Telecommunications towers and facilities	10 (20)	50 (90)	50 (100)	50 (100)	35 35	35 35	35 35	15%	0.4	45%	55%	2	30	15	10	10
					See Note A				See Note B							See Note E				
ED	Craft workshop General business Nursery Office Professional services Recreation Restaurant Theater/performing arts	Outside storage Private utilities	Kennels and animal hospitals Motor vehicle service stations Parking facility Public utilities Wood mill Shooting range	Light manufacturing Research labs Telecommunications towers and facilities Warehouse	80	200	200	200	100	50	75	15%	0.3	45%	55%	2	35	25	15	15
					See Note B				See Note C							See Note E				
OP-1	Craft workshop General business Office Personal services Professional services Research labs	Outside storage Private utilities Retail Warehouse	Hotel/motel/conference facility Kennels and animal hospitals Public utilities Wood mill Shooting range	Light manufacturing Nursery Recreation Restaurant Telecommunications towers and facilities Warehouse	120	250	250	250	100	50	50	25%	0.25	55%	45%	3	45	50	25	25
					See Note D				See Note C See Note D			See Note P				See Note D See Note E				
OP-2	Bed-and-breakfast/country inn Equestrian center Farm use General business Office Personal services Professional services Theater/performing arts	Outside storage Private utilities Retail Warehouse	Hotel/motel/conference facility Kennels and animal hospitals Public utilities Senior housing Shooting range	Light manufacturing Nursery Recreation Research labs Restaurant Telecommunications towers and facilities Warehouse	200	400	400	400	100	50	50	25%	0.25	55%	45%	3	45	50	25	25
					See Note D				See Note C See Note D			See Note P				See Note D See Note E				
OP-3	Bed-and-breakfast/country inn Equestrian center Farm use Offices Personal services Professional services Residential, including single-family detached and single-family attached (see Note K) Theater/performing arts	Outside storage Private utilities	Hotel/motel/conference facility Kennels and animal hospitals Light manufacturing Public utilities Senior housing	Recreation Research labs Retail Restaurant Telecommunications towers and facilities	100	400	400	400	100	50	50	25%	0.25	55%	45%	3	45	50	25	25
					See Note I See Note L				See Note C See Note D			See Note J				See Note D See Note E				
GC	Bed-and-breakfast/country inn Office Personal services professional services Restaurant	Outside storage Private utilities	Public utilities Senior housing	General business Recreation Retail Telecommunications towers and facilities	10	50	50	50	35	35	35	15%	0.4	45%	55%	2	30	15	10	10

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District	Permitted Principal Uses (see Notes G, N W and X)	Permitted Accessory Uses (see Notes F, H and M)	Special Permit Uses	Conditional Uses (See Notes Q, S)	Minimum Lot Size				Minimum Yards			Maximum Coverage			Open Space Requirements (percentage of lot)	Maximum Height		Parking Setback		
					Square Feet (thousands)	Frontage (feet)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)	Building Coverage	Floor Area Ratio	Lot Coverage		Stories	Feet	Front (feet)	Side (feet)	Rear (feet)
					Theater/performing arts															
SR6		Outside storage Private utilities	Hotel/motel/ conference facility Kennels and animal hospitals Large retail establishments Motor vehicle dealership Public utilities Senior housing Wood mill Shooting range	Bed-and-breakfast/ country inn General business Nursery Office Personal services professional services Recreation Restaurant Restaurant, fast casual Retail Theater/performing arts Telecommunications towers and facilities	30	25	50	50	35	35	35	See Note V			55%	2	20		10	10
HC	Bed-and-breakfast/country inn Equestrian center General business Nursery Office Personal services Professional services Restaurant Restaurant, fast casual Recreation Theater/performing arts	Outside storage private utilities Residence	Adult uses, nightclubs, pawnshops, pool or billiard halls, and tattoo parlors Car wash Hotel/motel/ conference facility Kennels and animal hospitals Large retail establishments Motor vehicle service stations Public utilities Senior housing Shooting range Restaurant, fast food Self-storage	Retail Telecommunications towers and facilities	40	150	150	150	50	35	35						2	35	25	15
SR22		Private utilities Residence	Large retail establishments Recreation Senior housing Shooting range Live/work Restaurant, fast food Self-storage Motor vehicle dealership	Bed-and-breakfast/ country inn Office Outside storage Retail Personal services Professional services Restaurant Restaurant, fast casual Telecommunications towers and facilities Animal hospital Doggie daycare General business Research labs Theater/performing arts	80	250	250	250	50	25	25	25%	0.25	55%	45%	3	45	25	15	15
RC-2	Craft workshop General business Nursery Office Restaurant Recreation	Outside storage Private utilities Restaurant Retail Personal services Professional services	Cemetery Hotel/motel/ conference facility Kennels and animal hospitals Public utilities	Bed-and-breakfast/ country inn Equestrian center Farm use Telecommunications towers and facilities																

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District	Permitted Principal Uses (see Notes G, N W and X)	Permitted Accessory Uses (see Notes F, H and M)	Special Permit Uses (See Notes Q, S)	Conditional Uses	Minimum Lot Size				Minimum Yards			Maximum Coverage			Open Space Requirements (percentage of lot)	Maximum Height		Parking Setback		
					Square Feet (thousands)	Frontage (feet)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)	Building Coverage	Floor Area Ratio	Lot Coverage		Stories	Feet	Front (feet)	Side (feet)	Rear (feet)
	Single-family residential			Senior housing Research labs Wood mill																
RC	Craft workshop Nursery Office Restaurant Recreation Kennel (see Note T) Single-family residential	Outside storage Private utilities Restaurant Retail Personal services Professional services	Cemetery Hotel/motel/ conference facility Kennels and animal hospitals Public utilities Senior housing Research labs Wood mill Shooting range	Bed-and-breakfast/ country inn Equestrian center Farm use Telecommunications towers and facilities	200	400	400	400	100	100	100					3	35	100	100	100

NOTES on next page:

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\* All special permit uses are subject to site plan and architectural review by the Planning Board, except as otherwise set forth in this chapter.

Note A: Requirements in parentheses refer to residential use.

Note B: Property lines may be eliminated if firewalls and access are provided.

Note C: In ED and OP Zones, the fifty-foot setback is a minimum distance required for a state highway or a residence district boundary line.

Note D: Lot frontage, front yard and front yard parking setback requirements may be reduced by up to 50% for interior site roads as part of the planned development or a campus park or any street or road other than a state or county road or highway.

Note E: Side and rear parking setbacks shall be doubled if the zoning lot is directly adjacent to a resident district.

Note F: Permitted accessory uses are not to exceed 20% of the total gross floor area of permitted space for all uses, except as noted herein. Outside storage shall not exceed 5% of the lot area except as otherwise provided in Article IX, § 138-46L. Accessory residential in the SR22 Zoning District shall not exceed 40% of the gross floor area.

Note G: Institutional uses (i.e., public buildings; schools, including business schools; day-care centers; and churches) are permitted in all commercial zones.

Note H: Private utilities are allowed as necessary uses for the support of building containing principal permitted uses.

Note I: In the OP-3 Zone, permitted principal uses under special permit, retail/service shall not exceed 5% of the total permitted commercial development area.

Note J: In the OP-3 Zone, a floor area ratio of 0.15 shall not be exceeded without a transportation district in place or until the road improvements necessary to accommodate the additional development are made.

Note K: In the OP-3 Zone, permitted principal uses, residential use shall not exceed 50% of the total lot area. An open space area, suitably planted and screened, shall be provided on the site consisting of not less than 200 feet between any principal building on a residential lot and any principal building on a commercial lot. Nothing herein shall be deemed to prohibit interior site roads to penetrate such buffer zone.

Note L: In the OP-3 Zone, minimum lot size shall be the minimum lot size necessary to qualify for OP-3 mixed-use development treatment. In addition, for rezoning purposes, such lot must be currently zoned OP to be considered for rezoning to OP-3. Resubdivision of the commercially developed portion of such district shall be governed by the area standards established for OP-3 District. Resubdivision of the residentially developed portions of such district shall be governed by the provisions of the Residence R-20 District of this chapter.

Note M: For any use requiring a special permit, all accessory uses are required to be included in the special permit request. Mixed uses are permitted subject to special permit approval.

Note N: Mixed uses are permitted in the commercial zone where each of the uses is listed as a permitted principal or conditional use. Where the mix of uses includes permitted principal and conditional uses, the conditional use permit criteria shall prevail.

Note O: In the OP-3 Zone, parking requirements for office use shall be provided in accordance with § 138-67H.

Note P: Developments where storage and warehouse space comprises more than 1/3 of the total of the proposed floor area, a floor area ratio (FAR) not to exceed 0.3 shall be permitted; and in cases where the floor space devoted to warehouse/storage exceeds 2/3 of the total proposed floor area, a FAR not to exceed 0.35 shall be permitted.

Note Q: Telecommunications towers and facilities are permitted as a conditional use subject to Planning Board review and the general and special requirements of Article X and those special conditional use standards specifically set forth in § 138-54.1, including but not limited to specific requirements for maximum tower height. The bulk requirements for telecommunications towers and facilities shall be as follows. Yard setbacks shall be required in addition to the setback related to tower height; see Article X, § 138-54.1E(2) and (4).

- (a) Minimum lot area: five acres.
- (b) Minimum lot width: 300 feet.
- (c) Required front yard depth/setback: 100 feet.
- (d) Required side/total setback: 75 feet/100 feet.
- (e) Required side and rear setback: 100 feet.

Note R: An environmental conservation buffer of 50 feet in width shall be provided on all lots within the Rural Commercial (RC) Zoning District.

Note S: Outside storage is permitted as a conditional use subject to Planning Board review, Article IX, § 138-46L, and the general and special conditions of Article X. Outside storage shall only be permitted as an accessory use and shall not exceed 5% of the lot area. Outside storage areas shall be clearly delineated on the site plan. The bulk requirements shall be as follows. Where conflicts between the requirements below conflict with provisions elsewhere in the Code, the more restrictive conditions shall prevail.

- (a) Minimum lot area: five acres.
- (b) Minimum lot width: 400 feet.
- (c) Minimum lot depth: 400 feet.
- (d) Required front yard setback: 100 feet.
- (e) Required side and rear yard setback from a residential zoning district: 50 feet.

Note T: A kennel shall be a permitted principal use in an RC District, and not subject to additional special permit requirements of this chapter, provided that the kennel is located on parcel of land consisting of not less than five acres, abuts an interstate highway right-of-way and is owned or operated by a not-for-profit humane society or society for the prevention of cruelty to animals which is duly organized and existing under the laws of the State of New York.

Note U: A hotel, motel or conference facility may be a maximum of four stories or 50 feet in height.

Note V: Upon a finding by the Planning Board, that due to special conditions peculiar to a site, the clustering of a project into a portion of a site most suitable for development would minimize potential impacts on natural resources, wetlands, watercourses, or reservoirs, and would not have a negative effect on community character or traffic and transportation, the Board may reduce the minimum yard and parking setbacks by up to 50%.

Note W: Small-scale recreation uses are permitted in any commercial zoning district that recreation uses are permitted.

Note X: In the RC and RC-2 Zoning Districts, single-family residential uses are permitted at the same density as the R-160 Zoning District.