

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.~~

1. Assembly uses of 30,000 square feet of floor area or less, such as auditoriums, performance halls, theatres, civic clubs, fraternal organizations, places of worship, or private clubs

2. Brewpubs

3. Cultural facilities, including museums, art galleries, libraries, and similar establishments

4. Day care centers

5. Funeral homes

6. Government facilities, including governmental offices, public safety or emergency services

7. Grocery stores

8. Indoor recreation uses and amusement enterprises of 30,000 square feet of floor area or less

9. Multi-family dwellings, if located above the ground floor

10. Offices, such as professional offices, medical offices, financial offices, or service-related offices that do not involve the on-site parking or storage of commercial vehicles or equipment

11. Personal service uses, including salons, spas, certified message therapists, laundry/cleaning services, photocopying services, photography studios, and other similar uses
12. Repair establishments taking place wholly within an enclosed building, such as watch, clock and jewelry repair shops
13. Restaurants, carry-out restaurants, catering associated with restaurants, and cafes, including those with indoor live entertainment and patron dancing, but not including drive-through service. Outdoor dining is permitted by-right if not located within 150 feet of a residential zoning district
14. Retail sales use under 65,000 square feet of floor area, including department stores, variety stores, and shopping centers
15. Urgent care facilities that do not include inpatient care

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, with the exception of retail sales use. 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. Outdoor sales and display associated with a retail sales use is permitted if:
 - a. The outdoor display area is limited to the lesser of 30 linear feet or no more than one-half of the length of the store front or building side;
 - b. The area of outdoor display or sales does not encompass the width of the entrance doors to the establishment as projected straight out from the facility (For example, if the width of the entrance doors is ten feet, there shall be at least a ten-foot clearance from the doors as project straight out and away from the facility);
 - c. All outdoor display of goods is located adjacent to the storefront, or building sides, and not in drive aisles, loading zones, fire lanes, or parking lots;
 - d. Located in a manner that allows at least five feet of unobstructed sidewalk width to accommodate passing pedestrians;
 - e. Displayed goods are not attached to a building's wall surface;
 - f. The height of the outdoor display does not exceed nine feet, except in the case of live or recently cut trees or similar plants; and

g. Additional signage is not permitted in association with the outdoor display area.

4. Other than for retail sales use, 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.

54. 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.

65. 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, taxies, 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.

76. 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.

87. 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.

G. 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. Meals may be served for consumption on a roof garden of such building or at sidewalk tables directly adjoining such building, subject to the provisions of article 24 of this chapter; and

~~b. Live entertainment and patron dancing may be permitted subject to article 24 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.~~

Sec. 18-73. - ~~Reserved~~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.~~

Sec. 18-73.1. - Conditional uses.

The following may also be permitted in the C-1 zone, subject to securing a use permit as provided in section 18-209:

A. Bed and breakfast inns.

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

C. Motel, hotel and tourist homes.

D. Hospitals, sanitariums, clinics and animal hospitals complying with the requirements of section 18-210 (P).

E. Nursing, assisted or independent living facilities for seniors

F. Outdoor dining associated with restaurants located within 150 feet of a residential zoning district

G. Outdoor live entertainment associated with restaurants

H. Assembly uses of more than 30,000 square feet of floor area, such as auditoriums, performance halls, theatres, civic clubs, fraternal organizations, places of worship, or private clubs

I. Indoor recreation uses and amusement enterprises of more than 30,000 square feet

J. Retail uses of more than 65,000 square feet of floor area

K. Commercial parking lots and parking structures as a principal use

~~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.~~

Sec. 18-74. ~~Reserved 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).~~

Sec. 18-75. - ~~Reserved~~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.~~

Commented [DM1]: Zoning map amendments are addressed under Article 24. The only difference with this is the additional requirement of a complete site plan.

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.~~

Commented [DM2]: There are no detached single-family dwellings located within the commercial zoning districts.

AB. Setback on main streets, which include Maple Avenue, between James Madison Drive and East Street, and Cedar Lane SE

1. Buildings must be set back 28 feet from the face of curb.

2. The maximum setback shall be the distance that results in 64 linear feet between the face of curb and the edge of the front building wall.

~~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.~~

BC. Setback on primary side streets, which include Nutley Street, Lawyers Road/Courthouse Road, Center Street, Pleasant Street, Park Street, Glyndon Street, Branch Road, and Beulah Road:

1. Buildings must be set back 20 feet from the face of the curb.

2. The maximum setback shall be the distance that results in 64 linear feet between the face of curb and the edge of the front building wall.

3. For three-story buildings, the third story facing a primary side street shall be set back a minimum of 13 feet from the story below.

4. 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.~~

Commented [DM3]: Nonconforming buildings and uses are already addressed in Article 20. That language should supersede this section.

4. ~~CD~~. Setback on secondary side streets, which include Lewis Street/Wade Hampton Drive, Millwood Court SW, Glen Avenue SW, Church Street NW between Pleasant Street and Lawyers Road, Mill Street, James Madison Drive, Library Lane, Cottage Street Public Service Drive, portion of Pine Street SE off of Berry Street, Berry Street, East Street and Patrick Street:

1. Buildings must be set back 15 feet from the face of curb.
2. The maximum setback shall be the distance that results in 64 linear feet between the face of curb and the edge of the front building wall.
3. For three-story buildings, the third story facing a secondary side street shall be set back a minimum of 13 feet from the story below.

~~—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.~~

D. Minimum side yard: Buildings must be set back 10 feet from the side yard property line.

E. Rear yard. Rear yards shall be a minimum of 25 feet in depth. For three-story buildings, the third story facing a rear yard shall be set back a minimum of 26 feet from the story below.

~~F. These area requirements may be modified by the council in accordance with the provisions of section 18-256.~~

Commented [DM4]: Modifications are addressed in Article 25.

G. At least 25 percent of the front yard area between the primary street property line and front building wall 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.~~

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 ~~35-41~~ feet above ~~the average front grade~~ground level. For the purposes of calculating the number of stories, a parking structure level shall not be considered a story. (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.)

~~Sec. 18-75.3. -- Reserved 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.~~

Commented [DM5]: There are no single-family dwellings located in the commercial zoning districts. Article 17 addresses commercial accessory buildings.

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.~~

Commented [DM6]: This is confusing and is not addressed in any other commercial zoning district. Commercial vehicles are already addressed in Section 18-72.

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.

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.

Sec. 18-79. - Reserved.