

TOWN OF WALKERSVILLE
ORDINANCE 2014-08

AN ORDINANCE TO AMEND SECTIONS 88-36, OLD TOWN MIXED USE DISTRICT, OF THE WALKERSVILLE TOWN CODE.

BE IT ENACTED AND ORDAINED by the Burgess and Commissioners of the Town of Walkersville that § 88-36 of the Walkersville Town Code shall be amended as follows. New provisions are indicated by being in UNDERLINED CAPITAL LETTERS and the provisions being eliminated are indicated by being ~~struck through~~, and in *italics*:

§ 88-36 Old Town Mixed Use District (OTM)

- A. **Intent and purpose: OTM District.** The purposes of the Old Town Mixed Use District are to promote the use and reuse of existing structures in the Old Town area as designated on the Comprehensive Plan and Zoning Map, and to preserve the historic mix of small scale retail, office and residential uses within the Old Town area as designated on the Comprehensive Plan and Zoning Map. The Old Town area is located within that part of the Town's corporate limits bounded by the following streets: Maple Avenue, Maryland Avenue, Fulton Avenue, Main Street (from Frederick Street to George Street), Pennsylvania Avenue (from the railroad to Clinton Street), Green Street, George Street (from Pennsylvania Avenue to Clinton Street) and Frederick Street (from Main Street to Nicodemus Road). The residential character of properties in the OTM District will be maintained through appropriate size, location and scale buildings, materials used, landscaping and lighting and other performance standards. This district is not intended to accommodate commercial uses that are more appropriate for the B-1, B-2 and B-0 Districts and that entail high-volume traffic turnover, large parking areas and/or outdoor storage and display areas.
- B. **Permitted Uses: OTM District.**
1. Government facilities, professional/business offices, except medical and veterinary offices
 2. Retail sales and services, except retail liquor sales
 3. Personal services
 4. Bed and Breakfasts
 5. Single family dwellings
 6. Two family dwellings
 7. Residential apartments over commercial uses
 8. Places of worship
 9. THREE FAMILY DWELLINGS
- C. **Site Plan Required: OTM District.**
- All new uses, change of uses of, expansions of, alterations to or additions to existing lawful uses, except single and two family dwellings which will be used for that purpose, shall be subject to site plan approval by the Planning Commission.
- D. **Performance Standards: OTM District.**

1. No more than three separate uses shall be permitted per lot. Each dwelling unit and commercial establishment shall be counted as one use.
2. No residential uses shall be permitted within accessory structures.
3. No retail liquor sales permitted in connection with any permitted use.
4. No drive-through facilities permitted.
5. ~~No parking in front yard, except as permitted for residential uses.~~
6. Maximum building height of 35 feet.
7. Outdoor storage or display of goods, materials or equipment shall be permitted to cover no more than 250 square feet or 20% of the front yard, whichever is less. No outdoor storage or display shall exceed 5 feet in height. All outdoor storage must be adequately landscaped and screened as determined by the Planning Commission.
8. When reviewing plans for new construction or substantial alterations, the Planning Commission will consider the following in order to make its determination that the development complements or enhances the residential character of the area:
 - The materials of the exterior;
 - The type and pitch of roofs;
 - The size and spacing of windows, doors and other openings;
 - The size, type and location of signs;
 - Towers, chimneys, roof structures, flagpoles, radio and television antennas;
 - The relation to existing buildings and structures in the general vicinity and area.
9. All new or expanded uses shall be appropriately screened, buffered and landscaped as determined by the Planning Commission.
10. Hours of Operation: No NON-RESIDENTIAL use may BE OPEN FOR BUSINESS ~~operate~~ earlier than 7:00 a.m. or later than 10:00 p.m.
11. No non-residential use may accept deliveries from a truck over 25,000 pounds gross vehicle weight nor may a truck or other mobile equipment be operated on the premises of any non-residential use, earlier than 8:00 a.m. nor later than 6:00 p.m. Monday through Saturday or at all on Sundays.
12. Noise: All air handling equipment or other noise generating equipment shall be located a minimum of 10 feet from any property line, and shall be screened as determined by the Planning Commission to prevent noise intrusion onto or visibility from adjacent residential properties. Noise-generating uses shall be prevented from intruding on adjacent properties by their operation, location in the building and/or construction (e.g. sealed windows). NOISE LEVELS OF NOISE GENERATING EQUIPMENT SHALL NOT EXCEED 80 DB AS MEASURED AT ANY OF THE PROPERTY LINES.
13. Lighting: All lighting shall be designed to eliminate light overflow onto adjacent properties. Any signage, building or parking lighting not necessary for security purposes shall be placed on automatic timing devices which allow illumination to commence each day ½ hour before the business is open to the public and to terminate ½ hour after the close of business.

14. Off-Street Parking Requirements for Permitted Uses

- a. Changes of use, EXPANSION OF/ALTERATION TO EXISTING USES, and new uses in structures which exist prior to January 1, 2001:

Residential uses: 2 parking spaces per dwelling unit.

Non-residential uses 1,000 square feet in floor area or less: 2 parking spaces per use.

Non-residential uses over 1,000 square feet in floor area: 1 space per 250 square feet in floor area.

NO ADDITIONAL OFF-STREET PARKING SPACES REQUIRED. THE PLANNING COMMISSION MAY REQUIRE THAT EXISTING PARKING SPACES (OR AN EQUIVALENT NUMBER OF SPACES) BE PRESERVED ON SITE.

- b. New construction or redevelopment (when existing principal structures are entirely or partially removed):

Residential uses: 2 parking spaces per dwelling unit;

All other uses: 2 OR MORE parking spaces per use AS DETERMINED BY THE PLANNING COMMISSION *or 1 parking space per 100 square feet of floor area, whichever is greater.*

~~15. Substitution of On-Street Parking for Off-Street Parking Requirements: The Planning Commission may permit on-street parking spaces to be substituted for required off-street parking spaces, if permitted, on-street parking spaces adjoin the subject property. The Burgess and Commissioners must approve parking restrictions on these on-street spaces before the Planning Commission may grant a substitution of on-street parking spaces.~~

16. Signs: Signs shall be permitted in accordance with the requirements of Section 88-14 of the Town Code.

17. The Planning Commission shall determine the width of commercial entrances as part of site plan review.

~~18. Employees: The maximum number of employees permitted on site at any given time is 6. Additional employees may be permitted as long as the average over the course of a workday or workweek is 6 or less.~~

E. Special Exception Uses: OTM District

The following uses are permitted as special exceptions in the OTM District when the requirements for a special exception under Article IX of this chapter are satisfied and when authorized by the Board of Appeals:

1. Day care, nursery school, senior day care, provided the following standards are met:
 - Customer drop-off area is provided.
 - No more than one commercial vehicle is stored on the property.
 - Safe and orderly flow of traffic can be assured.
 - Off-street parking requirements for special exception uses are met.
 - All performance standards and lot and yard dimensional requirements of the OTM District.
2. Medical offices, provided the following standards are met:
 - Safe and orderly flow of traffic can be assured.
 - Off-street parking requirements for special exception uses are met.

- All performance standards and lot and yard dimensional requirements of the OTM District are met.
3. Bakeries and caterers, provided the following standards are met:
 - No more than one delivery truck or other commercial vehicle is stored on the property.
 - Off-street parking requirements for special exception uses are met.
 - All performance standards and lot and yard dimensional requirements of the OTM District are met.
 4. Funeral homes, provided the following standards are met:
 - No cremations are performed on site.
 - Safe and orderly flow of traffic can be assured.
 - Off-street parking requirements for special exception uses are met.
 - All performance standards and lot and yard dimensional requirements of the OTM District are met.
 5. Restaurants, provided the following standards are met:
 - Maximum number of customer seats permitted is 50.
 - Safe and orderly flow of traffic can be assured.
 - Liquor sales only permitted in conjunction with food sales.
 - No live entertainment shall be permitted.
 - Off-street parking requirements for special exception uses are met.
 - All performance standards and lot and yard dimensional requirements of the OTM District are met.
 6. ART OR CRAFT STUDIO; MARTIAL ARTS INSTRUCTION; MUSIC OR DANCE STUDIO; EXERCISE OR FITNESS STUDIO; OR OTHER TYPE OF PRIVATE INSTRUCTION; provided the following standards are met:
 - Customer drop-off area is provided.
 - The number of clients or students shall not exceed 12 students at any time in on one or more classes.
 - Classes of 4 or more students must be scheduled at least 15 minutes apart to reduce traffic congestion.
 - Safe and orderly flow of traffic can be assured.
 - Off-street parking requirements for special exception uses are met.
 - All performance standards and lot and yard dimensional requirements of the OTM District are met.

F. Off-Street Parking Requirements for Special Exception Uses.

1. New uses and changes of use in structures which exist prior to January 1, 2001:
~~1 parking space per 250 square feet of floor area~~
NO ADDITIONAL OFF-STREET PARKING SPACES REQUIRED. THE PLANNING COMMISSION MAY REQUIRE THAT EXISTING PARKING SPACES (OR AN EQUIVALENT NUMBER OF SPACES) BE PRESERVED ON SITE.
2. New construction or redevelopment (when existing principal structures are entirely or partially removed):
~~Four~~2 OR MORE parking spaces per use AS DETERMINED BY THE PLANNING COMMISSION ~~or 1 parking space per 100 square feet of floor area, whichever is greater.~~

G. Dimensional Standards: OTM District

	Minimum Lot Area	Minimum Lot Width	Minimum Yard Depth		
			Front Yard (one)	Side Yard (each)	Rear Yard (one)
Old Town Mixed Use District					
Single family dwellings	10,000 sf <u>NOT SPECIFIED</u>	60 <u>NOT SPECIFIED</u>	35 <u>20</u>	8	40 <u>25</u>
Two family dwellings	5,000 sf/unit <u>NOT SPECIFIED</u>	60 <u>NOT SPECIFIED</u>	35 <u>20</u>	8	40 <u>25</u>
Bed and breakfasts	10,000 sf <u>NOT SPECIFIED</u>	60 <u>NOT SPECIFIED</u>	35 <u>20</u>	8	40 <u>25</u>
Mixed use lots	10,000 sf for the first use; <u>NOT SPECIFIED</u> 5,000 sf for each additional use <u>NOT SPECIFIED</u>	60 <u>NOT SPECIFIED</u>	35 <u>20</u>	8	40 <u>25</u>
Other uses	10,000 sf <u>NOT SPECIFIED</u>	60 <u>NOT SPECIFIED</u>	35 <u>20</u>	8	40 <u>25</u>

H. Other Requirements: OTM District.

Maximum first floor area of buildings on a lot (excluding parking and accessory structures) shall be 5,000 square feet or 40% coverage of the total lot area, whichever is less. This standard applies to additions and alterations to existing structures as well as new construction.

88-57.2 MODIFICATION OF YARD REQUIREMENTS

A. FRONT YARD MODIFICATIONS FOR EXISTING BUILDING ALIGNMENT

WHEN APPROPRIATE, THE PLANNING COMMISSION MAY INCREASE OR DECREASE THE DEPTH OF THE REQUIRED FRONT YARD IN ANY DISTRICT SO THAT SUCH FRONT YARD WILL APPROXIMATE THE AVERAGE DEPTH OF THE EXISTING FRONT YARDS OF THE EXISTING BUILDINGS ON ADJOINING LOTS ON EACH SIDE, OR IF THERE ARE NO SUCH ADJOINING BUILDINGS, SHALL APPROXIMATE THE AVERAGE DEPTH OF THE FRONT YARDS OF THE NEAREST BUILDINGS ON THE SAME SIDE OF THE STREET WITHIN TWO HUNDRED (200) FEET.

INTRODUCED THIS ___TH DAY OF _____, 2014.

Burgess and Commissioners of Walkersville, MD
Ralph W. Whitmore, President

PASSED THIS _____ DAY OF _____, 2014.

Burgess and Commissioners of Walkersville, MD
Ralph W. Whitmore, President

APPROVED THIS _____ DAY OF _____, 2014.

Burgess and Commissioners of Walkersville, MD
Ralph W. Whitmore, President