

**ARTICLE 5
MARITIME COMMERCIAL (MC) DISTRICT**

Statement of Intent

The Maritime Commercial (MC) District encompasses the areas located south of Boundary Street to the southern town limits. The purpose of this district is to provide sufficient space in appropriate locations for a variety of commercial activities related to water oriented uses.

5-1 Permitted Uses

The following uses are permitted within the Maritime Commercial (MC) District with an approved site plan:

- a. Accessory Structures.
- b. Community Center/Open Space
- c. Live-work units
- d. Marina
- e. Private, Public and Commercial Piers.
- f. Public Utilities, Buildings and Facilities.
- g. Restaurants
- h. Single Family Dwellings
- i. Art/Craft/Photography Studios
- j. Hotels & Motels
- k. Live/Work units

5-2 Conditional Uses (Conditional Use Permit Required)

The following uses require a Conditional Use Permit. In order for a Conditional Use Permit to be granted the Town Council must conduct a public hearing, and find that the proposed use is consistent with the intent of the Colonial Beach Comprehensive Plan, the character of the community and is in the public interest. After such a positive finding, the following uses are permitted with an approved site plan.

- a. Boat Building Establishments
- b. Maritime Resort
- c. Parking Deck/Lot
- d. Seafood Packing Facilities
- e. Single-family attached dwellings
- f. Retail Establishments
- g. Convenience Stores

5-3 Development Standards

- a. Full frontage improvements required (curb, gutter & sidewalk)
- b. No chain link or other types of wire fences may be placed on the required front yard.
- c. Off street parking shall be to the side and rear of the principal structure. Parking shall be based upon the net public floor area excluding storage, halls, bathrooms, etc.
- d. Dumpsters must be screened from view by a board on board fence or masonry enclosure (see figure 8.8-1).
- e. Outdoor lighting shall not exceed 0.5 foot-candle at any property line and such lights shall be shielded to reflect the light down. The light source (bulb) shall be shielded so as not to be visible from adjoining property lines or public rights-of-way.
- f. Light standards or poles shall not exceed 15-feet in height.

- g. Across the front of the property a “street tree” standard shall be required as specified by the Director of Planning.
- a. Hotel/motel parking shall be structured and attached to or adjacent to the principle building. It shall have architecture that is consistent with the principal building and it shall not be calculated as part of the building height when located below the principal building provided that the height of the parking shall not exceed 35 feet from finished grade and the first level of the parking is located below finished grade.

5-4 Small Lot Development Standards

Any commercial building constructed or expansion of an existing commercial building on a parcel which is less than ½ acre and is adjacent to a residential use or residentially zoned property must abide by the following standards:

- a. Multiple parcels of less than ½ acre cannot be combined to avoid/circumvent these design standards.
- b. A minimum front setback for the principal structure shall be at least ten (10) feet and a maximum front setback of twenty (20) feet.
- c. Accessory structures shall be located to the rear or side of the front wall of the principal structure and may be located along the edge of the required perimeter landscaping.
- d. The principal structure cannot exceed the average building height of the surrounding buildings up to a maximum of thirty-five (35) feet. No accessory building may exceed the thirty-five (35) feet height limitation.
- e. The exterior of the principal structure must be constructed to resemble a residential structure in appearance.
- f. Exterior walls shall be composed of brick, architectural block, stucco, vinyl siding, or concrete fiber siding. No metal or unadorned corrugated sheet metal building shall be permitted.
- g. A twenty-five (25) foot landscaped buffer shall be installed along all perimeters of the lot except the street frontage. The landscaped buffer shall comply with the transitional buffer standards within this ordinance.
- h. A single, non-illuminated, monument style sign, mounted on a masonry base and no larger than sixteen (16) square feet, and no taller than eight (8) feet shall be permitted.

5-5 Large Lot Development Standards

Any commercial building constructed or expansion of an existing commercial building on a parcel which is two (2) or more acres in size and is adjacent to a residential use or residentially zoned property must abide by the following standards:

- a. The principle building cannot exceed the maximum of thirty-five (35) feet high limit in the Town without a conditional use permit unless otherwise specified within the ordinance. In applying for a structure larger than thirty-five (35) feet, a colored, architectural rendering shall be supplied for review and inclusion as part of the conditional use permit. No accessory building may exceed the thirty-five (35) feet height limitation.
- b. For every ten (10) feet above thirty-five feet (35), the structure must increase its setback by an additional ten (10) feet.
- c. Exterior walls shall be composed of brick, architectural block, stucco, vinyl siding, or concrete fiber siding. No metal or unadorned corrugated sheet metal building shall be permitted for the principle structure. Only boat houses may use metal or corrugated sheet metal buildings.
- d. A thirty-five (35) foot landscaped buffer shall be installed along all perimeters of the lot except the street frontage. The landscaped buffer shall comply with the transitional buffer standards within this ordinance. No accessory buildings may encroach into the required buffer.

- e. There shall be only one (1) ground sign and one (1) building mounted sign. The building mounted sign shall comply with the requirements within this ordinance. However, the ground sign shall comply with the following standards;
 - i. monument style sign,
 - ii. mounted on a masonry base,
 - iii. no larger than thirty-two (32) square feet,
 - iv. not more than ten (10) feet in height.

5-6 Area Regulations

There shall be a minimum of 10,890 square feet (or ¼ of an acre) lot area required.

5-7 Front Yard Setback Regulations

For main structures the minimum front yard setback shall be from the street right-of-way shall be twenty-five (25) feet and the maximum front yard setback from the street right-of-way upon which the structure fronts shall be fifty (50) feet.

5-8 Minimum Street Frontage Regulations

There shall be a minimum twenty (20) feet of street frontage required.

5-9 Lot Width Regulations

There shall be a minimum fifty (50) feet of lot width required at building restriction lines.

5-10 Side Yard Setback Regulations

- a. For main structures, there shall be a minimum of a twenty (20) foot rear yard required.
- b. Notwithstanding Section 5-10 (a), for main structures adjacent to the boundary line of a residential zoning district, the minimum side yard adjacent to such district shall be twenty-five (25) feet.
 - i. This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall, consistent with the main structure or a board on board fence is constructed with a three (3) foot landscaped bed placed along the property line (see figure 8.8.1 for an example of an architectural wall).

5-11 Rear Yard Setback Regulations

- a. For main structures, there shall be a minimum of a twenty (20) foot rear yard required.
- b. Notwithstanding Section 5-11 (a), for main structures adjacent to the boundary line of a residential zoning district, the minimum rear yard adjacent to such district shall be twenty-five (25) feet.
 - ii. This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall, consistent with the main structure or a board on board fence is constructed with a three (3) foot landscaped bed placed along the property line (see figure 8.8.1 for an example of an architectural wall).

5-12 Height Regulations

- a. Permitted structures may be erected up to thirty-five feet.
- b. For purposes of this section, "height" shall be defined as follows:

The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building. For the purpose of measuring building height chimneys will be exempt.

Exemptions:

- a. Church spires, monuments, water towers, chimneys, flag poles, television antennae, and radio aerials.
- b. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

5-13 Accessory Structure Regulations

- a. Accessory structures shall be located behind the front wall of the main structure.
- b. Notwithstanding Section 5-13 (a), an accessory structure, shall be located no closer than twenty-five (25) feet to any property line which is adjacent to the boundary line of a residential district.
 - i. This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall, consistent with the main structure or a board on board fence is constructed with a three (3) foot landscaped bed is placed along the property line (see figure 8-8.1 above).
- c. All accessory buildings shall be less than the main building in height and area.

5-14 Screening Regulations.

- a. Notwithstanding Section 2-10 of this Ordinance and in addition to the requirements contained in Article 24 of this Ordinance, the following uses shall be screened from view by a uniformly painted solid board fence or a masonry wall constructed consistent with the principal structure. Such screening shall be six (6) feet in height and shall not extend past the front corners of the main structure.
 - i. Areas provided or reserved for open air storage, display, or loading/unloading of material, merchandise, or equipment.
 - ii. Areas provided or reserved for the open air storage of damaged, or inoperable boats and watercraft, provided however that this shall not include those awaiting general repair or maintenance.
 - iii. Areas provided or reserved for the acceptance and collection of refuse.
- b. Notwithstanding Section 5-14 (a), outdoor display of merchandise provided or reserved for resale shall not require screening, if the area designated for such display does not exceed five percent (5%) of the floor area of the structure dedicated to the use.
- c. Such screening shall not obstruct the view of motorists using any street, private driveway, parking aisles, or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety. Such screening shall be maintained

in perpetuity by the property owner(s) in good condition as determined by the Director of Planning. Whenever the enforcement of the provisions of this Section would result in a traffic hazard, the Director of Planning may waive or modify such requirements.

5-15 Additional Requirements Including But Not Limited To:

- a. Chesapeake Bay Act: refer to Article 22 of this Ordinance.
- b. Flood Plain: refer to Article 21 of this Ordinance.
- c. Landscaping: refer to Article 24 of this Ordinance.
- d. Off-Street Parking: refer to Article 13 of this Ordinance.
- e. Signs: refer to Article 12 of this Ordinance.
- f. Site Plan Requirements: refer to Article 14 of this Ordinance.