

§ 175-41. B-1 Business District. [Amended 8-22-2006 by L.L. No. 3-2006; 2-9-2021 by L.L. No. 1-2021]

A. Permitted principal uses in the Retail Business District.

- (1) All uses permitted in any residential district subject to all the provisions specified for such residential districts.
- (2) Stores and shops for conducting of any legitimate retail business.
- (3) Personal service shops.
- (4) Banks, offices, restaurants, bus passenger stations, radio and television studios and transmitters and similar community services.
- (5) Professional buildings.
- (6) Apartment houses (multiple residences) with two motor vehicle parking spaces provided per apartment dwelling unit; with not more than 12 apartment dwelling units per acre; and with apartment buildings being separated from each other by a distance equal to or exceeding the average of the heights of said apartment buildings.
- (7) Shopping centers.

B. Permitted accessory uses located on the same lot with permitted principal use in the Retail Business District: none.

C. Uses permitted upon issuance of a special permit in the Retail Business District.

- (1) Garages and filling stations, subject to the following conditions and safeguards:
 - (a) No filling stations, gas pumps or storage tanks shall be located within 2,000 feet of an existing station.
 - (b) No filling stations, gas pumps or storage tanks shall be permitted in or within 1,000 feet of a shopping center or plaza.
 - (c) Such other conditions and safeguards as deemed appropriate by the Planning Board.
- (2) Accessory buildings and accessory uses.
- (3) Other uses which, in the opinion of the Planning Board, are of the same general character as those listed as permitted uses and which will not be detrimental to the district in which they are located.

D. Uses prohibited in the Retail Business District.

- (1) Industrial and manufacturing enterprises.¹

1. Editor's Note: Former § 175-38E, which immediately followed this subsection, was deleted .

E. Lot and area requirements in the Retail Business District shall be as follows:

- (1) Maximum height of structures: 36 feet.
- (2) Required frontage: 100 feet.
- (3) Required depth: 200 feet.
- (4) Required setbacks:
 - (a) Front: 75 feet.
 - (b) Side: 25 feet.
 - (c) Rear: 25 feet.
 - (d) In no event shall a freestanding or unattached principal building or structure be permitted in front of or in back of the existing buildings on the premises involved.
- (5) Building coverage: 20%.
- (6) Open area requirement. At least 30% of the total lot area shall remain open and unused. This open area may include open areas otherwise required in this section and may include areas for landscaping, stormwater retention or detention, in-ground septic systems, underground utilities, screening and fencing. The open area shall not be paved or used for parking, storage, buildings or accessory buildings.
- (7) Use of frontal area. Employee and customer parking is permitted on all except a strip of land 25 feet in depth adjacent to the public highway boundary, which strip of land shall remain vacant, unused and clear for visibility, to be curbed, fenced or otherwise rendered impassable to vehicles and set aside for lawn or landscaped, with advertising signs permitted in accordance with the sign provisions of this chapter.²
- (8) Landscaping. Appropriate landscaping is required in all business districts. Any structure erected in conjunction with a permitted business district use, the height of which is regulated by any federal or state licensing agency or bureau, shall conform to and be governed by the requirements of such agency or bureau.
- (9) Required parking space.
 - (a) A minimum of five ten-feet-by-twenty-feet parking spaces shall be provided for each 1,000 square feet of retail floor space. Restaurants shall provide one ten-feet-by-twenty-feet parking space for every two seats.
 - (b) Size of spaces. Each parking space shall be a minimum of 10 feet wide by 20 feet deep and shall be served by an aisle not less than 24 feet wide.

2. Editor's Note: See § 175-30, Signs.

When parking is arranged back to back, each parking space may share a common backup space. Entrance and exit lanes shall not be computed as parking spaces. Each parking space shall be identified with one painted line (white or yellow traffic paint), four inches wide, set 10 feet apart. These lines shall extend for 20 feet in length.

F. Permitted uses in the Non-Retail Business District. **[Added 2-9-2021 by L.L. No. 1-2021]**

- (1) Insurance offices of independent or general agents.
- (2) Medical and dental offices and clinics, excluding overnight occupancy.
- (3) Branch banks.
- (4) Commercial schools.
- (5) Attorney offices.
- (6) Offices for other licensed professionals, such as architects, designers, engineers, etc., excluding, however, any warehouses or storage areas.
- (7) Office parks/buildings.
- (8) Public buildings and grounds, excluding maintenance, storage or repair facilities.
- (9) Uses accessory to the above which are an integral part of and used solely by the permitted use and are deemed appropriate by the authorized official.
- (10) At any time when the specific use originally permitted within this district is to be changed so that it involves a separate, different and district use, process or product, the Town may require application to be made for a special use permit, at which time it may be required that any phases of the operation which have become and/or will become detrimental to the neighborhood be corrected prior to the Sweden Town Planning Board issuing any special use permit.

G. Conditional uses in the Non-Retail Business District. **[Added 2-9-2021 by L.L. No. 1-2021]**

- (1) The following uses and accessory uses shall be permitted when authorized in accordance with the provisions of this chapter:
 - (a) Drive-in bank auto tellers.
 - (b) Mortuaries or funeral homes.
 - (c) Nonprofit institutions for charitable, religious, cultural or community social purposes.
 - (d) Public utility substation uses, excluding power plants, maintenance or storage faculties and uses of similar nature.

- (e) Nursery or day-care centers and nonprofit schools.
 - (f) Combinations of permitted business, non-retail and single-family residential uses.
 - (g) Other legal uses, determined by the Town to be similar in nature to those uses described in a nonresidential business, same to be compatible with the purposes of said district and to be consistent with the Town's Comprehensive Plan.
 - (h) Upon a determination by the Town that any business or conditional use originally permitted within a Non-Residential Business 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 must be made to the Board. Prior to the issuance of any conditional use permit, the Board shall ensure that the applicant satisfies the Town's standards and requirements. As part of this process, the Board may require modification of any and all phases of the operation that have become, and/or will become, detrimental to the neighborhood.
- H. Dimensional requirements in the Non-Retail Business District. **[Added 2-9-2021 by L.L. No. 1-2021]**
- (1) Lot area. The minimum lot area shall be that necessary to accommodate the necessary structures 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.
 - (a) Green space shall be 35%. "Green space" shall be defined as an area of grass, trees, or other vegetation set apart for recreational or aesthetic purposes in an otherwise urban environment.
 - (b) Incorporation of green infrastructure, such as green roofs, rain gardens, biofilters, and pervious pavement, shall be reviewed and deemed appropriate by the Town.
 - (3) Setback requirements. All setbacks shall comply with buffering requirements set forth in the Sweden Town Code with the proviso that no structure within the Non-Retail Business District shall be located closer than 80 feet to the front property line, 20 feet to the side property line or 30 feet to the rear property line and/or, in the case of corner lots, the eighty-foot minimum front setback shall be provided along each road frontage.
 - (4) Maximum building height restrictions: three stories or 40 feet, whichever is less.