

ARTICLE 11. C-1 LOCAL COMMERCIAL ZONE REGULATIONS

Sec. 18-72. Permitted uses.

- A. The following uses shall be permitted in the C-1 zone:

General business enterprises consisting of sales.

Home installation services associated with sales.

Limited repairing, manufacturing, processing or assembly.

Offices.

Recreation.

Restaurants.

Restaurants, carry-out.

- B. The uses permitted within the C-1 zone must meet all of the following criteria in addition to all other requirements specified in this article except those hereinafter expressly prohibited and those designated with special conditional limitations:

1. The entire operation of the business or activity shall be conducted wholly within an enclosed building.
2. No sales or services of any kind, type or nature, comprising or relating to the business shall be conducted on the premises outside of a wholly-enclosed building. Nor shall any sales be permitted for consumption on the premises outside of a wholly-enclosed building, with the exception of restaurants, subject to limitations listed under incidental uses.
3. No storage or display of merchandise, equipment, or other material will be wholly-permitted outside of an enclosed building, regardless of whether the storage or display area is a public thoroughfare or is privately owned.
4. Repairing, processing, manufacturing, washing, drying, dry cleaning, fabricating, forming, finishing or assembly shall be limited to those which are incidental to home consumption or use and services to other commercial enterprises when such services are not performed for or do not result in the resale by the recipient thereof. Such a use, however, shall not be permitted if there is any emission of smoke, odor or noise which is detectable outside of the building beyond the boundaries of the lot on which the building housing such use is located.
5. Office buildings, with the exception of the ground floor, shall be occupied solely for professional use or the administrative activities accessory to other than professional uses. No such activity in office buildings shall be considered as a permitted use if it involves storage or parking on the premises of trucks, buses, taxis, equipment, or other commercial vehicles other than passenger automobiles incidental to the professional use or required for the use of persons engaged in the purely administrative activities accessory to the non-professional use.
6. No business shall be considered as a permitted use if it involves the killing of poultry or other livestock or the processing of animal products. This restriction shall not include the cutting and preparation of animal products when performed for retail sale on the premises as food for

consumption; and the killing or cutting of animals, other than human, incidental to medical practice or medical research.

7. Where a building contains office space as well as other commercial enterprises, the applicable criteria in this section for office buildings shall apply to that portion of the building consisting of offices and the other criteria shall apply to the other commercial enterprises.

C. Incidental uses.

1. In any restaurant, there shall be permitted as an additional incidental use thereto the operation of a bona fide, licensed catering service or a carry-out service, as herein defined, provided either or both such service is conducted wholly within the enclosed structure in which the restaurant is located.

2. In any restaurant:

a. Outdoor dining, which shall not be included for the calculation of required off-street parking spaces, may be allowed on a roof garden of such building or at ground level outside such building, subject to all applicable federal, state, and local regulations, as well as the following provisions;

1. General Provisions

a. Restaurants who have received a Temporary Outdoor Commercial Activity Permit for outdoor seating prior to adoption of this ordinance may continue to operate under the temporary permit for no more than four months past the adoption date.

b. Outdoor dining located within 50 feet of a residentially zoned property utilized for residential uses may only be operational from 10 am to 9 pm on Sunday, 9 am to 9 pm on Monday through Thursday, 9 am to 10 pm on Friday, and 10 am to 10 pm on Saturday.

c. The property owner or property manager acting on behalf of a property owner must authorize any proposed outdoor dining located on their property.

d. All structures, features, furnishings, and exterior modifications shall be subject to review by the Board of Architectural Review, except for restaurants located within buildings developed under Sections 18-87.4 and 18-87.5.

e. All applications shall include to-scale plans showing the location of any outdoor dining furniture or structures.

f. Outdoor dining structures, features, and furnishings for restaurants located within buildings developed under Sections 18-87.4 and 18-87.5 are subject to review and approval by the Town Council.

i. Town Council shall consider the following when reviewing an application:

1. Impact to surrounding residential properties;

2. Impact to number of available on-site parking spaces;

3. Consistency with design requirements listed under Section 18-87.5.

ii. Renewal of the off-street parking permits can be approved by the Zoning Administrator if the outdoor dining configuration does not change from the Town Council approved plans.

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2. Provisions for Ppermanent outdoor dining located on roof garden or hard-surfaced area outside building, not to include off-street parking spaces
 - a. Outdoor dining may only be allowed with issuance of a permit after plans showing proposed dining are submitted to the Zoning Administrator for review.
 - ~~i. To-scale plans shall show location of any outdoor dining furniture or structures.~~
 - ~~ii.i. All structures, features, furnishings and exterior modifications shall be subject to review by the Board of Architectural Review.~~ Permanent changes may ~~also~~ be subject to Site Plan Control Provisions under Article 25.
 - ~~iii.ii.~~ Proof of permission of the property owner for any proposed outdoor dining shall be submitted.
 - b. Outdoor dining furniture and equipment cannot block pedestrian access or interfere with ADA accessible routes to and from buildings and public facilities.
 - c. Outdoor dining furniture and equipment cannot block fire entry or exits points, fire department connections (FDC), or any other required safety exits.
3. Provisions for Aannual outdoor dining located on off-street parking spaces
 - a. Parking spaces located within close proximity to a restaurant(s) may be used for outdoor dining after issuance of a permit, which is to be reviewed and issued annually by the Zoning Administrator. Such use of parking spaces are subject to the following conditions:
 - i. No more than 20% of the required off-street parking spaces for a restaurant may be utilized for outdoor dining. If there are excess parking spaces above the minimum number of off-street parking spaces required per Article 16, then those spaces may also be utilized for outdoor dining.
 - ~~ii.~~ No more than 8 seats per parking space utilized for outdoor dining shall be allowed.
 - ~~iii.~~ Outdoor dining cannot be located in or block any designated fire lanes.
 - ~~iv.~~ Outdoor dining cannot block pedestrian access or interfere with ADA accessible routes to and from buildings and public facilities. Additionally, no ADA accessible parking spaces may be used for outdoor dining.
 - ~~v.~~ Outdoor dining cannot interfere with the use of a refuse storage area or the use of a loading space.

~~v-vi.~~ Only non-permanent structures, such as tents, are allowed to take up said parking spaces and parking spaces must be able to be easily converted back to be used for parking.

~~vi-vii.~~ Outdoor dining area must be clearly delineated by cordon, marking, or other means and must be protected from vehicular traffic to the extent possible with rigid barriers.

~~vii-viii.~~ All structures, features and furnishings are subject to review by the Board of Architectural Review.

b. Additional parking spaces may be allocated for restaurants located within buildings developed under Sections 18-87.4 and 18-87.5 after review and approval by the Town Council. Renewal of the permit can be approved by the Zoning Administrator if the outdoor dining configuration does not change from the Town Council approved plans.

b. Live entertainment and patron dancing may be permitted subject to article 21 of this chapter.

D. Commercial group building development. Commercial group building development which shall comply fully with the provisions of section 18-173.1.

E. Certified massage therapists as defined in this Code.

(Code 1969, § 18-72; Ord. of 2-1971; Ord. of 4-22-1974; Ord. of 12-11-2017(2))

Sec. 18-73. Special conditional limitations.

Residential apartment use shall be permitted where:

1. The apartment is located in a building which is principally occupied and used for other uses permitted in section 18-72;
2. Such apartments are located on a floor above the street floor of said building; and
3. Provided the apartment and buildings in which any such apartments are located shall in addition to the requirements hereof meet all other requirements of law applicable to apartment dwellings.

(Code 1969, § 18-73; Ord. of 2-1971)

Sec. 18-73.1. Conditional uses.

The following conditional uses shall be permitted in the C-1 zone:

A. Bed and breakfast inns.

B. Drive-through facilities complying with the application and submittal requirements as set forth in section 18-210.

(Code 1969, § 18-73.1; Ord. of 4-1-1991; Ord. of 11-8-1994; Ord. of 7-10-1995; Ord. of 2-28-2000)

Sec. 18-74. Use permit required.

- A. Each separate use conducted within a building in the C-1 zone and each accessory use to any such primary use conducted in a building in this zone shall require a separate use permit before such separate primary or accessory use shall be engaged in.
- B. Restaurants offering live entertainment, including patron dancing, shall be subject to the granting of a conditional use permit.
- C. Consumption of meals on a roof garden of an enclosed building in which a restaurant is located, or at sidewalk tables directly adjoining such building, shall be subject to the granting of a conditional use permit.
- D. Motel, hotel and tourist homes.
- E. Hospitals, sanitariums, clinics and animal hospitals complying with the requirements of section 18-210(O).

(Code 1969, § 18-74; Ord. of 2-1971; Ord. of 12-6-1971; Ord. of 6-1980)

Sec. 18-75. Change of zone.

Following the adoption of the ordinance from which this article is derived by the Town Council, no application by any property owner for the rezoning of land in the Town to this zoning classification shall be entertained by the Town Council unless and until such application is accompanied by:

- 1. A detailed written description of the intended use to which such land is to be put; and,
- 2. A site plan of the structure intended to be placed on such land to accomplish the intended use. Such site plan shall conform in all respects to the provisions of article 25 of this chapter.
- 3. Such other assurances that the proposed land use will be accomplished by the applicant as the Town Council may reasonably require.

(Code 1969, § 18-75)

Sec. 18-75.1. Area requirements.

The following area requirements shall apply in the C-1 zone:

- A. For buildings hereafter erected and used exclusively for dwelling purposes, see section 18-149.
- B. Front yard. The front yard shall be measured from the building line to the front property line and shall be not less than 15 feet. Structures in existence at the time of the adoption of this amendment and which previously complied with then existing front yard requirements, shall not hereafter be deemed to be nonconforming solely by virtue of their noncompliance with the front yard requirements of this section.
- C. All new structures requiring a building permit undertaken subsequent to the date of adoption of the ordinance from which this section is derived and all structural renovation, expansion, addition or change to existing structures, requiring a building permit, and undertaken subsequent to the date of adoption of the ordinance from which this section is derived, whether such structure is conforming or nonconforming on the date of adoption of the ordinance from which this section is derived, where such renovation, expansion, addition or change may reasonably be expected to result in an increase of 50 percent or more in usable floor area of such structure shall be required to conform in every way to the front yard requirements of this section as well as other applicable provisions of this chapter.

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- D. Side yard. No side yard is required, except that if the lot adjoins a lot in a residential zone along its side lot line, there shall be a side yard of at least eight feet; and further, each commercial or industrial building with any side wall containing windows or other openings which does not side on a street or alley, shall provide along such wall a side yard of not less than five feet and one foot additional for each story above the first story.
 - E. Rear yard. Rear yards shall be a minimum of 25 feet in depth.
 - F. These area requirements may be modified by the council in accordance with the provisions of section 18-256.
 - G. At least 25 percent of the front yard shall be landscaped.
 - 1. Landscaping shall be in accordance with a plan approved by the Town Council after receiving reports and recommendations from the planning commission and the Board of Architectural Review. Landscape maintenance shall be subject to the provision set forth in section 18-173.14.
 - 2. An approved landscape plan may be revised with the approval of the Board of Architectural Review.

(Code 1969, § 18-75.1; Ord. of 11-1-1982; Ord. of 1-3-1983; Ord. of 2-28-1994)

Sec. 18-75.2. Height limit.

The maximum height of any structure in the C-1 zone erected following the adoption of the ordinance from which this section is derived shall be three stories above ground level, but shall not exceed 35 feet above ground level. (Structures in existence at the time of adoption of the ordinance from which this section is derived that exceed the above height limit will not be considered nonconforming as to the height limit provision.)

(Code 1969, § 18-75.2)

Sec. 18-75.3. Accessory building and private parking area requirements.

Accessory building and private parking area requirements for dwellings erected in the C-1 commercial zone shall be as specified in article 17 of this chapter.

(Code 1969, § 18-75.3)

Sec. 18-76. Off-street parking area.

- A. Regulations for off-street parking areas are specified in article 16 of this chapter.
- B. The parking of vehicles belonging to and which are part of the business activity within a building, other than vehicles configured as private passenger cars, may be in an enclosed or partially enclosed building or in the open. Provided, however, that the partially enclosed building or open area shall be so located as to not be visible from the principal street on which the premises face and screened from and adjacent or abutting residential area by an ornamental masonry wall which shall be no less in height than the greatest height of the vehicles to be parked.

(Code 1969, § 18-76; Ord. of 3-29-1972)

Sec. 18-77. Nameplates and signs.

Regulations for nameplates and signs are specified in article 19 of this chapter, except that freestanding signs as well as standards, banners, flags, streamers and similar devices used for advertising purposes, shall not be permitted in the C-1 zone.

(Code 1969, § 18-77)

Sec. 18-78. Site plan approval.

- (a) Site plan approval shall be as required by article 25 of this chapter.
- (b) General regulations. For general regulations, see article 4 of this chapter.
- (c) Supplemental regulations. For supplemental regulations, see article 18 of this chapter.

(Code 1969, § 18-78)

Sec. 18-79. Reserved.