

## Article 3    Zoning Districts and Map

Amended by Town Council:    March 11, 2008  
   February 12, 2013  
   April 12, 2016  
   June 14, 2016  
   August 9, 2016  
   December 11, 2018  
   XXXXXX XX, 2020

### 3-4.10    C            Commercial District

#### 3-4.10.1    Legislative Intent

The intent of this district shall be to encourage the logical and timely development of land for a range of commercial and mixed-use purposes in accordance with the objectives, policies, and proposals of the Comprehensive Plan; to prohibit any use which would create undue impacts on surrounding residential areas; and to assure suitable design to protect the residential environment of adjacent and nearby neighborhoods. It is further declared to be the intent of this district to limit traffic congestion, overcrowding of land, noise, glare, and pollution, so as to lessen the danger to the public safety, and to ensure convenient and safe pedestrian access to and from commercial and mixed-use sites as well as between adjacent commercial and mixed-use sites. The protective standards contained in this Article are intended to minimize any adverse effect of the commercial district on nearby property values and to provide for safe and efficient use of the commercial district itself.

#### 3-4.10.2    Permitted Uses (by-right)

Any of the following uses provided that no one-business establishment exceeds 50,000 square feet of gross floor area on the lot or on the tract.

- Accessory uses customarily incidental to these uses.
- ~~— Apartments located above ground floor retail or office uses~~
- Banks and other financial institutions.
- Broadcasting stations.
- Churches
- Cleaning and pressing shops
- Clinics (medical and dental)
- Community buildings.
- Convenience store

- Dwellings – limited to single-family attached, two-family, multi-family, duplex, four-family, live-work, and elderly and handicapped dwellings, as part of a mixed-use development meeting all standards listed in Section 9-25
- Funeral Homes
- Health and Fitness Facilities
- Home Occupations
- Hotels and motels
- Household Pet Grooming
- Institutional uses.
- Laundromat.
- Lawn and garden equipment
- Lumber and building supply with no outdoor storage
- Medical Centers and Laboratories
- Mixed-Use Structures when at least 50% of the first floor is dedicated to nonresidential uses. Density subject to Section 9-25.1 of the Zoning Ordinance.
- Mobile Food Vendors subject to Article 9-24
- Non-fee parking lots and structures.
- Offices for business or professional use.
- Off-street parking subject to Article 7.
- Open space subject to Article 9.
- Personal and Business Services
- Plumbing and electrical supply (without outdoor storage)
- Rental service without outdoor storage
- Restaurant, carryout
- Restaurants without drive-through facilities
- Retail Sales, including stores and shops
- Service stations with no outside car vehicle storage and without vehicle repair
- Signs subject to Article 6.
- Shopping centers
- Studios and trade schools.
- Taxidermist
- Trade school, studio
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water sewer service, but not those facilities listed as requiring a special use permit.
- Vending machines and Laundromats

**3-4.10.3. Permissible Uses (by special use permit upon approval of the Town Council)**

- Active and passive recreation and recreational facilities

- Animal kennels
- Any use listed as permitted by right in Section 3-4.10.2 that exceeds 50,000 square feet of gross floor area
- Automobile sales, truck sales and service repair garages, automobile body shops, and tire recapping and retreading. (All vehicles must be parked on paved surfaces)
- Carnivals, fairs, and other similar uses of a temporary nature
- Car Washes
- Car wash, Self-service
- Clubs, lodges, and assembly halls
- Commercial parking lots and garages
- Commercial recreational establishments
- Crematories
- Day care centers
- Drive-through service facility of any kind
- Farmers markets
- Farm equipment, motorcycle, boat, and sport trailer sales and service
- Frozen food lockers.
- Grain and feed supply stores
- Heliports
- Home Business
- Lumber and building supply with undercover storage
- Monument sales
- Dwellings – limited to single-family attached, two-family, multi-family, duplex, four-family, live-work, and elderly and handicapped dwellings, as part of a mixed-use development when unable to meet all standards listed in Section 9-25
- Plumbing and electrical supply with undercover storage
- Restaurant with drive-through facility
- Taxicabs stands
- Temporary fair and show grounds
- Theaters [indoor]
- Transitional housing
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings
- Veterinary hospitals
- Wholesale establishments but not warehouses generally

### 3-4.10.4 Lot and Yard Regulations

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (at front setback)	Maximum Lot Coverage (impervious surfaces)
<u>All Non-Residential Uses or Mixed-Use Buildings</u>	6,000	50 ft.	85%

#### Residential Use Only Structures \*

5 acres

50 ft.

85%

\*As part of a mixed-use development. Residential lots shall meet the Lot and Yard Regulations for the RMF District

#### Front Setbacks

From right-of-way of local street having right of way of 50 feet or less*	From right-of-way of major thoroughfare or collector street having right of way greater than 50 feet *	From right-of-way of a service drive*	From any interior private or public accessway	Accessory Buildings
40 feet	60 feet	40 feet	20 feet	Not permitted forward of the setback line.

\* Front setback may be reduced by 20 feet if no parking or loading areas are located between the structure and the front lot line.

\*\* Residential Use Only Structures shall meet the setback requirements of the Residential Multifamily (RMF) District found in Section 3-4.5.4 when individual lots are proposed.

Side Yard Setbacks*		Rear Yard Setbacks*	
Adjacent to any C or I District	Adjacent to any R District	Adjacent to any C or I District	Adjacent to any R District
10 feet	25 feet	15 feet	25 feet

- \* Accessory buildings over fifteen (15) feet in height shall be at least ten (10) feet from any lot line.

\*\* Residential Use Only Structures shall meet the setback requirements of the Residential Multifamily (RMF) District found in Section 3-4.5.4 when individual lots are proposed. Interior single family attached dwelling lots shall provide a zero (0') side yard setback.

### 3-4.10.5 Building Regulations

Use	Maximum Height*
Accessory buildings	Less than the main building in height.
Other Buildings	45 feet

- \*\*** A public or institutional building or church may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over forty-five (45) feet.

\*\* Residential Use Only Structures shall be limited to thirty-six feet (36') in height when located adjacent to or directly across a right-of-way from the subject property. Residential Use Only Structures may be increased to forty-five feet (45') in height when these structures are setback a minimum of one-hundred feet (100') from the adjacent, or directly across a right-of-way, property that is zoned to a Residential District.

## **Article 9    Supplemental Use Regulations**

**Amended by Town Council:    February 12, 2013  
   July 8, 2014  
   August 9, 2016  
   December 11, 2018  
   April 9, 2019  
   XXXXXX XX, 2020**

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## Article 9 Supplemental Use Regulations

### 9-25 Mixed-Use Development Option

The mixed-use development option is created within the Commercial District to allow a mixture of uses when consistent with the Comprehensive Plan. The mixed-use option is intended to encourage development in a creative and integrated manner that encourages pedestrian walkability, shared open spaces and an alternative form of housing within the Town. The mixed-use development option standards below shall only apply when residential use only structures are proposed within the Commercial District as part of a mixed-use development.

#### 9-25.1 Mixed-Use Regulations

- A. A mixed-use development, that includes residential use only structures, shall contain a minimum of five (5) acres. Town Council may approve a mixed-use development utilizing residential use only structures on parcels less than five (5) acres when approved through a Special Use Permit application which includes a concept plan detailing the integration of the different uses.
- B. Residential Density
  - 1. Residential uses shall not exceed 1 dwelling unit per 500 gross square feet of non-residential floor space within the mixed-use development unless a higher residential density is approved by Town Council through a Special Use Permit application and is in conformance with the Comprehensive Plan.
  - 2. Residential density shall not exceed five (5) dwelling units per acre unless a higher density amount is approved by Town Council as part of the Special Use Permit and is in conformance with the Comprehensive Plan.
- C. Density Bonus

In order to qualify for the density bonus, the mixed-use development shall offer no less than 10% of the total number of residential units as affordable housing. Developments that qualify as affordable housing shall be entitled to a density bonus of up to 100% of the density allowed by Section 9-25.1.B.2 above. The required number of affordable dwelling units needed to qualify shall be based on the total number of proposed units including those additional units allowed as a density bonus.

The required number of affordable housing units shall be rounded up when calculated. The affordable housing units shall meet the description found under Section 9.3.1 of the Zoning Ordinance.

Dwelling units designated as affordable housing units shall be built with an exterior appearance similar to other housing units and shall be interspersed with other, market-rate dwelling units in the development. Lots and units for the provision of affordable housing shall be specifically identified on all plans and plats as required by the Zoning Ordinance and Subdivision Ordinance.

D. Subject Parcel(s)

1. Mixed-use developments, utilizing stand-alone residential buildings, which involve more than a single parcel shall be:
  - a. Consolidated to achieve the required 5 acre minimum prior to the approval of a Site Development Plan; or
  - b. Subject to a Special Use Permit review process when:
    1. Parcels subject to the mixed-use development are to remain separate; or
    2. Parcels subject to the mixed-use development project are under different ownership.

E. Access and Parking:

1. New streets shall generally be laid out to establish a street grid connecting into and through adjoining properties.
2. Newly created off-street parking areas shall not be provided between a structure and the public right-of-way. Parking may also be located beside the structure if:
  - a. necessary to meet minimum parking requirements; and
  - b. buildings occupy more of the street frontage than is occupied by the parking area; and
  - c. the parking is set back at least 10 feet behind the building façade; and
  - d. a 3 foot wall, in combination with a dense hedge, is constructed in front of the parking area to screen the parking and create a hard edge to continue the building face.



F. Integration:

1. Pedestrian and bicycle routes shall be provided to connect all uses, so that pedestrians and bicyclists can move comfortably and safely from any location within the Mixed Use Development and to adjacent properties.
  - a. Pedestrian traffic shall be accommodated through the provision of one (1) interior sidewalk and one (1) interior bicycle path or a combination of the two in a single fifteen (15) foot wide path. Sidewalks shall be a minimum of five (5) feet in width and paths shall be a minimum of ten (10) feet in width.
  - b. There shall be a minimum of two (2) pedestrian connections between commercial and residential uses located within the interior of the project area unless a single 15 foot wide path is utilized in conjunction with asphalt striping within vehicular travel aisles throughout the development.
  - c. Bicycle traffic shall be accommodated through the provision of designated, well-marked bicycle lanes and/or paths suitable for bicycle traffic.
  - d. Interior sidewalks and paths shall be well lit with shielded light fixtures spaced no more than fifty (50) feet apart.

G. Open Space

1. A minimum of ten (10) percent of the net development area must be designated for Parks, Squares or Other Open Space uses. Natural (undisturbed) open space shall count toward no greater than twenty (20) percent of the total required area for parks, squares or other open space uses.
2. A park, square or common open space area shall be at least 10,000 square feet in size, not to include narrow strips of land.
3. No residential dwelling unit shall be located more than 500 feet from the boundary of a park, square or common open space.

H. Modifications:

1. Modifications from the standards set forth in Section 9-25 may be approved by Town Council in conjunction with Special Use Permit approval upon a determination that one of the following standards are met:

- a. The alternative proposed does not diminish the overall development's neighborhood-scaled, pedestrian oriented character; or
  - b. Because of the unique physical characteristics of the property, the modification is necessary to allow reasonable development of the property; or
  - c. Because of environmental features such as soils, wetlands, floodplains, drainage, the modification is desirable to avoid or protect such features; or
  - d. The modification facilitates preservation of any existing structure of historic value.
2. A reduction in the front yard setback for any building may be approved in conjunction with Special Use Permit by Town Council provided the following findings are made:
- a. The setback is consistent with any design guidelines or requirements established by the Comprehensive Plan; and
  - b. Sufficient area is provided to accommodate construction requirements, including drainage; and
  - c. Sufficient area is provided to accommodate a full streetscape along the street, to include sidewalks and street trees, where applicable.
3. A reduction of the setbacks from internal property lines, for any structure, may be approved in conjunction with Special Use Permit approval by Town Council subject to Building Code requirements.

## Article 12      Definitions

Amended by Town Council:   February 12, 2013

June 14, 2016

August 9, 2016

December 11, 2018

April 9, 2019

September 10, 2019

XXXXXX XX, 2020

**Mixed-Use:** ~~A use or structure which contains residential uses as well as commercial or office uses.~~The development of a neighborhood, parcel(s), building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, public and institutional uses, personal services, and recreation arranged in a compact urban form.

**Non-Residential Floor Space:** The area of a building that is not used for residential purposes. Areas used primarily for storage shall not be counted towards non-residential floor space.