

SECTION 4.4.19

Section 4.4.19 Mixed Industrial and Commercial (MIC) District:

(A) **Purpose and Intent:** The Mixed Industrial and Commercial (MIC) District is created in order to provide for a mix of industrial, commercial, and office use in a single zone district. The uses allowed are intended to enhance employment opportunities in the industrial, manufacturing and trade sectors, with supporting business and professional office functions. Retail uses are appropriate on a limited basis, and only as a secondary use within the district. Residential uses may also be permitted as a conditional use within the I-95/CSX Railroad Corridor Overlay District, provided at least 25% of the units are workforce housing units which comply with the provisions of Article 4.7, "Family/Workforce Housing." The maximum density is twenty-four (24) units per acre. The actual density will be based upon the development's ability to achieve the performance standards of Section 4.4.6(l). The MIC District is to be located in areas designated for the primary use - industry and commerce - as shown on the Future Land Use Map. [Amd. Ord. 04-08 1/15/08]; [Amd. Ord. 10-07 3/20/07]; [Amd. Ord. 33-97 9/23/97]

(B) **Principal Uses and Structures Permitted:** The following types of use are allowed within the MIC District as a permitted use:

(1) **Industrial Uses.** The manufacturing, fabrication and wholesale of items and other uses as described in Section 4.4.20 (B) (1), (2) and (3). [Amd. Ord. 33-97 9/23/97]

(2) **Service Industry.** Uses which provide an off-site service but maintain inventory, storage and an office at a central location, as described in Section 4.4.20 (B) (5). [Amd. Ord. 33-97 9/23/97]

(3) **Business and Professional Offices,** including, but not limited to finance, insurance, real estate, accounting and bookkeeping services, advertising services, photographic studios, architectural and engineering services, computer and data processing services, correspondence and vocational schools, credit reporting and collection, detective and protective services, legal services, travel agencies, and general offices for an individual, partnership or corporation. [Amd. Ord. 33-97 9/23/97]

(4) **Retail Trade.** Retail uses as a secondary use within any one building that has as its primary occupant an industrial or service industry use, but only to the extent that the floor area for all retail use (either accessory to an industrial use or not) shall not exceed 25% of the floor area of the total building. Although an intent of this Zoning District is to allow retailing of items manufactured, fabricated, or wholesaled on-site, additional retail uses may be allowed. Such additional uses may include, but are not limited to: [Amd. Ord. 33-97 9/23/97]

(a) Apparel and accessory stores;

(b) Bakeries;

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(c) Building materials and garden supplies, except mobile home dealers;

(d) Camera and photographic equipment and supplies;

Deleted (e) and relettered. [Amd. Ord. 58-95 11/7/95]

(e) Hobbies, games, and toys;

(f) Jewelry, gifts, novelties;

(g) Luggage and leather goods;

(h) Mail order houses;

(i) Radio and television sets;

(j) Seasonal holiday items (Christmas trees, fruit baskets, other seasonal items);

(k) Sporting goods, including bicycles.

(5) **Interior Design and Furnishings:** The wholesale, retail, storage and distribution of home furnishings, floor coverings, wall coverings, lighting, and other items related to the finishing and furnishing of interior space. [Amd. Ord. 58-95 11/7/95]

(6) **Other Processes and Activities:** The following activities may also be conducted: [Amd. Ord. 33-97 9/23/97]

(a) Dry cleaning and laundering; [Amd. Ord. 33-97 9/23/97]

(b) Emissions testing. [Amd. Ord. 33-97 9/23/97]

(7) **Adult Entertainment Establishments** (subject to Section 4.3.3(AA)). [Amd. Ord. 30-98 9/8/98]

(C) **Accessory Uses and Structures Permitted:** The following uses are allowed when a part of, or accessory to, the principal use:

(1) Parking lots

(2) Refuse and service areas

(3) Provisions or services and repair of items incidental to principal uses.

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(4) Storage of inventory, equipment, or materials, within a structure or in an approved outside locations. [Amd. Ord. 60-93 10/12/93]

(5) The conducting of auctions incidental to a principal use, and subject to the provision of parking at the rate required for general commercial uses. [Amd. Ord. 30-94 6/21/94]

(D) Conditional Uses and Structures Allowed:

(1) The following uses are allowed as conditional uses within the MIC Zone District: [Amd. Ord. 33-97 9/23/97]; [Amd. Ord. 55-90 11/13/90]

Deleted (a) and Relettered. [Amd. Ord. 30-98 9/8/98]

(a) Kennels, no on-site disposal of carcasses; [Amd. Ord. 33-97 9/23/97]

(b) Material and component recovery for reuse, such as the disassembly and resale of computer components, appliances, and electrical components. This does not include resource recovery facilities as described and regulated by Section 4.3.3 (Z); [Amd. Ord. 33-97 9/23/97]

Deleted (c) and relettered. [Amd. Ord. 44-99 11/16/99]

(c) Automobile paint, body, and repair shops; [Amd. Ord. 33-97 9/23/97]

(d) Boat repair and service; [Amd. Ord. 33-97 9/23/97]

(e) Self-Service Storage Facilities (SSSF), pursuant to the provisions set forth in 4.3.3 (A).

(f) Multiple family residential development up to a maximum of twenty-four (24) units per acre within the I-95/CSX Railroad Corridor Overlay District, as defined in Section 4.5.15, subject to the provisions of Article 4.7. [Amd. Ord. 10-07 3/20/07]

(2) The following additional uses are also allowed as conditional uses in the MIC zoning district. However, any outside storage associated with such uses may not be located within one hundred and fifty feet (150') of any property line adjacent to an arterial roadway (excluding Interstate 95); [Amd. Ord. 33-97 9/23/97]

(a) Lumberyards; [Amd. Ord. 33-97 9/23/97]

(b) Garages and lots for the parking and storage of vehicles, including the storage of light trucks, up to and including two-ton trucks; [Amd. Ord. 33-97 9/23/97]

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- (c) Storage and rental of light construction equipment not over twenty-four feet (24') long, eight feet (8') wide, and ten feet (10') high; [Amd. Ord. 33-97 9/23/97]
- (d) Monument and ornamental stone cutting; [Amd. Ord. 33-97 9/23/97]
- (e) Rental and sales of modular buildings; [Amd. Ord. 33-97 9/23/97]; [Amd. Ord. 4-91 1/29/91]
- (f) Towing services, with outside storage. [Amd. Ord. 61-05 8/16/05]; [Amd. Ord. 44-99 11/16/99]
- (g) Storage and rental of construction equipment not over one hundred feet (100') long, fourteen feet (14') wide, and fifteen feet (15') high provided that each of the following requirements are met: [Amd. Ord. 61-05 8/16/05];
 - i. Any outside storage associated with such use may not be located within two hundred fifty feet (250') of any property line adjacent to an arterial roadway (excluding Interstate 95) and; [Amd. Ord. 61-05 8/16/05]
 - ii. The property is buffered by a minimum six foot (6') wall or minimum six foot (6') hedge. However, if the property is adjacent to a public building, school, park, library, or residential area at the time of conditional use approval, a minimum six foot (6') high berm and either a 6' wall or 6' hedge on top of the berm shall be required. [Amd. Ord. 61-05 8/16/05];
 - iii. Provision of a 10' minimum landscape buffer with trees planted 25' on center around the perimeter of the storage area. [Amd. Ord. 61-05 8/16/05];

(E) Review and Approval Process:

(1) In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.

(2) For any new development approval must be granted by the Site Plan Review and Appearance Board pursuant to Sections 2.4.5 (F), 2.4.5(H), and (I).

(F) Development Standards: The development standards as set forth in Section 4.3.4 shall apply, except as modified below: [Amd. Ord. 10-07 3/20/07]

SECTION 4.4.19 (F) (1)

(1) **I-95/CSX Railroad Corridor Overlay District:** The following development standards shall apply to parcels within the Overlay district as defined by Section 4.5.15, "I-95/CSX Railroad Corridor Overlay District." Amd. Ord. 10-07 3/20/07]

- (a) Nonresidential development within the area shall comply with the development standards as set forth in Section 4.3.4. Amd. Ord. 10-07 3/20/07]
- (b) Residential development, which is being developed pursuant to regulations set forth in Article 4.7, "Family/Workforce Housing," shall comply with the development standards of Section 4.4.6(F)(3). Amd. Ord. 10-07 3/20/07]

(G) **Supplemental District Regulations:** The supplemental district regulations as set forth in Article 4.6 shall apply, except as modified below: [Amd. Ord. 10-07 3/20/07]; [Amd. Ord. 60-93 10/12/93]

(1) **I-95/CSX Railroad Corridor Overlay District:** In addition to the supplemental district regulations set forth in Article 4.6, the supplemental district regulations of Section 4.4.6(G)(1) shall apply to parcels within the overlay district as defined by Section 4.5.15, "I-95/CSX Railroad Corridor Overlay District." Amd. Ord. 10-07 3/20/07]

(H) **Special Regulations:**

(1) Loading and unloading shall be restricted to side and rear yards and shall be prohibited within the front yard setback.

(2) Within the front yard setback, the first ten feet (10') abutting the right-of-way shall be a landscaped area within which no paving shall be allowed except for driveways and walkways leading to structures on the premises. Such driveways and walkways shall be generally perpendicular to the property line.

(3) Overhead doors shall be prohibited from facing a public right-of-way. [Amd. Ord. 58-95 11/07/95]

(4) Except for outside storage approved pursuant to Section 4.6.6(C)(2), all principal and conditional uses shall be conducted within an enclosed building. [Amd. Ord. 58-95 11/07/95; Amd. Ord. 75-94 10/18/94]

(5) **I-95/CSX Railroad Corridor Overlay District:** Within the Overlay District, as defined in Section 4.5.15, in addition to compliance with the regulations set forth in Article 4.7, "Family/Workforce Housing," the performance standards of Section 4.4.6(I), shall also be substantially met to obtain a density greater than 6 units per acre. [Amd. Ord. 10-07 3/20/07]