

## ARTICLE XII. C-1, RETAIL COMMERCIAL DISTRICT

### Section 12.1 Intent of District.

This district is composed of lands and structures used primarily to provide for the retailing of commodities and the furnishing of selected services. The regulations are intended to permit and encourage a full development of essential commercial uses; at the same time, however, protecting nearby residential properties from adverse effects of commercial activity.

### Section 12.2 Permitted Uses.

1. Personal service establishments such as barber shops, beauty parlors, medical and dental clinics, restaurants, financial institutions, professional and other offices, service stations, laundry and dry cleaning pick-up stations, self-service coin-operated laundry and dry cleaning establishments, shoe repair, tailoring, watch and clock repair, and locksmiths.
2. Retail businesses, such as drug stores, package liquor stores, hardware stores, stationery stores, china and luggage shops, newsstands, photographic supplies and studios, and apparel stores.
3. Drive-in restaurants when the boundaries of the tract of land on which it is located are in excess of two hundred (200) feet from any residential district.
4. Automobile repair shops for servicing ignition, fuel, brake or suspension systems.
5. Fire Stations.
6. Theaters, except drive-in theaters.
7. Hotels and motels.
8. Churches and schools.
9. Day nurseries, kindergartens, and other child-care centers.
10. Florist shops where the products of which are displayed and sold wholly within an enclosed building.
11. Grocery, fruit, vegetable and meat markets.
12. Health clubs and spas.
13. Hospitals and nursing homes, but not animal hospitals.
14. Interior decorating, home furnishings, and furniture stores.
15. Music conservatories, dancing schools and art studios.
16. Music, radio and television shops.
17. Retail paint and wallpaper stores.
18. Structures for public use such as community centers, libraries, and museums.
19. Bowling alleys, skating rinks and billiard parlors, provided which activities and facilities are enclosed within a soundproof building.
20. Funeral parlors.
21. Dry cleaning establishments using equipment which emits no smoke or escaping steam, and which uses nonflammable synthetic cleaning agents (perchloroethylene, trichloroethylene, etc.)
22. Bakeries where the products of which are sold only at retail on the premises.
23. Automobile sales businesses (new and used).

### Section 12.3 Special Exceptions

Other uses which are similar or compatible to the uses permitted herein, which would promote the intent and purposes of this District.

#### Section 12.4 Prohibited Uses.

The following uses are not considered to be "similar or compatible to the uses permitted" in the C-1 zoning district, and are prohibited along with other uses not expressly permitted in the C-1 zoning district.

1. Mini-storage facilities.
2. Trade uses.
3. Vehicle storage facilities.
4. Warehouses.
5. Sales and rental of the following items:
  - a. Large vehicles with a gross vehicle weight of  $\geq 7,500$  pounds that are typically not intended for sale to the general consumer market. This includes flatbed and workbed trucks, buses, tractor trailers, dump trucks, yard trucks, and similar vehicles.
  - b. Moving vans, trucks and trailers.
  - c. Construction, land clearing, hauling, earth moving, drilling, aerial lift and heavy equipment.
  - d. Forklifts, bobcats, trenchers, boom lifts, man lifts, and similar items.
  - e. Air compressors, generators, mobile pumps, and similar items.
  - f. Farming, agricultural and arborist equipment.
  - g. Recreational vehicles, including motor homes, motor coaches, travel trailers, fifth wheels, fold down trailers, camper trailers, and similar items.

#### Section 12.5 Site Plan Approval Required.

Each application for a land use and building permit shall be accompanied with a site plan incorporating the regulations established herein and a current certified survey. The site plan shall be drawn to scale indicating property lines, rights-of-way, and the location of buildings, parking areas, curb cuts, driveways and landscaping. Said site plan shall be submitted to and approved by the Town Commission prior to the granting of a land use and building permit and may be amended only by authority and directive of the Town Commission.

#### Section 12.6 Building and Site Area Requirements.

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| 1. | Minimum lot area   | 12,500 square feet   |
| 2. | Minimum depth  | None   |
| 3. | Minimum lot width  | 100 feet   |
| 4. | Minimum front yard setback   | None   |
| 5. | Minimum rear yard setback  | None, except rear yards adjacent to residential districts shall be at least 25 feet. |
| 6. | Minimum side yard  | None, except side yards adjacent to residential districts shall be at least 25 feet. |
| 7. | Maximum building height shall be 35 feet. Buildings in excess of 35 feet can only be permitted as a special exception. Buildings in excess of one (1) story in height within 100 feet of any side or rear lot line of any single family residential district can only be permitted as a special exception. |  |
| 8. | Floor Area Ratio   | 35% on SR 50/ 25% on CR 438  |
| 9. | Impervious Surface Ratio   | 75%  |

#### Section 12.7 Parking Regulations.

For the off-site parking requirements, see ARTICLE XVIII.

**Section 12.8 Buffering Requirements.**

Where a lot within a Retail Commercial District abuts a residential district, the open storage of equipment, materials or commodities shall be screened from view said residential lot. Such screen may be in the form of walls, fences or landscaping and shall be at least six (6) feet in height with at least fifty percent (50%) opacity as viewed from any point along said residential lot. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after planting.

**Section 12.9 Other Requirements.**

Driveways, streets and facilities for serving traffic shall be designed in such a manner that entrances and exits to public streets shall not be hazardous and that traffic congestion is minimized. Furthermore, no non-residential uses shall have entrances or exits that direct traffic into adjacent residential districts.

**ARTICLE XIII. C-2, COMMERCIAL RESTRICTED DISTRICT**

**Section 13.1 Intent of District**

This district is composed of lands and structures used primarily to provide for low-intensity commercial businesses and also structures that provide a functional mix of low-intensity commercial and residential uses. An example of the latter type of development would be a two-story structure having a retail store on the first floor with loft apartments above. These regulations are intended to permit and encourage the full development of said businesses at the same time, however, protecting nearby residential properties from adverse effects of commercial activity.

**Section 13.2 Permitted Uses**

No use of land within the C-2 district shall be considered a permitted use. Instead, all uses must follow the special exception process as provided for in Section 5.6 of this Code. This is intended to acknowledge the sensitivity of commercial lands being developed in predominately residential areas, and allow the Town the benefit of reviewing all applications for compatibility and impact on surrounding land uses.

**Section 13.3 Special Exceptions**

All uses provided for as permitted uses under the C-1 district, excluding those prohibited in Section 13.4, shall require special exception approval under the C-2 district. Additionally, the following uses shall be considered under this process:

1. Mixed use establishments which provide for both commercial and residential uses within one structure.
2. Antique shops.

**Section 13.4 Prohibited Uses.**

1. Restaurants with drive-through facilities and drive-in theaters.
2. Used or new automobile sales lots.
3. Warehouses and mini-storage facilities.
4. Automobile repair, tire servicing, or tune-up shops.

**Section 13.5 Site Plan Approval Required**

Each application for a Building Permit shall be accompanied by a site plan incorporating the regulations established herein. This plan shall be drawn to scale, indicating property lines, rights-of-way, and the location of all buildings, parking areas, curb cuts, and driveways. Two (2) copies of the site plan shall be submitted to the Town Clerk with the application. One (1) copy of the Plan becomes part of the official land use and building permit record of the Town of Oakland and may be amended only by the authority and directive of the Town Commission.

**Section 13.6 Building and Site Area Requirements.**

1	Minimum lot area	12,500 square feet
2	Minimum depth	None
3	Minimum lot width	100 feet
4	Minimum front yard setback	None
5	Minimum rear yard setback	None, except rear yards adjacent to residential districts shall be at least 25 feet.
6	Minimum side yard setback	None, except rear yards adjacent to residential districts shall be at least 25 feet.
7	Floor Area Ratio	35% on SR 50/ 25% on CR 438
8	Impervious Surface Ratio	75%

**Section 13.7 Parking Regulations.**

For off-street parking requirements, see Article XVIII.