

§23 RESTRICTED BUSINESS DISTRICT (RBD) *Revised 09-15-17*

23-1 Purpose

The purpose of the RBD District is to provide retail areas in which can be found limited convenience shopping goods and office services. These business areas will be limited in the number, size and type of permitted uses.

23-2 Permitted Uses

In a Restricted Business 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.

23-2.1 Principal Uses

- 23-2.1.1 Any use permitted in the Residence AAA District, subject to the same approvals and conditions as specified in §11-2, herein.
- 23-2.1.2 The following additional uses are permitted subject to Site Plan approval in accordance with §43: business, professional, medical, healthcare professional, banks, insurance, real estate and other offices; prescription pharmacy; beauty parlor or barbershop; photographer's or artist's studios; schools for business, art and languages; community centers and non-profit clubs; public and charitable agencies; auto parking area both commercial or municipal; jewelry store; gift shop; optician; research laboratories; camera shop; tailor's shop; stationery and books; toys; candy; cigars and cigarettes; antiques; new furniture; music, musical instruments, supplies and records; men's, women's and children's clothes and accessories; linen and other yard good; electrical supplies, including radio and television; office supplies; art gallery; sporting goods; corsetiers; florist; orthopedic supplies; gourmet shop; milliner or millinery shop; cabinetmaker; upholstery; weaver or knit and yarn shop; and other similar limited convenience and service uses.
- 23-2.1.3 Dry cleaners establishments provided that said use shall not exceed 2,000 square feet of gross floor area and shall be located within a unified shopping center.
- 23-2.1.4 Restaurants and Retail Food Establishments.

23-2.2 Special Permit Uses

The following uses are permitted in principal buildings subject to Special Permit and Site Plan approval in accordance with §43, herein.

- 23-2.2.1 Inclusionary two family and multi-family dwelling units subject to the provisions of §32-12, herein.
- 23-2.2.2 Indoor & Outdoor Commercial Recreational and Entertainment Uses.
- 23-2.2.3 Commercial Wireless telecommunication service facilities, in conformance with §32-16.
- 23-2.2.4 Private Occupational Schools.

23-2.3 Accessory Uses

- 23-2.3.1 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.
- 23-2.3.2 Outdoor storage and display is permitted in accordance with §32-6 (Outdoor Storage and Display), herein.
- 23-2.3.3 Outdoor Eating Areas for Restaurants and Retail Food Establishments subject to an annual Zoning Permit approval pursuant to §5 and §32-20 Outdoor Eating Areas.

23-3 Lot Area (See Definitions)

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

23-4 Setbacks (See §31-4 through §31-8, also.)

No principal building, structure or use shall exceed closer than thirty (30) feet from any front lot line or Residential District Boundary Line, fifteen (15) feet from any side lot line or 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.

23-4.1 Setback from the Front Lot Line within the Village District Overlay

- 23-4.1.1 **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.

23-4.2 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.

23-5 Height

No building or other 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.

23-6 Coverage (See Definitions)

The building coverage shall not exceed twenty-five percent (25%) of the area of the lot which lies within the RBD.

23-7 Building Area

No mandatory requirements.

23-8 Floor Area

23-8.1 Maximum

No one building shall exceed 10,000 square feet of gross interior floor area.

23-8.2 FAR (See Definitions)

No buildings or structures in any Single or Multiple Use Development, as defined herein, shall exceed a Floor (FAR) of 0.25 on the area of the lot that lies within the RBD 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 as described in §32-12. 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.

23-9 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 RBD Districts so as to preserve and improve the appearance and beauty of the community. New construction or re-construction shall adhere to the design purpose of this district, in whole or in part.

- (a) Buildings designed to achieve a small scale and residential appearance shall be encouraged.
- (b) Pitched roofed buildings shall be encouraged.
- (c) Roof-top mechanical equipment, other than solar energy panels, shall be concealed from all sides.

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.

23-9A 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):

23-9A.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.

23-9A.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.

23-9A.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.

23-10 Signs

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

23-11 Parking and Loading

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

23-12 Landscaping, Screening and Buffer Areas

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