

## **Special Use Permits**

### **§144- General Provisions**

- A. A use listed as requiring a Special Use Permit shall not be presumed to be an allowable use. It shall be the responsibility of the petitioner for a Special Use Permit to prove to the satisfaction of the Town that the items listed in this section and under the section of that particular special use are met. These uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered on an individual case.
- B. No special permit shall be authorized by the Town unless, in addition to other requirements specified in this chapter, it finds that such special permit:
  - 1. Will be in harmony with the general purposes and intent of this chapter.
  - 2. Will not create a hazard to health, safety, or the general welfare.
  - 3. Will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
  - 4. Will not otherwise be detrimental to the public convenience and welfare.
- C. In authorizing any special permit, the Town Board may prescribe appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, or general welfare.

### **§144- Application Procedure**

- A. Applications for Special Use Permits shall be acted on by the Town Board after a public hearing.
- B. A plan or the proposed development of a site for a permitted special use shall be submitted with an application for a Special Use Permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this chapter.
- C. If a Special Use Permit is granted, the applicant will then proceed with site plan approvals and with any other required approvals or permits.

### **§144- Penalties for Offense**

- A. In the event of any violation of a Special Use Permit, the Town may seek enforcement under any available authority, including but not limited to Town Law §268.
- B. Any use receiving a Special Use Permit that subsequently does not meet the requirements and/or conditions of that permit or this chapter shall be subject to fines under Town Law and shall have its permit revoked, and the use shall be terminated within 90 days of notification by the Town.

### **§144- Expiration**

- A. A Special Use Permit shall be deemed to authorize only one particular use and shall expire if the special use shall cease for a period of more than one year.

## **Neighborhood Commercial – C-1 District**

### **§ 144- Statement of Intent**

The Neighborhood Commercial (C-1) District is intended to provide a commercial zoning district that meets the daily needs of adjacent residential neighborhoods without affecting the character of the surrounding residential area. This district's regulations allow for the establishment of minor commercial uses in structures consisting of a footprint of no larger than 3,000 square feet, with the total area of the structure not to exceed 6,000 square feet, that compliment surrounding neighborhoods. Preserving the character of the neighborhood through aesthetics and buffering as well as protecting the public safety and welfare is a high priority and is encouraged.

**§ 144- Permit Required**

- A. No person, firm, or corporation, not already using buildings for business purposes, shall use any existing buildings or lands for any use, other than for normal farming purposes, without first procuring a permit for such use from the Town Board of the Town of Elma, which said permit shall only be issued after a hearing before the Town Board. The Town Board may refuse any such permit after such hearing if it appears to violate the Zoning Ordinance or if said proposed business or industrial use constitutes a nuisance or will imperil the health and well-being of any of the citizens of the Town.
- B. If such use is proposed for a building to be erected, the Town Board, after hearing held before it, may grant a preliminary use permit for a use described in §144-xx and thereafter the Building Inspector may issue a building permit for such building in the manner provided in the Elma Code. When the building is completed, a formal use permit, to be issued after application therefore and a hearing before said Town Board, shall be required before a certificate of occupancy is issued by the Building Inspector.

**§ 144- Effective Upon Zoning**

Where the standards of the C-1 District conflict with other regulations of the Town of Elma Code, the more restrictive standards shall apply.

**§ 144- Permitted Uses**

The following is a list of uses that are permitted within the C-1 District. The maximum building footprint shall be 3,000 square feet with the total area of the building not to exceed 6,000 square feet (two-story maximum).

- A. Principal
  - 1. Agriculture
  - 2. Single-family residential
  - 3. Two-family residential
  - 4. Residential on upper floors of commercial
  - 5. Home occupation
  - 6. Government and community facilities
  - 7. Churches
  - 8. Meeting rooms for private clubs and assembly halls
  - 9. Child care centers
  - 10. Personal service establishments, including but not limited to beauty salons, barbershops, and minor appliance/ electronic repair.
  - 11. Professional and medical offices
  - 12. Art, music, or photography studios

13. Minor retail sales
  14. Bakery and confectionary shops, including the manufacture of baked and confectionary goods primarily for on-site sale.
  15. Food, and convenience stores (no drive-thru facilities)
  16. Restaurant, with indoor or outdoor seating (no drive-thru facilities)
- B. Accessory
1. Uses and structures customarily incidental to permitted uses
  2. Private garages, barns, or sheds with a maximum size of 250 square feet (refer to §144-17 Accessory buildings).
  3. Temporary food or agricultural stands (refer to §144-14 Farm produce stands)

**§ 144- Uses Permitted by Special Use Permit**

For the purposes of considering uses that may not have been specifically listed as a permitted use nor prohibited within the C-1 District, but that warrant consideration because the Town feels that the use may comply with the intent of the C-1 District, the Town Board, following a public hearing, may issue a Special Use Permit, subject to §144-XX, so long as the use is not permitted in the C-2, C-3, or Industrial Zoning District, in which a Special Use Permit shall not be granted. In granting a Special Use Permit, the maximum building footprint shall not exceed 3,000 square feet with the total area of the building not to exceed 6,000 square feet (two-story maximum).

**§ 144- Expansion of Existing Buildings**

The maximum building footprint size for a new building in the C-1 District is 3,000 square feet. Any existing building within the C-1 District (as of the date of the first adoption of the new C-1 District: October 1, 2008) may expand by up to 50% over its current size. These expansions up to 4,500 square feet are permitted as of right through site plan approval.

Buildings that are currently less than 3,000 square feet (maximum building footprint for a new one-story building) may expand up to a total footprint size of 4,500 square feet (150% of the maximum building footprint) as of right through site plan approval.

Multiple expansions to a building may occur, so long as the cumulative size of expansions does not exceed the maximum expansion that would have been permitted on the building at the time of adoption of the C-1 District.

If this allowable expansion (up to 50%), results in a building over a 4,500 square feet footprint (150% of the allowable building size), the expansion will require a Special Use Permit from the Elma Town Board.

As with new buildings, these permitted existing building expansions will also allow second stories.

Building expansions in excess of any of those permitted above can only be granted by issuance of a variance by the Zoning Board of Appeals.

Any and all building expansions are subject to the requirements of site plan approval.

**§ 144- Prohibited Uses**

To ensure that certain undesirable uses are not allowed in the C-1 District, in the case that there is some indecision on a permitted use or to ensure that a Special Use Permit is not granted, the following is a list of uses that are specifically prohibited within the C-1 District.

- A. Principal
  - 1. Any use or structure with vehicle drive-thru facilities
  - 2. Parking lots built to serve a use on another property
  - 3. Truck terminals, wholesale or retail distribution centers, and all automobile service stations, including gas stations
  - 4. Marine or other vehicle sales and service
  - 5. Tattoo or piercing parlor
  - 6. Self-storage facilities
  - 7. Outdoor storage
  - 8. Building equipment and contractor supply yards
  - 9. Warehouses or wholesale centers
  - 10. Any industrial or manufacturing use
  - 11. Junk or salvage yard
  - 12. Adult entertainment

**§ 144- Bulk Requirements**

The minimum lot dimensions for permitted uses and structures in the C-1 District shall be as follows:

- A. Minimum Lot Dimensions
  - 1. All lots shall have a minimum lot width of 100 feet as measure at the street right-of-way.
  - 2. All lots shall have a minimum lot depth of 300 feet.
  - 3. The minimum lot size shall be 30,000 square feet.
- B. Maximum Lot Coverage
  - 1. All buildings, structures, and impervious surfaces (parking areas, driveways, other paved surfaces) contained on a lot shall have a maximum combined lot coverage of 70%.

C. Maximum Height

The height regulations herein shall supersede §144-95 Building height for structures in the C-1 District only and shall constitute the maximum height for any new structure in the C-1 District.

- 1. All principal structures – 35 feet to the peak and not to exceed two stories.
- 2. All accessory buildings – 18 feet to the peak and not to exceed one story.

D. Required Yards

The following table identifies the minimum setbacks required for new structures within the C-1 District. Refer to Article XVI Multiple Dwellings for required yards of multiple family developments.

	Front	Rear	Side	From an abutting residential
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				zoning district or an abutting existing residential use (regardless of zoning district)- refer to §144-xx. D.5 for additional standards
Residential uses	50 feet	Principal uses: 10 feet. Accessory uses: 10 feet.	Principal uses: 10 feet on each side. Accessory uses: 10 feet on each side.	No additional setbacks required
All other uses	50 feet	Principal uses: 10 feet. Accessory uses: 10 feet.	Principal uses: 10 feet on each side. Accessory uses: 10 feet on each side.	Principal uses: 30 feet rear setback abutting such and 20 feet setback on each side abutting such. Accessory uses: 20 feet rear setback abutting such and 10 feet setback on each side abutting such.

### § 144- Design Standards

In addition to the general standards outlined in this section, all development within the C-1 District, with the exception of single and two-family residential and agricultural structures, shall conform to the Town's Design Guidelines, where applicable (copy to be obtained from the Town).

#### A. Architecture

##### 1. General Design

- a. The architecture, design, and layout of the site is subject to review by the Planning Board and generally should retain and enhance the small scale mixed residential and commercial character of the neighborhood and complement adjacent residential uses.
- b. The applicant shall submit building plans and elevations showing how any proposed structure conforms to and enhances the character of the neighborhood and, if applicable, meets the specific requirements of any overlay district.
- c. Buildings that are designed around a corporate image or franchise design are discouraged. The architecture and design of buildings shall take on a character unique to the Town of Elma.
- d. Buildings intended for use by multiple tenants should be designed in such a way as to avoid the appearance of a long strip plaza and should contain features such as variations in scale and design and should incorporate breaks in the building that contain landscaped areas, gathering spaces, or architectural amenities.

- e. Buildings developed within the C-1 District shall take on a design similar to a residential structure that would meet the neighborhood character intent.
  - f. All rooftop HVAC units, communications equipment, or other rooftop equipment shall be screened from view at ground level by use of building and/or roof features compatible with the design of the building.
  - g. In general, at least 35% of any side of a non-residential building that faces the street shall consist of windows.
- B. Site Layout
- 1. For lots that are developed with a single building, the building shall be oriented towards, and have a front entrance facing, the street on which the building fronts. When a building fronts more than one street, the building should be oriented towards, and have a front entrance facing the street on which adjacent buildings with similar uses front.
  - 2. Lots developed with multiple buildings or intended for multiple tenants shall be well planned to create interconnection and unity of the site and avoid the scattered, disconnect layout of buildings.
  - 3. Pedestrian walkways shall be installed between principal buildings, or in the case of a multi-tenant building, between leaseable entrances, on a single site and shall be constructed of concrete, decorative brick, or other material approved by the Planning Board.
- C. Parking, driveway, and loading areas
- In addition to the regulations defined in Article IV Off-Street Parking, any parking and/or loading area within the C-1 District shall meet the following:
- 1. Parking and loading areas shall not be located within the street right-of-way and where practicable, shall be setback from the street right-of-way a minimum of 10 feet.
  - 2. Parking and loading areas shall not encroach upon any required side or rear setback.
  - 3. Parking and loading areas shall be screened according to §144-44 E.(3).
  - 4. Driveways providing ingress and egress from parking and/or loading areas are subject to §144-33 and §144-44 E.(4).
- D. Landscaping/ Screening
- Any permitted use developed within the C-1 District shall conform to the following:
- 1. Existing natural vegetation and trees shall be preserved to the greatest extent practicable. Other landscaping treatments such as trees and shrubbery shall be located as directed by the Planning Board through site plan review to achieve the desired character and conformance with the surrounding properties.
  - 2. The required yard for any use abutting a Residential A, Residential B, or Residential C and Agricultural Zone, or any use abutting an existing residential use shall be as identified in §144-xx D. Required yards shall consist of natural vegetation and undisturbed greenspace. If the Planning Board determines that the natural vegetation within the required yard does not provide a sufficient buffer, they may require additional screening by earthen berm, landscaping, masonry wall, fence, or other screening.

3. A minimum of 10% of the area devoted to the parking of 10 vehicles or more shall consist of landscaping, subject to the approval of the Planning Board.
4. The placement of landscaping is encouraged within islands and along the periphery of the parking areas, within the front and side yards, and around the building.
5. Trash containers, dumpsters, storage areas, and HVAC and mechanical equipment shall not be located within the required front, side, or rear setback and shall be screened from public view by fencing or continuous landscaping.

E. Signage

In addition to the regulations defined in §144-102.1 Signs, any permitted use developed within a C-1 District shall conform to the following:

1. Signage shall be constructed of neutral materials and colors, be complimentary to the building and site, and enhance the streetscape and neighborhood visual character.
2. Signs shall not be placed within the public right-of-way, unless approved by the Planning Board.
3. Signs shall not be placed in a way that restricts visibility or causes a traffic hazard.
4. Each building shall be permitted one building sign and one free standing sign.
5. Individual building signs shall not be larger than 20 square feet.
6. In the case of multi-tenant buildings, each tenant shall be permitted one building sign, affixed to the portion of the building in which they lease, of no larger than 6 square feet that shall be counted towards the overall 20 square feet of building signage permitted for the building. Multi-tenant buildings are still restricted to one free standing sign.
7. Building signage shall not be placed on the roof or above the roof line of a building, and shall not extend beyond the building, block windows, or obstruct other architectural elements.
8. Building signs shall be completely affixed to a building and shall not protrude from the building greater than 6 inches.
9. Free standing signs shall not project higher than 4 feet above the existing grade and shall be constructed of an enclosed base with stone, brick, or other masonry or wood materials. The use of pylon or pole signs is not permitted. The use of landscaping to enhance the appearance of signage is encouraged.
10. Free standing signs are limited to no more than 20 square feet of signage per side, and no more than 40 square feet of total signage.
11. The use of digital signage or flashing signage is not permitted.
12. Temporary signs, banners, or other promotional signage shall not be permitted to exist on the site for longer than 7 days unless granted by the Planning Board.

F. Access Management

The objective of access management is to reduce the number of conflict points and to ensure vehicular and pedestrian safety.

1. Shared access and cross access of adjacent lots is encouraged, subject to Planning Board review, to reduce the number of curb cuts and provide access control.

2. The location and number of access points are subject to the review and approval of the Planning Board, Town Engineer, and when appropriate, the Town Highway Superintendent.
3. Access driveways shall conform to §144-33 and §144-44 E.(4).
4. Access management should reference the NYSDOT Best Practices in Arterial Management.

G. Other

Any permitted use developed within the C-1 District shall conform to the following additional provisions:

1. The placement of lighting on the site shall be subject to review of the Planning Board to ensure site lighting is directed away from adjacent properties.
2. Site lighting shall consist of cut-off, shielded, or directional lighting fixtures. The use of LED lighting is encouraged.
3. The intensity of light at the perimeter of the site shall not exceed 0.1 foot candles.

**§ 144- Maintenance Bond as Condition of Site Plan Approval**

The Planning Board will require, as a condition of site plan approval, that the applicant file a two year maintenance bond, in such amount as determined by the Town Planning Board, to insure that the proposed development's required landscaping is maintained in compliance with approved plans. An estimate of the value of the landscaping will be required as part of the site plan approval so that an amount can be determined for the bond.

**Intermediate Commercial C-2 District**

**§ 144- Statement of Intent**

The Intermediate Commercial C-2 District is intended to provide a commercial zoning district that meets the community-wide needs for general retail and services. This district's regulations allow for the establishment of small to moderate commercial uses in structures generally consisting of a footprint of no larger than 7,000 square feet without becoming overly intrusive to surrounding areas. The district should enhance the overall image of the Town through aesthetics, site layout, access management, and residential buffering.

**§ 144- Permit Required**

- A. No person, firm, or corporation, not already using buildings for business purposes, shall use any existing buildings or lands for any use, other than for normal farming purposes, without first procuring a permit for such use from the Town Board of the Town of Elma, which said permit shall only be issued after a hearing before the Town Board. The Town Board may refuse any such permit after such hearing if it appears to violate the Zoning Ordinance or if said proposed business or industrial use constitutes a nuisance or will imperil the health and well-being of any of the citizens of the Town.
- B. If such use is proposed for a building to be erected, the Town Board, after hearing held before it, may grant a preliminary use permit for a use described in §144-xx and thereafter the Building Inspector may issue a building permit for such building in the manner provided in the Elma Code. When the building is completed, a formal use permit, to be issued after application therefore and a hearing before said Town Board, shall be required before a certificate of occupancy is issued by the Building Inspector.



**§ 144- Effective Upon Zoning**

Where the standards of the C-2 District conflict with other regulations of the Town of Elma Code, the more restrictive standards shall apply.

**§ 144- Permitted Uses**

The following is a list of uses that are permitted within the C-2 District. The maximum building footprint shall be 7,000 square feet with the total area of the building not to exceed 10,000 square feet (two-story maximum).

- A. Principal
  - 1. Any use permitted under the C-1 District
  - 2. Nursing or assisted living homes
  - 3. Personal service establishments, including but not limited to beauty salons, barbershops, minor appliance/ electronic repair, Laundromat, and dry cleaners.
  - 4. Food, drug, and convenience stores
  - 5. Retail sales
  - 6. Nurseries and greenhouses
  - 7. Art, dance, music, or photography studios
  - 8. Mortuary or funeral parlor
- B. Accessory
  - 1. Uses and structures customarily incidental to permitted uses
  - 2. Private garages, barns, or sheds with a maximum size of 250 square feet (refer to §144-17 Accessory buildings)
  - 3. Temporary food or agricultural stands (refer to §144-14 Farm produce stands)
  - 4. Outside storage of a single commercial vehicle provided it is stored on the property for which it serves, is not used as signage for the business when stored, and is not stored within the required front yard of a lot.

**§ 144- Uses Permitted by Special Use Permit**

- A. Any new building with a total area greater than 10,000 square feet, but less than 14,000 square feet shall require a Special Use Permit. The maximum building footprint shall remain 7,000 square feet with the total area of the building not to exceed 14,000 square feet (two-story maximum).
- B. Any new building with a building footprint greater than 7,000 square feet and up to 10,500 square feet (150% of the maximum allowed footprint) and with a total area square footage less than 21,000 square feet (two-story maximum), may be approved by Special Use Permit by the Town Board. These oversized buildings in this district shall only be considered for a Special Use Permit if they are located in the C-2 zoned areas on Seneca Street from Transit Road to Old Pound Road/ Northrup Road.
- C. Custom shops, including cabinet making, carpentry, electrical and mechanical trades, plumbing, printing, shoe repair, tailoring, woodworking and the making of articles for sale only on the premises may be approved in the C-2 zoned areas on Seneca Street from Transit Road to Old Pound Road/ Northrup Road by Special Use Permit by the Town Board.
- D. For the purposes of considering uses that may not have been specifically listed as a permitted use nor prohibited within the C-2 District, but that warrant consideration because the Town feels that the use may comply with the intent of the C-2 District, the Town Board, following a public hearing,

may issue a Special Use Permit, subject to §144-XX, so long as the use is not first permitted in the C-3 or Industrial Zoning Districts.

#### **§ 144- Expansion of Existing Buildings**

The Maximum Building Footprint Size for a new building in the C-2 District is 7,000 square feet. Any existing building within the C-2 District (as of the date of the first adoption of the new C-2 District: October 1, 2008) may expand by up to 50% over its current size. These expansions up to 10,500 square feet are permitted as of right through site plan approval.

Buildings that are currently less than 7,000 square feet (maximum building footprint for a new one-story building) may expand up to a total footprint size of 10,500 square feet (150% of the maximum building footprint) as of right through site plan approval.

Multiple expansions to a building may occur, so long as the cumulative size of expansions does not exceed the maximum expansion that would have been permitted on the building at the time of adoption of the C-2 District.

If this allowable expansion (up to 50%), results in a building over a 10,500 square feet footprint (150% of the allowable building size), the expansion will require a Special Use Permit (SUP) from the Elma Town Board.

As with new buildings, these permitted existing building expansions will also allow second stories.

Building expansions in excess of any of those permitted above can only be granted by issuance of a variance by the Zoning Board of Appeals.

Any and all building expansions are subject to the requirements of Site Plan Approval.

#### **§ 144- Prohibited Uses**

To ensure that certain undesirable uses are not allowed in the C-2 District, in the case that there is some indecision on a permitted use, or to ensure that a Special Use Permit is not granted, the following is a list of uses that are specifically prohibited within the C-2 District.

##### **A. Principal**

1. Truck terminals and wholesale or retail distribution centers
2. Any industrial manufacturing use
3. Junk or salvage yard
4. Adult entertainment
5. Any outside storage of construction vehicles, building equipment, or building contractor supplies

#### **§ 144- Bulk Requirements**

The minimum lot dimensions for permitted uses and structures in the C-2 District shall be as follows:

##### **A. Minimum Lot Dimensions**

1. All lots shall have a minimum lot width of 100 feet as measured at the street right-of-way.
  2. All lots shall have a minimum lot depth of 300 feet.
  3. The minimum lot size shall be 30,000 square feet.
- B. Maximum Lot Coverage
1. All buildings, structures, and impervious services (parking areas, driveways, and other paved surfaces) contained on a lot shall have a maximum total lot coverage of 75%.

C. Maximum Height

The height regulations herein shall supersede §144-95 Building height for structures in the C-2 District only and shall constitute the maximum height for any new structure in the C-2 District.

1. All principal structures – 35 feet to the peak and not to exceed two stories.
2. All accessory buildings – 18 feet to the peak and not to exceed one story.

D. Required Yards

The following table identifies the minimum setbacks required for new structures within the C-2 District. Refer to Article XVI Multiple Dwellings for required yards of multiple family developments.

	Front	Rear	Side	From an abutting residential zoning district or an abutting existing residential use (regardless of zoning district)- refer to §144-xx. D.5 for additional standards
Residential uses	50 feet	Principal uses: 10 feet. Accessory uses: 10 feet.	Principal uses: 10 feet on each side. Accessory uses: 10 feet on each side.	No additional setbacks required
All other uses	50 feet	Principal uses: 10 feet. Accessory uses: 10 feet.	Principal uses: 10 feet on each side. Accessory uses: 10 feet on each side.	Principal uses: 30 feet rear setback abutting such and 20 feet setback on each side abutting such. Accessory uses: 20 feet rear setback abutting such and 10 feet setback on each side abutting such.

**§ 144- Design Standards**

In addition to the general standards outlined in this section, all development within the C-2 District, with the exception of single and two family residential and agricultural structures, shall conform to the Town’s Design Guidelines, where applicable (copy to be obtained from the Town).

A. Architecture

1. General Design

- a. The architecture, design, and layout of the site is subject to review by the Planning Board and generally should promote the character of a community commercial node that is not overly intrusive to adjacent residential neighborhoods.
- b. The applicant shall submit building plans and elevations showing how any proposed structure conforms to and enhances the character of the neighborhood and, if applicable, meets the specific requirements of any overlay district.
- c. Buildings that are designed around a corporate image or franchise design are discouraged. The architecture and design of buildings shall take on a character unique to the Town of Elma.
- d. Buildings intended for use by multiple tenants should be designed in such a way to avoid the appearance of a long strip plaza and should contain features such as variations in scale and design and should incorporate breaks in the building that contain landscaped areas, gathering spaces, or architectural amenities.
- e. The side of a building that fronts a street shall not consist of a blank, monotonous wall that would not meet the neighborhood character intent. Strategies that could be applied to a building façade to improve its appearance include incorporating recesses and projections, alternating roof lines and pitches, varying building materials, colors, and/or designs, and street level windows.
- f. All rooftop HVAC units, communications equipment, or other rooftop equipment shall be screened from view at ground level by use of building and/or roof features compatible with the design of the building.
- g. In general, at least 25% of any side of a non-residential building that faces the street shall consist of windows.

B. Site Layout

1. For lots that are developed with a single building, the building shall be oriented towards, and have a front entrance facing the street on which the building fronts. When a building fronts more than one street, the building should be oriented towards, and have a front entrance facing the street on which adjacent buildings with similar uses front.
2. Lots developed with multiple buildings or intended for multiple tenants shall be well planned to create interconnection and unity of the site and avoid the scattered, disconnect layout of buildings.
3. Pedestrian walkways shall be installed between principal buildings, or in the case of a multi-tenant building, between leaseable entrances, on a single site and shall be constructed of concrete, decorative brick, or other material approved by the Planning Board.

C. Parking, driveway, and loading areas

In addition to the regulations defined in Article IV Off-Street Parking, any parking and/or loading area within a C-2 Zoning District shall meet the following:

1. All required parking, driveways, and loading ingress and egress areas shall be paved with blacktop, concrete, or other acceptable dust-free paving material.

2. Parking and loading areas must be setback from the street right-of-way a minimum of 10 feet and shall be setback from the rear and side property line a minimum of 2 feet, except in the case of shared access.
3. Parking and loading areas shall be screened according to §144-44 E.(3).
4. Driveways providing ingress and egress from parking and/or loading areas are subject to §144-33 and §144-44 E.(4).

D. Landscaping/ Screening

Any permitted use developed within the C-2 District shall conform to the following:

1. Existing natural vegetation and trees shall be preserved to the greatest extent practicable. Other landscaping treatments such as trees and shrubbery shall be located as directed by the Planning Board through site plan review to achieve the desired character and conformance with the surrounding properties.
2. A minimum of 10% of the area devoted to parking shall consist of landscaping, subject to the approval of the Planning Board.
3. The placement of landscaping is encouraged within islands and along the periphery of the parking areas, within the front and side yards, and around the building.
4. The required yard for any use abutting a Residential A, Residential B, or Residential C and Agricultural Zone, or any use abutting an existing residential use shall be as identified in §144-xx D. Required yards shall consist of natural vegetation and undisturbed greenspace. If the Planning Board determines that the natural vegetation within the required yard does not provide a sufficient buffer, they may require additional screening by earthen berm, landscaping, masonry wall, fence, or other screening.
5. Trash containers, dumpsters, storage areas, and HVAC and mechanical equipment shall not be located within the required front, side, or rear setback and shall be screened from public view by fencing or continuous landscaping.

E. Signage

Signage shall conform to the regulations defined in §144-102.1 Signs.

F. Access Management

The objective of access management is to reduce the number of conflict points and to ensure vehicular and pedestrian safety.

1. Shared access and cross access of adjacent lots is encouraged, subject to Planning Board review, to reduce the number of curb cuts and provide access control.
2. The location and number of access points are subject to the review and approval of the Planning Board, Town Engineer, and when appropriate, the Town Highway Superintendent.
3. Access driveways shall conform to §144-33 and §144-44 E.(4).
4. Access management should reference the NYSDOT Best Practices in Arterial Management.

G. Other

Any permitted use developed within the C-2 District shall conform to the following additional provisions:

1. The placement of lighting on the site shall be subject to review of the Planning Board to ensure site lighting is directed away from adjacent

properties and doesn't produce night glow. The use of LED lighting is encouraged.

2. Site lighting shall consist of cut-off, shielded, or directional lighting fixtures. The use of LED lighting is encouraged.
3. The intensity of light at the perimeter of the site shall not exceed 0.1 foot candles.

#### **§ 144- Maintenance Bond as Condition of Site Plan Approval**

The Planning Board will require, as a condition of site plan approval, that the applicant file a two year maintenance bond, in such amount as determined by the Town Planning Board, to insure that the proposed development's required landscaping is maintained in compliance with approved plans. An estimate of the value of the landscaping will be required as part of the site plan approval so that an amount can be determined for the bond.

#### **Major Commercial – C-3 District**

##### **§ 144- Statement of Intent**

The Major Commercial C-3 District is intended to provide a commercial zoning district for larger, commercial uses along major transportation corridors. The district should enhance the overall image of the Town and create destinations through aesthetics, site layout, access management, and residential buffering.

##### **§ 144- Permit Required**

- A. No person, firm, or corporation, not already using buildings for business purposes, shall use any existing buildings or lands for any use, other than for normal farming purposes, without first procuring a permit for such use from the Town Board of the Town of Elma, which said permit shall only be issued after a hearing before the Town Board. The Town Board may refuse any such permit after such hearing if it appears to violate the Zoning Ordinance or if said proposed business or industrial use constitutes a nuisance or will imperil the health and well-being of any of the citizens of the Town.
- B. If such use is proposed for a building to be erected, the Town Board, after hearing held before it, may grant a preliminary use permit for a use described in §144-xx and thereafter the Building Inspector may issue a building permit for such building in the manner provided in the Elma Code. When the building is completed, a formal use permit, to be issued after application therefore and a hearing before said Town Board, shall be required before a certificate of occupancy is issued by the Building Inspector.

##### **§ 144- Effective Upon Zoning**

Where the standards of the C-3 District conflict with other regulations of the Town of Elma Code, the more restrictive standards shall apply.

##### **§ 144- Permitted Uses**

The following is a list of uses that are permitted within the C-3 District. The maximum total area of a building shall be 20,000 square feet. Any building greater than 20,000 square feet shall require a Special Use Permit.

- A. Principal

1. Any use permitted under the C-2 District, except for single-family residential and two-family residential.
2. Multiple Residential Complex
3. Stores for retail merchandising and customary services incident to retail sales
4. Assembly hall or auditorium
5. Hotel/ motel
6. Commercial entertainment and recreational establishments, such as theaters, bowling alleys, when conducted only indoors and when lights and sound are controlled so as to prevent a nuisance
7. Dry-cleaning pickup station, dry-cleaning plant using non-flammable fluids in self-contained, solvent-reclaiming units, hand laundry
8. Automobile service stations, including gas stations and public garages:
  - a. Approval of the Planning Board after a public hearing is required for the issuance of a permit for the erection or enlargement of a public garage, automobile service station, or gas station or for the conversion of any premises to be used for such purposes listed above in any permitted zone, if any part of the lot or plot in question is situated within a radius of 200 feet of, or within any portion of, a road between intersecting roads that are not 600 feet or more apart, in which portion there exists, a church, a public hospital or a hospital maintained as a charitable institution, a public library, a public school, a duly organized school giving regular instructions at least 5 days a week for 8 or more months a year, a community house, a playground or other public recreation area, or a theater containing 300 seats or more.
  - b. Gasoline pumps or other service appliances shall be setback at least 20 feet from any road line. Driveways shall have an unobstructed width of at least 10 feet and shall not exceed a width of 25 feet where they intersect the road line and shall not be nearer than 10 feet to a side line. No major repair work connected with the operation of a public garage or automobile service station shall be carried on outside the building, and no part of any such building shall be used for residence or sleeping quarters. Commercial storage of gasoline or other petroleum fuel for wholesaling is prohibited. All state and county regulations shall apply.
  - c. Volatile materials, except as provided in Subsection A(8)(d), shall be stored underground only and in quantities not exceeding 12,000 gallons, tank trucks containing volatile materials may be parked on premises only while attended by the driver. A tank trailer containing volatile materials shall not be disengaged from a tractor on the premises. Any transfer for volatile materials from one underground tank to another shall be in underground piping buried at least 18 inches below grade.
  - d. Propane (LP Gas) must be stored aboveground in tanks or containers meeting standards contained in New York State rules and regulations and enclosed by an adequate fence or barrier approved by the Building Inspector.
9. Marine and recreational vehicle sales and service
10. Building equipment and contractor supply yards

11. Custom shops, including cabinet making, carpentry, electrical and mechanical trades, plumbing, printing, shoe repair, tailoring, woodworking and the making of articles for sale only on the premises
  12. Warehousing and wholesale centers
  13. Passenger depot or terminal
- B. Accessory
1. Uses and structures customarily incidental to permitted uses with a maximum size of 350 square feet (refer to §144-17 Accessory buildings).

**§ 144- Uses Permitted by Special Use Permit**

Any building with a total area greater than 20,000 square feet shall require a Special Use Permit. Additionally, for the purposes of considering uses that may not have been specifically listed as a permitted use nor prohibited within the C-3 District, but that warrant consideration because the Town feels that the use may comply with the intent of the C-3 District, the Town Board, following a public hearing, may issue a Special Use Permit, subject to §144-XX, so long as the use is not permitted in the Industrial Zoning District, in which a Special Use Permit shall not be granted.

**§ 144- Expansion of Existing Buildings**

The Maximum Building Footprint Size for a new building in the C-3 District is 20,000 square feet. Any existing building within the C-3 District (as of the date of the first adoption of the new C-3 District: October 1, 2008) may expand by up to 50% over its current size. These expansions up to 30,000 square feet are permitted as of right through site plan approval.

Buildings that are currently less than 20,000 square feet (maximum building footprint for a new one-story building) may expand up to a total footprint size of 30,000 square feet (150% of the maximum building footprint) as of right through site plan approval.

Multiple expansions to a building may occur, so long as the cumulative size of expansions does not exceed the maximum expansion that would have been permitted on the building at the time of adoption of the C-3 District.

If this allowable expansion (up to 50%), results in a building over a 30,000 square feet footprint (150% of the allowable building size), the expansion will require a Special Use Permit (SUP) from the Elma Town Board.

As with new buildings, these permitted existing building expansions will also allow second stories.

Building expansions in excess of all those permitted above can only be granted by issuance of a variance by the Zoning Board of Appeals.

Any and all building expansions are subject to the requirements of Site Plan Approval.

**§ 144- Prohibited Uses**

To ensure that certain undesirable uses are not allowed in the C-3 District, in the case that there is some indecision on a permitted use, and to ensure that a Special



Use Permit is not granted, the following is a list of uses that are specifically prohibited within the C-3 District.

- A. Principal
  - 1. Single family residential
  - 2. Two-family residential
  - 3. Truck terminals and wholesale or retail distribution centers
  - 4. Any industrial or manufacturing use
  - 5. Junk or salvage yard
  - 6. Adult entertainment

**§ 144- Bulk Requirements**

The minimum lot dimensions for permitted uses and structures in the C-3 District shall be as follows:

- A. Minimum Lot Dimensions
  - 1. All lots shall have a minimum lot width of 100 feet as measured at the street right-of-way.
  - 2. All lots shall have a minimum lot depth of 300 feet.
  - 3. The minimum lot size shall be 30,000 square feet.
- B. Maximum Lot Coverage
  - 1. All buildings, structures, and impervious services contained on a lot shall have maximum total lot coverage of 75%.

C. Maximum Height

The height regulations herein shall supersede §144-95 Building height for structures in the C-3 District only and shall constitute the maximum height for any new structure in the C-3 District.

- 1. All principal structures – 45 feet
- 2. All accessory buildings – 18 feet and not to exceed one story

D. Required Yards

The following table identifies the minimum setbacks required for new structures within the C-3 District.

	Front	Rear	Side	From an abutting residential zoning district or an abutting existing residential use (regardless of zoning district)- refer to §144-xx. D.5 for additional standards
All permitted uses	50 feet	Principal uses: 10 feet. Accessory uses: 10 feet.	Principal uses: 10 feet on each side.	Principal uses: 40 feet rear setback abutting such and 20 feet setback on each side abutting such. Accessory uses: 20 feet rear setback abutting such and 10 feet setback on each side abutting such.

**§ 144- Design Standards**

In addition to the general standards outlined in this section, all development within the C-3 District, with the exception of agricultural structures, shall

conform to the Town's Design Guidelines, where applicable (copy to be obtained from the Town).

A. Architecture

1. General Design

- a. The architecture, design, and layout of the site is subject to review by the Planning Board and generally should promote a mix of small and large scale commercial uses to be developed into an attractive regional destination without becoming a typical suburban commercial strip. The site should provide sufficient buffering from adjacent residential uses and incorporate access control provisions.
- b. The applicant shall submit building plans and elevations showing how any proposed structure conforms to and enhances the character of the neighborhood and, if applicable, meets the specific requirements of any overlay district.
- c. Buildings that are designed around a corporate image or franchise design are discouraged. The architecture and design of buildings shall take on a character unique to the Town of Elma.
- d. Buildings intended for use by multiple tenants should be designed in such a way to avoid the appearance of a long strip plaza and should contain features such as variations in scale and design and should incorporate breaks in the building that contain landscaped areas, gathering spaces, or architectural amenities.
- e. The side of a building that fronts a street shall not consist of a blank, monotonous wall that would not meet the neighborhood character intent. Strategies that could be applied to a building façade to improve its appearance include incorporating recesses and projections, alternating roof lines and pitches, varying building materials, colors, and/or designs, and street level windows.
- f. All rooftop HVAC units, communications equipment, or other rooftop equipment shall be screened from view at ground level by use of building and/or roof features compatible with the design of the building.
- g. In general, at least 25% of any non-residential building that faces the street shall consist of windows.

B. Site Layout

1. Lots developed with multiple buildings or intended for multiple tenants shall be well planned to create interconnection and unity of the site and avoid the scattered, disconnect layout of buildings.
2. Pedestrian walkways shall be installed between principal buildings, or in the case of a multi-tenant building, between leaseable entrances, on a single site and shall be constructed of concrete, decorative brick, or other material approved by the Planning Board.

C. Parking, driveway, and loading areas

In addition to the regulations defined in Article IV Off-Street Parking, any parking area within the C-3 District shall conform to the following:

1. All required parking, driveways, and loading ingress and egress areas shall be paved with blacktop, concrete, or other acceptable dust-free paving material.
2. Parking and loading areas must be setback from the street right-of-way a minimum of 10 feet and shall be setback from the rear and side property line a minimum of 2 feet, except in the case of shared access.

3. Parking and loading areas shall be screened according to §144-44 E.(3).
4. Driveways providing ingress and egress from parking and/or loading areas are subject to §144-33 and §144-44 E.(4).
5. Parking areas shall contain pedestrian walkways throughout the parking area to provide safe circulation of pedestrians between the parking area and entrance to a building. Pedestrian walkways shall consist minimally of a striped walkway. Preferably, pedestrian walkways should be constructed of concrete, or raised or stamped concrete to clearly indicate a pedestrian facility.

D. Landscaping/ Screening

Any permitted use developed within the C-3 District shall conform to the following:

1. Existing natural vegetation and trees shall be preserved to the greatest extent practicable. Other landscaping treatments such as trees and shrubbery shall be located as directed by the Planning Board through site plan review to achieve the desired character and conformance with the surrounding properties.
2. A minimum of 15% of the area devoted to parking shall consist of landscaping, subject to the approval of the Planning Board.
3. The placement of landscaping is encouraged within islands and along the periphery of the parking areas, within the front and side yards, and around the building.
4. For every 30 feet of road frontage, a street tree shall be planted in accordance with New York State Department of Transportation standards.
5. The required yard for any permitted use abutting a Residential A, Residential B, or Residential C and Agricultural District, or any permitted use abutting an existing residential use, shall be screened as identified in §144-xx D. Required yards shall consist of natural vegetation and undisturbed greenspace. If the Planning Board determines that the natural vegetation within the required yard does not provide a sufficient buffer, they may require additional screening by earthen berm, landscaping, masonry wall, fence, other screening method, or additional setbacks.
6. Trash containers, dumpsters, storage areas, and HVAC and mechanical equipment shall not be located within the required front, side, or rear setback and shall be screened from public view by fencing or continuous landscaping.

E. Signage

Signage shall conform to the regulations defined in §144-102.1 Signs.

F. Access Management

The objective of access management is to reduce the number of conflict points and to ensure vehicular and pedestrian safety.

1. Shared access and cross access of adjacent lots is encouraged, subject to Planning Board review, to reduce the number of curb cuts and provide access control.
2. The location and number of access points are subject to the review and approval of the Planning Board, Town Engineer, and when appropriate, the Town Highway Superintendent.
3. Access driveways shall conform to §144-33 and §144-44E.(4).

4. Access management should reference the NYSDOT Best Practices in Arterial Management.

G. Other

Any permitted use developed within the C-3 District shall conform to the following additional provisions:

1. The placement of lighting on the site shall be subject to review of the Planning Board to ensure site lighting is directed away from adjacent properties and doesn't produce night glow. The use of LED lighting is encouraged.
2. Site lighting shall consist of cut-off, shielded, or directional lighting fixtures. The use of LED lighting is encouraged.
3. The intensity of light at the perimeter of the site shall not exceed 0.1 foot candles.

**§ 144- Maintenance Bond as Condition of Site Plan Approval**

The Planning Board will require, as a condition of site plan approval, that the applicant file a two year maintenance bond, in such amount as determined by the Town Planning Board, to insure that the proposed development's required landscaping is maintained in compliance with approved plans. An estimate of the value of the landscaping will be required as part of the site plan approval so that an amount can be determined for the bond.

**Elma Center Overlay**

**§ 144- Statement of Intent**

In accordance with the Regional Comprehensive Plan, the Elma Center Overlay is established to employ standards that improve the quality of development for the Elma Center hamlet area that result in the reuse and enhancement of existing structures, improvement in the overall visual quality of the area, and promote the creation of a unique, pedestrian-friendly district that focuses on the historic foundations of the Town of Elma. The image of the Elma Center area should reflect that of the older, more stately homes along Bowen Road north of Bullis Road.

**§ 144- Boundaries**

The boundaries of the Elma Center Overlay are as follows:

Beginning at a point along the centerline of Bullis Road, 300 feet west of the centerline of Bowen Road, the Overlay boundary runs parallel to Bowen Road at a distance of 300 feet from the centerline of Bowen Road south to the parcel that contains the Town of Elma Highway Department Garage. The boundary then runs east to the centerline of Bowen Road, then runs south to the centerline of Woodard Road. The boundary then follows the centerline of Woodard Road east 100 feet, then runs northeast along a parcel line to a distance 300 feet east of the centerline of Bowen Road. The boundary then runs parallel to Bowen Road, at a distance of 300 feet from the centerline of Bowen Road, north to the Pond Brook Homes parcel. The boundary then runs west to the centerline of Bowen Road, then runs north along the centerline of Bowen Road to the centerline of Bullis Road. The boundary then runs west along the centerline of Bullis Road to meet up with the starting point, 300 feet west of the centerline of Bowen Road.

**§ 144- Effective Upon Zoning**

The standards of the Elma Center Overlay shall be superimposed over, and supplement, the underlying zoning standards. Each use must conform to the standards of the underlying zoning district, as well as the standards of this overlay district, and the more stringent standards shall apply.

**§ 144- Permit Required**

- A. No person, firm, or corporation, not already using buildings for business purposes shall use any existing buildings or lands for any use, other than for normal farming purposes, without first procuring a permit for such use from the Town Board of the Town of Elma, which said permit shall only be issued after a hearing before the Town Board. The Town Board may refuse any such permit after such hearing if it appears to violate the Zoning Ordinance or if said proposed business or industrial use constitutes a nuisance or will imperil the health and well-being of any of the citizens of the Town.
- B. If such use is proposed for a building to be erected, the Town Board, after hearing held before it, may grant a preliminary use permit for a use described in §144-xx and thereafter the Building Inspector may issue a building permit for such building in the manner provided in the Elma Code. When the building is completed, a formal use permit, to be issued after application therefore and a hearing before said Town Board, shall be required before a certificate of occupancy is issued by the Building Inspector.

**§ 144- Objectives**

The standards contained herein, which govern all development and redevelopment within the boundaries of the Elma Center Overlay, are founded upon the following objectives:

- A. Establish criteria that promote the creation of a unique district consisting of a character that compliments the older, stately homes in the area.
- B. Promote the reuse and enhancement of existing structures.
- C. Improve the overall visual quality of the Elma Center hamlet area.
- D. Promote a streetscape that is pedestrian friendly and safe by promoting small scale buildings, encouraging buildings to orient and locate close to the street, eliminating front yard parking, and restricting the number of vehicle access points.
- E. Establish standards to ensure that new development or redevelopment is in character in terms of scale, design, use, and layout with the historic, pedestrian-scaled character envisioned for the hamlet.
- F. Access management practices should be employed to limit vehicular-pedestrian conflict points and to improve vehicle safety and traffic flow.
- G. Establish standards that allow for a harmonious mix of uses.
- H. Reduce signage clutter by controlling the number and size of signs, the placement of signs, and the appearance of signage. Signage should be designed to compliment the architecture of the building and promote the character of the Elma Center hamlet area.
- I. Landscaping and other amenities should be incorporated into site development to enhance the site and screen parking areas.

**§ 144- Permitted Uses**

The uses that are permitted within the Elma Center Overlay shall be determined by the underlying zoning district.

#### **§ 144- Prohibited Use**

To ensure that certain undesirable uses are not allowed in the Elma Center Overlay, in the case that there is some indecision on a permitted use, or to ensure that a Special Use Permit is not granted, the following is a list of uses that are specifically prohibited within the Elma Center Overlay.

##### **A. Principal**

1. Any establishment with vehicle drive-thru facilities
2. Tattoo or piercing parlor
3. All automobile sale/ service stations, including gas stations
4. Marine or other vehicle sales and service
5. Truck terminals and wholesale or retail distribution centers
6. Self-storage facilities
7. Outdoor storage
8. Commercial car washes
9. Building equipment and contractor supply yards
10. Warehouses or wholesale centers
11. Any industrial or manufacturing use
12. Telecommunications facilities
13. Junk or salvage yard
14. Adult entertainment

#### **§ 144- Submission Requirements**

1. The applicant shall meet all submission requirements of site plan review.
2. The applicant shall submit building plans and elevations indicating the façade treatments and construction materials and colors of all structures in compliance with the standards of the underlying zoning district and Elma Center Overlay.
3. The applicant shall submit a minimum of two different renderings of the proposed structure(s) to be developed on the site to allow the Planning Board to choose the alternative that they feel will best comply with the Overlay.
4. The applicant shall submit a site plan that identifies all components of the development and indicates compliance with all the requirements of the Zoning Law and the Elma Center Overlay.
5. The applicant shall submit a landscape plan identifying the location, type, size, and planting specifications of all landscaping proposed for the site. The landscape plan shall also identify, in general, existing vegetation on the site.
6. The applicant shall submit a signage plan that shows the size, type, placement, lighting, design, and construction materials of each sign proposed for the site comply with all the requirements of the Zoning Law and the Elma Center Overlay.

#### **§ 144- Design Standards**

In addition to the general standards outlined in this section, all development within the Elma Center Overlay, with the exception of agricultural, single family residential, and two family residential structures, shall conform to the Town's Design Guidelines, where applicable (copy to be obtained from the Town).

##### **A. Minimum Lot Dimensions**

1. To encourage small-scale, pedestrian oriented activity within the hamlet area, the Planning Board may reduce the required lot width to 50 feet where public sewers exist.
- B. Building Setbacks
- The following setbacks shall supersede the setbacks of the underlying zoning and apply to all development within the Elma Center Overlay to promote the hamlet streetscape and to encourage pedestrian activity and safety. Where a setback is not established, the underlying setback shall be applied.
1. To encourage a visually appealing and pedestrian friendly streetscape, the front building setback shall be no less than 5 feet and no more than 10 feet as measured from the street right-of-way. Arcades, awnings, balconies, porches, and other architectural amenities shall be permitted to encroach upon the front setback by a maximum of 5 feet as long as it does not encroach upon the right-of-way.
- C. Architecture
- The architecture and design of any structure within the Elma Center Overlay shall comply with the standards of the underlying zoning and shall conform to the following general guidelines.
1. General Design
    - a. The architecture and design of any structure shall:
      - I. Comply with the character envisioned for the Elma Center hamlet area that compliments the older, more stately homes found along Bowen Road, north of Bullis Road;
      - II. Enhance the visual quality of the Elma Center hamlet area;
      - III. Be harmonious with adjacent uses;
      - IV. Be pedestrian oriented and promote pedestrian safety; and,
      - V. Comply with the Town's Design Guidelines, where applicable.
    - b. The reuse or redevelopment of an existing structure shall be considerate of the original character of the structure. Any additions to an existing building shall conform to the requirements of the Elma Center Overlay.
  2. Building Materials
    - a. Any side of a building that faces a street or public right-of-way shall incorporate a façade constructed of any of the following materials: stone, brick, masonry, marble, wood or vinyl siding, or other material approved by the Planning Board.
    - b. The use of cast concrete, cinder blocks, or metal paneling shall not be used on sides of a building that faces a street or public right-of-way.
- D. Site Layout
- The site layout within the Elma Center Overlay shall comply with the standards of the underlying zoning and conform to the following general guidelines. In the case of conflicting standards, the regulations of the Overlay District shall prevail.
1. All new developments within the Elma Center Overlay shall install a sidewalk within the right-of-way and parallel to Bowen Road, in accordance with the County and Town standards, where applicable. The sidewalk shall measure no less than 5 feet in width and be placed at least

7 feet from the pavement edge along the entire frontage of the lot to allow for pedestrian circulation.

2. The building and site should incorporate design features that make it compatible and safe for both vehicular and pedestrian access and circulation.

E. Parking and loading areas

Off-street parking shall comply with the standards of the underlying zoning and Article IV of the Zoning Code, and shall conform to the following additional standards:

1. Parking and loading areas must be setback from the street right-of-way a minimum of 20 feet.
2. To reduce the impact of parking areas on the hamlet area, the Planning Board may reduce the required number of parking spaces if it determines that the presence of pedestrian traffic or nearby shared parking warrants less on-site parking.
3. A minimum of 10% of the interior of a parking area designed for 20 cars or more shall be devoted to landscaping used to break up the parking stalls where the parking area is visible from the public right-of-way.
4. A minimum of 20% of the interior of a parking area designed for 50 cars or more shall be devoted to landscaping where the parking area is visible from the public right-of-way.
5. Parking areas shall not contain a continuous single row of parking stalls of greater than 10 parking spaces without interruption by a landscaped island where the parking area is visible from the public right-of-way.
6. In addition to the screening of a parking area required in §144-44 E.(3), the use of decorative ornamental features, masonry walls, fencing, or a mix of each is encouraged to additionally screen parking and loading areas and to create a more visually appealing streetscape.
7. Pedestrian walkways shall be incorporated throughout a parking area to provide safe circulation of pedestrians between the parking area and entrance to a building. Pedestrian walkways shall consist minimally of a striped walkway. Preferably, pedestrian walkways should be constructed of concrete, or raised or stamped concrete to clearly indicate a pedestrian facility.

F. Landscaping/ Screening

Landscaping and screening shall comply with the standards of the underlying zoning and shall conform to the following additional standards:

1. For every 25 feet of road frontage, a street tree shall be planted between the sidewalk and the edge of pavement, in conformance with County and Town standards, where applicable.
2. Additional shade trees shall be planted throughout the site of any non-single family or two family residence and non-agricultural use at a ratio of 1 tree per 10,000 square feet of lot area.
3. The required front yard shall consist of vegetative ground cover, perennial and annual landscaped areas, and/or other amenities that enhance the visual appearance and pedestrian friendliness of the streetscape. The use of hanging baskets and other decorative planters is encouraged.
4. All landscaped areas shall be maintained and any vegetation that dies shall be replaced during the following planting season.

G. Signage



Signage shall comply with the standards of the underlying zoning and §144-102.1 Signs, and shall conform to the following additional standards:

1. Proposed signage shall be designed to compliment the architecture of the building and comply with the historic, pedestrian friendly character envisioned for the Elma Center hamlet area.
2. Each building shall be permitted one building sign.
3. Individual building signs shall not be larger than 20 square feet.
4. In the case of multi-tenant buildings, each tenant shall be permitted one building sign of no more than 6 square feet that shall be counted towards the overall 20 square feet of total signage permitted for the building.
5. Building signs shall be completely affixed to a building and shall not protrude from the building more than 6 inches. An exception may be granted by the Planning Board for a building sign that protrudes from a building by a supporting arm or other ornamental feature of no more than five (5) feet so long as the sign is perpendicular to the building façade and sidewalk and does not obstruct views, cause a safety hazard, or negatively impact the character envisioned for the Elma Center hamlet area.
6. Any sign that protrudes over a sidewalk shall have a minimum clearance of 10 feet between the sidewalk and lowest part of the sign.
7. Free standing signs are not permitted.
8. The use of digital signage or flashing signs is not permitted.
9. Overall signage may not be lit from internal lights, only the use of individually internally lit characters on a sign, back lit signage, or directional lighting shall be used to light signage. The use of flashing or neon lights is not permitted.
10. The appearance and placement of signage shall be subject to Planning Board discretion as part of the site plan review process.

#### H. Access Management

The objective of access management is to reduce the number of conflict points and to ensure pedestrian friendliness and safety.

1. The number of curb cuts and width of access drives for parking and/or loading areas shall be the minimum possible, as determined by the Planning Board, to maintain a pedestrian friendly streetscape.

#### I. Other

1. The use of decorative lighting structures is encouraged to comply with the historic, pedestrian friendly character envisioned for the hamlet.
2. The maximum height of any lighting structures shall be 16 feet.
3. Fencing placed in the front yard shall be no higher than 3 feet and shall consist of wood or faux wood picket or ornamental iron construction. A mix of stone, brick, or other masonry wall and fencing may be permitted. The use of stockade, metal, woven wire, or barb wire fences are not permitted in the front yard.
4. Outdoor Seating- Eating and drinking establishments located in the Elma Center Overlay may conduct their business along the sidewalk or within a public right-of- way provided:
  - a. The storage of goods, whether temporary or permanent, shall not be permitted outside of the building and/or structure.
  - b. The maximum outdoor seating area shall be no larger than 100 square feet and shall not extend further than 10 feet from the building in which the business is located.

- c. At least 5 feet of the sidewalk shall remain free of such eating area and associated structures to allow for the safe and efficient movement of pedestrians.
- d. The outdoor seating area shall be a temporary area, and shall not contain any permanent buildings and/or structures.