

POSSIBLE ADDITIONAL MODIFICATIONS 9-27-21

7.7 A.2. Setback, buffer, and frontage requirements: On any property used for Special Permits or business uses permitted by right, no building or paved area may exist within 50 feet of an adjoining property line of an adjoining residential or residentially used property or farm ~~unless modified by the Zoning Commission~~. Within this setback the owner of the property where the Special Permit use or business use permitted by right will occur shall maintain a permanent landscape buffer to screen the Special Permit or business use permitted by right activity from the neighboring property.

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~~10.5.2.~~ 10.7.2. Setback, buffer, and frontage requirements: On any property used for Special Permits or business uses permitted by right, no building or paved area may exist within 50 feet of an adjoining property line of an adjoining residential or residentially used property or farm ~~unless modified by the Zoning Commission~~. Within this setback the owner of the property where the Special Permit use or business use permitted by right ~~property~~ will occur shall maintain a permanent landscape buffer to screen the Special Permit or business use permitted by right activity from the neighboring property.

9.6.4 IN REVIEWING AN APPLICATION PURSUANT TO THIS SECTION 8.6, THE COMMISSION MAY TAKE INTO CONSIDERATION ANY EXISTING AND PROPOSED OUTDOOR STORAGE ON THE LOT OF MERCHANDISE, GOODS, SUPPLIES, MACHINERY, MOTOR VEHICLES, AND OTHER EQUIPMENT AND MAY CONDITION THE SPECIAL PERMIT UPON AN APPROPRIATE LIMITATION OR PROHIBITION ON SUCH OUTDOOR STORAGE IN ORDER TO PRESERVE THE VILLAGE CHARACTER OF THE DISTRICT.

[SECTION 9.5 TO BE RENUMBERED AS SECTION 9.8 AND AMENDED AS FOLLOWS TO BE CONSISTENT WITH PROVISIONS IN THE B1 AND B2 DISTRICTS AS AMENDED:]

9.5 9.8 Development Options Permitted by Special Permit. The Commission may permit one or more of the following site development options upon approval of a separate Special Permit application. To be considered favorably, the applicant must demonstrate to the Commission's satisfaction that the requirements and conditions of Section ~~9.6~~ **9.9** and all other applicable sections of these Regulations have been met.

~~9.5.19.8.1 An increase in the maximum permitted lot coverage, up to 50 percent of the lot.~~ **SPLIT LOTS. NOTWITHSTANDING THE PROVISIONS OF SECTION 3.2 OF THESE REGULATIONS, FOR ANY LOT THAT IS DIVIDED BY THE BOUNDARY BETWEEN THE B3 DISTRICT AND AN ADJOINING DISTRICT, THE COMMISSION MAY ISSUE A SPECIAL PERMIT FOR THE PORTION OF THE LOT WITHIN THE B3 DISTRICT TO ALLOW ANY USE THAT WOULD BE PERMISSIBLE ON ANY LOT THAT IS WHOLLY WITHIN THE B3 DISTRICT.**

~~9.5.2 A waiver of Section 3.2 of these Regulations, which requires that a lot situated in two districts must be governed in its entirety by the more restrictive district conditions.~~

~~9.5.3 Relaxation of the requirements in Section 11.6.1, which concerns minimum setbacks and yard dimensions up to a maximum of a 50 percent reduction.~~

~~9.5.4~~ **9.8.2** Expansion of an existing nonconforming use.

~~9.5.6~~ **9.8.3** Relaxation of the 5,000 square foot limitation contained in Section 9.4.1, up to a maximum of 7,500 square feet in total floor area for each building lot.

[SECTION 9.6 TO BE RENUMBERED AS SECTION 9.9 AND AMENDED AS FOLLOWS:]

9.6 9.9 Conditions for a Special Permit in the B-3 District. The intention of the Commission is to encourage small scale development in the Marbledale Business District that is both appropriate for Washington and consistent with the historical character of Marbledale. In considering any application for a Special Permit in the B3 District, the Commission will require ~~that the applicant demonstrate, unless the provision is not applicable or has been waived by the Commission~~ **THE APPLICANT TO DEMONSTRATE THAT REASONABLE CONSIDERATION HAS BEEN GIVEN TO THE FOLLOWING:**

~~9.6.9~~ **9.9.9** Paved areas set back at least **FIFTY (50)** ~~twenty-five(25)~~ feet from any property line adjoining a use that is not of a business or commercial nature.

[SECTION 10.5 TO BE RENUMBERED AS SECTION 10.7 AND THE FOLLOWING NEW SECTION 10.5 AND SUBSECTIONS TO BE ADDED TO THE B4 DISTRICT REGULATIONS TO BE CONSISTENT WITH PROVISIONS IN THE B1 AND B2 DISTRICTS AS AMENDED]

- 10.5 MAXIMUM LOT COVERAGE. THE COMMISSION MAY, BY SPECIAL PERMIT, UPON REVIEW OF A SITE PLAN AND OTHER INFORMATION SUPPLIED BY THE APPLICANT, APPROVE AN INCREASE ~~REDUCTION~~ OF UP TO 50 PERCENT IN THE MAXIMUM PERMITTED LOT COVERAGE ~~MINIMUM SETBACK AND YARD DIMENSIONS UNDER SECTION 11.6~~ OF THESE REGULATIONS IF THE CONDITIONS SET FORTH BELOW ARE MET. THE COMMISSION MAY NOT APPROVE ANY REDUCTION IN THE SETBACKS REQUIRED BY SECTION 10.7.**
- 10.5.1 THE PROPOSED LOT COVERAGE WILL ENHANCE THE VILLAGE CHARACTER OF THE DISTRICT BY MAKING THE PROJECT MORE IN KEEPING WITH THE COVERAGE, BUILDING SPACING, BUILDING ALIGNMENT, PEDESTRIAN AND VEHICULAR ACCESS, AND OTHER CHARACTERISTICS GENERALLY ESTABLISHED BY NEIGHBORING EXISTING LOTS AND BUILDINGS IN THE DISTRICT, AND**
- 10.5.2 THE PROPOSED PROJECT IS IN HARMONIOUS IN STYLE, SIZE, AND PROPORTION WITH ARCHITECTURE TYPICAL ELSEWHERE IN THE DISTRICT, AND EMPLOYS BUILDING MATERIALS THAT ARE HARMONIOUS IN APPEARANCE WITH THOSE TYPICAL ELSEWHERE IN THE DISTRICT.**
- 10.5.3 THE APPLICANT SHALL PROVIDE SURVEYS, PHOTOGRAPHS, ARCHITECTURAL DRAWINGS, EXPERT OPINIONS, OR OTHER INFORMATION TO SUPPORT THE APPLICATION.**
- 10.5.4 IN REVIEWING AN APPLICATION PURSUANT TO THIS SECTION 10.5, THE COMMISSION MAY TAKE INTO CONSIDERATION ANY EXISTING AND PROPOSED OUTDOOR STORAGE ON THE LOT OF MERCHANDISE, GOODS, SUPPLIES, MACHINERY, MOTOR VEHICLES, AND OTHER EQUIPMENT AND MAY CONDITION THE SPECIAL PERMIT UPON AN APPROPRIATE LIMITATION OR PROHIBITION ON SUCH OUTDOOR STORAGE IN ORDER TO PRESERVE THE VILLAGE CHARACTER OF THE DISTRICT.**

[THE FOLLOWING NEW SECTION 10.6 AND SUBSECTIONS TO BE ADDED TO THE B4 DISTRICT REGULATIONS TO BE CONSISTENT WITH PROVISIONS IN THE B1 AND B2 DISTRICTS AS AMENDED]

- 10.6 MINIMUM SETBACK AND YARD DIMENSIONS. THE COMMISSION MAY, BY SPECIAL PERMIT, UPON REVIEW OF A SITE PLAN AND OTHER INFORMATION SUPPLIED BY THE APPLICANT, APPROVE A REDUCTION OF UP TO 50 PERCENT IN THE MINIMUM SETBACK AND YARD DIMENSIONS IF UNDER SECTION 11.6 OF THESE REGULATIONS IF THE CONDITIONS SET FORTH BELOW ARE MET. THE**