

# ZOAM 2018-02

## ARTICLE 7

### B-1 Business – Town Business District

#### **7.1. Conformity**

Subject to Article 11 of this Ordinance (Non-conforming Situations), no person may use, occupy, or sell any land or building or structure or authorize or permit the use, occupancy, or sale of land, buildings or structure under his/her control except in accordance with all of the applicable provisions of this Ordinance. This includes, but not limited to the following Articles:

Article 12 - Parking & Loading

Article 13 – Signs

Article 14 – Landscaping & Screening

#### **7.2. Purpose**

This district is designed to accommodate commercial uses in the central part of town in existing commercial structures and in structures that were formerly residential but may now be desirable for low impact business use. Because of proximity to residential uses, businesses in this district must be low impact uses that are compatible with their existing residential buildings. The town intends and desires that existing residential buildings be converted to commercial use rather than have new buildings constructed, whenever possible.

#### **7.3. Permitted Uses**

The following uses and structures are permitted in the B-1 District, subject to obtaining any necessary land use permits, zoning permits and site plan approval, if required, and a Town business license, and compliance with the applicable use standards contained in Article 25 as amended.

- a. Single-family dwellings.
- b. Mixed single-family residential and business use provided that the residential use is restricted to the second story and above. Residential use is permitted on the first story provided that the business owner is the resident.
- c. Bed and Breakfast, in accordance with Article 25, Section 25.3.X
- d. Financial institutions in accordance with Article 25, Section 25.3.X
- e. Museum
- f. Personal Service stores such as barber shops, beauty salons, interior decorators, picture framing shops, and spas
- g. Professional and General Offices

- h. Repair Shops such as shoe repair and tailor shops.
- i. ~~Retail stores and shops such as antique shops, art galleries, bookstores, clothing stores, florist shops, general merchandise stores, gift shops, ice cream and/or confectionary shops, jewelry shops, photography supply shops and toy stores.~~
- j. Studio for artists, crafts persons, writers
- k. Residential Care Home, in accordance with Article 25, Section 25.3.5
- l. Restaurant, Carryout, in accordance with Article 25, Section 25.3.X
- m. Restaurant, Full Service, in accordance with Article 25, Section 25.3.X
- n. Retail Sales Establishment, in accordance with Article 25, Section 25.3.X
- o. Quick Service Food Store, in accordance with Article 25, Section 25.3.X
- p. Craft Beverage Establishment, in accordance with Article 25, Section 25.3.X

#### **7.4. Accessory Uses and Structures**

The following accessory uses and structures that are customarily incidental and subordinate to an approved principal use on the lot are permitted in the B-1 District:

- a. Dumpsters and dumpster pads, with opaque screening on all sides to match the height of the dumpster.
- a. Emergency power generators and associated fuel tanks, with opaque screening on all sides to match the height of the generator and tank
- b. Fuel tanks, with opaque screening on all sides to match the height of the tank
- c. Fence or wall, not to exceed eight (8) feet in height in the rear or side yards behind the front building line, and three and one-half (3-1/2) feet in the front yard.
- d. Freestanding air conditioning machinery
- e. Sculpture, fountain, etc.
- f. Accessory structures that relate to the permitted uses; provided however that the total footprint coverage for all accessory buildings on a lot does not exceed 6% of the total lot area and in any case, may not exceed 1800 sq. ft. Where there are multiple accessory buildings, there is a minimum requirement of 10 ft. between all other accessory building coverages. A single accessory building footprint cannot cover more than 4% of the total lot area and the maximum size of a single accessory building footprint regardless of lot size is 1200 sq. ft. However, any lot may be permitted to have a single accessory building with a footprint of up to 600 sq. ft.
- g. Temporary stands or outdoor areas for the sale of produce, or seasonal items such as Christmas trees, wreaths, and holly.

- h. Parking for approved on-site uses permitted in the B-1 District; such parking cannot be located in any required buffer area. Parking areas shall not be used for storage.
- i. Shared Parking by more than one approved use permitted in the B-1 District with the following conditions:
  - 1. Each use must meet its parking requirements without the additional parking provided by shared parking, unless the arrangement meets the requirements set forth in Zoning Ordinance Article 12, Section 12.5.
  - 2. No inoperable vehicles may be parked in shared parking areas.
  - 3. No parking shall occur in buffer areas.
  - 4. Shared parking spaces must be clearly marked and lined and meet all space and aisle requirements contained in this ordinance.
  - 5. Shared parking must be contained within existing legal parking areas and shall not be used to expand or enlarge an existing parking area.
  - 6. A property that is non-conforming with respect to required parking spaces cannot be used for shared parking.
- j. Home Occupation, in accordance with Article 25, Section 25.3.4
- k. Family Day Home, in accordance with Article 25, Section 25.3.3
- l. Temporary Family Healthcare Structure in accordance with Article 25, Section 25.3.7
- m. Tasting Room in accordance with Article 25, Section 25.3.x
- n. Mobile Food Unit in accordance with Article 25, Section 25.3.x

**7.5. Special Exception Uses**

The following uses and structures are permitted in the B-1 District subject to securing a Special Exception Permit, site plan approval and zoning permit, and compliance with the applicable use standards contained in Article 25 as amended.

- a. Automobile service stations and gas stations with no general store
- b. Fitness Center
- c. Funeral Home
- d. Indoor Theater
- e. Other retail uses consistent with the Comprehensive Plan but not otherwise permitted in 7.2.
- f. Child Care Center, in accordance with Article 25, Section 25.3.2

- g. Parking as a primary use. No overnight parking is allowed.
- h. Places of worship
- i. Public facilities, including fire station, police station, library, post office, government office, parks.
- j. ~~Restaurants, including bakery, catering, coffee shops and delicatessens, with indoor seating and no drive-through service. Outside service and consumption is permitted in accordance with Article 25, Section 25.3.7~~

### **7.6. Lot Area**

The minimum lot area shall be 20,000 square feet, except for lots with existing buildings which must be able to accommodate off-street parking as provided in Article 12.

### **7.7. Minimum Lot Width**

The minimum lot width at the front property line shall be 50 feet and at the required front yard 80 feet, except for lots with existing buildings which must be able to accommodate off-street parking as provided in Article 12.

### **7.8. Building Height**

The maximum building height for the primary structure shall be 35 feet. No accessory building shall exceed 16 feet in height.

### **7.9. Yard Requirements**

The following minimum yard requirements shall apply to new construction in the B-1 District:

- a. Front Yard: 25 feet, except in developed areas where the front yard may equal the lesser of the front yards of the immediately adjacent properties.
- b. Side Yard: 10 feet, except as set forth in Article 14 Section 14.4 “General Screening and Buffering”.
- c. Rear Yard: 30 feet.
- d. Accessory Uses and Structures, with the exception of those listed in Article 25, Section 7.3.c. are not allowed in any buffer area listed in Article 14, Section 14.4. Setback of an accessory structure up to 16 feet in height must be 10 feet from any and all parts of the accessory structure to the closest property line. All accessory structures must be 5 feet back from the front line of the principal building and must be outside of the front yard setback, except that structures with no side enclosure are permitted in the front yard.

### **7.10. Outdoor Display and Storage**

- a. The display of products and services shall be permitted adjacent to the primary structure, or on patios, porches or attached decks. No outdoor display shall be permitted within parking areas, sidewalks, or side and rear yard buffer zones. Vending machines shall only be permitted adjacent to the primary structure.
- b. Outdoor storage shall be located within approved accessory buildings or appropriately screened.
- c. All outdoor refuse shall be in closed containers/dumpsters and shall be screened from view on all four sides.

### **7.11. Use Limitations**

- a. Operations or products shall not adversely affect any adjacent uses through the dissemination of intrusive lighting, odor, dust, smoke, fumes, noise, vibrations, creation of trash, garbage or litter or other similar causes to an extent greater than normally found in businesses of the approved use.
- b. Accessory structures shall be located on the same lot as the principal use or structure
- c. No accessory structure shall be used as a dwelling or for lodging, except for Temporary Healthcare Structures and Accessory Apartments in accordance with this Ordinance
- d. Outside service and consumption must comply with Article 25, Section 25.3.x

### **7.12. Site Plan Requirement**

All changes in use shall require a zoning permit. All changes to the structure or site improvements that are subject to the Zoning Ordinance or Subdivision and Land Development Ordinance shall require a site plan that conforms to the Subdivision and Land Development Ordinance and shall include a boundary survey, existing rights-of-way and easements, details for placement of structures and how zoning ordinance requirements are met, topography, floodplain, utility improvements, provisions for stormwater management, exterior lighting, landscaping and buffering of the proposed use from adjacent uses. The site plan or some of its requirements may be waived by the Zoning Administrator based upon the scope of the improvements.

**[This Article Amended July 20, 2017.]**