

## ARTICLE 12. - C-1A SPECIAL COMMERCIAL ZONE REGULATIONS

### Sec. 18-80. - Permitted uses.

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

A. ~~The following uses shall be permitted in the C-1A zone; All uses permitted in C-1 zones, provided that such uses, when located in the C-1A zone, conform to all provisions of the C-1A zone as well as all specific requirements and limitations provided for such particular use in the C-1 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. Auto glass shop
3. Brewpubs
4. Business college operated as a commercial establishment
5. Catering establishments
6. Cultural facilities, including museums, art galleries, libraries, and similar establishments
7. Day care centers
8. Frozen food lockers, excluding wholesale storage
9. Funeral homes
10. Government facilities, including governmental offices, public safety or emergency services
11. Grocery stores
12. Hospitals and sanitariums
13. Indoor recreation uses and amusement enterprises of 30,000 square feet of floor area or less
14. Laboratories
15. Loan or credit offices
16. Multifamily dwellings, if located above the ground floor, are only permitted on one story, with the exception of individual two-story units accessed from one story.

**Commented [PC1]:** DPZ staff recommendation to revise per 9/9/19 Town Council work session discussion re: change from existing limitations on number of apartments. Exception clause same as MAC Zone provision.

17. Newsstands

18. 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

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

20. Plumbing shops, if clearly retail

21. Public parking lots and parking structures

22. Repair establishments taking place wholly within an enclosed building, such as watch, clock and jewelry repair shops

23. 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

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

25. Self-service laundries

26. Sign painting shop

27. Urgent care facilities that do not include inpatient care

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, 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.
  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.

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

- ~~1. There shall be no manufacturing, 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, products that are not objectionable due to odor, dust, smoke, gas, noise, vibrations, or other similar causes;~~
- ~~3. Such stores, shops or businesses shall be conducted wholly within an enclosed building.~~

~~Auto-glass shop.~~

~~Automobile parking lot (public), provided it is developed in accordance with provisions of sections 18-135, 18-136 and 18-137.~~

~~Bowling alley.~~

~~Business college operated as a commercial establishment.~~

~~Blueprinting and photostating office.~~

~~Catering establishment.~~

~~Certified massage therapist, as defined in this Code.~~

~~Cleaning establishment (limited to retail on premises).~~

~~Department and variety stores.~~

~~Frozen food lockers, excluding wholesale storage.~~

~~Hospitals and sanitariums.~~

~~Newsstands.~~

~~Plumbing shops, if clearly retail.~~

~~Public service, including fire or police station, telephone exchange and the like, as defined and regulated in section 18-13.~~

~~Sign painting shop.~~

~~Theater.~~

~~Loan or credit offices.~~

~~Laboratories.~~

~~Self-service laundries.~~

~~C. Uses customarily incident to any of the above uses and accessory buildings.~~

**Sec. 18-81. - Conditional uses.**

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

- ~~A. A. 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 mechanical or electronic amusement devices does not exceed five percent of that floor area open to the public.~~
- ~~B. B. Auditoriums and halls.~~
- ~~G.A. C. Auto sales, new and secondhand; provided, however, that secondhand auto sales will be allowed only where such sales will be 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.~~
- ~~D.B. D. Bed and breakfast inns and hotels.~~
- ~~E.C. E. Drive-through facility complying with the application and submittal requirements as set forth in section 18-210.~~
- ~~F.D. F. Farm or gardening implement sales and service.~~
- ~~E. G. Taxi stand (only private property).~~
- F. Clinics and animal hospitals complying with the requirements of section 18-210 (P).
- G. Nursing, assisted or independent living facilities for seniors
- H. Outdoor dining associated with restaurants located within 150 feet of a residential zoning district
- I. Outdoor live entertainment associated with restaurants
- J. 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
- K. Indoor recreation uses and amusement enterprises of more than 30,000 square feet
- L. Retail uses of more than 65,000 square feet of floor area
- M. Commercial parking lots and parking structures as a principal use

~~N. Large entertainment retail uses (i.e., bowling, movie theater, performance venue)~~

**Commented [PC2]:** DPZ staff recommendation; use added to MAC Zone.

## Sec. 18-82. - Area requirements.

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

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

**Commented [DM3]:** There are no detached single-family dwellings located with the commercial zoning districts.

~~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.~~
- ~~4.3. 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. C. 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.~~

~~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.~~

**Commented [DM4]:** Nonconforming buildings and uses are already addressed in Article 20. That language should supersede this section.

~~C. D.~~ 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 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.~~

~~B.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.

~~C.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. 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. 2. An approved landscape plan may be revised with the approval of the Board of Architectural Review.~~

### **Sec. 18-83. - Height limit.**

The maximum height of any structure in the C-1A 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 ~~3541~~ 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 section is derived,

preliminary or final site plans for the construction of structures in excess of the height limit provided by this article 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. 18-84. - ~~Reserved~~Accessory building and private parking area requirements.**

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

**Commented [DM5]:** Commercial accessory buildings are addressed in Article 17.

**Sec. 18-85. - Off street parking area.**

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

**Sec. 18-86. - Nameplates and signs.**

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

**Sec. 18-87. - 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.