

§29 BUSINESS CENTER DISTRICT (BCD) *Revised 05-06-17*

29-1 Purpose

The purpose of the Business Center District is to allow general commercial and office development in designated areas located along arterial streets, limiting the intensity of development with parking provided by existing private lots, municipal lots, and on-street parking spaces. Automotive and similar drive-in type establishments shall be prohibited.

29-2 Permitted Uses

In a Business Center 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:

29-2.1 Principal Uses

- 29-2.1.1 Any use permitted in the Residence AAA District, subject to the same approvals and conditions specified in §11-2, herein.
- 29-2.1.2 The following additional uses are permitted subject to Site Plan approval in accordance with §43, herein:
 - (a) Stores and shops where goods are sold and services are rendered primarily at retail, not above the first floor.
 - (b) Grocery stores, delicatessens; and Retail Food Establishments.
 - (c) Restaurants.
 - (d) Cafes and taverns.
 - (e) Business, professional, medical, healthcare professional, insurance, real estate and other offices.
 - (f) Banks
 - (g) Indoor theaters and assembly halls.
 - (h) Undertakers' establishments.
 - (i) Newspaper and job printing establishments.
 - (j) Off-street parking lots, decks and garages.

29-2.2 Special Permit Uses

- 29-2.2.1 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.
- 29-2.2.2 Golf driving ranges, paddle tennis courts, tennis courts, bowling alleys, skating rinks and other indoor and outdoor commercial recreation and entertainment uses, except game rooms.
- 29-2.2.3 Commercial marinas, including accessory boat sales. No boat shall be occupied or used as a dwelling or dwelling unit.

- 29-2.2.4 Inclusionary two-family and multi-family dwelling units, subject to the provisions of §32-12, herein. No existing dwelling unit above the first floor can be changed to a non-residential use.
- 29-2.2.5 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 29-2.2.6 Bank drive-in within 500 feet of another bank drive-in as permitted by §29-2.3.3.

29-2.3 Accessory Uses

- 29-2.3.1 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.
- 29-2.3.2 Outdoor storage and display is permitted in accordance with §32-6, herein.
- 29-2.3.3 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.
- 29-2.3.4 Wholesaling and warehousing.
- 29-2.3.5 Outdoor Eating Areas for Restaurants, Cafes, Taverns and Retail Food Establishments subject to an annual Zoning Permit approval pursuant to §5 and §32-20 Outdoor Eating Areas.
- 29-2.3.6 Game Rooms, subject to the following conditions:
 - (a) That a Zoning Permit be obtained from the Zoning Enforcement Officer.
 - (b) The number of coin operated amusement devices shall be limited to not more than three (3) per lot.
 - (c) The hours of operation of said game room shall not exceed those of the principle use. In no case shall the hours of operation extend beyond 11:00 p.m., except in establishments with liquor licenses for on-premise consumption.
- 29-2.3.7 One attached dwelling unit, provided the density does not exceed twenty (20) bedrooms per acre.

29-2.4 Prohibited Uses

The following uses in addition to those listed in § 32-7, herein, shall be prohibited: gasoline filling stations, automobile services establishments, motor vehicle repair garages, any lot, establishment, agency or dealer for new, rental or used motor vehicles, trailers, campers, boats, farm or other heavy equipment, hotels, motels, motor-inns, and drive-in restaurants.

29-3 Lot Area (See Definitions)

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

29-4 Setbacks (See §31-4 through §31-8, also.)

No principal building, structure or use or accessory building or structure shall extend closer than thirty (30) feet from the East Post Road front lot lines or twenty (20) feet from any other front lot line. Side and rear setbacks shall be determined by the physical site characteristics and surrounding buildings, structures and uses; provided that any two adjacent buildings shall be setback at least 6 feet from the lot line or shall have a fire wall on the lot line.

29-4.1 Setback from the Front Lot Line within the Village District Overlay

29-4.1.1 New and Substantial Reconstruction within the Village District Overlay.

Within the Village District Boundary (see §36 Village District Overlay), the main façade of a principle building, structure or use shall be no more than ten (10) feet from the front lot line. This setback requirement applies to all new construction and rehabilitation (as defined in §5-2) that alters the location of the main façade.

29-4.1.2 Maintenance and Minor Repairs – Existing buildings that are within the Village

District Boundary and do not conform with the requirement to be set back thirty (30) feet from the front lot line are considered conforming for the purposes of maintenance or minor repairs (as defined in §5-2 Specific Terms) to existing façade elements. No Site Plan review is required.

29-5 Height

No building or structure shall exceed two (2) stories and a height of either twenty-five (25) feet to the top of a flat roof or thirty (30) feet to the mid-point of a pitched roof.

29-6 Coverage (See Definitions)

The building coverage shall not exceed seventy-five (75%) of the area of the lot which lies within the BCD.

29-7 Building Area

No mandatory requirement.

29-8 Floor Area

29-8.1 Maximum

No one building or single retail establishment, restaurant, business or other commercial establishment shall exceed ten thousand (10,000) square feet of gross interior floor space.

29-8.2 FAR (see definitions)

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 lot that lies within the BCD 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, except that a new use or change of use above a first floor (street level) for two-family or multi-family dwellings in a Multiple Use Development shall not exceed an FAR of 1.0. 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.

29-9 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 older buildings in the BCD District so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purposes of this district, in whole or in part.

Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

29-9A Village District Overlay Site Plan Review

The following actions require Site Plan Review for properties within a Village District Boundary (see §36 Village District Overlay):

29-9A.1 Exterior Alterations

Site Plan Review under §36 Village District Overlay is required for exterior reconstruction, alteration, or addition to any existing structure or new construction that alters the exterior appearance from a building visible from public streets, public spaces, walkways, bikeways or from the Saugatuck River. The basis for Site Plan Review will be §36-2 Design Principles and Design Standards.

29-9A.2 New Construction or Substantial Reconstruction and Rehabilitation of Existing Facades within Public View

Site Plan Review under §36 Village District Overlay is required for new construction or for substantial repairs or reconstruction to existing facades within view either from public streets, public spaces, walkways, bikeways or from the Saugatuck River. The basis for Site Plan Review will be §36-2 Design Principles and Design Standards.

29-9A.3 Documentation of Existing Conditions

Existing façade elements and setback from the front lot line must be documented to the satisfaction of the Planning and Zoning Commission with photographs, a survey or other relevant methods.

29-10 Signs

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

29-11 Parking and Loading

Parking and Loading shall be provided by existing private lots, municipal lots, and on-street spaces. Existing on-site parking as of 11/1/99 must be retained whether an existing building is destroyed, constructed, reconstructed or expanded. Additional floor area constructed after 11/1/99 will be required to provide additional on-site parking at one space per each one hundred-eighty (180) square feet. Any new construction of 10,000 square feet or more of gross interior floor area will be required to provide concealed parking as noted in §34-12 of the Supplementary Regulations.

29-12 Landscaping, Screening and Buffer Areas

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

29-13 First Floor Defined

For purposes of this section only, the "first floor" of the building is the building entrance opening to Main Street, Post Road, Bay Street and Taylor Place. There can be only one first floor per building.