

# Town of Lovettsville

## Planning Commission Minutes Regular Meeting May 1, 2013

### Call to Order/Welcome

Chairwoman Summitt called the Regular Meeting of the Lovettsville Planning Commission to order at 7:32 p.m. on Wednesday, May 1, 2013 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### Commissioners Present

- Chairwoman Deborah Summitt
- Vice Chair Joseph Mueller
- Commissioner Lorraine Bauer
- Commissioner Robert Gentile

### Commissioners Absent

- Commissioner Jennifer Jones
- Commissioner Anthony Quintana

### Staff Present

- Zoning Administrator Melissa Hynes
- Town Clerk Harriet West

### Audience

Mayor Robert Zoldos II (arrived at 8:43 p.m.)

### Public Comment

Chairwoman Summitt called for comments from the public. There were none.

### Additions/Deletions/Modifications to the Agenda

Chairwoman Summitt called for changes to the agenda. There were none.

### Approval of Planning Commission Minutes

#### A. Planning Commission Public Hearing and Regular Meeting – March 20, 2013

**Motion:** I move to accept the minutes of the March 20, 2013 Planning Commission Public Hearing and Regular Meeting as presented.

**By:** Chairwoman Summitt

**Second:** Commissioner Bauer

**Aye:** Commissioners Bauer, Gentile, Mueller, and Summitt

**Nay:** None

**Abstain:** None

**Absent:** Commissioners Jones and Quintana

### Staff Reports

Zoning Administrator Hynes reviewed her March 2013 report. She discussed a new infill project on South Loudoun Street and gave an update on Catoctin Coffee operating at Andy's Restaurant on Tuesday mornings. She is working with the 7-Eleven on the replacement of their internally lit sign, which was damaged.

Vice Chair Mueller asked about the illuminated sign at EarthWorks and the day care sign at Town Center. Zoning Administrator Hynes said the sign at EarthWorks is permissible because it is inside. She was not aware of the day care sign, but said she will follow up on this.

Commissioner Gentile and Vice Chair Mueller discussed having directional signage in Town for local businesses. Zoning Administrator Hynes said this is a long-term goal for the "We're In" Committee.

### **Action/Discussion Items**

#### **A. Open Space Text Amendment**

Zoning Administrator Hynes presented this item. The Planning Commission is being asked to consider an amendment to the R-1 Open Space Requirement within the Town's Zoning Ordinance Section 3-3 (d) (viii) and additional amendments to Section 3-4 (d) (viii) R-2 Open Space Requirement and Section 3-5 (d) (viii) R-3 Open Space Requirement.

Zoning Administrator Hynes reviewed the final proposed changes to the Open Space Requirements (Attachment 1). There were no questions from the Commissioners on the proposed changes.

#### **B. Business Hours of Operation**

Zoning Administrator Hynes presented this item. The Planning Commission is being asked to consider text amendments to the Hours of Operation requirement within the Zoning Ordinance Section 3-11(c) (Attachment 2). There were no questions from the Commissioners.

#### **C. Old Town Zoning District**

Zoning Administrator Hynes presented this item. The Planning Commission is being asked to review the most recent text amendments to the Zoning Ordinance related to the proposed Old Town Zoning District (Attachment 3).

The Zoning Administrator said she created a map defining the boundaries of the proposed Old Town Zoning District that would be included in the Zoning Ordinance. Property owners within the proposed Old Town District would be eligible to have their property rezoned, if they chose to do so. However, Staff recently learned that the Town Attorney's interpretation is that the only official boundaries that could be used are the Town's Zoning Map or the National Historic District Area map. Staff distributed a copy of the Historic District map and the Commissioners discussed the boundaries set forth in this map versus the core area for the proposed Old Town District. Following further discussion, the Zoning Administrator said she would follow up with the Town Attorney about how to proceed.

### **Information Items**

There were none.

### **Comments from the Mayor and Commissioners**

Mayor Zoldos gave updates on the Town Seal Challenge, the Walker Pavilion dedication, the Quarter Branch Park Facility, and Mayfest. The Mayor thanked the Commissioners for their work on the rezoning request for 5 N. Berlin Pike.

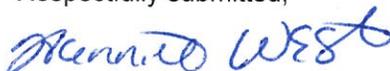
Zoning Administrator Hynes gave an update on the "We're In" business forum on May 17, 2013.

**Adjournment**

**Motion:** To adjourn the Planning Commission meeting of May 1, 2013.  
**By:** Vice Chair Mueller  
**Second:** Chairwoman Summitt  
**Aye:** Commissioners Bauer, Gentile, Mueller, and Summitt  
**Nay:** None  
**Abstain:** None  
**Absent:** Commissioners Jones and Quintana

The meeting was adjourned at 8:47 p.m.

Respectfully submitted,



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Harriet West, Town Clerk

Date Approved: August 21, 2013

Attachments:

1. Revised Open Space Amendments, dated May 1, 2013
2. Revised Hours of Operation Draft Text Amendment, dated May 1, 2013
3. Old Town District Draft Text Amendments

# Revised Open Space Amendments

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## R-1 District

### 3-3 (d) (viii) Minimum Open Space Area:

A minimum of thirty five percent (35%) of the net site area shall be provided as open space for all development projects creating more than twenty (20) lots. For the purpose of open space calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplain, slopes greater than twenty-five percent (25%) and wetlands. ~~The gross density of one (1) lot per twelve thousand (12,000) square feet shall not be exceeded based on the overall parcel area excluding floodplain, public roads dedications and private access and alleyway easements, steep slopes and wetlands. Open space shall be preserved by means of a permanent open space easement or other ownership mechanism acceptable to the Town Council.~~

## R-2 District

### 3-4 (d) (viii) Minimum Open Space Area:

Minimum Open Space Area: A minimum of twenty-five percent (25%) of the net site area shall be provided as open space for all development projects creating more than twenty (20) lots. For the purpose of open space calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplain, steep slopes and wetlands. ~~The gross density of one (1) lot per eight thousand (8,000) square feet shall not be exceeded based on the overall parcel area excluding floodplain, public roads dedications and private access and alleyway easements, steep slopes and wetlands. Open space shall be preserved by means of a permanent open space easement or other ownership mechanism acceptable to the Town Council.~~

## R-3 District

### 3-5 (d) (viii) Minimum Open Space Area:

Minimum Open Space Area: A minimum of twenty-five percent (25%) of the net site area shall be provided as open space for all development projects creating more than twenty (20) lots. For the purpose of open space calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplain, slopes in excess of twenty-five percent (25%) and wetlands. ~~The gross density of one (1) lot per ten thousand (10,000) square feet shall not be exceeded based on the overall parcel area excluding floodplain, public roads dedications and private access and alleyway easements, steep slopes and wetlands. Open space shall be preserved by means of a permanent~~

~~open space easement or other ownership mechanism acceptable to the Town Council.~~

## 5-2 RECREATION SPACE

- (a) A minimum of one hundred (100) square feet of active recreation space shall be provided for each townhouse and garden apartment dwelling unit. The following are illustrative of the facilities that shall be deemed to serve active recreational needs: tennis courts, swimming pools, sauna and exercise rooms, meeting or activity rooms within clubhouses, basketball courts, swings, slides, and other play apparatus.
- (b) Each development shall satisfy its active recreation requirement by installing the types of recreational facilities most likely to be suited to and used by the residents in that development. At least fifteen percent (15%) of the active recreation space shall consist of tot lots, ~~unless it appears that less than five percent (5%) of the residents of a development are likely to be children under twelve (12).~~

# Revised Hours of Operation Draft Text Amendment

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## 3-11 COMMERCIAL AND LIGHT INDUSTRIAL ZONING DISTRICTS - GENERAL

### (a) PURPOSE:

Commercial zoning districts are established to accommodate a variety of commercial and service related activities within the existing and historic commercial areas of Lovettsville. All properties within the Commercial Zoning Districts 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 manner as to have internal lighting of any kind.
- (ii) All site lighting, if any, shall utilize fully shielded cut-off fixtures and be designed and located so as to prohibit glare onto adjacent properties.

### (c) HOURS OF OPERATION: Any business located within one hundred (100) feet of the nearest property line of a residential use, located within a residential district, shall close to the public not later than 11:00 p.m. each day and shall not reopen earlier than 7:00 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.

(i) Hours of Operation may be extended by the Town Council with a Conditional Use Permit. Such application shall specifically define the need for the modification.

(ii) All businesses and commercial uses must meet the following requirements:

(a) All deliveries shall only occur between permitted public business hours.

(b) All outdoor business related activities shall only occur between permitted public business hours.

(c) All business activity that is audible at the property line shall only occur between permitted public business hours.

- (d) Refuse and dumpster collection shall only occur between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 7:00 p.m. Saturday and Sunday.
  - (e) Construction shall only occur between 7:00 a.m. and 7:00 p.m. Mondays through Fridays, construction shall only occur between 9:00 a.m. and 7:00 p.m. on Saturdays. No construction shall occur on Sundays.
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- (d) OUTDOOR STORAGE: 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 to exterior storage areas and shall comply with the landscaping, buffering and screening requirements contained in Article 6.
  - (e) HAZARDOUS MATERIALS: Businesses located within any commercial zoning district shall not store hazardous chemicals in excess of the threshold levels established by SARA Title III.

New Definition: Section 13-2

“CONSTRUCTION: Any site preparation, assembly, erection, substantial repair, alteration, demolition, or similar action.”

(b) GENERAL STANDARDS FOR CERTAIN USES

The following identified uses wherever permitted in a residential district shall conform to the standards set forth in this section, unless otherwise specifically modified in the provisions authorizing such use in a district:

- (i) **ACCESSORY APARTMENTS AND SEMI-INDEPENDENT DWELLING UNITS:** Accessory units are subject to the following standards:
  - (A) No such accessory apartment or dwelling unit shall exceed forty percent (40%) of the floor area of the principal dwelling or twelve hundred (1,200) square feet, whichever is less. The floor area of the accessory apartment or semi-independent dwelling unit shall not be required to be less than five hundred (500) square feet.
  - (B) Accessory apartments and semi-independent dwelling units shall be permitted only on lots served by public sewer. Accessory units not located within the principal structure shall be served by separate water and sewer services.
  - (C) A semi-independent dwelling unit shall be permitted only on a lot meeting the minimum requirements of the zoning district. Accessory apartments shall be permitted only on a lot meeting the minimum requirements of the zoning district and a minimum lot area of eight thousand (8,000) square feet.
  - (D) Not more than one (1) accessory apartment or semi-dwelling unit shall be located on a lot.
  - (E) Each accessory apartment shall have private kitchen, bath and toilet facilities. Semi-independent dwelling units shall have private bath and toilet facilities but shall not contain a full kitchen.
  - (F) Accessory units may be located within an accessory building or principal structure.
  - (G) One parking space per bedroom shall be provided on-site for each bedroom of the accessory apartment or semi-independent dwelling unit in addition to the parking required for the principal dwelling.
  - (H) A zoning permit is required
  - (I) The general standard requirements contained in Section 3-1(b) (i) shall apply in the Old Town District, except as follows:
    - 1. Accessory apartments shall be permitted on a lot meeting the minimum requirements of the Old Town District and a minimum lot area of two-thousand (2,000) square feet.
    - 2. Not more than three (3) accessory apartments shall be located on a lot.

3. The total square footage of all accessory apartments shall not exceed fifty percent (50%) of the floor area of the primary structure.
  4. Two parking spaces per accessory apartment shall be provided in addition to the parking required for the primary use.
  5. Accessory apartments are allowed within an accessory building on a lot.
- (ii) BED AND BREAKFAST HOMESTAY, BED AND BREAKFAST INN and COUNTRY INN: These establishments shall be subject to the following criteria:
- (A) The owner of the bed and breakfast home stay shall reside in and manage the establishment.
  - (B) The owner or manager of the bed and breakfast inn and country inn shall provide full time management of the establishment at all times the facility is occupied by guests.
  - (C) Bed and breakfast establishments shall not contain restaurant facilities, but may provide food service for transient guests of the facility only.
  - (D) A country inn may contain a full-service restaurant, in addition to guest rooms, that provides meal service to guests and the general public.
  - (E) A zoning permit is required.
  - (F) The lot on which the establishment is located shall not have less than eighty (80) feet of frontage on a state maintained road and the entrance shall be located on the same property as the establishment.
  - (G) The general standard requirements contained in Section 3-1(ii) shall apply in the Old Town District, except as follows:
    1. The lot on which the establishment is located shall not have less than thirty (30) feet of frontage on a state maintained road.

#### SECTION 4 – MINIMUM OFF-STREET PARKING REQUIREMENTS

- b) GENERAL STANDARDS FOR OFF-STREET PARKING REQUIREMENTS
  - i. The Town recognizes that the parking requirements listed in 4-3 (a) cannot and will not cover every possible situation that may arise. Therefore, the parking space requirements, for a use not specifically listed in 4-3 (a) shall be the same as for a listed use of similar

characteristics of parking demand generation, as determined by the Zoning Administrator.

- ii. If there are no similar characteristics of parking demands, the Zoning Administrator shall use the formula of one parking space for each 200 square feet of business floor space in the building or 1 per 4 persons of the rated capacity of the building, whichever is greater.
- iii. When building alterations are to be made, or an application for a conversion of use permit is submitted, that may produce parking demand in excess of available spaces, the Zoning Administrator shall require a sketch plan and other written documentation of the change to guarantee adequate parking is provided or will be expanded to meet the Zoning Ordinance.
- iv. The parking requirements above are in addition to space for storage of automobiles, trucks, mobile homes, campers, recreation vehicles, or other similar vehicles used or offered for sale in connection with a particular use.
- v. The parking requirements in this article do not limit special requirements which may be imposed by approval of a conditional use permit.
- vi. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
- vii. Vehicles being parked within required parking lots solely for advertising purposes are prohibited; this does not include service vehicles or company vehicles ancillary to the business use on the property.
- viii. Any area designated as required off-street parking shall not be changed to another use unless equal facilities meeting the standards of this article are provided elsewhere or the parking requirements of the site change.
- ix. All non-residential uses shall provide handicapped accessible parking in accordance with the latest edition of the International Building Code (IBC) and the most current Americans with Disabilities Act Accessibility Guidelines (ADAAG). Such spaces shall be considered part of, rather than, in addition to the number of required spaces.
- x. The Town Council may restrict the maximum number of parking spaces provided for a use or combination of users where the numbers of spaces required by this section are determined by the Council to be excessive.
- xi. The parking requirements contained in Section 4 shall apply in the Old Town District, except as follows:
  - (A) For commercial uses, the total quantity of required parking, as set forth in Section 4-1 shall be reduced by 30% if within 300 feet of a public parking lot.

- (B) All commercial uses in the Old Town District shall have at least two parking spaces (unless the Town Council determines extreme hardship).
- (C) For commercial uses, in lieu of providing parking spaces to fulfill the off-street parking standards of Section 4 for the Old Town District, a development applicant or property owner may elect to pay to the Town a parking fee-in-lieu. Any such election may be made as an optional element to fulfill parking requirements in the Old Town District if the Town Council grants a waiver of parking requirements.

#### 4-3 (g) GENERAL DESIGN ARRANGEMENTS

- (i) Parking areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without having to back into a public street. All non-through areas, including alleys that exceed two hundred (200) feet in length shall be provided with a turn-around that accommodates an AASHTO SU-30 vehicle (e.g., single-unit delivery trucks, cargo vans, and mini-buses that do not exceed thirty (30) feet in length). This requirement does not apply to driveways serving not more than two (2) dwelling units.
- (ii) Parking areas shall be designed to provide access for sanitation, emergency and other public service vehicles without requiring backing unreasonable distances or making other dangerous or hazardous turning movements.
- (iii) Parking areas shall be designed so that parked vehicles cannot extend beyond the perimeter of such areas onto adjacent properties or public rights-of-way.
- (iv) Parking circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
- (v) Driveways in residential areas shall be located a minimum of five feet from any property line.
- (vi) No parking for multi-family dwellings shall be located within any required yard, buffer yard or setback. Parking spaces for multi-family dwellings shall not be less than ten (10) feet from any residential structure.
- (vii) Except as otherwise required in this ordinance, parking for commercial uses shall be:
  - (A) Located behind the building setback line or ten (10) feet from the ultimate street of right-of-way, whichever is greater. Parking areas and access ways shall not cover more than thirty percent (30%) of the front yard actually provided.
  - (B) Setback a minimum of eight (8) feet from all buildings.

(C) Set back a minimum of five (5) feet from property lines, except that parking shared by uses located on two (2) different lots may extend to and over the boundary lines if the lots it serves, provided that other required setbacks are met.

(D) Located outside of any required front yard setback or buffer yard.

(viii) Parking for commercial uses shall be generally located to the rear or side of the building which they are designed to serve. If located at the side, screening shall be provided at the lot line by landscaping or decorative walls or fences to a minimum height of three (3) feet.

(ix) Common parking areas and/or access ways shall be permitted and encouraged for commercial uses.

(x) All retaining walls, screening, landscaping and building walls shall be protected from vehicle contact.

(xi) The minimum radius for a curb return in parking areas shall be two and one-half (2-1/2) feet.

(xii) The parking requirements contained in Section 4-1 shall apply in the Old Town District, except as follows:

(A) Off-street parking spaces shall be located only in the side or rear yard

(B) All new parking shall be setback a minimum of eight (8) feet from any adjacent street right-of-way.

(C) Require entrances to dwelling units or commercial use be visible and accessible from any parking areas located in the rear of a mixed-use building; all entrances are to have sufficient illumination at nighttime.

(D) Parking for commercial uses shall be setback a minimum of five (5) feet from all buildings

(h) **LOADING AND UNLOADING FOR COMMERCIAL AREAS**

(i) Whenever the normal operation of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading area shall be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

(ii) The off-street loading areas shall be of sufficient size to accommodate the number and types of vehicles that are likely to use the area, given the nature of the proposed development. The following table indicates the number of spaces that are generally assumed to satisfy the standards of this section. However, the commission may require more or fewer spaces if reasonably necessary to satisfy these standards.

TABLE 4-4 COMMERCIAL LOADING SPACES	
Gross Leasable Floor Area (SF)	Number of Loading Spaces
1,000-19,999	1
20,000-79,999	2
80,000-149,000	3

- (iii) A standard loading space shall be at least fifteen (15) feet by thirty (30) feet with a minimum vertical clearance of fifteen (15) feet.
- (iv) Off-street loading areas shall be located and designed so that the vehicles intended to use them can (i) maneuver safely and conveniently to and from a public right-of-way, and (ii) complete the loading and unloading operations without obstruction or interfering with any public right-of-way or any parking spaces or parking lot aisle.
- (v) No off-street loading area shall be used to satisfy the requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- (vi) The Planning Commission may waive the loading requirements in the Town Center Core, Town Center Fringe, C-1, C-2 and I-1 districts when a determination has been made that the proposed use can be adequately served by an existing off-street loading area or where provision of a loading area is not feasible because of the location of existing buildings and structures.
- (vii) Required off-street loading spaces may be jointly provided for two (2) or more uses subject to the approval of the Council where adjacent uses can demonstrate that they can be adequately served by a shared loading facility.
- (viii) The loading requirements contained in Section 4-1 shall apply in the Old Town District, except as follows:
  - (A) An appropriate space shall be designated for safe loading and deliveries separate from the road and pedestrians.
  - (B) Loading docks shall not be located at the front of buildings or in public areas.
  - (C) When it is not possible to locate loading facilities at the rear of the building, loading docks and doors may be located along the sides of the buildings, but shall not dominate the facades and shall be screened from public rights-of-way and public areas of the development.
  - (D) Loading facilities shall be offset from driveway openings.

(E) The Planning Commission may waive the loading requirements in the Old Town, Town Center Core, Town Center Fringe, C-1, C-2 and I-1 districts when a determination has been made that the proposed use can be adequately served by an existing off-street loading area or where provision of a loading area is not feasible because of the location of existing buildings and structures.

## SECTION 5: OPEN SPACE & RECREATION SPACE

### 5-4 PEDESTRIAN ORIENTED SPACE

All conversion of use permits in the Old Town District shall provide a plan that shows how the property contains one-hundred (100) square feet of pedestrian-oriented open space amenities; the plan shall show how the property incorporates two or more of the following pedestrian-oriented amenities:

- i. Outdoor seating
  - ii. Patios
  - iii. Courtyards
  - iv. Landscaped garden areas
  - v. Landscaped pathways connecting front yard to rear parking
  - vi. Vertical landscape materials such as vines on walls, espalier, potted plants, hanging baskets, window boxes
  - vii. Decorative pavers, colored concrete, grass pavers and/or creative hardscape design
- (a) The Zoning Administrator shall require a sketch plan and other written documentation of the pedestrian-oriented open space plan.
  - (b) An approved Conversion of Use Permit shall be revoked if the pedestrian oriented space is not installed within 30 days of the approval date.
  - (c) No Occupancy Permit shall be signed until the pedestrian oriented space has been installed.
  - (d) Any pedestrian open space shall be maintained by the property owner. Such space shall be kept free of unsightly trash, debris, and dangerous materials.
  - (e) The property owner shall be responsible for the maintenance, repair and replacement of all landscape materials, walls, pavers and other materials included in the pedestrian open space.
  - (f) All landscape materials shall be kept in healthy condition free of disease and infestation. All fences and walls shall be maintained in a safe and attractive condition.
  - (g) The property owner shall, upon written notice of the Administrator, repair or replace any landscape materials, fencing or walls not meeting the requirements of this Ordinance within 30 days.

## SECTION 6 LANDSCAPING, BUFFERING & SCREENING

### 6-4 PARKING LOT LANDSCAPING

- (a) All parking areas with five (5) or more spaces shall provide perimeter parking lot landscaping outside of the parking area of the lot.
- (b) Parking lots adjacent to public streets shall provide a continuous landscape area of not less than ten (10) feet in width located between the parking lot and property line. The landscape area shall be planted at a rate of one (1) tree for every fifty (50) feet of frontage plus three (3) shrubs for every fifty (50) feet of frontage. A minimum of seventy five percent (75%) of the trees provided shall be canopy trees.
- (c) Parking lots adjacent to lands not in the right-of-way of a street shall provide a continuous landscape area five (5) feet in width located between the parking area and the property line. The landscape area shall be planted at a rate of one (1) tree for every fifty (50) feet of frontage plus three (3) shrubs for every fifty (50) feet of frontage. A minimum of seventy five percent (75%) of the trees provided shall be canopy trees.
- (d) All parking lots with ten (10) spaces or more shall provide interior parking lot landscaping. Such landscaping shall be in addition to any planting or landscaping within six (6) feet of a building, required perimeter landscaping and required screening. A minimum landscape area of five percent (5%) of the gross parking lot area shall be provided within the parking area. The gross area of the parking lot shall include all designated parking spaces and areas designated for ingress and egress. Landscape areas shall have a minimum, dimension of ten (10) feet. Trees shall be provided at the rate of one (1) tree for every ten (10) parking spaces with a minimum of one (1) tree provided.
- (e) Plant materials at entrances shall be located so as to maintain safe sight distances in accordance with VDOT standards.
- (f) The landscape buffer and screening requirements contained in Section 6-1 shall apply in the Old Town District, except as follows: the 8-foot adjacent to roadways shall provide one canopy tree for every 50 feet or portion thereof. Where any new parking lot faces a public street, it shall be screened with two foot wall of decorative brick or two foot continuous hedgerow along the entire street frontage accept for pedestrian and vehicle entranceways.

### 6-5 BUFFERING AND SCREENING

- (a) Certain uses, when adjoining each other, are incompatible and create conflict which may be reduced or eliminated by appropriate measures. Buffering between incompatible uses minimizes these conflicts and the adverse impact of incompatible development. These provisions are intended to provide adequate buffer areas between incompatible land uses in all zoning districts, except where the incompatibility arises from an existing nonconforming use.
- (b) Buffer yards are to be used for the planting of landscape material. Buffer yards shall not be used for the storage of materials, buildings, parking lots or loading areas for vehicles or equipment. Driveways and entrances connecting adjacent parking lots or developments may interrupt the required buffer yard. Minimal utility crossings shall be permitted within buffer yards.

- (c) Buffer yards may be provided in the area required for setbacks by the zoning district requirements. Where the required buffer yard exceeds the required setback for the zoning district, the required buffer yard shall be provided.
- (d) The buffer area requirements are based on the compatibility between the proposed use and that of the adjoining property Table 6-1 identifies the minimum buffer area required to be provided.

TABLE 6-1, MINIMUM BUFFER AREA REQUIRED									
PROPOSED USE/ DEVELOPMENT	Residential	Single-Family Detached	Single-Family Attached	Multifamily	Institutional (Schools & Churches)	Office	Retail/Commercial	Industrial	Old Town District
RESIDENTIAL									
SINGLE-FAMILY DETACHED			B	B	B	B	C	C	C
SINGLE-FAMILY ATTACHED		B		B	B	B	C	C	C
MULTIFAMILY		B	B		B	B	C	C	C
INSTITUTIONAL (SCHOOLS & CHURCHES)		B	B	B		B	C	C	C
OFFICE		B	B	B	B		C	C	C
RETAIL/COMMERCIAL		C	C	C	C	C		C	C
INDUSTRIAL		C	C	C	C	C	C		C
OLD TOWN DISTRICT		D	D	D	D	D	D	D	

- (e) Plant materials are required per square foot of required buffer area as shown in Table 6-2 for Types A, B and C.

TABLE 6-2, BUFFER AREA WIDTH AND PLANT REQUIREMENTS					
Type	Width	Required Planting			
		Canopy Trees	Understory Trees	Evergreen Trees	Shrubs
A	10'	1/1,000 SF BUFFER	1/500 SF BUFFER		1/500 SF BUFFER
B	25'	1/1,000 SF BUFFER	1/500 SF BUFFER	1/500 SF BUFFER	1/100 SF BUFFER
C	35'	1/1,000 SF BUFFER	1/500 SF BUFFER	1/500 SF BUFFER	1/100 SF BUFFER
D	5'			1/500 SF BUFFER	1/100 SF BUFFER

- (f) Berms are encouraged within buffer yards. Where the minimum width of buffer area is at least twenty five (25) feet the buffer area may be reduced by five (5) feet with the provision of a berm at least four (4) feet higher than the elevation of the adjacent ground. Slopes on the berm shall not exceed 3:1. Number of required plantings shall be based on the reduced yard area.
- (g) A six (6) foot tall opaque fence (board-on-board) or architectural block wall may be substituted for one third (1/3) of the required buffer yard and the plant material reduced accordingly.
- (h) All loading areas, dumpsters, maintenance areas and equipment and similar areas are to be screened from view from all public streets and adjoining properties.
- (i) The landscape buffer and screening requirements contained in Section 6-1 shall apply in the Old Town District, except as follows:
  - a. No landscape buffer shall be required within front yard setback; however minimum landscaping in front yard shall be required as provided in 6-1 (b)
  - b. Two or more of the following streetscape beautification materials shall be installed in the front yard:
    - i. Grass
    - ii. Shrubs
    - iii. Perennial Flowers
    - iv. One of the following decorative pavers: brick pavers clay pavers, limestone pavers or concrete pavers
  - c. For lots less than 35 feet in width, the landscape buffer area required to separate the proposed use from the adjoining property shall be a six-foot continuous hedge of shrubs or evergreen trees, or a continuous six-foot tall opaque fence (board on board), or a four-foot decorative brick wall. The required landscape buffer area does not have to be located in the front yard.
  - d. For lots 35 feet or more in width, refer to Table 6-2, Buffer Area Width & Plant Requirements

**6-6 TREE CANOPY COVERAGE**

- (a) Any project subject to the provisions of this Article shall be subject to tree canopy requirements set out in this section. Tree cover requirements may be met by providing landscaping in the form of residential lot planting, parking lot landscaping, street planting and buffer yard planting. For purposes of tree canopy coverage, the total site area may be reduced by the area to be dedicated for public street purposes.

TABLE 6-3, REQUIRED TREE CANOPY COVER AT TEN YEARS MATURITY	
Development Type	% of Area
Residential Development	15%
Commercial, industrial and institutional development.	10%

- (b) Existing tree cover within any proposed development shall be retained to the greatest extent possible and taken fully into account in the design of the improvements, site grading and calculation of tree canopy requirement. Existing trees used to meet the tree canopy coverage must be at least four-inch caliper, in healthy condition and be protected from all construction activity.
- (c) Where the strict application of the minimum tree canopy requirement would result in an unnecessary or unreasonable hardship for the property owner, the Council may impose conditions to any modification which would assure that the results created by the modification are in accordance with the purpose and intent of this Section.

6-7 STREET TREES

- (a) Canopy and understory trees shall be provided adjacent to right-of-way in a manner that will enhance streets throughout the Town.
- (b) One tree shall be planted for every forty (40) feet of street frontage. The majority of street trees shall be medium or large scale canopy trees to provide shade and visual relief except when overhead utility lines prohibit such trees.

3-15 MIXED USE DISTRICTS – GENERAL

(a) PURPOSE: Mixed Use Zoning Districts are established to accommodate a variety of residential, commercial and service related activities within the same area. All properties within the Mixed Use Zoning Districts shall be subject to the following general standards:

(b) STANDARDS FOR COMMERCIAL BUILDINGS

i. LIGHTING REQUIREMENTS:

(f) No canopy or roof fascia of any size or dimension shall be constructed, reconstructed, or altered in such manner as to have internal lighting of any kind.

(g) All site lighting, if any, shall utilize fully shielded cut-off fixtures and be designed and located so as to prohibit glare onto adjacent properties.

ii. HOURS OF OPERATION: Any business located within one hundred (100) feet of the nearest property line of a residential use, located within a residential district, shall close to the public not later than 11:00 p.m. each day and shall not reopen earlier than 7:00 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.

iii. OUTDOOR STORAGE: 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 to exterior storage areas and shall comply with the landscaping, buffering and screening requirements contained in Article 6.

iv. HAZARDOUS MATERIALS: Businesses located within any commercial zoning district shall not store hazardous chemicals in excess of the threshold levels established by SARA Title III.

(c) STANDARDS FOR RESIDENTIAL BUILDINGS

i. New construction shall be compatible with surrounding properties, in terms of formal characteristics such as height, massing, roof shapes and window proportions. Building elevations and architectural details sufficient to show compliance with this standard shall be submitted for approval to the Town Council prior to approval of zoning permit.

ii. All dwellings must meet the requirements of the Water and Sewer Ordinance of the Town of Lovettsville.

iii. Any illumination shall be arranged so as to eliminate glare onto any adjacent property or roadway and shall direct light in a downward direction to minimize interference with night vision.

(d) STANDARDS FOR MIXED USE BUILDINGS:

(i.) PURPOSE:

The purpose of Mixed Use Buildings is to provide for flexibility for the use of properties by owners. There must be a clear division of space between the residential use and the commercial use to allow for safety and compatibility between the separate tenants. Mixed use buildings are intended to allow for efficient use of land and public services in Lovettsville; encourage human interaction and sense of place; and increase development alternatives.

(ii.) APPLICABILITY:

- a. These requirements apply only to mixed-use projects which combine residential and nonresidential uses into a single building with residential units located above the nonresidential uses.
- b. These requirements do not preclude the residential uses from also being located behind the nonresidential uses.

(iii.) The general standard requirements contained in Section 3-15 (b) shall apply in the Old Town District, except as follows:

- a. The residential use of a mixed use building shall be clearly incidental and subordinate to its commercial use purposes by its occupants, and not more than fifty percent (50%) of the floor area of the primary structure may be used in the conduct of the residential use
- b. The residential entrance shall be separate from the commercial entrance. The residential entrance may be located within a public or semi-public foyer or lobby accessed through the primary, non-residential entrance.
- c. Building uses and activities shall maintain compatibility with each other. Site design shall include specific design features to minimize potential adverse impacts from site lighting, noise, and other site elements. The building design shall provide a compatible mix of residential and nonresidential uses.
- d. Residential parking spaces shall be marked with signage separate from public parking
- e. Site design shall provide pedestrian connections by through-block walkways or links to sidewalks, including stairs or ramps as necessary.
- f. Refuse facilities shall be located and screened to minimize impacts from related odor and noise.
- g. Commercial loading facilities shall be located to minimize noise impacts to residential uses and minimize obstruction to access to residential areas, including residential parking facilities.

- h. A minimum of 100 square feet of pedestrian-oriented open space shall be provided per dwelling unit (See Section 5-4).
- i. All mixed use developments shall provide common bicycle storage areas.
- j. All residential dwelling units of a Mixed Use Building shall meet the accessory apartment standards of Section 3-1 (b) (i).
- k. An application for a Conversion of Use shall be completed by the applicant and approved by the Zoning Administrator prior to the commencement of the mixed-use building.

(e) STANDARDS FOR LIVE WORK BUILDINGS:

(i.) PURPOSE:

The purpose of Live Work building is to foster the development of small businesses in Lovettsville by providing an innovative form of housing by allowing residents to live and work at home. A resident of a single-family dwelling is allowed to operate a business as a secondary use to their residential use. Live Work provides more flexibility for the resident than a Home Occupation.

(ii.) APPLICABILITY:

- a. These requirements apply only to single family dwellings in which the resident operates a business by combining a residential use and a commercial use into a single building.
- b. These requirements do not preclude the commercial use from being located behind the residential use or on the same floor as the residential use. The primary use of the lot shall be residential.

(iii.) The following general standard requirements in Section 3-15 (c) shall apply in the Old Town District:

- a. Commercial use shall only be conducted in a single family dwelling, and/or its accessory building, by the occupants of the same single family dwelling
- b. Not more than one (1) dwelling unit shall be located on a lot occupied by a Live Work Building
- c. Persons who do not reside in the Live Work Building may be employed by the commercial use if the parking requirements in Section 4-3 are satisfied; shared parking with the residential use is permitted

- d. Residential parking does not have to be separated from public parking of the Live Work Use business.
- e. The use of a single family dwelling for the Live Work Use business shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than fifty percent (50%) of the floor area of the primary structure may be used in the conduct of the Live Work Use.
- f. Change to the outside appearance of the building or premises and internal construction modifications for the commercial use shall be permitted if it meets County Building and Development Code and if the alternations, changes or construction complies with this Ordinance.
- g. Outside storage shall only be permitted in conjunction with the commercial use if it is not visible from the public street; not more than fifteen percent (15%) of the yard shall be used for storage or sales.
- h. Signs shall be permitted by the commercial use, if the sign meets the Sign Regulations of Section 7 of this Ordinance.
- i. Client and customer visits to Live Work Buildings are permitted if the parking requirements in Section 4-3 are satisfied.
- j. Deliveries or pickups shall be allowed only between the hours between 7:00 a.m. and 11:00 p.m.
- k. No equipment or process shall be used in a Live Work building which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond limits of the parcel of property. No hazardous materials may be manufactured, stored, processed or disposed of on the premises. Refuse facilities shall be located and screened to minimize impacts from related odor and noise.
- l. The commercial use does not have to meet the Landscaping, Buffering and Screening requirements of Section 6 of this Ordinance.
- m. No portion of a Live Work building may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.
- n. At least one resident of the Live Work Building shall maintain at all times a valid Town Business License for a business on the premises.
- o. An application for Live Work shall be completed by the applicant and approved by the Zoning Administrator prior to the commencement of the commercial use.
- p. All Live Work buildings shall comply with County Building and Development Code.

(f) STANDARDS FOR OUTDOOR SEATING

Outdoor seating areas accessory to an eating establishment or restaurant shall comply with the following standards:

- i. The outdoor seating shall be located on a private sidewalk or plaza area in such a manner so as to permit unobstructed pedestrian passage. Such passage shall meet all applicable code requirements as well as other standards established by the Zoning Administrator for safe and convenient pedestrian movement.
- ii. The outdoor seating shall not be located within a required parking area.
- iii. The outdoor seating shall be confined to an area delineated to scale on a plan approved by the Zoning Administrator.
- iv. A physical barrier, such as a wall, fence, planters or bollards shall be installed to define the outdoor eating area.
- v. Trash and debris shall be disposed of on the site of the business establishment and public sidewalk trash containers shall not be used for disposing of waste or recycling generated by customers.
- vi. Establishments with outdoor eating facilities located within 100 feet of property zoned or used for residential uses, including mixed-use development incorporating residential uses, shall limit their hours of outdoor operation to between 7:00 a.m. and 11:00 p.m.

3-16 OLD TOWN DISTRICT (OT-1)

(a) PURPOSE:

Old Town District is a specific zoning district for the unique needs of a small scale, mixed use area. This district seeks to preserve the existing mixed uses of a "village" and encourages new construction to be compatible with the setbacks and scale of existing structures. The Old Town District strives to be a traditional pedestrian accessible Main Street for community gathering, economic activity and historic residences. Uses include Mixed Use Buildings and Live Work buildings.

(b) OFFICIAL MAP OF THE OLD TOWN AREA

The only properties eligible to be rezoned into the Old Town District are those that lie within the boundaries of the Old Town Area. The boundaries of the Old Town Area are hereby established as shown on the document or set of documents entitled "Map of Old Town Area of Lovettsville, Virginia" which is found in Article 14 of this Ordinance together with all explanatory matter thereon, and is hereby adopted by reference and declared to be a part of this Ordinance. The Zoning Map shall be identified by the signature (or attested signature) of the Mayor, together with the date of adoption. A copy of said documents, indicating the latest amendments, shall be kept up-to-date for the use and benefit of the public.

(c) DISTRICT BOUNDARIES

In determining the boundaries of the Old Town Area:

- (a) In case of uncertainty as to the accurate location of a district boundary line in a particular instance, the Zoning Administrator shall determine the location. An appeal may be taken to the Board of Zoning Appeals as provided hereinafter.

(c) PERMITTED USES:

- (i.) Dwelling, Single Family
- (ii.) Accessory Apartment
- (iii.) Dwelling, Semi-Detached
- (iv.) Mixed-Use Building
- (v.) Live-Work Building
- (vi.) Bed and Breakfast Inn subject to Section 3-1 (b) (ii)
- (vii.) Bed and Breakfast Homestay subject to Section 3-1 (b) (ii)
- (viii.) Recreational Equipment and Accessories, Outdoor
- (ix.) Personal Services
- (x.) Religious Facilities
- (xi.) Eating or Drinking establishments designed for on-premises consumption, including those having outdoor table facilities, provided that such facilities are portable and within 10 feet of the principal building (no drive-thru)
- (xii.) Eating or Drinking establishments designed for off-premises consumption (no drive-thru)
- (xiii.) Fraternal clubs, lodges, and community buildings for use by non-profit organizations.
- (xiv.) Administrative, Business and Professional Offices
- (xv.) Medical and Dental Offices
- (xvi.) Government Buildings and facilities.
- (xvii.) Art, crafts, or fine arts studio and/or sales
- (xviii.) Museum, cultural center, library, theater and/or performing arts center (under 5,000 square feet)
- (xix.) Dance, Music and/or Fitness Studio
- (xx.) Park, public
- (xxi.) Satellite College or Technical School (under 5,000 square feet)

- (xxii.) Retail nurseries and farmer's markets
- (xxiii.) Antique store, Jewelry store or Gift Shop
- (xxiv.) Bakery, Candy Store and/or Ice Cream Parlor
- (xxv.) Bookstore, Music store
- (xxvi.) Clothing and Clothing Accessories.
- (xxvii.) Florist
- (xxviii.) Grocery Store under 5,000 square feet
- (xxix.) Office supplies, Stationary store
- (xxx.) Pharmacy excluding drive-thru
- (xxxi.) Photographic equipment and/or sales, photographic studio.
- (xxxii.) Pet grooming and/or pet supplies
- (xxxiii.) Furniture and appliance sales
- (xxxiv.) Publishing and Printing Service
- (xxxv.) Public utility facilities

(d) CONDITIONALLY PERMITTED USES:

The following uses may be permitted within the Old Town district, subject to the Conditional Use Permit process and criteria as established in this Ordinance:

- (i.) Funeral Home
- (ii.) Communications and broadcast studio.
- (iii.) Public billiard parlors, pool halls, arcades, bowling alleys, dance halls and similar forms of commercial recreation facilities
- (iv.) Microbreweries
- (i.) Manufacturing and assembling as an accessory use, not to exceed two thousand (2,000) square feet.
- (ii.) Medical Care Facility, outpatient only.
- (iii.) Museum, cultural center, library, theater and/or performing arts center (5,000 square feet or over)
- (iv.) Parking lot, public.
- (v.) Wireless Communications Equipment

(e) LOT REQUIREMENTS:

- (i) Minimum Lot Size: two thousand (2,000) square feet.
- (ii) Minimum lot width: twenty (20) feet.
- (iii) Yard Requirements:
  - (A) Front Yard: five (5) feet

(B) Side yard: five (5) feet

(C) Rear yard: twenty (20) feet

(e) BUILDING HEIGHT:

Thirty-five (35) feet for principal structures, twenty (20) feet for accessory structures

(f) UTILITY REQUIREMENT:

All public utilities located within the Old Town zoning district shall be located underground and shall be designed per the Subdivision Ordinance Article V Required Installation of Public Improvements, Section 5.3 Public Utilities Installation Standards.

3-17 DATE ARTICLE LAST AMENDED

May 13, 2010

**Amendment to Definition of Certain Terms (Section 13-2)**

**PEDESTRIAN-ORIENTED SPACE**

A publicly accessible space that enlivens the pedestrian environment by providing opportunities for outdoor dining, socializing, relaxing, and/or visual amenities

**MIXED USE BUILDING**

A building that contains a mix of residential and commercial uses; with a clear definition between the residential and commercial space

**OUTDOOR SEATING AREA**

An area outdoors that provides for seating, accessory to an enclosed eating establishment or restaurant with indoor seating

**DWELLING, SEMI-DETACHED**

One of two buildings arranged or designed as single-family dwellings located on abutting lots and attached by a wall, without openings, extending from the cellar floor to the highest point of the roof along the common lot line and separated from any other building or structures by space on all sides.

**PARKING FEE-IN-LIEU**

If the Town grants a waiver of parking spaces in the Old Town District, the applicant shall pay a fee per parking space to the Town at 60 percent of the per space capital cost for the construction of a public parking lot, and 50 percent of the per space yearly operation, maintenance and administration cost of a public parking lot. Such capital and operations costs shall be determined and set by the Town Council based on an annual review of parking construction costs for projects of comparable scale in the State of Virginia. Any such election may be made as an optional element to fulfill parking requirements in the Old Town District.

**LIVE-WORK BUILDING**

An integrated dwelling unit and business space occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and business activity. Primary use is residential.

**RECREATIONAL EQUIPMENT AND ACCESSORIES**

The sale, rental or service of non-motorized sports equipment and accessories; specifically bicycles, kayaks, canoes, skateboards and rollerblades; including non-motorized equipment for sports such as fishing, skiing, golfing, camping, hiking