

Article VII: B-1 District, General Business District

Note: Deleted text is in ~~highlighted strikethrough~~ and proposed text is in **bold underlined**

§200-65 Permitted Uses

A. All plans for the use, erection, enlargement or alteration of any building or property in a B-1 District shall be subject to site plan approval by the Board of Trustees. In addition, any proposed change of use which would increase the requirement for off-street parking or loading spaces shall be similarly subject to site plan approval by the Board of Trustees.

B. The following uses are permitted in all B-1 Districts:

- (1) All uses permitted in a Residential R-3 District, subject to all the provisions specified for such residential district.
- (2) Stores and shops for the conducting of any retail business, except as provided in Subsection L below.
- (3) Personal service shops other than car wash.
- (4) Banks, offices and studios.
- (5) Shops for custom work. Shops for making articles or products to be sold only at retail on the premises and within a building **or in conjunction with online sales.**
- (6) Restaurants.
- (7) Assembly halls and bowling alleys.
- (8) Residential use, except on the ground floor level.
- (9) Undertaking establishments.
- (10) Bus passenger stations and telegraph offices.
- (11) Accessory buildings and necessary uses incidental to the permitted use.
- (12) Any permitted nonresidential use containing in excess of 20,000 square feet of floor area shall be subject to special permit approval of the Board of Trustees and to such conditions as the Board of Trustees may determine in connection therewith.
- (13) A quick service eating and drinking establishment as defined in § 200-2 shall not be permitted under the provisions of this section unless the applicant shall first obtain special permit approval of the Zoning Board of Appeals, applying the tests, standards and conditions set forth in § 200-74 herein.
- (14) Adult entertainment uses as defined and regulated in § 200-91.1.
- (15) Training or skill development not in a school or academic program including but not limited to tutoring centers, martial arts studios, dance studios, gymnastics and similar uses.**
- (16) Exercise facilities.**

§ 200-65.1 Uses subject to approval.

All plans, uses and conditions permitted in a B-1 District shall be subject to the approval of the Board of Trustees after Public Hearing. The criterion to be used by the Board of Trustees are the same as those used by the Zoning Board in § 200-97.

§ 200-66 Prohibited uses.

The following uses are prohibited in all B-1 Districts:

A. All other uses except those noted above shall be prohibited.

B. Any trade, business, purpose or use, whether or not enumerated in § 200-65, that is declared by the Board of Trustees to be noxious or offensive by reason of hazard or the emission of odor, dust, refuse matter, wastes, smoke, gas or noise, or to be detrimental to the comfort, peace, enjoyment, health or safety of the community, or to tend to become so, is prohibited and shall cease forthwith upon notice of such declaration, if already in operation or existence.

§ 200-67 Building height.

No building or structure shall be erected to a height in excess of ~~30~~ 45 feet and ~~two~~ four stories above the grade plane. No accessory building shall be erected to a height in excess of ~~15~~ 20 feet.

§ 200-68 Lot area.

The minimum lot area for a business building in a B-1 District shall not be less than 5,000 square feet.

§ 200-69 Lot coverage.

All principal and accessory buildings shall not cover in the aggregate more than 65% of the area of the lot.

§ 200-70 Yard requirements.

Each lot shall have front, rear and side yards not less than the depths or widths as follows:

A. Front yard depth: 10 feet.

B. Side and rear yards: No side or rear yard shall be required; however, if either is provided, its least dimension shall not be less than six feet.

§200-71 Off-street parking and loading

The following off-street parking, loading and related requirements shall apply in connection with any application for the use, erection, enlargement or alteration of any building or for the change in any use which would increase the number of off-street parking or loading spaces required. All off-street parking, loading and related improvements shall be satisfactorily maintained by the owner of the property for the duration of the buildings or uses being served:

A. Dwellings: at least one parking space for each dwelling unit in the building or buildings.

B. Auditoriums, theaters or other places of public assemblage: at least one parking space for each three seats provided for its patrons (based on maximum seating capacity).

C. Restaurants: at least one parking space for each three seats or for each 75 square feet of floor area, whichever requirement is greater.

D. Retail and personal service businesses: at least one parking space for each 150 square feet of floor area.

E. Offices: at least one parking space for each 250 square feet of floor area.

F. Medical/dental offices: at least one parking space for each 200 square feet of floor area.

G. Banks: at least five parking spaces per teller station, but not less than one parking space for each 150 square feet of floor area.

H. Off-street parking requirements for uses which do not fall within one of the above categories shall be determined by the Village Board of Trustees, after review and report by the Planning Board, as a part of the site plan and/or special permit approval process.

I. All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Board of Appeals may permit the parking spaces to be on any lot within 500 feet of the building, if it determines that it is impractical to provide parking on the same lot with the building.

J. Where two or more different uses are served by the same parking facility, the total number of parking spaces required shall be the sum of the requirements for each individual use, except that the Board of Trustees may approve, after review and report by the Planning Board, the joint use of parking spaces by two or more different uses on the same or contiguous lots, provided that the total number of spaces is no more than 1/3 less than the sum of the spaces required. In such case, the Board of Trustees shall find that the capacity to be provided will substantially meet the intent of the requirements of this chapter by reason of variation in the probable time of maximum use by patrons and employees of such establishments, ~~and provided that such approval of joint use of parking spaces shall be automatically terminated upon the termination of the operation of one or more of the establishments served.~~ **Such approval of joint use of parking spaces shall be automatically terminated upon the change of use of one or more of the establishments served to one or more establishments which increase the intensity of use as determined by the Building Inspector.** If more than one lot is involved, the Board of Trustees shall require, as a condition of its approval, a legal instrument in form satisfactory to the Village Attorney, assuring the continued use of such joint parking facilities in connection with the uses they are intended to serve.

K. Fee in lieu of off-street parking.

(1) At the request of the property owner, the Village Board of Trustees, after review and report by the Planning Board, may accept the payment of a fee in substitution for providing some or all of the required off-street parking spaces, provided that the Board finds that the required number of spaces cannot reasonably be provided on the site. Such fee in lieu of providing parking shall be applicable only within the B-1 District and shall be assessed at the rate of \$10,000 for each space. This fee is based upon the estimated cost for land acquisition, demolition and construction of municipal parking in the B-1 District. Any such payments shall be placed in a special trust fund to be used exclusively for public parking space purposes to benefit the B-1 District. The fee may be paid in full at the time of site plan approval or over a period not to exceed 10 years, with interest, in accordance with terms and conditions to be mutually agreed upon by the property owner and the Board of Trustees.

(2) By acceptance of the fee in lieu, the Village of Ardsley undertakes to provide parking of a type, location and quantity appropriate to help meet the needs of the properties for which fees have been paid. The Village may charge for the use of such spaces an amount consistent with the charge for other publicly provided parking in the B-1 District. All expenditures from the parking trust fund shall be designed to increase the quantity and/or the quality of municipal parking available to serve the B-1 District.