

**CHAPTER 13A**  
**VC VILLAGE COMMERCIAL**

SECTION 13A.01 PURPOSE The Village Commercial (VC) District is intended to promote commercial activities, in areas such as the existing Comstock Park town center, by providing for a variety of retail, office, restaurant and entertainment activities with the district. This district promotes the integration of business activity and services, governmental functions, and residential land uses.

SECTION 13A.02 PERMITTED USES Land and/or buildings in this district may be used for the following purposes:

- A. Any permitted use in the C-1 Commercial District under Section 13.02.
- B. Theaters when completely enclosed.
- C. Offices and showrooms of plumbers, electricians, building material suppliers, decorator or similar trades in connection with which not more than twenty five percent (25%) of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided the ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display. All storage of materials on any land shall be within the confines of the building or part of the building occupied by the establishment.
- D. Business schools or private schools operated for profit. Examples of private schools permitted in this subsection include, but are not limited to the following: dance schools, music and voice schools, and art studios.
- E. Veterinary clinics, veterinary hospitals and small animal clinics.
- F. Other uses which are similar to the other uses in this section as determined by the Planning Commission and subject to the following restrictions:
  - 1. All business establishments shall be retail sales or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
  - 2. All business, servicing or processing, except for off street parking or loading, shall be conducted within completely enclosed buildings.
  - 3. Outdoor storage of commodities (i.e. propane tanks, pop machines) shall be expressly prohibited.
  - 4. Any and all accessory structures shall be customarily incidental to the principal use permitted in this subsection, and must comply with Section 3.01 of this ordinance.

SECTION 13A.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS Land and/or buildings in this district may be used for the following purposes subject to the conditions hereinafter imposed for each use:

- A. Single and Multi Family Residential Uses. To encourage and provide for economic vitality of Village Commercial Districts, residential occupancy shall be permitted in buildings of two stories in height or greater. In addition:
  - 1. No dwelling unit shall occupy any portion of the building at ground level or below ground level. Businesses may occupy any number of total floors.
  - 2. In those instances where residential uses are proposed to occupy the same floor as a business use, the Planning Commission shall review such mixed use and

may approve such mixed use based on findings that compatibility of the business with residential occupancy will occur. Such findings may include but are not limited to:

- a. Compatible hours of operation.
  - b. Noise of operation or occupancy that would be detrimental to the business operation or vice versa.
  - c. Excessive foot traffic.
3. Each dwelling unit shall have a minimum floor area as follows:
- a. Efficiency (open area/no separate bedroom) dwelling unit—400 square feet.
  - b. One-bedroom dwelling unit—500 square feet
  - c. Two-bedroom dwelling unit—700 square feet
  - d. Dwelling unit with three or more bedrooms—800 square feet
4. An off-street parking plan demonstrating that sufficient parking is available for use of the parcel shall be provided. Such parking plan is subject to approval by the Community Development Department prior to occupancy of any residential use.

B. Sidewalk Cafes. In the interest of promoting business by increasing activity, the Township Superintendent or his designee may issue revocable permits to businesses that apply for a permit to operate a sidewalk café as an extension of or compatible with the existing business on a portion of a public sidewalk adjacent to the business. (Note: Outside service from decks and porches for bars, taverns and restaurants shall not be considered sidewalk cafes.) The permit may be issued under the following terms and conditions:

1. Sidewalk café permits shall be issued if the Township Superintendent or designee determines the sidewalk café will not:
  - a. Interfere with the use of the street or right-of-way for pedestrian or vehicular travel.
  - b. Unreasonably interfere with the view of, access to or use of property adjacent to the street. All businesses selling food or beverages to be consumed on a public sidewalk area adjacent to the business may, at the determination of the Township Superintendent, be required to enclose on all sides the area with a temporary structure approved by the building official.
  - c. Reduce any sidewalk width to less than six feet.
  - d. Interfere with street cleaning or snow removal activities.
  - e. Cause damage to the street or to sidewalks, trees, benches, landscaping, or other objects lawfully located there.
  - f. Cause a violation of any state or local laws.
  - g. Be principally used for off-premise advertising.
  - h. Be attached to or reduce the effectiveness of or access to any utility pole, sign or other traffic control device.
  - i. Be in or adjacent to property zoned for residential purposes.
2. All businesses selling food or beverages to be consumed on a public sidewalk area adjacent to the business shall enclose the area with a temporary structure approved by the building official.

3. Prior to the issuance of a sidewalk café permit, the applying business shall provide the township with a certificate of liability insurance in an amount to be determined solely by the township. The certificate of insurance must be in effect for at least the period of the permit to be issued. In addition, the applying business shall, by written agreement with the township, indemnify and hold harmless the township from all claims or damages incident to the establishment and operation of a sidewalk café.
  4. The period of the sidewalk café permit shall not exceed 180 days. The dates and duration shall be specified on the permit. The permit shall be subject to immediate revocation for failure to properly maintain the area being used as a sidewalk café, or for any other violation of this chapter.
- C. Bowling alleys, pool or billiard parlor or club, indoor archery, indoor tennis clubs, health clubs and other similar indoor commercial recreation establishments.
  - D. Any permitted uses subject to special conditions in the C-1 Commercial District under Section 13.03.

**SECTION 13A.04 USES REQUIRING SPECIAL APPROVAL** The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Child Care Centers
- B. Adult day care centers, adult foster care congregate facilities and convalesced homes.
- C. Bars, taverns, and restaurants with service from decks, porches, or other outside areas. This subsection is not applicable to sidewalk cafes. (Note: Regulations for sidewalks cafes can be found in Section -03.B.1. of this chapter.)
- D. Churches
- E. Any uses requiring special approval in the C-1 Commercial District under Section 13.04.

**SECTION 13A.05 HEIGHT REGULATIONS** No building shall exceed 30 feet or two stories in height, whichever is less.

**SECTION 13A.06 ADDITIONAL REQUIREMENTS** No building or structure shall be erected nor any existing building or structure be enlarged unless the following requirements are provided for and maintained.

- A. Front, Side, and Rear Yard Setbacks. The front, side, and rear yard setbacks shall be determined by the Planning Commission in its review of the site plan. In determining the setbacks, the Planning Commission shall take into consideration, the impact on adjoining land uses, whether the proposed setback disrupts the interior circulation pattern on that block, whether safe vehicular and pedestrian access is maintained, whether the setbacks will allow safe access for emergency services, and whether or not the proposed setbacks will create unusable or unsafe areas.
- B. Parking, Landscaping and Buffering. Off-street parking and loading facilities shall be provided in accordance with the requirements of Chapter 29. In addition, landscaping and buffering shall be provided in accordance with requirements of Chapter 30. However, the township recognizes that site development under the village commercial concept may present limitations to provide traditional parking, landscaping and green strips. The Planning Commission may approve modifications of the requirements from Chapters 29 and 30 for parcels within the Village Commercial District.

- C. Signs. Signs within the Village Commercial District shall comply with the requirements of Chapter 28, Signs.
- D. Buildings shall possess architectural variety and enhance the community character. Where appropriate, new buildings and existing buildings being renovated, shall provide architectural features and details.
- E. All dumpsters shall be gated and screened by an enclosure of masonry construction or other material approved by the Planning Commission.
- F. Site lighting shall be in accordance with Chapter 31.
- G. Site plan approval is required in accordance with Chapter 32.
- H. The Community Development Department may require that any development which is subject to site plan approval by the Director of the Community Development Department or the Planning Commission, be reviewed by the Comstock Park Downtown Development Authority for its recommendations.