

LAND DEVELOPMENT CODE

12-16 C-1 COMMERCIAL DISTRICT.

12-16.1 Primary Intended Use.

This zone district is limited to any use as permitted in the B-1 Business District as well as new **automobile sales**, and additionally:

- a. Conditional uses pursuant to Section 12-25 limited to the following:
 1. Institutional use;
 2. Public utilities;
 3. Public garages;
 4. Hotels;
 5. Reserved;
 6. Outdoor dining.
- b. Accessory uses for a new **automobile sales** use include repair and preparation of automobiles wholly within a building. Storage areas for repaired or to-be-repaired automobiles shall be screened from adjacent properties. Display of used car sales outside the confines of the building only when all the following requirements are complied with:
 1. The area devoted to the accessory used car sales is no larger than the showroom floor area of the building in which the principal use of the premises is conducted.
 2. The area devoted to the accessory used car sales is surfaced with an asphalt, bituminous or cement binder pavement which shall be graded and drained to dispose of all surface water.
 3. Any lighting in connection with the accessory used car sales shall be so arranged as to reflect the light downward away from all adjoining properties and streets and shall comply with subsection 9-10.1e.
- c. All automobile display and storage areas shall be paved.

(Ord. No. 581 § 12-14.1; Ord. No. 769 § 1; Ord. No. 94-990 § 1; Ord. No. 2003-1323 § 3; Ord. No. 2004-1356 § 2; Ord. No. 2014-1654 § 2)

12-16.2 Prohibited Uses.

- a. The following uses are prohibited:
 1. Residential construction or conversion of the first floor to residential use.
 2. Any business conducted outside the confines of a building when said business is the principal or main use of the premises, except sidewalk sales as defined and regulated in this chapter. A business use conducted outside the confines of a building is permitted as an accessory use provided all the requirements of subsection 12-12.2a are complied with.

3. Any commercial use resulting in or producing any of the following conditions:
 - (a) Dissemination of smoke, fumes, gas, dust, odor or any other atmospheric pollutant beyond the boundaries of the lot occupied by such use.
 - (b) Noise audible beyond the boundaries of the immediate site.
 - (c) Dissemination of glare or vibration beyond the immediate site on which such use is conducted.
 4. Coin operated vending machines, unless operated within the confines of a principal building or unless permitted by subsection 12-25.2 of this chapter.
 5. Motels or tourists cabins; trailer camps or other storage or parking of trailers.
 6. Junk yards, dumps, refuse depots, second-hand material yards, automobile graveyards or disassembly plants, and places for storing, bailing or treating junk, old iron, rags, bottles or scrap paper.
 7. Bottling works, milk bottling or processing plants.
 8. The bulk storage of explosives, inflammable or poisonous gases, the bulk storage of crude oil or any of its volatile products or other inflammable liquids, unless stored in underground tanks.
 9. Carousels, roller coasters, merry-go-rounds, ferris wheels, pony riding tracks, exhibitions of wild animals and similar commercial amusements, except in connection with a carnival or circus having a special permit from the Governing Body.
 10. Slaughtering poultry and animals; rendering lards or fats and smoking meats, whether or not the same is incidental to a retail business.
 11. Any industrial use.
 12. Fuel distributing plants or storage yards, express carting or hauling yards.
- b. No store, shop or office shall use any noisemaking instrument such as phonographs, loudspeakers, amplifiers, radios, television sets, or similar devices which are so situated as to be heard outside any building.

(Ord. No. 581 § 12-14.2; Ord. No. 769 § 1f; Ord. No. 824 § 1; Ord. No. 93-947 §§ 8, 9; Ord. No. 94-982 § 2)

12-16.3 Required Conditions.

The following requirements must be complied with in the C-1 District, except for a dependent living facility for which required conditions are set forth in subsection 12-16.4.

- a. *Height.* No building shall have a height of greater than two (2) stories or thirty (30) feet, whichever is less, wherein all stories are used for permitted business or commercial uses. No building shall have a height of greater than three (3) stories or thirty-five (35) feet, whichever is less, if used for business or commercial use in the first story and residential use above.
- b. *Front Yard.* There shall be a front yard of not less than forty-two (42) feet.
- c. *Side Yards.* There shall be two (2) side yards and no side yard shall be less than ten (10) feet.

d. *Rear Yard.* There shall be a rear yard of at least twenty-four (24) feet, provided that where any alley or railroad right-of-way separates the Commercial Zone from the Residential Zone the full alley or right-of-way be counted as part of the required yard.

e. *Landscaping.* Those portions of all front, rear and side yards that are not used for off-street parking shall be attractively planted with trees, shrubs, plants and grass lawns as required by the Planning Board. Special planting or fence as approved by the Planning Board shall be provided along rear property lines so that the parking area is not visible from the adjacent residential properties.

f. *Minimum Floor Area.* The minimum net rentable space for residential units in upper stories shall be five hundred (500) square feet for studio (zero (0)-bedroom) units and six hundred seventy-five (675) square feet for one (1)-bedroom units.

g. *Maximum Impervious Coverage.* The maximum coverage of any lot by impervious surfaces (buildings and paved areas) shall be eighty-five (85%) percent.

h. Parking and loading shall be provided in accordance with Section 9-10.

(Ord. No. 581 § 12-14.3; Ord. No. 93-946 § 4; Ord. No. 93-947 §§ 10, 11; Ord. No. 2001-1261 § 1; Ord. No. 2003-1323 § 3; Ord. No. 2005-1377 § 2)