

Section 3-91

COURT STREET MIXED RESIDENCE/BUSINESS DISTRICT

3-91.1 – Intent.

The intent of this District is to encourage attractive compact limited mixed retail/service/residential development in locations close to the downtown C.O.R.E. District, and still retain/maintain the residential presence, nature and character of these neighborhoods which are vital to the economic support and vitality of the downtown.

3-91.2 – Uses Permitted By-Right.

Buildings may be erected or used and a lot may be used or occupied for any of the following purposes and no others:

1. *Any use allowed in Residence B, not requiring a Special Permit*
2. *Business/professional offices located above the first floor only if such uses existed (legally or otherwise) prior to 1/1/08 and, if vacant, were in active business/professional office use as of 1/1/08 (7/15/21)*
3. *A mixed Residential/Business use where all of the following apply:*
 - a. *the residential use is located above the first floor*
 - b. *the business use is located on the first floor*
 - c. *the business is comprised of only the following:*
 - i. *retail stores designed primarily to provide daily service to the residents of the immediately surrounding neighborhood and within a ground floor area not in excess of seven hundred and fifty (750) square feet.*
 - ii. *service oriented stores, such as a barbershop, beautician, but not including laundry or dry cleaning establishments.*
 - iii. *retail service store or custom store such as a bakery or confectionery, food store (no booth or restaurant facilities) jewelry store, radio, television or household appliance repair store and florist provided that:*
 - (1) *any article made shall be sold at retail from the premises; and*
 - (2) *The area devoted to processing or storage shall constitute not more than forty (40) percent of the gross floor area.*
 - iv. *business/professional offices (07/15/21)*
4. *Accessory uses on the same lot with and customarily incidental to any of the above permitted uses. (6/5/08)*
5. *All necessary utility lines that meet the requirements of 3-130.2.21. (12/3/09)*
6. *Home Occupation (See Section 5-100.1) (7/1/10)*

3-91.3 – Special Permit Uses.

1. *Conversion or expansion of an existing residential structure to not more than four (4) dwelling units per structure, provided said conversion or expansion retains or enhances the residential character and style of the structure and is consistent with the density, scale and character of the surrounding residential neighborhood. (Planning Board)*
3. *Funeral Establishments. (Planning Board)*
4. *Branch bank or similar financial institution (Planning Board)*
5. *Shared Elderly Housing (Planning Board)*

6. *Uses otherwise permitted by-right or by Special Permit in this district on lots that are in excess of 15,000 square feet where the Planning Board finds that such proposed use, and the structures and appurtenances located thereon, are of a type, size, scale, location character and design that is consistent with and complementary to the character of the neighborhood.*
7. *Any proposed use involving a building or buildings with a cumulative total floor area equal to or greater than 5,000 square feet. This requirement applies to both new uses and buildings, and to alterations/extension/expansions of existing uses and buildings whose cumulative total square footage meets or exceeds these thresholds. (Planning Board)*
8. *Any proposed use that will discharge a cumulative total of more than 25,000 gallons per day of waste into the city's sanitary sewer system, or any use categorized as a Significant Industrial User (SIU). This shall apply to both new uses and to any alteration, extension or expansion of an existing use which would result in a cumulative total of more than 25,000 gallons per day of waste being discharged into the city's sanitary sewer system, or any use categorized as a Significant Industrial User (SIU). (Planning Board)*
9. *Home Based Business (See Section 5-100.2) (7/1/10)*

3-91.4 – Area and Height Regulations.

Every building used exclusively as a dwelling shall comply with the area and yard regulations prescribed for Residence C Districts (See Article III, Sections 3-70.5 – 3-70.8). For buildings used in whole or in part for commercial purposes the following regulations shall apply:

1. *Building and Lot Area.*
 - *Minimum lot size – ten thousand (10,000) square feet.*
 - *Maximum lot size – fifteen thousand (15,000) square feet*
 - *Minimum Frontage - 100 feet*
 - *Maximum Area Coverage - not more than twenty-five (25) percent may be occupied by buildings.*
 - *Minimum Open Space – forty (40) percent*
 - *Open Space shall be that portion of the lot that is not covered by buildings, structures, pavement, parking, driveways or walkways*
 - *The Planning Board may issue a Special Permit for a reduction in the minimum open space required where they specifically find that such reduction would result in a better project and still be consistent with and maintain the Intent of the District.*
2. *Front Yard.* *There shall be a setback on each street on which a lot abuts which shall be not less than thirty (30) feet and each lot will have a minimum frontage of one hundred (100) feet at the street line.*
3. *Side Yard.* *For every detached building or group of attached buildings, there shall be two (2) side yards, neither of which shall be less than fifteen (15) feet in width.*
4. *Rear Yard.* *There shall be a rear yard on each lot which shall be not less than twenty (20) feet in depth.*
5. *Heights.*
 - *Minimum Building Height – two stories or thirty (30) feet*
 - *Maximum building Height – two and a half (2 ½) stories or thirty-five (35) feet, Except that a school, college, library, municipal facility, Shared Elderly Housing, or barn may be erected to a height not to exceed three (3) stories or fifty (50) feet. For buildings or structures located within the designated Airport Landing Zone the maximum height will be whichever is the most restrictively regulated.*

The Planning Board may issue a Special Permit permitting heights in excess of the maximum permitted where they specifically find that such height would result in a better project and still be consistent with and maintain the Intent of the District.

3-91.5 - Special Regulations.

In order to encourage sound and attractive mixed residential/business development which will maintain the residential character and integrity of the district, the following special requirements shall apply:

- 1. All new construction, additions or exterior alterations to a structure must maintain its residential character*
- 2. Every use other than the parking lot shall be completely enclosed within a building.*
- 3. Along each side or rear property line, which directly abuts another residential property in the city or residential districts in an adjoining municipality, a buffer planting strip not less than twenty (20) feet in width, as defined in Article II – Section 2-20.01 shall be provided. The Special Permit granting authority may waive this requirement if in its opinion a suitable substitute is provided.*
- 4. No permanent storage of merchandise shall be permitted outside a building.*
- 5. Off-Street parking, loading shall be provided in accordance with Article VII, the cumulative total being based on the use of each portion of the building. No off-street parking shall be located between the front of the principal structure and any street or front lot line unless the Planning Board has issued a Special Permit where they specifically find that such parking location would result in a better project and still be consistent with and maintain the Intent of the District.*
- 6. Signs as permitted in Article VIII.*
- 7. Ten (10) percent of the required front yard shall be maintained with grass and live shade trees and ornamental shrubs with adequate spaces being left unpaved for their growth.*
- 8. Trash receptacles such as dumpsters or trashcans shall either be fully enclosed or screened from public view.*

3-91.6 - Regulations for Shared Elderly Housing.

- 1. Every building used for Shared Elderly Housing shall comply with the area and yard regulations prescribed for Multi-Family Elderly Units in Residence C Districts (See Article III, Sections 3-70.5 – 3-70.8)*

(10/04/07)