

**§ 280-407. Permitted uses.**

A. Permitted uses. Multiple uses are permitted on each lot. The following uses are permitted in the Mixed-Use Zones:

- (1) Retail store.
- (2) Business and professional offices.
- (3) Personal service establishments, including, but not limited to, barbershops, beauty parlors, electronics/computer cleaning or repair, glass shops and small appliance repair.
- (4) Restaurant; bar; or social club.
- (5) Residential Uses as allowed in R-1, R-2 and R-3 districts.
- (6) Parking as an accessory use to a principal building. Parking shall be subject to the applicable laws and codes of the Town of Hamburg, including, but not limited to, subsections of this chapter.
- (7) Religious institution.
- (8) Municipal office.
- (9) Parks, limited to passive outdoor recreation.
- (10) Indoor fitness centers, athletic fields and recreation centers.

B. The following is a list of uses that may also be permitted at the discretion of the Town Board in conjunction with any request to rezone to the mixed-use district or with conceptual plan review described in § 280-~~400B~~406.

- (1) Adult-care or assisted living facility.
- (2) Hotel or bed-and-breakfast.
- (3) Community center.
- (4) Day care center and nursery school.
- (5) Community gardens.
- (6) Laundromat/dry cleaner.
- (7) Hospital (urgent care facility).
- (8) Funeral home.
- (9) Public utility station.
- (10) Home office or occupation, provided that said occupation is not an industrial use permitted in M2-ML or M3-HM zones.
- (11) School.

- (12) Outdoor fitness centers, athletic fields and recreation centers.
- (13) Parks and other outdoor recreation (other than parks limited to passive outdoor recreation).
- (14) Other commercial, recreational, or residential uses not listed in subsection.
- (15) Other uses not stated above but not prohibited by § ~~280-160-280-408~~ of this Code will be approved only upon the finding by the Town Board (with Planning Board input) that such uses are compatible with those permitted and which will not be detrimental to other uses within the district or to adjoining land uses.

#### **§ 280-408. Prohibited uses.**

The following uses are expressly prohibited in mixed-use zones:

- A. Auto sales or service.
- B. Landfills.
- C. Any outdoor storage, other than enclosed dumpsters with proper screening identified on the site plan and approved by the Planning Board.
- D. Manufactured or mobile home parks.
- E. Outdoor solid-fuel-burning furnaces.
- F. Truck terminals, dispatch, and transfer.
- G. Lumberyards and coal yards.
- H. Railroad freight yards.
- I. Concrete products manufacture: concrete or cement mixing plants.
- J. Asphalt plants.
- K. Storage or manufacture of petroleum and petroleum products.
- L. Manufacturing of abrasives.
- M. Automobile assembly and fabrication.
- N. Manufacture of heavy machinery.
- O. Processing or treatment of bituminous products.
- P. Metal casting and foundry products.
- Q. Any use permitted in a ~~M3-ML~~ or ~~M2-HM~~ district under the Town of Hamburg Zoning Code not specifically identified above.

#### **§ 280-409. Bulk requirements.**

- A. Lot area. Lot area will be based on the size of the building, parking requirements and landscaping.
- B. Lot width at the building line: 75 feet.
- C. Lot coverage: maximum 85%.
- D. Setbacks: dependent on adjoining uses and the approved plan.
- E. There will be no minimum front setback, and new structures should be constructed abutting the front walkway or as close as possible, except:
  - (1) Existing structures in the style of residential houses, regardless of current use, shall have and maintain a front yard setback from the front lot line to the structure's original building front line.
  - (2) An additional front setback may be allowed when an area immediately in front of the principal building is intended for an outdoor eating/drinking area or for a display or activity related directly to the occupancy of the principal building.
  - ~~(3) A setback to allow parking in front of the principal building is expressly prohibited.~~

#### **§ 280-410. Off-street parking; signs.**

- A. Parking is not a permitted use and may only be constructed as an accessory use to a principal building. ~~Parking, if any, shall be located entirely behind the principal building. No parking shall front on any street.~~
- B. Redevelopment of existing commercial developments using existing parking lots shall be allowed utilizing parking along the street front if the following conditions are met:
  - (1) A ten-foot-wide area of vegetation/pervious area is developed between the edge of the right-of-way along the street and the parking area. A portion of this buffer zone may be impervious surface if it is intended for an outdoor eating/drinking area or for a display or activity related directly to the occupancy of the principal building that the parking area is associated.
  - (2) Appropriate vegetative screening or other aesthetic improvements are made to the ten-foot-wide area of frontage.
- C. The number of required parking spaces shall be determined by the Planning Board and incorporated into the Town Board's approval of the rezoning in accordance with the Town's zoning regulations.
- D. Signs. For applicable general sign regulations, see Article XXXVI. The approved plan, set under the rezoning process, will officially set the specific sign requirements (compatible with the area).