

# Item 1 - Proposed Zoning Ordinance Changes to Version 4.1

## Article VIII BUSINESS DISTRICT

### SECTION VIII.1 USE REGULATIONS

A building or premises in this District shall be used only for the following purposes:

- A. Any uses permitted in the Recreational District as described under Article VII of This Ordinance, ~~provided that there shall be no restrictions on home occupation applicable to all types of businesses except single family dwellings will be~~ permitted in this District.
- B. Retail Stores.
- C. Service Institutions such as:
  - 1. Gasoline service stations and garages
  - 2. Repair shops
  - 3. Laundries
  - 4. Warehouses
  - 5. Utilities
  - 6. Printing houses
  - 7. Undertaking establishments
  - 8. Used car lots
- D. Restaurants and Taverns.
- E. Lumber dealers.
- F. Light manufacturing plants.
- G. Second Hand Stores - Establishments selling used or second hand merchandise and "flea markets" must conduct their business inside a building but may display merchandise outside and adjacent to such building provided such outside displays in total occupy no more than one hundred (100) square feet of area and are placed inside the building each night. Automobile dealers, farm machinery dealers and marinas selling new and used boats shall be exempt from this provision.
- H. Multi-family dwellings.
- I. Apartments or living units above or part of a commercial building, i.e. mixed use.

### SECTION VIII.2 USES EXCLUDED

Junk yards for the temporary or permanent storage of used cars or other salvaged materials are not to be permitted in this District. Equipment and materials storage yards equivalent to those related to the construction industry shall be entirely enclosed with a solid fence not less than six (6) feet high and not more than eight (8) feet high constructed and maintained in such suitable manner as to meet with the approval of the Zoning Administrator. The fence will be constructed of such material and of such design as to reasonably prevent trespassers from entering the premises by scaling such fence. The fence will be of solid construction or of a material so as to obstruct the view of the premises enclosed. The fence shall be maintained and painted, but shall not be used as a sign or signboard in any way.

### SECTION VIII.3 LAND OCCUPANCY BY BUILDINGS

No building or structure in this District shall be erected or altered or used so as to occupy more than 80% of the lot area. Multi-family dwellings are restricted to a minimum square footage of 480 square feet of main floor living area per dwelling unit and a minimum core dimension of 20' per unit and a minimum of not less than 5,000 square feet of building lot area for each dwelling unit.

### SECTION VIII.4 SET-BACK RESTRICTIONS

All buildings and structures in this District shall provide a set-back from the property line bordering the right-of-way of not less than ten (10) feet.

## **SECTION VIII.5 SIDE YARD REQUIREMENTS**

No building or structure shall be built closer to the side property lines than five (5) feet unless the wall of said building or structure is of such construction as to qualify as a four-hour rated fire wall as defined by the Underwriter's Laboratory, Inc., same to have a four-hour fire rated parapet at least three (3) feet above the roof level to provide fire protection for adjoining property. Adherence to these fire restrictions will allow building to the property line. In the case of a corner lot, the lot is defined as having two front lot lines and two side lot lines.

## **SECTION VIII.6 OFF STREET PARKING MINIMUM REQUIREMENTS**

### **A. Minimum required off-street parking:**

1. Apartment house - 2 per family unit.
2. Commercial buildings - 1 space per 400 square feet of floor space, or any portion thereof, with a minimum of two spaces.
3. Bed and Breakfast, 1 per bedroom; motels and hotels, 1 per unit.
4. Restaurants - 1 per each three seats, including outdoor seating for food or beverage.
5. Mixed use - space for one use shall not be considered a space for any other use.
6. Restaurants and grocery stores will require an additional, designated off-loading zone consisting of 50 x 12 feet area, which is accessible at all times.
7. Location for off-street parking, other than for residential use, shall be either on the same lot, or within three hundred feet of the building it is intended to serve. Off site lots shall be deed restricted to accommodate such parking use, so long as the requirement exists under this or subsequent zoning or development ordinances for the use being served. Such parking shall adhere to attached layout plans.

## **SECTION VIII.7 YARD STORAGE**

Wherever a business establishment finds it desirable to store part of its goods, supplies, merchandise or returnable containers outside the confines of the building structure, it shall provide an enclosure by solid fence or its equivalent not less than six (6) feet high around such yard storage area, said fence to be made and maintained in a manner which shall meet with the approval of the Zoning Administrator.

## **SECTION VIII.8 LICENSE FEE FOR OPEN AIR MARKET**

Open Air Market for sale of fruits, vegetables and other farm products, including trees, shall be permitted along highways on any farm property and shall not be subject to any license fee; but such Open Air Market when located in this District shall be limited in size to six hundred (600) square feet and be permitted only on application to the Zoning Administrator for a permit for the maintenance and operation of same upon payment of an annual license fee. Such Open Air Market located in this District shall be subject to all the provisions above relating to all buildings and structures in this District.

## **SECTION VIII.9 SPECIAL PERMIT FOR OPEN AIR MARKET**

A permit may be issued for a one-day open-air market of non-agriculture products, in which space may be rented. The operation of such a market is limited to the Business District and must be held in an orderly manner to protect adjoining property and provide for the safety of the community. No more than two (2) such permits may be issued to a premises within a calendar year. It is not the purpose of this ordinance to encourage such activities, but rather to provide a business with a reasonable use of their property. Concerts and musical entertainment are not included within this provision. Such Open Air Markets are subject to all provisions above relating to all buildings and structures in this district.