

- C. Dimensional requirements. The dimensional requirements for this district are specified in the Zoning Schedule which is a part of this chapter.<sup>15</sup>
- D. Special uses. The following uses may be permitted consistent with the provisions of Article X, provided that a special use permit is approved by the Planning Board:
- (1) Essential services, excluding power plants, maintenance buildings and storage yards.
  - (2) Two-family dwellings, including duplexes.
  - (3) Multiple-family dwellings.
  - (4) Multiple-family developments.
  - (5) Townhouse clusters and developments.
  - (6) Residential conversions.
  - (7) Home occupations.
  - (8) Rooming houses.
  - (9) Tourist homes/bed-and-breakfast establishments.
  - (10) Windmills.
  - (11) Public and semipublic uses and buildings.
  - (12) Cluster residential developments.
  - (13) Mobile home parks.

**§ 290-35. C-1 Commercial District.**

In a C-1 Commercial District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

- A. Permitted principal uses.
- (1) Permitted principal uses shall be as follows:
    - (a) Retail business establishments conducted entirely within an enclosed building which are clearly of a neighborhood service character, such as, but not limited to, the following:
      - [1] Stores selling groceries, meats, baked goods and other such food items.
      - [2] Drugstores.
      - [3] Stationery, tobacco and newspaper stores and confectionery stores.

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15. Editor's Note: The Zoning Schedule is included as an attachment to this chapter.

- [3] With the exception of detached private garages, all detached accessory buildings shall be located behind the rear foundation wall of the principal building and in accord with the setback requirements for rear and side yards specified in Schedule I.<sup>14</sup> Detached garages shall be located to the rear of the front building line of the principal building and may be located in a side yard in accord with the setback requirements specified in Schedule I.
- (c) Private swimming pools subject to the provisions of Article XI of this chapter.
- (d) Off-street parking subject to the provisions of Article XI of this chapter.
- (e) Signs subject to the provisions of Article XII of this chapter.
- (f) Antennas and towers.
  - [1] Not more than one ground-mounted satellite television dish antenna, not more than 12 feet in diameter and 16 feet in height, may be permitted for each property. No satellite television dish antenna shall be located in a front yard. The minimum setback of a ground-mounted satellite television dish antenna from all property lines shall be 16 feet. A zoning permit issued by the Code Enforcement Officer or designee shall be required prior to placing a dish in operation. The Village shall require the applicant to screen the dish antennas in order to reduce potential nuisance or disturbances to adjacent properties.
  - [2] Other antennas or towers may be either ground-mounted, mounted on or attached to a building for support. Such antennas or towers shall not exceed 15 feet above the maximum height of the buildings on which they are mounted or to which they are attached or accessory thereto. A zoning permit issued by the Code Enforcement Officer or designee shall be required prior to placing a ground-mounted antenna in operation.
  - [3] An antenna or tower which is ground-mounted shall be located in rear yards only. Antennas or ground-mounted towers shall be set back from all other structures and all property lines a distance which is not less than 1 1/2 times the distance between the highest part of such antenna or tower and the ground. Guy wires, anchors and other supports for an antenna shall not be closer than 10 feet to any property line.
- (2) Other accessory uses not specified herein may be approved by the Village Board, provided that the Board determines that such uses are clearly accessory to the permitted principal use and consistent with the purpose and intent of the zone district and this chapter. The Village Board shall request an advisory opinion from the Planning Board prior to making such a determination.

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14. Editor's Note: Said schedule is included as an attachment to this chapter.

- [4] Clothing, variety and general merchandise stores.
- [5] Hardware, appliance, radio and television sales and service.
- (b) Personal service establishments conducted entirely within an enclosed building which are clearly of a neighborhood service character, such as, but not limited to, the following:
  - [1] Barber- and beauty shops.
  - [2] Shoe repair and fix-it shops.
  - [3] Business and professional offices, including, but not limited to, medical, real estate and insurance offices and banks. Banks with drive-in facilities shall be permitted, provided that at least five car-length spaces are provided in the approach drive within the property line of the lot for each drive-in teller's window. Such spaces shall be exclusive of required off-street parking spaces.
  - [4] Laundries and dry-cleaning establishments.
- (c) Restaurants and taverns.
- (d) Drive-in restaurants and eating establishments where a substantial percentage of sales are to takeout customers, provided that such uses shall not be closer than 200 feet to a residential district.
- (e) Newspaper printing, including incidental job printing. Such operations shall be limited to having not more than 10 full-time persons engaged therein at any one time and using not more than 20 horsepower in electric motor power.
- (f) The sale of new and used automobiles. Sales may be conducted either in a fully enclosed building or from an unenclosed lot. Such uses shall be subject to the following conditions:
  - [1] Any unenclosed area for the parking or storage of vehicles shall be paved, suitably drained and maintained in a neat and orderly manner and in good order and condition.
  - [2] All exterior illumination shall be approved by the Planning Board and shall be shielded from the view of all surrounding properties and streets.
  - [3] Suitable landscaping and/or fencing of such unenclosed area shall be required, and the grade of such area shall at no point exceed 7%.
  - [4] No establishment for the sale of new and used automobiles shall be opened, conducted or maintained except as provided above. None of the provisions of this section, however, shall be deemed to prohibit the continuance of the present use of any property for the sale of new and used automobiles, provided that any such continued use shall be subject to all of the provisions of this section. Plans for any changes required to bring about such conformance shall be submitted to and

approved by the Planning Board before any such change shall be made. The Planning Board may approve, modify or disapprove such plans and may impose reasonable and appropriate conditions to such approval so that the spirit of this chapter shall be observed.

- [5] A minimum area of 200 square feet shall be provided on the lot for each automobile displayed, parked or stored in any unenclosed area. Each automobile stored or displayed therein shall be placed or parked parallel to each other facing in the same direction toward the street upon which such lot fronts, and such automobiles shall be arranged in an orderly manner in such spaces.
- (g) Bus and railroad stations.
- (h) Building supply and farm equipment stores.
- (i) Electrical, heating, plumbing or woodworking shops.
- (j) Assembling, converting, altering, finishing, cleaning or any other processing of products, provided that:
  - [1] Goods so produced or processed are to be sold at retail exclusively on the premises;
  - [2] Space used for such purposes shall not occupy more than 20% of the area devoted to retail sales, shall be clearly incidental to such retail use and shall be fully concealed from any street;
  - [3] Except in connection with newspaper printing, electric motor power not exceeding a total of 10 horsepower shall be used exclusively. An installation of 10 horsepower or less using fuel other than electricity may be used upon a finding by the Code Enforcement Officer or designee that said installation is expected to be free of nuisance characteristics and will have no adverse effect on neighboring uses; and
  - [4] Not more than five persons shall be engaged in such production/processing at any one time.
- (k) Public markets.
- (l) Funeral parlors.
- (m) Hotels, motels and motor courts.
- (n) Any combination of two or more of the above uses on a single or contiguous parcel of land and developed with a unified architectural style and common driveways. This type of development and use is commonly known as a "shopping center."
- (o) Other business uses which, in the opinion of the Village Board, are similar in nature and scale to those permitted above. The Village Board shall request an advisory opinion from the Planning Board prior to making such a determination.

- (2) Upon the approval of the Village Board, a principal building may contain a combination of residential and business uses, provided that such residential uses are accessory to the business conducted and located elsewhere than on the street frontage of the ground floor and having a minimum habitable area as required in the schedule.<sup>16</sup> Prior to approving such a mixed-use building, the Village Board shall request an advisory opinion from the Planning Board.
- B. Permitted accessory uses. Permitted accessory uses shall be as follows:
- (1) Private garages and storage buildings which are necessary to store any vehicles, equipment or materials on the premises and which are used in conjunction with a permitted business use.
  - (2) Off-street parking, loading and unloading facilities, signs, fences and landscaping subject to the provisions of this chapter.
  - (3) Satellite television dish antennas subject to the provisions of § 290-34B; however, a building-mounted antenna may be permitted by approval of the Village Board if it can be demonstrated that a ground-mounted location is not appropriate or would not provide adequate reception. No building-mounted television dish shall exceed four feet in diameter and extend more than six feet above the height of the building to which it is attached.
  - (4) Other accessory uses not specified herein, may be approved by the Village Board, provided that the Board determines that such uses are clearly accessory to the permitted principal use and consistent with the purpose and intent of the zone district and this chapter. The Village Board shall request an advisory opinion from the Planning Board prior to making such a determination.
- C. Dimensional requirements. The dimensional requirements for this district are specified in the Zoning Schedule which is a part of this chapter.<sup>17</sup>
- D. Special uses. Special uses shall be as follows:
- (1) Essential services, excluding power plants, maintenance buildings and storage yards.
  - (2) Motor vehicle service stations and auto repair shops.
  - (3) Public and semipublic uses and buildings.
  - (4) Car wash establishments.
  - (5) Commercial recreation uses.
  - (6) Multiple-family complex developments, subject to the approval of a special use permit on the same standards and provisions as are set forth in § 290-54 of the Zoning Local Law of the Village of Manchester. **[Added 1-7-2002 by L.L. No. 1-2002]**

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16. Editor's Note: The Zoning Schedule is included as an attachment to this chapter.

17. Editor's Note: The Zoning Schedule is included as an attachment to this chapter.

E. Other provisions and requirements for uses in the C-1 District.

- (1) The gross aggregate floor area of all buildings on a single parcel of land shall not exceed two times the area of the lot on which such building(s) is located.
- (2) Except as otherwise provided herein, all permitted uses, whether principal or accessory, including all storage, shall be carried on in a fully enclosed building. Such provisions shall not apply to any parking or storage of vehicles associated with new or used car sales or to the parking of registered vehicles, outdoor loading or other service activities.

#### **§ 290-36. I-1 Restricted Industrial District.**

In an I-1 Restricted Industrial District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be or used, in whole or in part, for any uses except the following:

A. Permitted principal uses. Permitted principal uses shall be as follows:

- (1) Any use of a light industrial nature is permitted which involves only the processing, assembly, compounding or packaging of previously prepared or refined materials, provided that at no time shall such use result in or cause:
  - (a) Dissemination of dust, smoke, smog, observable gas, fumes or odor or other atmospheric pollution, objectionable noise, glare or vibration that will be evident beyond the property line.
  - (b) Hazard of fire or explosion or other physical hazard to any adjacent building or any land area adjacent to the site of the use.
  - (c) Violation of applicable standards or regulations adopted and enforced by any federal, state, county or Village environmental or health agency or legislative body. Violation of such standards shall result in the revocation of an existing certificate of occupancy and/or certificate of compliance and the immediate cessation of operations. The correction of the violation and new certificates shall be a prerequisite to the resumption of such industrial operations.
- (2) The following uses are indicative of those which are intended to be permitted:
  - (a) Manufacture of machinery, such as cash registers, sewing machines, and other office machines. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
  - (b) Fabrication of metal products, such as baby carriages, bicycles, metal foil, tin, aluminum, gold, etc., metal furniture, musical instruments, sheet metal products and toys.
  - (c) Fabrication of paper products, such as bags, book bindings, boxes and packaging materials, office supplies and toys.
  - (d) Fabrication of wood products, such as bolts, boxes, cabinets and woodworking, furniture and toys.