

§28 BUSINESS PRESERVATION DISTRICT (BPD)

28-1 Purpose

These provisions are intended to retain the residential character of the existing buildings and are not intended to lead to the wholesale redevelopment of these areas to intensify the commercial use and to eliminate existing architectural scale and features. These BPD provisions are designed to create a zoning classification which would afford a reasonable and desirable linear, visual transition between established commercial areas. Frame residential structures in commercial areas along arterial streets tend to be replaced by larger more modern structures. The historical character of such areas is more residential in architectural design and building scale than more recently developed areas in the General Business District. Consequently, a limited business type zone is required to conserve the value of property while preserving the character of such areas and existing buildings therein from the standpoint of compatible land uses, architectural design, building scale and physical appearance. The BPD provides for such preservation and development.

28-2 Permitted Uses

In a Business Preservation District, no land, building, or structure shall be used, and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations, except for one (1) or more of the following uses:

28-2.1 Principal Uses

- 28-2.1.1 Any use permitted in the Residence AAA District, subject to the same approvals and conditions as in §11-2, herein.
- 28-2.1.2 The following uses are permitted only in a principal building existing on the premises at the time the BPD boundary is established and subject to Site Plan approval in accordance with §43, herein. This provision shall not be deemed to prevent new construction and use of a principal building on a lot, provided that such new construction or re-construction shall strictly adhere to the purposes of this district.
 - (a) Stores and shops where goods are sold and services are rendered primarily at retail.
 - (b) Grocery stores and delicatessens.
 - (c) Restaurants.
 - (d) Cafes and Taverns.
 - (e) Business, professional, medical, healthcare professionals, insurance, real estate and other offices.
 - (f) Banks
 - (g) Undertaker's establishments.
 - (h) Off-street parking lots, decks & garages.

28-2.2 Special Permit Uses

The following additional uses are permitted only in a principal building existing on the premises at the time the BPD boundary is established and subject to Special Permit and Site Plan Approval in accordance with §43, herein. This provision shall not be deemed to prevent new construction

and use of a principal building on a lot, provided that such new construction or reconstruction shall strictly adhere to the purpose of this district.

- 28-2.2.1 Veterinary hospitals and animal clinics. There shall be no more than one outside exercise area for animal runs. The use of such area shall be limited to the period from 8:00 A.M. to 8:00 P.M.
- 28-2.2.2 Two-family and multi-family dwelling units, subject to the provisions of §32-12, herein.
- 28-2.2.3 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 28-2.2.4 Bank drive-in within 500 feet of another bank drive-in as permitted by §28-2.3.6.

28-2.3 Accessory Uses

- 28-2.3.1 Uses customarily accessory to a permitted principal use including the manufacturing, processing or assembly of goods which is incidental to the conduct of a retail business conducted on the premises, subject to the provisions of §32-7, herein.
- 28-2.3.2 Outdoor storage and display is permitted in accordance with §32-6, herein.
- 28-2.3.3 Wholesaling and warehousing
- 28-2.3.4 Outdoor eating areas for restaurants subject to annual Zoning Permit approval, annual Health Permit and the following conditions:
 - (a) The outdoor eating area shall be accessible from the restaurant building only.
 - (b) The outdoor eating area shall not exceed either twenty (20) percent of the interior patron floor area or six (6) tables and twenty-four (24) chairs whichever is less.
 - (c) The outdoor eating area shall be largely open to the elements, and shall not be enclosed with a roof and walls be they permanent or temporary. The only exception are the use of umbrella tables and the protection of food preparation areas required by state and local health regulation. This type of patio will require no parking. If any type of protection from the elements other than table umbrellas is put over or around the patio then parking shall be required in accordance with the parking requirements for a restaurant.
 - (d) The outdoor eating area shall be a seasonal operation not to exceed a six month period from May 1 to November 1 of each year.
 - (e) Such outdoor eating area shall be exempt from the off-street parking requirements. If the patio exceeds the requirements in (b) then parking shall be required for the whole patio as stated in (c).
- 28-2.3.5 One attached dwelling unit, provided the density does not exceed 20 bedrooms per acre.
- 28-2.3.6 Bank drive-in; except that no lot shall be used for a drive-in bank, if such lot is located within a radius of 500 feet from any other lot used for a bank drive-in provided that the Planning & Zoning Commission may permit, upon a Special

Permit Approval in accordance with §43 of the regulations, and so long as the Commission shall find that such use shall maintain or improve the traffic level of service and safety conditions in and around the site. The application must be accompanied by a traffic report supplied by the applicant.

28-2.4 Prohibited Uses

The following uses in addition to those listed in §32-7, herein, shall be prohibited: gasoline filling stations, automobile service establishments, motor vehicle repair garages, any lot, establishment, agency or dealer for new, rental or used motor vehicles, automobiles, motorcycles, trucks, mobile homes, trailers, campers, boats, farm or other heavy equipment, hotels, motels, motor-inns, drive-in and fast food restaurants, indoor theaters and assembly halls, newspaper and job printing establishments, indoor and outdoor commercial recreation uses, commercial marinas and heavy commercial uses such as lumber yards, septic tanks sales, construction equipment yards, contractor's storage yards, etc.

28-3 Lot Area (See Definition)

No minimum requirement, except that no lot shall have less than 50 feet of frontage on at least one street.

28-4 Setbacks (See §31-4 through §31-8, also.)

No principal building, structure or use shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line and twenty-five (25) feet from any rear lot line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, and fifteen (15) feet from the side and rear lot lines.

28-4.1 Building Spacing

Groups of buildings on a single lot shall be so arranged that the minimum horizontal distance between the nearest walls or corners of any principal and/or accessory detached buildings shall not be less than one-half the sum of the heights of such adjacent buildings.

28-5 Height

No building or other structure shall exceed two and one-half (2-1/2) stories and a height of thirty (30) feet, except for an addition that matches the existing pitched, gable, or gambrel roof line of an existing building on that lot.

28-6 Coverage (See Definitions)

The building coverage shall not exceed twenty percent (20%) of the area of the lot which lies within the Business Preservation District.

28-7 Building Area

No building shall have more than 2,500 square feet of building area.

28-8 Floor Area

28-8.1 FAR

No buildings or structures in any Single or Multiple Use Development, as defined herein, shall exceed a Floor Area Ratio (FAR) of 0.25 on the area of the lot that lies within the

BPD zone; except for two-family or multi-family dwellings. No buildings or structures in any Single or Multiple Use Development which contains two-family or multi-family dwellings, shall exceed an FAR of 0.35. In any Multiple Use Development containing two-family or multi-family dwellings, any incremental increase in floor area above the maximum allowable FAR for the non-residential uses shall be used for dwelling(s) units, only. No dwelling unit approved under these bonus provisions shall thereafter be changed to any non-residential use. Floor area used for parking and loading shall be excluded from the FAR.

28-8.2 Maximum

No one floor shall exceed an area of 2,500 square feet.

28-9 Architectural Design

The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roof-line, and building elevations shall be of such character as to harmonize and be compatible with the other buildings in the BPD District so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purpose of this district, in whole or in part.

- 28-9.1.1 Buildings shall be designed to achieve a small scale and residential appearance.
- 28-9.1.2 Pitched roofed buildings shall be required.
- 28-9.1.3 Roof-top mechanical equipment shall be prohibited; except for energy conservation systems such as solar energy panels.
- 28-9.1.4 Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.

28-10 Signs

Signs shall be permitted in accordance with §33 of the Supplementary Regulations.

28-11 Parking and Loading

Off-street parking and loading shall be provided in accordance with §34 of the Supplementary Regulations.

28-12 Landscaping, Screening and Buffer Area

Landscaping, screening and buffer areas shall be provided in accordance with §35 of the Supplementary Regulations.