

ARTICLE XII Industrial B District (General Industry)

§ 108-48. Uses. [Amended 5-4-1971; 12-5-1972; 11-8-1978; 7-3-1979]

In the Industrial B District (General Industry), no building, structure or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed or altered, unless otherwise provided in this chapter, except for two of the following permitted uses, special exception or special permit uses and their customary accessory uses:

A. Permitted uses.

- (1) Agriculture.
- (2) Automobile laundry.
- (3) Building contractor storage and/or equipment yard.
- (4) Dry-cleaning or laundry plant.
- (5) Greenhouse, plant nursery and garden.
- (6) Ice-cream manufacture.
- (7) Newspaper offices; job printing establishment.
- (8) Offices.
- (9) Printing and publishing plant.
- (10) Repair shops for household and/or personal appliances.
- (11) Restaurant, except that a drive-in restaurant shall be permitted only by special permit of the Town Board.
- (12) Storage yard: building material, feed or similar nonhazardous material.

B. Special permit uses. **[Amended 1-13-1987; 10-20-1992; 8-4-1998 by L.L. No. 9-1998; 10-1-2002 by L.L. No. 29-2002]**

- (1) Airport, when authorized by special permit from the Town Board.
- (2) A nonnuisance industry, by special permit of the Town Board.
- (3) Loading, hauling and/or processing of sand, gravel, shale or topsoil, by special permit of the Town Board, except that sand mining as defined in the Environmental Conservation Law is a prohibited use under this district.
- (4) Wholesale business (nonnuisance), by special permit of the Town Board.
- (5) Dog and horse training, to include but not be limited to care, grooming, exercising, schooling and exhibiting, by special permit of the Town Board.
- (6) Gas service station, by special permit of the Town Board.
- (7) Camps of Types 1, 3, 4, 5 and 6, by special permit of the Town Board.
- (8) (Reserved)
- (9) Any other use, except for multiple-family dwelling, apartment house, garden apartment or condominium and camp of Type 2, not hereinbefore permitted, may be established by special permit of the Town Board.
- (10) Any other recreational use, by special permit of the Town Board.
- (11) Body and fender repair shop, by special permit of the Town Board.
- (12) Motor vehicle repair shop, by special permit of the Town Board.

C. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses when located on the same lot. Specifically permitted are the following:

- (1) Customary accessory uses, buildings or structures incidental to any of the permitted uses.
- (2) Private garages or off-street parking and truck loading areas.
- (3) Retail sales related to permitted uses.

§ 108-49. General lot, yard and height requirements.

- A. No building shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule *Editor's Note: See the Zoning Schedule at the end of this chapter.* incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.
- B. Any lot in nonconforming residential use or subsequently divided to leave a nonconforming residential use as a separate lot must be divided so that such residential lot complies with the provisions for lot area, width and yard requirements of the Agriculture Protection Zoning Use District of this chapter. Any subsequent alterations or enlargements of the building shall comply with the requirements of the Agriculture Protection Zoning Use District of this chapter. **[Amended 7-10-2005 by L.L. No. 35-2005]**

§ 108-50. Additional requirements.

- A. Gasoline service stations.
 - (1) A gasoline service station may not be erected within a radius of 1/2 mile from any existing gasoline service station, measured between the principal buildings, and may not be erected within a radius of 500 feet from a residence use district.
 - (2) There must be filed with an application for a special permit an affidavit setting forth the names and addresses of all the owners of real property situate within a radius of 1,000 feet from the proposed site as measured from the line of the property which is the subject of the application, which affidavit shall set forth proof of service by certified mail, return receipt requested, of notice of public hearing on the application having been sent to all such property owners not less than 30 days prior to the hearing. The notice of public hearing shall set forth that an application for a proposed gasoline service station has been filed with the Town Board; a description of the proposed site, together with a map thereof; a description of the proposed type of operation; the names and addresses of the applicants and all persons having an interest in the said premises; and the time and place of the public hearing before the Town Board, together with a statement that all persons wishing to be heard in connection with the application should appear before the Town Board at the time specified therein.
 - (3) Any permit granted shall be conditioned upon the lot's being used for retail sale of motor fuels, lubricants and other motor vehicle supplies, including spark plugs, batteries, tires and other customary minor parts for the repair, servicing and upkeep of motor vehicles, not including body and fender work; upon all repair work being performed inside a building and only between the hours of 7:00 a.m. and 9:00 p.m., prevailing time, except for emergencies; and upon there being no storage of dismantled vehicles on the lot. Violations of any of these conditions shall cause a revocation of the permit, and the failure to enforce the revocation because of any violation shall not constitute a waiver as to future or continuing violations. **[Amended 10-1-2002 by L.L. No. 29-2002]**

§ 108-50.1. Review of site plan. [Added 5-16-1978; amended 6-18-2002 by L.L. No. 22-2002]

Before issuing a building permit, each application, together with the accompanying site plan, shall be subject to the site plan review requirements of this chapter. **Editor's Note: See Art. XXVI, Site Plan Review.**