

## ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS

### SECTION 21-03 COMMERCIAL / MIXED USE DISTRICTS REGULATIONS

#### Section 21-03.01 OB Office Buffer District.

Intent – The OB – Office Buffer *District* is established to promote the development of small scale office, professional, business, governmental and quasi-governmental uses. Since the types of *permitted uses* in the OB *District* are typically less commercial in appearance and are architecturally more harmonious with residential *structures*, this *district* can serve as a buffer between residential *districts* and more intense commercial or industrial *districts*. The OB *District* may also serve as a gradual and reasonable transition between major thoroughfares and residential *districts*. The OB *District development standards* are established to assure small scale developments.

(a) ***Permitted Uses.***

(1) ***Primary Uses.***

- (A) **Educational Uses:** Including but not limited to: Kindergarten; *Child Care Center*; *Child Care Ministry*; *Cottage School*; Public Library.
- (B) **Governmental Use:** Including but not limited to: Governmental Offices; Post Office – without outside storage of delivery vehicles.
- (C) **Miscellaneous:** Including but not limited to: *Bed & Breakfast*; Clinic – medical, dental or optometrists; *Cottage Business / Residential*.
- (D) **Office / Professional Services:** Including but not limited to: Architect; Artist; Bank Machines - Walk-up; Construction Companies (office only); Consultant; Contractors (office only); Dentist; Design Services; Engineer; Financial Institution; Insurance Agent; Lawyer; Musician; Physician; Pharmacist; Photographic Studio; Professional Offices; Real Estate Office; Travel Agency.
- (E) **Public Facilities:** Including but not limited to: Community Center; Funeral Home; Mortuary; Public or Private *Park – Passive*; *Religious Use*.
- (F) **Residential:** One (1) *dwelling unit* (incidental to and located within the same *building* as the non-residential *primary use*).

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- (2) *Special Exception Uses.*
- (A) Food Sales and Service: Including but not limited to: Bakery – Retail; Convenience Store; Dairy Bar – Retail; Delicatessen; Grocery; Ice Cream Store – Retail; *Restaurant – Family*; Yogurt Store – Retail.
  - (B) Government Use: Including but not limited to: Fire Station; Police Station.
  - (C) Personal Service: Including but not limited to: Barber Shop; Beauty Shop.
  - (D) Public Facilities: Including but not limited to: Cemetery – with or without Crematory, Funeral Home, Mausoleum or Mortuary; Public or Private *Park – Active*.
  - (E) Recreation: Including but not limited to: *Country Club*; Fairgrounds; *Golf Course*; Golf Driving Range; Swimming Pool - private or public.
  - (F) Residential: Including but not limited to: Convalescent Home; *Family Care Home*; *Group Home*; Nursing Home; Rest Home; *Single Family Dwelling* (see Section 21-03.01, (b) (10) for applicable *development standards*); *Two Family Dwelling* (see Section 21-03.01, (b) (11) for applicable *development standards*).
  - (G) Retail: Including but not limited to: Antique Shop; Apparel Shop; Art Gallery; Arts and Craft Store; Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Flower Shop; Frame Shop; Gift Shop; Hobby Shop; Toy or Game Shop; Jewelry Store; Music Store; Newsdealer; Shoe Store; Stationery and Book Store; Video Store.
  - (H) Utilities: Including but not limited to: Electricity Relay Station; Public Utility Substation; Pumping Stations; Water Towers.
- (3) *Accessory Uses* – See Section 21-03.11 (a) – Accessory Uses, Buildings and Structures.
- (4) *Temporary Uses* – See Section 21-03.11 (b) – Temporary Uses, Buildings and Structures.
- (5) *Home Occupations* – See Section 21-03.11 (c) – Home Occupations.

(b) *Development Standards.*

(1) *Minimum Lot Width and Frontage* - each lot shall have a minimum lot width and frontage on a public street of 35 feet. (Ord. 9760-07)

(2) *Yards and Building Setbacks*

(A) *Front* - a front yard and building setback measured from the greater of the proposed right-of-way or existing right-of-way shall be provided as follows:

<i>Limited Access Highway:</i>	50'
<i>All other Streets:</i>	25'

(B) *Minimum Side Yard and Setback* – The minimum side yard and setback shall be as follows: (Ord. 9760-07)

i. *Minimum Side Yard:*

a. Lots less than sixty (60) feet in width – five (5) feet; or,

b. Lots sixty (60) feet or more in width – eight (8) feet.

ii. *Minimum Side Residential Bufferyard* – fifteen (15) feet

(C) *Minimum Rear Yard and Setback* – The minimum rear yard and setback shall be as follows: (Ord. 9760-07)

i. *Minimum Rear Yard* – fifteen (15) feet

ii. *Minimum Rear Residential Bufferyard* - fifteen (15) feet

(3) *Use of Minimum Yards and Residential Bufferyards*

All minimum yards and residential bufferyards shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in Section 21-07.01 – Landscape Requirements of this Ordinance and shall remain free from structures except where expressly permitted below:

(A) *Minimum front yards:*

i. along limited access highways – may include: parking areas, loading areas, interior access drives, or interior access driveways, provided that no portion of such area may be located closer to the right-of-way than fifteen (15) feet; or signs as regulated by Section

- 21-07.03 – Sign Regulations of this Ordinance, and shall otherwise be maintained as *open space* free from *buildings* or *structures*;
- ii. along all other *streets* - may include: *parking areas*, provided that no portion of the *parking area* may be located closer to the *right-of-way* than fifteen (15) feet; *driveways*; or *signs* as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall otherwise be maintained as *open space* free from *buildings* or *structures*.
- (B) Minimum *Front Residential Bufferyards* - may include: *driveways*; or, *signs* as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall otherwise be maintained as *open space* free from *buildings* or *structures*;
- (C) Minimum *Side Yards* and *Rear Yards* – may include: *interior access driveways*; or, *walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *side yards* shall be maintained as *open space* free from *buildings* or *structures*;
- (D) Minimum *Side Residential Bufferyards* and *Rear Residential Bufferyards* – shall be maintained as *open space* free from *buildings* or *structures*.
- (4) Maximum *building height* – thirty-five (35) feet; not to exceed two and one-half (2 ½) stories.
- (5) Maximum *Gross Floor Area*: No *building* shall exceed five (5,000) square feet of *gross floor area*.
- (6) *Accessory Building* - The total square foot area of a detached *accessory building* shall not exceed 576 square feet in area and seventeen feet (17') in height. *Accessory buildings* legally established under any prior *zoning district*, shall be considered as a *nonconforming building and structure*. (Ord. 9760-07)
- (7) Landscaping – See Section 21-07.01 – Landscape Regulations.
- (8) Lighting – See Section 21-07.02 – Lighting Regulations.
- (9) *Signs* – See Section 21-07.03 – Sign Regulations.
- (10) Parking – See Section 21-07.04 – Off-Street Parking Regulations. (Ord. 9760-07; 6/12/07; Ord. 10598-18; 6/28/18)
- (11) Loading – See Section 21-07.05 – Off-Street Loading Regulations.

- (12) *Greenway Connection Required* – If the *lot* abuts any portion of a *greenway*, a direct linkage from the *project* to such *greenway* shall be provided.
- (13) *Outdoor Operations* - All uses and operations (except *off-street parking*, *off-street loading* and delivery and walk-up customer service windows) shall be conducted completely within enclosed *buildings*, except for walk-up customer service windows or Automated Teller Machines (ATM's), provided that such facilities are not free-standing and are set flush with the façade of the *building*.
- (14) *Architecture*:
- (A) *Additions to Existing Buildings*: All additions to existing *buildings* shall utilize *building materials* that are compatible and harmonious with the materials used on the existing building.
- (B) *Exterior Renovations, Major Additions and Accessory Buildings*: Exterior renovations, major additions and *accessory buildings* to existing *buildings* or facilities are encouraged to comply with the provisions in sub-Section (C), below, for new construction, however, the minimum requirement for exterior renovations, major additions and accessory buildings shall be the same as in sub-Section (A), above, for additions to existing *buildings*.
- (C) *New Construction*: In order to create variation and interest in the built environment, all new primary *buildings* shall comply with one (1) of the following two (2) sets of architectural regulations regarding *building material* and architectural features on each facade visible from a *public street*:
- i. All brick (excluding window, display window, door, roofing, fascia and soffit materials), provided that the brick used on each applicable facade shall include:
- a. at least two (2) architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.); or,
- b. at least two (2) colors of brick, with the secondary color constituting a minimum of ten (10) percent of the façade (excluding windows, display windows, doors, roofing, fascia or soffit materials); or,
- ii. Two (2) or more *building materials* (excluding window, display window, door and roofing materials), provided:

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- a. *Primary Building Material:* The primary *building material* shall be either: brick; stone (limestone, granite, fieldstone, etc.); architectural pre-cast concrete, if the surface looks like brick or stone; or, exterior insulation and finish system (E.I.F.S.) or equivalent, and shall constitute a minimum of fifty (50) percent of each applicable façade.
- b. *Secondary Building Material:* The secondary *building material* shall constitute a minimum of ten (10) percent of the façade. Glass curtain wall or a faux window (not intended for use as a window or display window) may qualify as a secondary *building material*.
- c. *Architectural Features:* In addition, the exterior *building material* selection shall be supplemented with the use of multiple colors, textures (e.g., rough, smooth, striated, etc.) or architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each facade visible from a *public street*.

(15) *Development Standards for Single Family Dwellings.*

Notwithstanding anything in this OB *District* to the contrary, a *single family dwelling* shall be subject to the applicable *development standards* of the SF2 *District*.

(16) *Development Standards for Two Family Dwellings.*

Notwithstanding anything in this OB *District* to the contrary, a *two family dwelling* shall be subject to the applicable *development standards* of the SF2 *District*.