

### **§ 250-5.5. Business Non-Retail District (BN-R).**

- A. Purpose. The purpose of the Business Non-Retail District (BN-R) is to provide suitable areas for various non-retail, service-oriented uses that are easily accessible to the neighborhoods which they serve. Such districts are also intended, where possible, to act as a compatible transition area between residential, and commercial and industrial areas because of the generally low volumes of traffic associated with such uses, and their hours of operation and noise characteristics, which make them compatible as transition uses.
- B. Permitted uses.
- (1) The following uses are permitted in the BN-R District:
    - (a) Insurance offices of independent or general agents.
    - (b) Medical and dental offices and clinics, excluding overnight occupancy.
    - (c) Branch banks.
    - (d) Commercial schools.
    - (e) Attorney's offices.
    - (f) Offices for other licensed professionals, such as architects, designers, engineers, etc., excluding, however, any warehouse or storage areas.
    - (g) Office parks/buildings.
    - (h) Public buildings and grounds, excluding maintenance, storage or repair facilities.
    - (i) Uses accessory to the above which are an integral part of and used solely by the permitted use and are deemed appropriate by the authorized official.
  - (2) Upon a determination by the authorized official that a specific use originally permitted within the BN-R District is to be changed so that it involves a separate, different and distinct use, process, product or service, or involves a new operator, and further provided that the results of such change, as determined by the authorized official, have the potential to negatively impact neighboring properties or the surrounding area, the authorized official shall require application to be made to the board having jurisdiction for a special use permit,

at which time the board having jurisdiction may require that any and all phases of the operation which have become or are liable to become detrimental to the neighborhood be corrected prior to the Town Clerk issuing the special use permit pursuant to § 250-14.5C. **[Amended 2-3-2021 by Res. No. 21T-066]**

C. Conditional uses.

- (1) The following uses and their accessory uses shall be permitted when authorized in accordance with Article XIII, Conditional Use Permits:
  - (a) Drive-in bank auto tellers.
  - (b) Mortuaries or funeral homes.
  - (c) Nonprofit institutions for charitable, religious, cultural or community social purposes.
  - (d) Public utility substation uses, excluding power plants, maintenance or storage facilities and uses of similar nature.
  - (e) Nursery or day-care centers, and nonprofit schools.
  - (f) Combinations of permitted business non-retail and single-family residential uses.
  - (g) Other legal uses, determined (following a public hearing) by the applicable board having jurisdiction to issue conditional use permits to be similar in nature to those uses described in Subsection C(1)(a) through (f), to be compatible with the purposes of the BN-R District, and to be consistent with the Town's Comprehensive Plan; provided, however, that in any event no conditional use permit shall or may be issued with respect to any explicitly prohibited use. **[Amended 2-3-2021 by Res. No. 21T-066]**
- (2) Upon a determination by the authorized official that any conditional use originally permitted within the BN-R District is to be changed so that it involves a separate, different and distinct use, process, product or service, or involves a new operator, an application for a conditional use permit must be made to the board having jurisdiction. Prior to authorizing the Town Clerk to issue the conditional use permit, the board having jurisdiction shall ensure that the applicant satisfies

the Town's standards and requirements of this section. As part of this process, the board having jurisdiction may require the modification of any and all phases of the operation that have become, or are liable to become, detrimental to the neighborhood. The board having jurisdiction, in its absolute discretion, in cases it deems to be appropriate, may delegate authority to the authorized official to grant or deny a conditional use permit consistent with the standards and requirements of this section. **[Amended 2-3-2021 by Res. No. 21T-066]**

D. Dimensional requirements.

- (1) Lot area. The minimum lot area shall be that necessary to accommodate the necessary structures and comply with this chapter, as well as all other Town requirements.
- (2) Lot coverage. Structures, parking areas and roadways shall not occupy more than a maximum of 65% of the total lot area. The remainder of the lot shall be devoted to no less than a minimum of 35% open space or landscape area.
  - (a) Greenspace shall be 35%. "Greenspace" shall be defined as an area of grass, trees, or other vegetation set apart for recreational or aesthetic purposes in an otherwise urban environment.
  - (b) Incorporation of green infrastructure such as green roofs, rain gardens, biofilters, and pervious pavement shall be reviewed and deemed appropriate by the board having jurisdiction.
- (3) Setback requirements. All setbacks shall comply with the buffering requirements of Article VII of this chapter. No structure within the Business Non-Retail District shall be located closer than 80 feet to the front property line, 20 feet to a side property line or 30 feet to the rear property line. In the case of corner lots, the eighty-foot minimum front setback shall be provided along each road frontage.
- (4) Maximum building height restrictions: three stories or 40 feet, whichever is less.

E. Hours of operation. No business establishment in any BN-R District shall be open to the public except between the hours of 7:00 a.m. and 9:00 p.m.