

BRIGHTWATERS ZONING CODE
ARTICLE IV

§ 128-12 Residence D District

A. Permitted Uses

- 1.) Townhouse or Condominium. Wherein each unit has a separate entrance to the exterior and there are no common interior hallways.
- 2.) Houses of Worship
- 3.) Accessory Buildings and Uses incidental to the primary use.
- 4.) Any lot located adjacent to a parcel zoned as B-3 or is located adjacent to a parcel granted any B-3 uses may be granted the right to any use permitted in the B-3 Zoning District. Any property developed as a B-3 use shall be subject to the B-3 dimensional requirements.

B. In any Residence D District no building shall be constructed on a lot having an area of less than 20,000 square feet.

C. In Residence D District, no building shall be constructed on a lot less than 150 feet in width.

D. Maximum residential density equals 1 unit per 1800 square feet of lot area.

E. Gross floor area shall not exceed 50% of lot area. Gross floor area is defined as the total floor area, including all levels or stories, of a structure as measured from the exterior faces of the walls. Accessory structures shall not be included in Gross Floor Area.

F. All buildings, including accessory buildings, shall cover no more than 60% of the area of the lot.

G. All units must have a minimum area of 700 square feet.

H. All improvements to parcels within Residence D District will be subject to a Site Plan Development Approval by the appropriate board. Any proposed plans shall comply with the requirements of the Site Plan Specifications outlined in Section 128-18 of the Village Code. The Board may grant a modification at the request of an applicant, provided a greater good to the public can be created or unreasonable hardship can be demonstrated.

I. Setbacks, Restrictions.

- 1.) Front yard setback must be no less than 10 feet.
- 2.) Side yard setback for buildings shall be 5 feet.
- 3.) Rear yard setback for residential structures shall be 50 feet.
- 4.) Rear yard setback for accessory structures shall be 5 feet.

- 5.) No residential structure shall exceed 30' or 2 1/2 stories and no living area above the second story.
- 6.) No accessory structure shall exceed 15' or 1 ½ stories.

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ARTICLE IV

Business Districts**§ 128-13 Business Districts**

The establishment and refinement of these districts is intended to encourage and promote the retention and establishment of those business, enterprises, and institutions which enhance our community by providing for the needs of the citizens and encourage the highest and best uses for the land. And to encourage the proper development which can be optimized by synchronicity of uses while minimizing any negative impacts on the adjacent residential properties in close proximity.

§ 128-13.1 Permitted uses in B1 Business District. *(Orinoco Drive Central Business District)*

No building or premises shall be used, and no building shall be erected which is intended or designed to be used, in whole or in part, for any trade, manufacturing or commercial use or purpose other than one of the following uses, and any use not specifically permitted herein is specifically prohibited:

- A. Restaurant either as an “eat or dine in” or “take out”. Any restaurant or food establishment that serves and consumes food, located within any Village Business District shall require a Special Use Permit from the Board of Trustees and all necessary permits from the County and State Health Departments.
- B. Arts and crafts; art galleries and jewelry stores.
- C. Bars and grills either as an “eat or dine in” or “take out”. May serve alcohol with proper State license. All events, musical or otherwise, as well as outdoor gathering will require a Special Use Permit from the Board of Trustees and proper permits from the County and State Health Departments
- D. Retail sales of any goods or commodities, except sales or rentals of videos, sexually oriented publications, or devices if such sales are the principal sales product, and paraphernalia for use of illegal drugs.
- E. Barbershop. No food or beverage sold on location.
- F. Beauty shop. No food or beverage sold on location.
- G. Bakery, donut, or bagel shop.
- H. Farmer’s markets/gourmet stores, seafood, Italian or any ethnic markets may include such items as cooking elements and essential ingredients. May also permit the inclusion of an interior retail section consisting of “small brand name” items used for cooking and/or personal health or hygiene. Outdoor farmer’s market subject to special use permit.
- I. Delicatessen.

- J. Dry cleaners or Tailor shops, but no processing of Dry Cleaning on site.
- K. Hobby store.
- L. Florist.
- M. Yoga studio, subject to licensing, where applicable, by New York State. There will be no food or beverages sold on location.
- N. Ice cream parlor.
- O. Shoe repair or sales.
- P. Liquor store.
- Q. UPS, FEDEX or other type of drop off service stores.

§ 128-13.1.1. Setbacks, Dimensional Restrictions for B1 Business District.

- 1.) The front yard setback must be no less than 5 feet.
- 2.) The side yard setback for buildings shall be 5 feet.
- 3.) The rear yard setback for primary structures shall be 5 feet.
- 4.) No accessory structures shall be permitted.
- 5.) The setback for any property line adjacent to a residentially zoned lot shall be no less than 15 feet, which shall include a 10-foot landscaped buffer to be established adjacent to all residentially zoned property line.
- 6.) No structure shall exceed 1 story or 20 feet in height.
- 7.) No accessory structure shall exceed 1 story or 15 feet in height.

§ 128-13.2 Permitted uses in B2 Business District.

No building or premises shall be used, and no building shall be erected which is intended or designed to be used, in whole or in part, for any trade, manufacturing or commercial use or purpose other than one or more of the following uses, and any use not specifically permitted herein is specifically prohibited.

- A. Professional offices.
- B. Insurance agent
- C. Real estate office.
- D. Recruiting office.
- E. Telephone company office.
- F. Offices of an Architect, Engineer, or Interior Designer.
- G. Law Offices.
- H. Income Tax Preparation and other Financial Services including Accountants and Stock Brokerage Services.
- I. Arts and crafts; art galleries and jewelry stores.
- J. Barbershop. No food or beverage sold on location.

- K. Beauty shop. No food or beverage sold on location.
- L. Dry cleaners or Tailor shops, but no processing of Dry Cleaning on site.
- M. Hobby store.
- N. Florist.
- O. Yoga studio, subject to licensing, where applicable, by New York State. There will be no food or beverages sold on location.
- P. Shoe repair or sales.

§ 128-13.2.1. Setbacks, Dimensional Restrictions for B2 Business District.

- 1.) The front yard setback must be no less than 10 feet.
- 2.) Side yard setback for buildings shall be 5 feet.
- 3.) The rear yard setback for primary structures shall be 30 feet.
- 4.) The rear yard setback for accessory structures shall be 15 feet.
- 5.) A 10-foot landscape buffer shall be established along any property line adjacent to a residential lot.
- 6.) No primary structure shall exceed 30' or 2 stories.
- 7.) No accessory structure shall exceed 15' or 1 story.
- 8.) No accessory structure shall be located in the front or sideyard of the lot.
- 9.) Any proposed structures exceeding one story must comply with architectural requirements that establish a residential character.

§ 128-13.3 Permitted uses in B-3 Business District.

No building or premises shall be used, and no building shall be erected which is intended or designed to be used, in whole or in part, for any trade, manufacturing or commercial use or purpose other than one of the following uses, and any use not specifically permitted herein is specifically prohibited.

- A. All uses permitted within the B-1 District.
- B. All uses permitted in the B-2 District.
- C. Medical Practice Office including but not limited to optometrists, dental, orthodontal, and physical therapy.
- D. Dance School or Dance Studios. Gatherings for performances will be subject to Fire Marshall Codes for Public Assembly and will require special use permit from the Board of Trustees.
- E. Learning Centers which may include private tutoring services and/or private classes in the scholastic subjects such as math, science, and English, etc.
- F. Martial Arts/ Self Defense Studio, physical training, or gymnasium.
- G. Musical Instrument Sales, Training and/or Performance Centers.
- H. Beer and soda sales, but only by special permit from the Board of Trustees.

- I. UPS, FED EX or other types of drop off service stores.
- J. Wellness Centers solely for massages or spa treatments to be administered by New York State Licensed Professionals. Health products may be sold on location. No food or beverages to be sold on location.
- K. Appliance Store.
- L. Computer Store.
- M. Home Health Care Centers.
- N. Furniture Stores.
- O. Hardware Stores.
- P. Health Food Store which sells health supplements, vitamins, minerals, pro-biotics, meal replacements and supplements and other similar substances.
- Q. Clothing Stores.
- R. Banks.

§ 128-13.3.1. Setbacks, Dimensional Restrictions for B3 Business District.

- 1.) Front yard setback must be no less than 10 feet.
- 2.) Side yard setback for buildings shall be 5 feet.
- 3.) Rear yard setback for primary structures shall be 10 feet.
- 4.) Rear yard setback for accessory structures shall be 5 feet.
- 5.) No primary structure shall exceed 30' or 2 ½ stories.
- 6.) No accessory structure shall exceed 15' or 1 story.