

DRAFT

LVZA 2007-0005

Proposed Zoning Ordinance Text Amendment to Modify The Light Industrial District I-1 and Rename it the Mixed Use Commercial -- MU-C District; and to Revise Other Related Text.

(Changes Marked)

MODIFY: The entire text of the Light Industrial District I-1, Section 3-14, to read:

3-14 ~~LIGHT INDUSTRIAL DISTRICT I-1~~ MIXED USE – COMMERCIAL DISTRICT MU-C

(a) PURPOSE:

The purpose of this district is to permit certain commercial, and light industrial, institutional, office and educational uses in a manner that ~~which does not in any way detract from a high quality residential living environment in the residential desirability of the Lovettsville~~ and as may be deemed appropriate under land use and development policies in the Town Plan. ~~community.~~ All properties within the Mixed Use Commercial MU-C ~~light industrial~~ Zoning District shall be subject to the following standards:

(b) LIGHTING REQUIREMENTS:

- (i) No canopy or roof fascia of any size or dimension shall be constructed, reconstructed, or altered in such a manner as to have internal lighting of any kind.
- (ii) All site outdoor lighting, ~~if any,~~ shall utilize fully shielded cut-off fixtures and be designed and located so as to prohibit glare onto adjacent properties and upward toward the sky.

(c) HOURS OF OPERATION:

Any business or facility ~~located within one hundred (100) feet of the nearest property line of a residential use, located within a residential district,~~ shall not ~~reopen to the public earlier than 7:00 AM and close no later than 12:00 midnight~~ 11:00 p.m. each day, a.m. ~~All businesses within the Town limits shall close to the public not later than 12:00 midnight and shall not reopen earlier than 6:00 a.m.~~

(d) OUTDOOR STORAGE OF GOODS AND MATERIALS:

~~There shall be no outdoor storage of any vehicles, materials or equipment. All exterior storage areas of goods and materials where permitted, shall be fenced and shall be setback a minimum of ten (10) feet from side and rear property lines. Exterior storage of goods and materials shall not be permitted within required front yards. Type A landscape buffering shall be provided adjacent to exterior storage areas and shall comply with the landscaping requirements contained in Article 6.~~

(e) STORAGE OF HAZARDOUS MATERIALS:

~~Businesses located within the light industrial zoning district shall notify the Town of levels of hazardous materials or chemicals of materials stored on site in excess of threshold levels established by Superfund Amendment and Reauthorization Act (SARA) Title 111.~~

(f) PERMITTED USES:

- (i) Artists galleries and studios.
- (ii) Wholesale building materials sales.
- ~~(iii) Business incubator centers.~~
- ~~(iv) Pubs, lodges and recreation facilities for use by non-profit organizations.~~
- ~~(v) Contractors offices, including contractors in specialized trades, without storage yards.~~
- ~~(iii) Dance, and music and/or fitness studios.~~
- ~~(iv) Medical facilities clinics.~~
- ~~(viii) Publishing and printing establishments.~~
- ~~(v) Non-automotive repair shops without outdoor storage.~~
- ~~(vi) Restaurants and catering services without drive through windows.~~
- ~~(vii) Schools: Technical, trade, vocational or business. Fitness center.~~
- ~~(viii) Vehicle repair shops, without outdoor vehicle storage or operations.~~
- ~~(viii) Veterinary clinics and animal hospitals.~~
- ~~(xiv) Furniture and cabinet making shops with no construction or fabrication, storage or display of goods outside fully enclosed building.~~
- ~~(xv) Retail nurseries, greenhouses, farm and garden, and farmer's market.~~
- ~~(xvi) Manufacturing, processing, creating, repairing, renovating painting, cleaning, assembling of goods, merchandise and equipment with no storage of display of goods outside fully enclosed building.~~
- ~~(xvii) Blacksmith shop, welding or machine shops excluding presses exceeding forty (40) ton rated capacity and drop hammers.~~
- ~~(xviii) Warehousing, including mini-warehouses and personal storage facilities.~~

- (ix) Retail sales and/or personal service uses (with or without outdoor storage) in buildings and/or display with not more than 15,000 gross square feet.
- (x) Offices uses in buildings with not more than 25,000 gross square feet.

(g) CONDITIONALLY PERMITTED USES:

The following uses may be permitted within the Mixed Use – Commercial I-4 district, subject to the Conditional Use Permit process and criteria as established in this Ordinance to protect the community from any adverse impacts of development and to promote high quality development design in a manner that protects environmental resources to the greatest possible extent:

- ~~(i) Feed and seed stores, grain elevators and fertilizer distribution plants.~~
- (i) Recreation facilities, commercial.
- (ii) Retail sales and/or personal services uses with outdoor storage and/or display in buildings with over 15,000 gross square feet.
- (iii) Schools.
- (iv) Convention and meeting facilities.
- (v) Offices uses in buildings with over 25,000 gross square feet.
- (vi) Child Care Center subject to Section 3-1 (b)(iii).
- (vii) Religious facilities.
- (viii) Industrial flex facilities.
- (ix) Light vehicle repair.

(h) LOT REQUIREMENTS:

- (i) Minimum Size: ~~ten thousand (10,000) square feet.~~ Two (2) acres.
- (ii) Minimum lot width: eighty (80) feet.
- (iii) Yard Requirements:
 - (A) Front Yard: ~~ten (10) feet. twenty-five (25).~~
 - (B) Side yard: ten (10) feet. Where the side yard abuts land zoned for residential use, the minimum setback shall be thirty-five (35) feet.
 - (C) Rear yard: ~~thirty-five (35) forty (40) feet.~~

(i) BUILDING HEIGHT:

Thirty-five (35) feet for principal structures, fifteen (15) feet for accessory structures.

ADD:

1. To Landscaping, Buffering and Screening Section (6). To 6-5, Buffering and Screening, a new section following (h), to read:

“(i) Development controlled by the Mixed Use – Commercial district (MU-C) shall provide a continuous planted berm along its property boundaries if the adjacent land is zoned, planned or existing as residential land. The berm shall be up to eight (8) feet high with a slope no steeper than 3:1. The berm shall be planted with seed, sod or ground cover and the planting requirements of a Type C buffer area. Evergreen trees shall have a minimum seven foot growth height. At the time of planting the evergreen trees shall be at least four (4) feet in height. Section (g), above, cannot be applied as an option.”

2. To DEFINITIONS section (13-2), in correct alphabetical order:

LIGHT VEHICLE REPAIR: Buildings and premises that have no more than five (5) interior service stalls, wherein the primary use is the retail supply and replacement of oil, batteries, tires and motor vehicle accessories for vehicles with not more than three and one-half (3.5) tons gross weight; and where services may be rendered and sales made related to oil changes, brake and muffler replacement, auto washing and detailing and mechanical repairs. Permissible uses may not include auto body work or cause fumes, smoke, noise or glare. Outside parking of vehicles is not permitted, except on a daily basis for employees or customers.

3. To DEFINITIONS section (13-2) in correct alphabetical order:

INDUSTRIAL FLEX: Any structure occupied by at least two of the following uses where they are entirely enclosed within the structure: contractors offices and shops, including plumbers, electricians and similar uses; establishments for production; processing, assembly, light manufacturing, compounding; preparation; cleaning; servicing; testing, or repair of material, goods or products; furniture and cabinet making shops; warehousing establishments; publishing and printing establishments; wholesale trade establishments; retail or wholesale outlets for such improvements as swimming pools, tile and flooring, windows and doors, or outdoor furniture; equestrian supplies and equipment; and offices.

4. To DEFINITIONS section (13-2) in correct alphabetical order:

BERM: A landscaped earthen mound intended to screen, buffer, mitigate noise and generally enhance views of parking areas, storage areas or required yards particularly from public streets of adjacent land uses.

