

**TOWN OF PARMA**  
**LEGAL NOTICE**

**PUBLIC HEARING LOCAL LAW #3-2024**  
**TO AMEND CHAPTER 165 ARTICLE VI SECTION 165-38 NEIGHBORHOOD**  
**COMMERCIAL DISTRICT (NC) OF THE CODE OF THE TOWN OF PARMA**

PLEASE TAKE NOTICE, that the Town Board of the Town of Parma shall hold and conduct a Public Hearing to consider the enactment of Introductory Local Law #3-2024, which Local Law Proposes to amend Chapter 165 Article VI Section 165-38 Neighborhood Commercial (NC) District of the Code of the Town of Parma.

Such Public Hearing shall be held before the Town Board at a regular meeting thereof scheduled to be held at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, NY 14468 on the 16<sup>th</sup> day of July 2024 at 6:30 p.m. and at which hearing all interested parties shall be heard concerning the subject matter thereof.

This Local Law proposes to revise, update and amend Chapter 165 Article VI Section 165-38 Neighborhood Commercial (NC) District of the Code of the Town of Parma. A complete text of such proposed Local Law is presently on file at the Town Clerk's Office where it may be examined by all interested persons during normal business hours.

By Order of the Town Board of the Town of Parma

Carrie Fracassi  
Parma Town Clerk  
June 26, 2024

## § 165-38 Neighborhood Commercial (NC) District.

### A. Purpose.

The purpose of the Neighborhood Commercial (NC) District is to provide low intensity commercial and mixed-use development to meet the personal service needs of adjacent residential neighborhoods. Associated land uses are intended to be compatible with the residential neighborhood due to their small size, low volume of traffic, and limited hours of operation.

### B. Specially Permitted Principal Uses.

1. Small-scale Retail Uses.
2. Laundromats.
3. Professional offices.
4. Farmer's Market.

### C. Permitted accessory uses.

1. Storage facilities incidental to the principal use, provided that all storage of materials and equipment is enclosed, or otherwise secured from adverse weather.
2. Any building in the NC District containing a permitted neighborhood commercial use may also include a residence as an accessory use, provided that the living area shall have a minimum area of 800 square feet. Said living unit shall not be on the same floor of the building as the neighborhood commercial use. The building shall meet the minimum requirements specified in the Uniform Code for such mixed occupancies.

### D. Dimensional requirements for the Neighborhood Commercial (NC) District.

1. The dimensional requirements for this district are specified in Schedule I which is a part of this chapter.
2. No principal building in a Neighborhood Commercial (NC) District shall contain an area of less than 1,000 square feet. **[Added 12-1-1998]**

### E. Building Placement and Orientation.

1. To the maximum extent practicable, all buildings shall be arranged to orient toward public streets and frame the corner at the intersection of any 2 streets.
2. All buildings shall have front entrances which face public streets and shall include a sidewalk connecting the entrance to the public sidewalks.
3. If a public sidewalk is not present the Town might require a sidewalk to be installed parallel to the street or roadway in addition to the sidewalk connecting to the building entrance.

### F. Building Composition.

1. Buildings shall exhibit a clearly defined base, mid-section and crown. This can be accomplished using a combination of architectural details, materials, and colors.
2. Façades of buildings shall be broken down into a series of appropriately proportioned "structural bays" or components typically segmented by a series of columns, masonry piers, or pilasters that frame window, door and bulkhead components.
3. A façade bay shall have a maximum width of 20 feet.
4. Long, blank, unarticulated wall façades that face a major street are prohibited.
5. Elevation features should have depth, avoiding a flush or flat appearance.

6. Where a portion of a building façade without windows is necessary to front on a street, it shall be "broken" by vertical and horizontal articulation (e.g., sculpted, carved or penetrated) characterized by breaks (reveals, recesses) in the surface of the wall.
7. The proportion of glazing to overall ground floor façade area shall be a minimum of 50% on façades facing a street.
8. The proportion of glazing to overall upper floor façade area shall be a minimum of 25% on façades a major street.

**G. Off-street Parking Location and Requirements.**

In addition to requirements provided in **Article XVI** of this Chapter, the following parking requirements shall apply to the Neighborhood Commercial District:

1. Front yard parking shall be prohibited.
  2. Parking shall be in either the side or the rear yard of a property. Side yard parking shall be setback a minimum of 10 feet behind the front building façade.
  3. All nonresidential land uses in this district shall require a maximum of 1 parking space for every 500 square feet of building area.
  4. Access shall consist of at least 1 drive aisle 15 feet in width for parking areas with fewer than 20 spaces and at least 2 drive aisles 10 feet in width for parking areas with more than 20 spaces.
  5. Whenever a parking area faces a street or a property line, a planting area of a minimum width of 8 feet with plantings at least 3 feet high planted at least 3 feet on center shall be provided between the parking area and the street line or property line. The planting plan for this strip shall be approved by the Planning Board as part of the site plan review.
2. **Landscaping.**
1. All plants (including grass) shall be living plants. Artificial plants shall be prohibited.
  2. Plants native to Upstate and Central New York are encouraged.
  3. A minimum of 80% of surface area shall be covered by living materials for all areas where landscaping is required. Living materials shall not include mulch, bark, gravel or other non-living material.
  4. Deciduous trees shall be a minimum of 1.5 inch caliper at the time of planting, and 8 feet in height at the time of planting.
  5. Evergreen trees shall have a minimum height of 5 feet at the time of planting.
  6. Due to heat and drought stress and vision clearances, ornamental and evergreen trees are not recommended, unless advised by the Town based on site conditions or circumstances.
  7. Upright shrubs shall be a minimum of 24 inches in height and spreading shrubs, deciduous or evergreen, shall be a minimum of 15 inches in diameter.
  8. Front yard and foundation landscaping must be provided. Foundation landscaping shall be provided in the form of a continuous 5-foot (minimum) landscape area around the full perimeter of the building, excluding pedestrian and vehicle access points.
  9. Front yard landscaping and building foundation landscaping shall include a combination of trees, flowering shrubs, perennials, and ground covers.
  10. Foundation landscape areas shall be 100% planted along the front, 50% planted along each side and 25% planted in the rear.

**3. Buffers.**

1. A buffer strip 10 feet in width shall be provided upon all non-residential land uses which abut a residential land use at the side or rear lot line. This buffer strip may be included within the required side or rear yard setback.
2. No parking area, building or other structure or paved area except walks, walls or fences shall be permitted in any buffer strip.
3. No storage or display of goods shall be permitted in any buffer strip.
4. Buffer strips shall include solid fencing and/or live, healthy vegetation of at least 5 feet in height.
5. Each buffer strip shall be planted with at least 2 trees and/or shrubs every 10 linear feet. The remainder of each buffer strip shall be landscaped in grass, ground cover, other vegetation or a walk, wall or fence.
6. Fences or walls shall be subject to the provisions in **§ 165-128 A.1-A.9.**

**4. Signs.**

1. All regulations within **§ 165-112** shall apply to the Neighborhood Commercial District.
2. The sign regulations below in **§ 165-38 J.3-J.9** shall only apply to the Neighborhood Commercial District.
3. The following signs shall be prohibited in the Neighborhood Commercial District:
  - a. Billboards.
  - b. Illuminated Signs.
  - c. Inflatable signs.
  - d. Pennants/streamers.
  - e. Pole signs.
  - f. Roof signs.
  - g. Vehicular signs.
  - h. Television display signs.
  - i. Signs attached to a tree, utility pole or otherwise affixed to anything other than an approved sign support structure.
  - j. Signs containing reflective materials.
  - k. Signs that obstruct the public right-of-way or obstruct the view of traffic.
  - l. Signs that obstruct the view of another sign on an adjacent property.
4. Permitted sign types in the Neighborhood Commercial District shall include monument signs, projecting signs, wall signs and window signs as defined by this Chapter.
5. Each commercial business shall be permitted a maximum of 2 different signs from the list of permitted signs.
6. Monument Signs.
  - a. Monument signs shall not exceed 4 feet in height.
  - b. The maximum sign area shall be 24 square feet. This excludes the area of the monument's base.
  - c. Monument signs shall be setback 5 feet from the public sidewalk or the front lot line,

whichever is further from the street. No monument sign shall be setback farther than 10 feet from any public sidewalk or street.

7. Projecting Signs.
  - a. Projecting signs shall not exceed 10 square feet in area per face.
  - b. Projecting signs shall not exceed 12 inches from sign face to sign face.
  - c. No portion of any projecting sign shall extend more than 4 feet from the building.
8. Wall Signs.
  - a. Wall signs shall be a minimum of 12 feet above the ground or a maximum of 25 feet above the ground.
  - b. Wall signs shall not exceed a height of 3 feet and shall not exceed an area in square feet equal to one times the length of the building's frontage, up to a maximum of 60 square feet.
9. Window Signs.
  - a. Window signs shall only be permitted on the first floor of street-facing building façades and shall be located in such a way that does not unnecessarily detract pedestrian visibility into buildings.
  - b. A window sign shall not exceed a maximum of 25% of total glass area.

**5. Additional requirements for the Neighborhood Commercial (NC) District.**

1. Site plan approval shall be secured from the Planning Board as required in **Article XIII** of this chapter.
2. No business use operating in a Neighborhood Commercial (NC) District shall be open to the public during the hours of 10:00 pm to 5:00 am.
3. No drive-in or drive-through services shall be permitted.
4. There shall be no outside display of merchandise or storage of waste materials.
5. Site lighting shall be shielded in such a way that the source light is not visible at the lot line. All site lighting shall be subject to the provisions in **Article XVI** of this Chapter.

**6. Definitions.**

**FAÇADE**

An exterior wall of a building that is adjacent to or fronts on a public street, park, or plaza.

**FARMER'S MARKET**

Any building, structure or place, the property of a municipal corporation or under lease to or in possession of a public or private agency, used or intended to be used by two or more producers for the direct sale of farm and food products from producers to consumers and food buyers. Such market may also include facilities for the packing, shipping, first-instance processing or storage of farm and food products, and shall include all equipment used or intended to be used in connection with such facilities. Such market may also include other businesses which reasonably serve the public or make the market more convenient, efficient, profitable or successful, including, but not limited to, food service, baking, and non-food retailing.

**LAUNDROMAT**

A business that provides washing, drying, and/or ironing machines for hire to be used by customers in a single building.

**PROFESSIONAL OFFICE**

Professional or government offices including those for a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists, and the like.

**SMALL-SCALE RETAIL USE**

An establishment of 10,000 square feet or fewer of gross floor area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service, building materials and/or supplies. Typical uses include, but are not limited to, the sale of consumer goods, food and sundry items, beauty salons and barber shops, coffee shops, ice cream shops, and boutiques.

**SIGN, MONUMENT**

A sign that is supported by a foundation of one or more columns, uprights or braces not attached to or forming part of a building or structure. The sign shall be no higher than 5 feet above grade, otherwise such sign shall be classified as a pole sign.

**SIGN, PROJECTING**

A sign attached to or supported by a building or structure in such a manner that it extends more than 1 foot from the building's façade.

**SIGN, POLE**

A sign that is affixed to, attached to, or erected on a freestanding pole or other support that the bottom edge of the sign face is greater than 5 feet above grade. Pole signs are prohibited in the Town of Parma.

**SIGN, WALL**

A sign fastened or applied to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.

**SIGN, WINDOW**

A sign which is applied or attached to the exterior or interior of a window or is installed inside of a window within 12 inches of the window through which it can be seen.

**STREET, MAJOR**

A roadway used to move traffic into, through and out of major portions of the Town, designed for heavy traffic.

**STREET, MINOR**

A roadway whose major purpose it to provide direct access to properties.

Permitted Uses	Minimum Lot Size			Minimum Setback Requirements (ft)				Maximum Building Height (ft)	Maximum Building Coverage on Lot (%)	
	Area (sq ft)	Width (ft)	Depth (ft)	Principal Building		Accessory Building				
				Front	Rear	Side	Rear			Side
All nonresidential uses shall be permitted by special permit only.	15,000	50	N/A	10	25	10	15	5	35	50%
Nonresidential Uses including Retail Uses and Farmer's Markets										