

ARTICLE 13. - C-2 GENERAL COMMERCIAL ZONE REGULATIONS

Sec. 18-88. - Permitted uses.

A. A. All uses permitted in C-1 or C-1A zones are permitted in the C-2 zone, provided that such uses when located in a C-2 zone conform to all provisions of the C-2 zone and provided that such uses are not designated as conditional uses in the C-2 zone as well as all specific requirements and limitations provided for such particular use in the C-1 and C-2 zones. The following uses are permitted in the C-2 zone:

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. Automobile service station
3. Automobile tire sales and service (such use not to include recapping or retreading on the premises)
4. Auto glass shop
5. Brewpubs
6. Business college operated as a commercial establishment
7. Catering establishments
8. Cultural facilities, including museums, art galleries, libraries, and similar establishments
9. Day care centers
10. Feed or fuel store wholly within an enclosed building
11. Frozen food lockers, excluding wholesale storage
12. Funeral homes
13. Government facilities, including governmental offices, public safety or emergency services
14. Grocery stores
15. Hospitals and sanitariums
16. Indoor recreation uses and amusement enterprises of 30,000 square feet of floor area or less

17. Laboratories

18. Loan or credit offices

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

20. Newstands

21. 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

22. Personal service uses, including salons, spas, certified message therapists, laundry/cleaning services, photocopying services, photography studios, and other similar uses

23. Plumbing shops, if clearly retail

24. Public parking lots and parking structures

25. Repair establishments taking place wholly within an enclosed building

26. Restaurants, carry-out 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

27. Retail sales use under 65,000 square feet of floor area, including department stores, variety stores, and shopping centers

28. Self-service laundries

29. Sign painting shop

30. Urgent care facilities that do not include inpatient care

31. Wholesale merchandising broker, excluding wholesale storage

~~A. B. The following specified retail stores, shops or businesses shall be permitted, provided that:~~

~~1. 1. There shall be no manufacture, compounding, processing or treatment of products other than that which is clearly incidental and~~

~~essential to a retail store or business and where all such products are sold at retail on the premises.~~

~~2. Such uses, operations and products are not objectionable due to odor, dust, smoke, gas, noise, vibrations, or other similar causes.~~

~~3. Automobile service station;~~

~~4. Automobile tire sales and service (such use not to include recapping or retreading on the premises);~~

~~5. Feed or fuel store wholly within an enclosed building;~~

~~6. Wholesale merchandising broker, excluding wholesale storage.~~

~~B. C. Uses customarily incident to section 18-73 are permitted in the C-2 zone.~~

B. The uses permitted within the C-1A 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.

5. 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.

6. 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.

7. 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.

8. 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. D.—Certified massage therapists are permitted in the C-2 zone.—\~~

Sec. 18-89. - Conditional uses.

The following uses may also be permitted in the C-2 zone, subject to securing a use permit as provided for in section 18-209:

A. ~~A.~~ Adult bookstores, adult mini-motion picture theaters and establishments offering for sale, lease or rental adult oriented motion pictures, videotapes, discs, or cassettes, or photographs. In consideration of such applications, the board of zoning appeals shall apply standards for special permit uses contained in section 18-209. In addition, the board of zoning appeals shall be precluded from issuing the said use permit if the location does, in fact, abut a residentially zoned or residentially used property or is located closer than 1,000 feet from any church or school; and provided further that no two such adult bookstores or mini-theaters may be located closer than 1,000 feet from each other. Nothing contained herein shall be construed in any way to limit the application of any state statute relating to obscenity or relating to distribution of materials to juveniles.

~~B. B. Amusement enterprises or video arcades, if conducted wholly within an enclosed building, provided such building contains at least 1,000 square feet of floor space open to the public and the floor area occupied by amusement enterprises does not exceed five percent of that floor area open to the public.~~

~~C. C. Auditoriums and halls.~~ [DM1]

~~D. B.~~ ~~D.~~ Auto sales, new and secondhand; provided, however, that secondhand auto sales will be allowed only where such sales are made as a normal part of the business of a franchised dealer in new automobiles, and where such secondhand autos are kept upon and sold from the same premises as those upon which the new automobile agency is located.

~~E. C.~~ ~~E.~~ Bed and breakfast inns and hotels.

~~F. D.~~ ~~F.~~ Drive-through facility complying with the application and submittal requirements as set forth in section 18-210.

~~G. E.~~ ~~G.~~ Farm or gardening implement, sales and service.

~~H. F.~~ ~~H.~~ Fortunetellers, clairvoyants and practitioners of palmistry and phrenology, provided:

- a. ~~(1)~~ The same shall be at all times conducted in such a manner as to be fully open to public observation and scrutiny.
- b. ~~(2)~~ No housekeeping, cooking or sleeping quarters or facilities shall be maintained in, on, or about the premises; nor shall such use be conducted as a home occupation under any circumstances.
- c. ~~(3)~~ No other business shall be conducted or service rendered on the premises.
- d. ~~(4)~~ No persons ever having been convicted of a crime involving moral turpitude shall be employed therein.
- e. ~~(5)~~ Daily records shall be maintained listing the name and address of each customer or client, the service performed and the charge therefor. Such records shall be kept for a period of three years and shall be open to inspection and examination by authorized representatives of the Town.

~~I. G.~~ ~~I.~~ Minute car wash stations.

H. J. Pet shops.

I. Clinics and animal hospitals complying with the requirements of section 18-210 (P).

J. Nursing, assisted or independent living facilities for seniors

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

L. Outdoor live entertainment associated with restaurants

M. 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

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

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

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

Sec. 18-90. - Area requirements.

The following area requirements apply in the C-2 zone:

~~A. A. For buildings hereafter erected and used exclusively for dwelling purposes, see section 18-149. [DM2]~~

A. B. Setbacks 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 the ordinance from which this section is derived 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.~~

B. 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 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.

~~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 be 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 all other applicable provisions of this chapter.~~

C. 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.

~~D. Side yard. No side yard is required except that 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.~~

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

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

~~D.F.~~ ~~F.~~ 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 provisions as 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. 18-91. - Height limit.

The maximum height of any structure in the C-2 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 the adoption of the ordinance from which this section is derived will not be considered nonconforming as to the height limit provision. This amendment shall not affect the rights of any persons who have filed, prior to the enactment of the ordinance from which this chapter is derived, preliminary or final site plans for the construction of structures in excess of the height limit provided by this chapter on property presently zoned C-1A or C-2.

Exception for public parking structures: Public parking structures shall not exceed a maximum of 50 feet above the average front grade, excluding any functional or decorative elements on the highest level of the structure.

Sec. 18-92. - ~~Reserved~~Accessory building and private parking area requirements.

~~Regulations for accessory buildings and private parking areas are specified in article 17 of this chapter.~~ [DM3]

Sec. 18-93. - Off-street parking area.

Regulations for off-street parking areas are specified in article 16 of this chapter.

Sec. 18-94. - Nameplates and signs.

Regulations for nameplates and signs are specified in article 19 of this chapter.

Sec. 18-95. - Site plan approval.

- (a) Site plan approval shall be as required by article 25 of this chapter.
- (b) Maintenance of site. Following completion and approval by the Town of on-site improvements pursuant to any approved site plan, all such on-site improvements required by and included on that site plan shall be maintained in strict compliance with that site plan until such site plan is amended after first obtaining Town approval as provided in article 25 of this chapter.
- (c) General regulations. For general regulations, see article 4 of this chapter.
- (d) Supplemental regulations. For supplemental regulations, see article 18 of this chapter.