

**SECTION 9. “HSD” HESTER STREET DISTRICT** (*History: Ordinance 2008-02*)

Subsection 1. Purpose. This neighborhood commercial corridor district connects the Highway 3 commercial area to the Downtown area and serves as a welcoming gateway to draw activity downtown. The district is also a transition between residential neighborhoods, traffic on Hester Street, and higher intensity commercial areas where new development and redevelopment is anticipated. This district includes uses that will not disrupt nearby, low-density land uses through high traffic generation, noise, appearance, or other nuisances.

Subsection 2. Permitted Uses. Permitted uses in the District include:

- (A) Essential services.
- (B) Out-patient health or mental health providers limited to physical therapy, therapeutic massage, chiropractors, dentists, orthodontia, oral surgeons, opticians.
- (C) Personal services limited to barber/beauty shops, and nail and tanning salons.
- (E) Professional, administrative or clerical service operations including but not limited to attorneys, accountants, financial advisors, consulting, insurance, travel and real estate
- (F) Production of art and craft products and on-premise retail sales of those products and related products including but not limited to: painting, decorating and photography studios.
- (G) Repair services limited to jewelry and small electronic appliance/computer repair shops, but not auto repair.
- (H) Tailoring services.

Subsection 3. Accessory Uses. The following are permitted accessory uses in the District:

- (A) Accessory buildings and uses incidental and customary to uses allowed as permitted, conditional, interim, and administratively permitted in this Ordinance.
- (B) Fences as regulated by Section 4 Subs. 13. (G) of this Ordinance.
- (C) Signs as regulated by Section 27 of this Ordinance.
- (D) Off-street parking and loading as regulated by Section 4, Subs 8. of this Ordinance.

Subsection 4. Conditional Uses. , The following are conditional uses in this District and require a conditional use permit based upon the procedures and criteria of Section 20, Subsection 3 of this Ordinance.

- (A) Retail commercial activities accessory to permitted or conditional use businesses, provided that:
  - 1. Merchandise is sold at retail
  - 2. The retail activity is located within a structure whose principal use is not retail sales.
  - 3. The retail activity shall not occupy more than twenty (20) percent of the gross floor area of the principal building.
  
- (B) Mixing of residential and business uses within one (1) principal building, provided that:
  - 1. the residential and nonresidential uses shall not conflict in any manner
  - 2. There shall be separate entrances for residential and businesses uses.
  - 3. Residential use shall comply with off-street parking requirements of Section 4, Subs. 8.
  
- (C) Bed and breakfast facilities
  
- (D) Coffee, tea and small cafes, provided that:
  - 1. No roasting is conducted on site.
  - 2. Business hours shall be limited to 7am to 10pm
  - 3. No exhaust or ventilation may be directed to adjacent residential uses.
  - 4. The facility contains no drive-through service.
  
- (E) Production of art and craft products with the potential for negative impacts including noise, vibration and odor such as but not limited to: sculpture, ceramic/pottery works, furniture, and candle making, and the on-premise retail sales of those products and related products, provided that:
  - 1. No exhaust or ventilation may be directed to adjacent residential uses.
  - 2. Adequate measures are installed to mitigate sound.
  
- (F) Two non-residential uses on the same property, provided that:
  - 1. There is very little or no parking demand or traffic associated with one of the non-residential uses.

Subsection 5. Prohibited Uses. The following uses are not allowed in the R-B District.

- (A) Outdoor storage
- (B) Outdoor sales
- (C) Auto-oriented uses
- (D) Fuel sales
- (E) More than 1 detached single family home
- (F) Warehousing and storage uses except as an accessory use as permitted in this district

Subsection 6. Performance Standards. The following minimum requirements shall be observed in the “R-B” District:

- (A) Lot Area: 8,700 square feet.
- (B) Lot Width: 65 feet
- (C) Setbacks:
  - 1. Front Yards: Ten (10) feet. In the case of corner lots, two (2) front yards will be required.
  - 2. Interior Side Yards: Ten (10) feet if the adjacent property is zoned for residential use, otherwise no side yard is required.
  - 3. Rear Yards: Ten (10) feet.
- (D) All trash and recycling containers shall comply with screening requirements of Section 4 Subs.(F) (6).
- (E) Landscaping: Parcels with non-residential uses shall be landscaped with at least two (2) deciduous shade trees per fifty (50) lineal feet of public right of way frontage. Ornamental trees and/or shrubs may be substituted for shade trees at the rate of 3:1. Landscaping shall be placed within the required ten (10) foot setback adjacent to public right of way.
- (F) Maximum building/impervious surface coverage: 75%.
- (G) New construction.
  - 1. Exterior building materials: The exterior walls of all new structures shall be surfaced with any of the following materials: brick, stone, rock faced block, stucco, EIFS, wood, fiber-cement and glass or other materials as approved through the site plan approval process and shall be reasonably compatible with adjacent properties
  - 2. Required off-street parking spaces for businesses shall not be located between the principal structure and Hester Street.
  - 3. Buildings shall be oriented, including front doors, to Hester Street.
- (H) Compliance with Off-Street Parking Requirements of Section 4 Subs. 8, except up to two of the required off-street parking spaces for business uses may be permitted as on-street parking.
- (I) All business use must be conducted in the principal structure.
- (J) Any change of use or occupancy of any buildings including additions requiring more parking area shall not be permitted until additional parking spaces are furnished as required by Section 4 Subs. 8.

Subsection 7. Site Plan Review. All plans for development shall require processing of a formal site and building plan review according to Section 3 of this Ordinance.