

## **Article VIII. General Business, District B-1**

### **Sec. 70- 59 Statement of Purpose and Intent**

The purposes of this district, which includes much of historic Congress Street, along with other suitable areas in the town, are:

- (a.) To provide areas for the conduct of general business to which the public requires direct and frequent access, but which are not characterized by constant heavy trucking (other than the stocking and delivery of retail goods), open storage of materials unless otherwise provided for elsewhere in this chapter, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles.
- (b.) To enhance the utility, safety and attractiveness of the historic “downtown” business area for residents and visitors alike.
- (c.) To encourage the continuation of a compact, efficient and attractive retail façade and arrangement of buildings in the “downtown” area.
- (d.) To minimize traffic congestion and its effects, which purpose is served by encouraging a compact and convenient arrangement of retail stores, offices, residential uses and compatible service uses, and by discouraging those uses which are incompatible with permitted uses or which would tend to be disruptive of traffic and pedestrian flow and historic building patterns.
- (e.) To provide a framework for a strong nucleus of business where all the amenities and services of a “downtown” business district can be provided, while preserving the historic atmosphere and architectural scale of development which affords much of Congress Street its special character.

### **Sec. 70- 60 Permitted Uses.**

Unless otherwise provided in this Article, the structures to be erected or land to be used in the B-1 Business District shall be for the following uses; provided that, except for multi-family dwellings and shopping centers, only main building and its accessory buildings may be erected on any lot or parcel of land in this district:

- (a.) Single-family detached dwellings.
- (b.) Up to a maximum of two (2) dwelling units that are located above the first floor of a commercial or office building. For the purposes of lot, height and yard requirements, such buildings shall be considered non-residential uses.
- (c.) Churches and other places of worship.
- (d.) Public and private schools, and institutes of higher education.

- (e.) Public safety and community service facilities, and other public and semi-public uses, as defined.
- (f.) Home occupations, in accordance with Sec. 70- 137 of this chapter.
- (g.) Banks and financial institutions.
- (h.) Hotels and motels.
- (i.) Bed and breakfast establishments.
- (j.) Rooming houses and boarding houses, as defined.
- (k.) Eating establishments, such as restaurants, snack bars, delicatessens and ice cream parlors.
- (l.) Indoor theaters.
- (m.) Newspaper and other printing establishments.
- (n.) Offices and office buildings, business and professional.
- (o.) Contractor's establishments, offices and display rooms, where business is conducted entirely within an enclosed building.
- (p.) Libraries, museums and art galleries.
- (q.) Personal service uses, including but not limited to the following uses: barber shops; beauty parlors; tailors; dressmakers; self-service laundromats; dry-cleaning and laundry using non-petroleum based solvent; caterers; travel agencies; health clubs; photography studios; locksmith shops; appliance repair and rental shops; televisions and other electronic repair shops; bicycle repair shop; shoe repair shop.
- (r.) Pet shops and pet grooming facilities, but excluding kennels on the premises.
- (s.) Minor public utilities, as defined.
- (t.) Taxi service.
- (u.) Catalog sales and showroom.
- (v.) Retail stores, including but not limited to the following uses: antique and second-hand stores; appliance sales stores; art supply stores; family book stores; candy stores; clothing, clothing accessory and dry goods stores; department stores; drug stores; floor coverings stores; furniture sales stores; automotive parts sales store; grocery stores; hardware, paint and wallpaper

stores; jewelry stores; rock and gem shops; lawn and garden supply stores; bakeries; arts and crafts studios or stores; leather goods and luggage stores; music stores; pharmacies; photographic equipment and supply stores; sporting goods stores, except for guns; stationary, office supply and paper goods stores; tobacco stores; toy stores; show stores; fabric stores; florist shops; gift shops.

- (w.) Video rental store.
- (x.) Convenience stores, without adjunct fuel sales.
- (y.) Re-upholstery shops, as defined.
- (z.) Clubs, lodges and fraternal organizations.
- (aa.) Group homes, as defined and in accordance with Sec. 70- 139 of this chapter.
- (bb.) Public parks, playgrounds, pedestrian trails, walkways, bikeways, swimming pools and tennis courts, in accordance with Sec. 70- 68 of this chapter.
- (cc.) Signs, in accordance with Sec. 70- 152 of this chapter.
- (dd.) Off-street parking and loading, in accordance with Sec. 70- 150 and Sec. 70- 151 of this chapter.
- (ee.) Fences, in accordance with Sec. 70- 133 of this chapter.
- (ff.) Storage of recreational vehicles, in accordance with Sec. 70- 129 of this chapter.
- (gg.) Temporary buildings, in accordance with Sec. 70- 136 of this chapter.
- (hh.) Dish antennae, in accordance with Sec. 70- 130 of this chapter.
- (ii.) Other customary accessory buildings and uses, as defined and in accordance with Sec. 70- 128 of this chapter and other applicable regulations and ordinances.
- (jj.) Private medical transport service, as defined in Sec. 70- 10, provided that no emergency lights, sirens or any other loud warning devices are used in conjunction with the operation of the business. This business shall comply with the requirements of Sections 70- 150 and 70- 152.

Sec. 70- 61 Permitted Uses with a Conditional Use Permit.

The following uses may be permitted in the B-1 Business District, subject to the procedures and criteria established in this chapter:

- (a.) Two-family attached (duplex) dwellings, each unit of which may be separately owned.
- (b.) Two-family dwellings.
- (c.) Town houses, in accordance with Sec. 70- 145 of this chapter.
- (d.) Multi-family dwellings, including apartment houses, garden apartments and condominiums, as defined and in accordance with Sec. 70- 146 of this chapter, and dwelling units in excess of two (2) that are located above the first floor of a commercial or office building. Commercial or office buildings housing multi-family units above the first floor of the building shall be considered non-residential uses for the purpose of lot, height and yard requirements.
- (e.) Private parking structures.
- (f.) Automotive service stations, provided that all repair is conducted inside a completely enclosed building, and in accordance with Sec. 70- 147 of this chapter.
- (g.) Major furniture repairs and/or restoration, including stripping and refinishing.
- (h.) Bus stations.
- (i.) Car wash.
- (j.) Radio and television broadcasting facilities.
- (k.) Miniature golf / golf driving range, in accordance with Sec. 70- 68 of this chapter.
- (l.) Hospitals.
- (m.) Mortuary and funeral homes.
- (n.) Veterinary hospitals and kennels, provided that all animals shall be kept inside sound-proofed, air-conditioned buildings.
- (o.) Greenhouses.
- (p.) Lumber and building supplies, with storage in a completely enclosed building.
- (q.) Plumbing and electrical supplies, with storage in a completely enclosed building.
- (r.) Convenience stores, with adjunct fuel sales.
- (s.) Machinery sales and service.

- (t.) Feed and grain stores, with storage in a completely enclosed building, and excluding silos, elevators and milling operations.
- (u.) Auction houses.
- (v.) Pharmaceutical, medical, or photographic laboratories.
- (w.) Assembly that is established incidental to a retail business conducted on the premises, which is not objectionable because of smoke, odor, dust or noise and where no more than ten (10) persons are employed on the premises in the assembly activities.
- (x.) Wholesale sales and storage facilities, where loading areas are completely screened from public view, and where the storage of supplies and materials is in a completely enclosed building.
- (y.) Mini-warehouse/mini-storage facilities when contained entirely within structures existing at the time of the adoption of this chapter, as defined and in accordance with Sec. 70- 68 of this Article.
- (z.) Assembly halls.
- (aa.) Bowling alleys, night clubs, skating rinks, video arcades, pool halls, billiard rooms, and other indoor and outdoor recreation or amusement enterprises not otherwise listed in the Article, and in accordance with the provisions of Sec. 70-68 of this Article, where applicable.
- (bb.) Major public utilities, as defined.
- (cc.) Pawn shops.
- (dd.) Sporting goods shops with gun sales and gun repair.
- (ee.) Shopping centers, in accordance with Sec. 70- 144 of this chapter.
- (ff.) Monument stonework and sales.
- (gg.) Automobile, recreational vehicle, motorcycle, mobile home and similar vehicular sales and rental facilities, provided that all service is conducted in a completely enclosed building. Adequate screening may be required.
- (hh.) Assembly of electrical appliances and electronic instruments and devices from pre-manufactured parts; provided that not more than ten (10) persons are employed.
- (ii.) Cabinet-making, furniture-making and upholstery shops.

(jj.) Boarding facilities for private schools, in accordance with Sec. 70-68 of this Article.

(kk.) Other retail businesses and commercial uses, upon a finding by the governing body, in accordance with the provisions of this chapter, that such uses are of the same general character as those permitted and which will not be detrimental to other uses within the district or to adjoining land uses. In addition, the town council reserves the right to require a conditional use permit for any retail or personal service use that is not specifically listed in Sec. 70- 60, subsections “s.” and “x.”, of this Article.

(ll.) Day care centers, in accordance with Sec. 70-140 of this chapter.

(mm.) Nursing homes, rest homes and retirement homes, in accordance with Sec. 70-141 of this chapter.

### Sec. 70- 62 Area Regulations.

With the exception of shopping centers, the minimum lot area for uses in the B-1 Business District shall be as follows:

(a.) Residential Uses. As required in the R-3 Residential District, as provided in Sec. 70- 52 of this chapter. The following exception shall apply only to that area located within the boundaries of Congress Street, Dixie Lane, John Sevier Road and Fairway Drive on the East side of Congress Street; and that area located within the boundaries of Congress Street, tax map lot #103A2-A-287 (including this lot), Cadet Road and West Old Cross Road (U.S. Rt. 211W) on the West side of Congress Street:

The minimum lot area for all residential uses other than town houses, two-family attached (duplex) dwellings and multi-family dwellings shall be 4,500 square feet, provided that:

1. any new lot which is created by subdivision after the date of the adoption or amendment of this chapter shall have frontage on a public street, and;
2. on any lot, existing on-site parking that is not in excess of the minimum requirements set forth in Sec. 70- 150 of this chapter shall not be reduced, nor shall access to such parking be prevented, as a result of subdivision.

The town council, after notice, joint public hearing and recommendation from the planning commission, may further reduce the minimum lot area for subdivision in this area only if the size limitation of the original lot shall make it impossible to meet the 4,500 square foot area requirement. Such further reduction shall meet the following standards:

1. the reduced lot size shall not constitute a hazard to public health, safety or welfare;
2. the reduced lot size shall not adversely affect surrounding properties; and
3. the reduced lot size shall conform to all other requirements of this chapter.

(b.) Non-residential uses. None, except that the zoning administrator may impose area requirements if considered necessary by the health official.

Sec. 70- 63 Setback Regulations.

With the exception of shopping centers, the minimum setback in the B-1 Business District shall be as follows:

(a.) Residential Uses. As required in the R-3 Residential District, as provided in Sec. 70- 53 of this chapter.

(b.) Non-Residential Uses. Buildings shall be located five (5) feet or more from any street right-of-way which is fifty feet or greater in width, or thirty (30) feet or more from any street right-of-way less than fifty feet in width; except that no building need be set back more than the average of the two adjacent structures on either side. This shall be known as the “setback” line. However, if either adjacent structure is not in compliance with the applicable setback requirements and has not received a variance therefore, or is not a nonconforming structure by reason of inadequacy of setback, this exception shall not apply. A vacant lot shall be assumed to be occupied by a building housing a minimum setback.

(c.) Where a permitted use is located partly in a residential district, the setback regulations for said residential district shall apply.

Sec. 70- 64 Frontage Regulations.

With the exception of shopping centers, the minimum lot width at the setback line in the B-1 Business District shall be as follows:

(a.) Residential Uses. As required in the R-3 Residential District, as provided in Sec. 70- 54 of this chapter. The following exception shall apply only to that area located within the boundaries of Congress Street, Dixie Lane, John Sevier Road and Fairway Drive on the East side of Congress Street; and that area located within the boundaries of Congress Street, tax map lot #103A2-A-287 (including this lot), Cadet Road and West Old Cross Road (U.S. Rt. 211W) on the West side of Congress Street:

Any lot which does not meet the minimum frontage requirements at the time of the adoption or amendment of this chapter may be subdivided provided that such subdivision shall not result in any reduction of the existing lot frontage at the time of such subdivision; and further provided that any new lot which is created shall have frontage on a public street.

(b.) Non-Residential Uses. None.

Sec. 70- 65 Yard Regulations.

(a.) Side.

1. Residential Uses. As required in the R-3 Residential District, as provided in Sec. 70- 55 of this chapter.

2. Non-Residential Uses. (excluding shopping centers). None, except as follows:

a. When a new lot is created by subdivision subsequent to the adoption of this chapter, upon which an existing building or structure is located, or when a new building or structure or part thereof is erected on a new or existing lot, the minimum side yard shall be five (5) feet.

b. When a side yard adjoins a residential district, the minimum side yard shall be ten (10) feet.

(b.) Rear.

1. Residential Uses. As required in the R-3 Residential District, as provided in Sec. 70- 55 of this chapter.

2. Non-Residential Uses. None, except as follows:

a. When a new lot is created by subdivision subsequent to the adoption of this chapter, upon which an existing building or structure is located, or when a new building or structure or part thereof is erected on a new or existing lot, the minimum rear yard shall be five (5) feet.

b. When a rear yard adjoins a residential district, the minimum rear yard shall be twenty (20) feet.

#### Sec. 70- 66 Height Regulations.

(a.) Buildings in the B-1 Business Districts may be erected up to thirty-five (35) feet in height from grade, except that:

(b.) A public or semi-public use such as a school, church, library or general hospital may be erected up to a height of sixty (60) feet from grade, upon recommendation by the zoning administrator and approval by the planning commission. Additional yard areas may be required as a condition for additional height allowances.

(c.) Church spires, cupolas, belfries, water towers, chimneys, flues, flagpoles, television antennae and radio aerials shall be exempted. Parapet walls may be up to four (4) feet above the height of the building upon which the walls rest.

#### Sec. 70- 67 Lot Coverage

The maximum combined building coverage and paved area for non-residential uses in the B-1 District (excluding shopping centers) shall not exceed eighty-five (85) percent of the total area of the lot.

#### Sec. 70- 68 Special Provisions

(a.) Recreational uses.

As provided in Sec. 70- 28 of this chapter.

(b.) Open space.

1. Residential uses. As required in the R-3 Residential District, as provided in Sec. 70- 58 of this chapter.

2. Non-Residential uses. None; except for shopping centers, as provided in Sec. 70- 144 of this chapter.

(c.) Boarding facilities for private schools.

As provided in Sec. 70- 38 of this chapter

(d.) Screening, buffering and landscaping.

1. Upon recommendation of the zoning administrator and/or planning commission, landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards, in accordance with Sec. 70- 135 of this chapter.

2. Upon recommendation of the zoning administrator and/or planning commission, sufficient area may be required to adequately screen and/or buffer permitted uses from adjacent residential districts, in accordance with Sec. 70- 135 of this chapter.

(e.) Site plans.

Before a zoning permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, detailed site plans shall be submitted to the zoning administrator, in accordance with the provisions of Article XVII of this chapter.

(f.) Mini-warehouse/ mini-storage facilities.

1. No exterior storage is permitted.

2. No business activities other than the rental of storage units and incidental office use shall be conducted on the premises or within the building. Specifically, no activities such as miscellaneous or garage sales shall be conducted on the premises. The servicing or repairing of motor vehicles, boats, trailers, lawn mowers or similar equipment shall not be conducted on the premises. The operation of a mini-warehouse/ mini-storage facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.

3. When a mini-warehouse/ mini-storage facility is located adjacent to or within one-hundred (100) feet of a residential district without an intervening street, a solid wall or fence at least six (6) feet in height, with its finished side facing the residential district, shall be erected between the mini-warehouse/ mini-storage facility and the residential

district. However, the wall or fence shall not be required to extend into the required front yard area of the lot on which it is located.

4. No new exterior entrances fronting on a public street shall be installed if such entrances directly access an individual storage unit.

5. The maximum total storage area in a mini-warehouse/ mini-storage building shall be 5,000 square feet.

(g.) Access easements.

Private access easements for motels, hotels and shopping centers shall be permitted. All such easements shall meet state standards for secondary roads, along with any applicable requirements as set forth in this chapter and in the town's Subdivision Ordinance. In addition, such easements shall meet the following minimum standards of development:

1. Concrete curb and gutter shall be required on both sides of the easement.
2. All access easements shall be paved with a permanent, hard-surface material.
3. Sidewalks, of a minimum of four (4) feet in width, constructed of concrete or brick, may be required by the planning commission, upon recommendation of the zoning administrator, when such sidewalks are deemed necessary for pedestrian safety.