

Section 21-03.05 CB Community Business District

Intent – The CB – Community Business *District* is established to provide a location for high volume and high intensity commercial uses. Activities in this *district* are often large space users which may include limited amounts of *outdoor sales* or *outdoor operations*. Developments within the CB *District* shall be coordinated to facilitate vehicular and pedestrian access from nearby residential *districts*.

(a) *Permitted Uses.*

(1) *Primary Uses.*

- (A) Automotive Uses: Including but not limited to: Automobile Repair – major; Automobile Repair – minor; Automobile Parts Sales (new); Automobile Quick Oil Change Facility; Car Wash (automatic or self); Gasoline Service Station with minor repair (not to exceed two (2) accessory indoor service bays); Gasoline Service Station without repair; Muffler Shop; Painting and Customizing; Tire and Auto Service Center.
- (B) Clothing Service: Including but not limited to: Costume Rental; Dressmaking; Dry Cleaning and Laundry Establishment; Millinery (Fabric) Shop; Self-service Laundry; Shoe Repair Shop; Tailor and Pressing Shop; Tuxedo Rental.
- (C) Educational Uses: Including but not limited to: Public Libraries; School – Commercial, Trade or Business. (Ord. No. 9783-07)
- (D) Food Sales and Service: Including but not limited to: Bakery – Retail; *Bar* * (without entertainment or dancing); *Cabaret – 21 and Over* *; *Cabaret – Family*; Convenience Store; Dairy Bar – Retail; Delicatessen; Farmers Market; Grocery; Ice Cream Store – Retail; *Nightclub* *; Meat Market; *Restaurant – Drive In*; *Restaurant – Drive Through*; *Restaurant – Family*; *Restaurant – Family with Lounge*; *Restaurant – Fast-food*; *Tavern* * (without entertainment or dancing); Yogurt Store – Retail.
- (E) Governmental Use: Including but not limited to: Fire Station; Governmental Offices; Municipal / State Road Maintenance Facility; Police Station; Post Office – with or without outdoor parking of delivery vehicles.

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- (F) Miscellaneous: Including but not limited to: Agriculture Seed Sales; *Artificial Lake*; *Bed & Breakfast*; Bus Station; Clinic – medical, dental or optometrists; Conference Center; Electrical / Electronics Repair; Hospital; *Hotel*; Kennel (without outdoor runs); Print Shop; Publishing; *Sign Painting*; Radio / Television Stations (without transmission towers); Rehabilitation Center; Sanitarium; Veterinary Hospital (may include boarding / without outdoor runs).
- (G) Office / Professional Services: Including but not limited to: Architect; Artist; Bank Machines (ATM's) – Walk-up; Bank Machines (ATM's) – Drive Through; Bank Machines (ATM's) – Free Standing; Consultant; Contractors; Dentist; Design Services; Engineer; Financial Institution; Insurance Agent; Lawyer; Musician; Physician; Pharmacist; Photographic Studio; Professional Offices; Real Estate ; Office; Travel Agency.
- (H) Personal Service: Including but not limited to: Barber Shop; Beauty Shop; Health Spa or Fitness Center; Locksmith; Tanning Salon.
- (I) Public Facilities: Including but not limited to: Community Center; Crematory; Funeral Home; Mortuary; Museum; *Neighborhood Recycling Collection Point*; *Parking Garage*; Parking Lot – Commercial; *Religious Use*.
- (J) Recreation: Any indoor recreation facility including but not limited to: Aerobics Studio; Amusement Arcade *; Bait Sales; Banquet Hall; Billiard Hall *; Bowling Alley; Dance Studio; Miniature Golf – indoor; Public Dance Hall *; Skating Rink (ice or roller) – indoor; Social Hall; Tennis / Racquet Club – indoor; Theater – indoor.
- (K) Retail: Including but not limited to: Antique Shop; Apparel Shop; Appliance Store; Art Gallery; Arts and Craft Store; Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Department Store; Drug Store; Fabric Store; Floor Coverings; Flower Shop; Frame Shop; Furniture Store; Garden Supply; Gift Shop; Hardware Store; Hobby, Toy or Game Shop; Home Improvement Store; Jewelry Store; Liquor Store; Lumber Yard; Music Store; Newsdealer; Paint Store; Pawnshop *; Pet Store; Radio, TV, Music Sales and Service; Retail Showroom; Satellite Dish Sales and Service (indoor display); Shoe Store; Sporting Goods; Stationery and Book Store; Tobacco Store; Variety Store; Video Store; Wall Coverings.

* = *Controlled Use*. See Section 21-08.02 – Special Regulations for *Controlled Uses* for additional requirements.

- (2) *Special Exception Uses.*
- (A) Automotive Uses: Including but not limited to: Automobile Sales & Service.
 - (B) Miscellaneous: Including but not limited to: Bus, taxi, or limousine terminal, without repair; Casinos, Approved Hotels and other areas where gambling games are conducted *; Kennels (with outdoor runs); *Motel*; Off-Track Pari-mutuel Wagering Facility *; Radio / Television Stations (with transmission towers). (Ord. No. 9653-06)
 - (C) Personal Service: Including but not limited to: Tattoo, Body Piercing, Scarifying and Branding Establishments *.
 - (D) Public Facilities: Including but not limited to: Cemetery – with or without Crematory, Funeral Home, Mausoleum or Mortuary; Public or Private *Park –Active or Passive; Recycling Facility*.
 - (E) Recreation: Any outdoor recreation facility including but not limited to: *Amusement Center*; Amusement Park; *Country Club*; Fairgrounds; *Golf Course*; Golf Driving Range; Miniature Golf – outdoor; Skate Board Park; Skating Rink (ice or roller) – outdoor; Tennis / Racquet Club – outdoor; Theater – outdoor; Swimming Pool - private or public. (Ord. No. 9653-06, 9760-07))
 - (F) Residential: Including but not limited to: Convalescent Home; Nursing Home; Rest Home.
 - (G) Retail: Including but not limited to: Gun Shop and Gunsmith Shop *; Satellite Dish Sales and Service (outdoor display).
 - (H) Utilities: Including but not limited to: Electricity Relay Station; Public Utility Substation; Pumping Stations; Water Towers.

* = *Controlled Use*. See Section 21-08.02 – Special Regulations for *Controlled Uses* for additional requirements.

- (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.

(b) *Development Standards.*

(1) Minimum *Lot Width* and *Frontage* – each *lot* or *integrated center* shall have a minimum *lot width* and *frontage* on a *public street* of 50 feet.

(2) Minimum Yards and Building Setbacks

(A) Front - a minimum *front yard* and minimum *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>	30'

(B) Minimum *Side Yard* and *Setback* - shall be provided from the *lot line* as follows:

i. Minimum *Side Yard* zero (0) or ten (10) feet, if provided (Ord. 9760-07)

ii. Minimum *Side Residential Bufferyard* – twenty (20) feet

(C) Minimum *Rear Yard* and *Setback* - shall be provided from the *lot line* as follows:

i. Minimum *Rear Yard* - ten (10) feet

ii. Minimum *Rear Residential Bufferyard* – twenty (20) feet

(D) *Minimum Yards for Out Lots:*

i. *Out Lots Along A Street* – *Out lots* within an *integrated center* shall provide a minimum *yard* of five (5) feet along all *lot lines* in common with other *out lots* or ten (10) feet along all *lot lines* in common with the main portion of the *integrated center*.

ii. *Perimeter Out Lots* – If any portion of an *out lot* abuts the perimeter of the *integrated center*, that portion of the *out lot* shall be required to comply with the applicable *minimum front, side* or *rear yard* requirements set forth above.

iii. *Interior Out Lots* – *Out lots* which are located on the interior of an *integrated center* (i.e., *out lots* which are not located along, oriented toward or primarily visible from a perimeter *street*) shall not be required to provide any *minimum yard*.

- iv. *Integrated Center* – The main portion of the *integrated center* shall not be required to provide a *minimum yard* along the *lot line* in common with any *out lot*.

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

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 Regulations 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*, *interior access driveways*, or *gasoline sales areas*, 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 be otherwise maintained as *open space* free from *buildings* or *structures*;
- ii. along all other *streets* – may include: *parking areas*, or *gasoline sales areas*, provided that no portion of such areas may be located closer to the *right-of-way* than fifteen (15) feet; parking of automobiles associated with a legally established dealership; *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*; (Ord. No. 10337-14; 11-12-14)

(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 and Rear Yards* - *minimum side yards* and *minimum rear yards* may include: *parking areas*; *interior access drives*; *interior access driveways*; *walkways*; or, pedestrian ways connecting to adjoining *lots* or developments, provided that the remainder of said *yards* shall be maintained as *open space* free from *buildings* or *structures*;

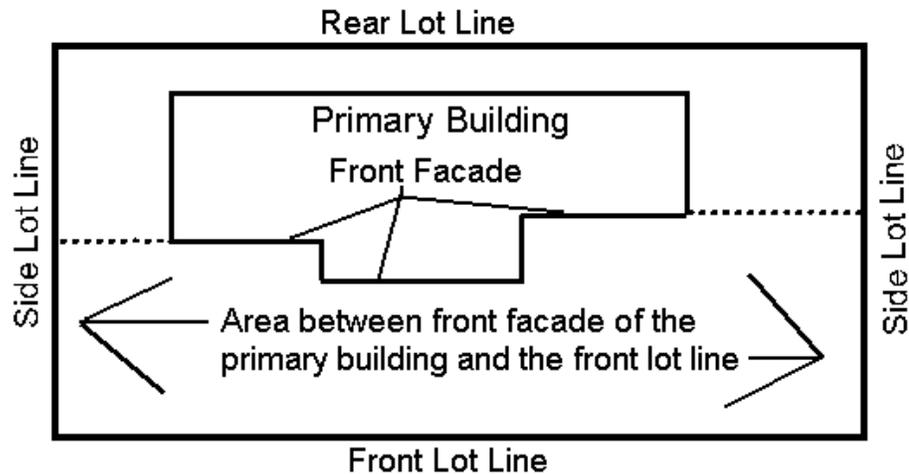
(D) *Minimum Side and Rear Residential Bufferyards* - shall be maintained as *open space* free from *buildings* or *structures*.

(4) *Maximum Height* – All *buildings* or *structures* (including transmission towers) fifty (50) feet.

- (5) Landscaping – See Section 21-07.01 – Landscape Regulations.
- (6) Lighting – See Section 21-07.02 – Lighting Regulations.
- (7) *Signs* – See Section 21-07.03 – Sign Regulations.
- (8) Parking – See Section 21-07.04 – Off-Street Parking Regulations.
- (9) Loading – See Section 21-07.05 – Off-Street Loading Regulations.
- (10) *Greenway Connection Required* – If the *lot* abuts any portion of a *greenway*, a direct linkage from the *project* to such *greenway* shall be provided.
- (11) *Outdoor Operations* – All uses and operations (except *off-street parking*, *off-street loading* and delivery, walk-up customer service windows and drive-through customer service windows) shall be conducted completely within enclosed *buildings*, except where expressly permitted below:
 - (A) *Outdoor seating for restaurants*:
 - i. shall not be located between a *building line* and a *residential bufferyard*;
 - ii. shall not be located in any required *yard* or any *street right-of-way*;
 - iii. shall be located adjacent to the business' tenant bay or storefront;
 - iv. shall be included in the calculation of required *foundation landscaping area* and any applicable *building foundation landscaping area* and associated *foundation landscaping* shall be extended or relocated around the perimeter of the outdoor seating area;
 - v. shall not exceed 10% of the *gross floor area* of the restaurant;
 - vi. shall not block an entrance or exit to or from the business or *building*; and,
 - vii. shall be located so as to not interfere or conflict with *sidewalks*, *walkways*, pedestrian ways, required *parking areas*, required *loading areas*, *driveways*, *interior access drives*, *interior access driveways*, perimeter landscape *yards* or foundation landscaping.

- (B) Vending machines:
 - i. shall abut the exterior wall of the *building*; and,
 - ii. shall not be located in a required *yard* or required *residential bufferyard*.

- (C) Outdoor Display or Sales of Merchandise:
 - i. shall be *accessory* to the *primary use*;
 - ii. shall not exceed the lesser of: 10% of the *gross floor area*; or, 20,000 square feet, for each non-related and separately operated use;
 - iii. shall not be located in a *required yard* or *required residential bufferyard*;
 - iv. shall not be located between the front façade of the *primary building* and the *front lot line*; and, (Ord. No. 10337-14; 11-12-14)



- v. shall be located so as to not interfere or conflict with *sidewalks*, *walkways*, *pedestrian ways*, *entrances* or *exits* to or from the *business* or *building*, *required parking areas*, *required loading areas*, *driveways*, *interior access drives*, *interior access driveways*, *perimeter landscape yards* or *foundation landscaping*.

- (D) Outdoor Display or Sales of Automobiles, when permitted by Special Exception: (Ord. No. 10337-14; 11-12-14)
 - i. shall be a minimum of five (5) feet from the greater of the *proposed right-of-way* or *existing right-of-way*;
 - ii. shall not be located in any required minimum *side yard*, minimum *rear yard*, minimum front *Residential Bufferyard*, side *Residential Bufferyard*, or rear *Residential Bufferyard*;
 - iii. shall provide direct access to an *interior access drive* for each vehicle displayed for sale; and
 - iv. shall be considered *parking areas* for the purpose of determining and providing interior *parking areas* in compliance with Section 21-07.01(d) Interior Off-Street Parking Area Landscaping and subsequent Sections 21-07.01(g) Installation of Landscaping and 21-07.01(h) Maintenance of Landscaping.
 - (E) Gasoline Pumps – provided that no outdoor operations other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation are conducted on the site.
 - (F) Walk-up or drive through customer service windows or Automated Teller Machines (ATM's), provided that such facilities shall be located so as to not interfere or conflict with *sidewalks*, *walkways*, pedestrian ways, entrances or exits to or from the business or building, *parking areas*, *loading areas*, *driveways*, *interior access drives*, *interior access driveways*, perimeter landscape *yards* or *foundation landscaping*.
- (12) 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:
 - 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*.