

*Town of Penfield, NY
Monday, December 11, 2023*

Chapter 250. Zoning and Land Use

Article V. District Regulations

§ 250-5.6. Limited Business District (LB).

- A. Purpose. The purpose of the Limited Business District (LB) is to provide convenience, small-scale retail service, and business uses in strategic locations to support the Town's residential population base. Limited Business Districts are intended to act as buffers between the larger and more intense general business center and residential areas.
- B. Permitted uses.
- (1) The following uses are permitted in the LB District:
- (a) Permitted uses within a Business Non-Retail District.
 - (b) Grocery stores.
 - (c) Laundromat or dry-cleaning pick-up establishments.
 - (d) Bakeries.
 - (e) Drugstores or pharmacies.
 - (f) Hardware stores, garden supply stores, and paint and wallpaper stores.
 - (g) Barber and beauty shops.
 - (h) Flower shops.
 - (i) Liquor stores.
 - (j) Retail stores.
 - (k) Auto accessories and parts (excluding repairs), home appliance stores and furniture stores.
 - (l) Uses accessory to the above which are an integral part of and used solely by the permitted uses and which are deemed appropriate by the authorized official.
- (2) Upon a determination by the authorized official that a specific use originally permitted within the LB District is to be changed so that it involves a separate, different and distinct use, process, product or service, or involves a new operator, and further provided that the results of such change, as determined by the authorized official, have the potential to negatively impact neighboring properties or the surrounding area, the authorized official shall require application to be made to the board having jurisdiction for a special use permit, at which time the board having jurisdiction may require that any and all phases of the operation which have become, or are liable to become, detrimental to the neighborhood be corrected prior to the Town Clerk issuing the special use permit pursuant to § **250-14.5C**.
[Amended 2-3-2021 by Res. No. 21T-066]

C. Conditional uses.

- (1) The following uses and their accessory uses shall be permitted when authorized in accordance with Article **XIII**, Conditional Use Permits:
 - (a) Sit-down restaurants.
 - (b) Take-out restaurants.
 - (c) Combinations of permitted single-family residential, business non-retail and limited business uses.
 - (d) Gasoline service stations/convenience retail stores.
 - (e) 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 **C(1)(a)** through **(d)**, to be compatible with the purposes of the LB 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.
- (2) Upon a determination by the authorized official that any conditional use originally permitted within the LB 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 board having jurisdiction. Prior to authorizing the Town Clerk to issue the conditional use permit, the board having jurisdiction shall ensure that the applicant satisfies the Town's standards and requirements of this section. As part of this process, the board having jurisdiction 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 board having jurisdiction, 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.
[Amended 2-3-2021 by Res. No. 21T-066]

D. Dimensional requirements.

- (1) Lot area. The minimum lot size shall be that necessary to accommodate the necessary structure and comply with this chapter, as well as all other Town requirements.
- (2) Lot coverage. Structures, parking areas and roadways shall not occupy more than a maximum of 65% of the total lot area. The remainder of the lot shall be devoted to no less than a minimum of 35% open space or landscape area.
- (3) Setbacks. All setbacks shall comply with the buffering requirements of Article **VII** of this chapter. No structure within the Limited Business District shall be located closer than 80 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 eighty-foot minimum front setback shall be provided along each road frontage.
- (4) Floor area. Any separate commercial retail business use, owned or leased, shall not exceed 25,000 square feet in floor area.
- (5) Maximum building height restrictions: three stories or 40 feet, whichever is less.

- E. Hours of operation. Business establishments within an LB District shall be open to the public only between the hours of 6:00 a.m. and 12:00 midnight. Based upon the intensity of the proposed use and its potential impact on the neighboring area, the board having jurisdiction may modify the hours of operation as part of the process of granting a conditional use permit.