

COUNCIL OF THE TOWN OF LA PLATA
Ordinance No. 06-3 Amended

Introduced By:	Mayor Gene Ambrogio (by request)
Date Introduced:	February 14, 2006
Planning Commission Public Hearing:	March 7, 2006
Town Council Public Hearing:	March 14, 2006
Amendments Adopted:	April 11, 2006
Date Adopted:	April 11, 2006
Date Effective:	April 27, 2006

1 **An Ordinance** concerning

2
3 **Restaurant definitions and including certain restaurants**
4 **in the I Industrial and L-I Light Industrial Districts**
5

6 **FOR** the purpose of amending the definitions of the terms, “Restaurant”, “Restaurant, Fast-Food
7 Carry-out” and “Restaurant, Drive-in or Drive-thru”; deleting the terms and uses,
8 “Restaurant, Fast-Food” and “Restaurant, Fast-Food Cafeteria”; including “Restaurant,
9 Carry-out” as a permitted principal use and structure in the I Industrial District; including
10 “Restaurant” and “Restaurant, Carry-out” as permitted principal uses and structures in the L-I
11 Light Industrial District; and all matters generally relating to said definitions and provisions as
12 permitted principal uses and structures.
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15
16 **BY** repealing and reenacting with amendments
17 Chapter 191 - Zoning
18 Article I General Provisions
19 Section 191-3 Word usage and definition
20 § 191-3B.
21 Code of the Town of La Plata
22 (1998 Edition and Supplements)
23

24 **BY** repealing and reenacting with amendments
25 Chapter 191 - Zoning
26 Article III. District Regulations

27 Sections 191-23A.(2), 191-24A.(2), 191-24C.(5), and 191-25A.(9)
28 Code of the Town of La Plata
29 (1998 Edition and Supplements)
30

31 **BY** repealing and reenacting without amendments
 32 Chapter 191 - Zoning
 33 Article III. District Regulations
 34 Section 191-25.3 L-I Light Industrial District
 35 § 191-25.3A.
 36 Code of the Town of La Plata
 37 (1998 Edition and Supplements)

38
 39 **BY** adding to
 40 Chapter 191 - Zoning
 41 Article III. District Regulations
 42 Section 191-25.3 L-I Light Industrial District
 43 § 191-25.3A.~~(3)~~(4)
 44 Code of the Town of La Plata
 45 (1998 Edition and Supplements)

46
 47 **SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA**
 48 that Section 191-3B. of the Code of the Town of La Plata (1998 Edition and Supplements) be and it
 49 is hereby repealed and reenacted, with amendments, to read as follows:

50
 51 **Chapter 191 - ZONING**
 52 **Article I. General Provisions**

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 54 **191-3 Word usage and definitions.**

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 56 B. For the purpose of this chapter, certain terms are hereby defined as follows:

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 58 **Restaurant** -- A food-serving establishment whose principal business is the sale of food ((and the
 59 principal method of operation is its service when ordered from a menu to seated customers at a table,
 60 booth or counter inside the establishment)). A snack bar or refreshment stand at a public or nonprofit
 61 community swimming pool, playground or park, operated solely for the convenience of its patrons,
 62 shall not be considered a “restaurant.”

63
 64 ((**Restaurant, fast-food** -- An establishment where ready-to-eat food primarily intended for
 65 immediate consumption is available upon a short waiting time and wrapped or presented so that it can
 66 readily be eaten outside or inside the premises.))

67
 68 ((**Restaurant, fast-food cafeteria** -- Any establishment where ready-to-eat food is available upon a
 69 short waiting time and served to customers on a tray through a cafeteria line for consumption at a
 70 table, booth or counter inside the establishment.))

71

72 **Restaurant, ((fast-food)) carry-out** -- Any establishment where ready-to-eat food primarily intended
73 for immediate consumption is available upon a short waiting time and packaged or presented so it can
74 readily be eaten away from the premises as there are no facilities for on-premises consumption of
75 food.

76
77 **Restaurant, ((drive-in or drive-thru)) FAST FOOD** -- Any establishment where ready-to-eat food
78 primarily intended for immediate consumption is available upon a short waiting time and packaged or
79 presented so that it can be readily eaten OUTSIDE OR inside the premises and whose method of
80 operation is also to serve customers in motor vehicles either at a drive-((thru)) THROUGH window
81 or while parked.

82
83 **SECTION 2: BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF**
84 **LA PLATA** that Sections 191-23A(2), 191-24A(2), 191-24C(5), and 191-25A(9) of the Code of the
85 Town of La Plata (1998 Edition and Supplements) be and they are hereby repealed and reenacted,
86 with amendments, to read as follows:

87
88 **Chapter 191 - ZONING**
89 **Article III. District Regulations**

90
91 **191-23 C-B Central Business District**

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93 In the C-B Central Business District, the following regulations shall apply:

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95 A. Permitted principal uses and structures shall be as follows:

96
97 (1) Retail department, grocery and specialty stores. Wholesale, warehouse and building
98 material supply stores shall be prohibited.

99 (2) Personal and general service establishments, including banks, restaurants, ((fast-food))
100 carryout((s)) RESTAURANTS, ((fast-food cafeterias)), repair shops and the like. ((Drive-in, drive-
101 through and)) ((f))Fast-food restaurants and automobile repair shops shall be prohibited.

102 (3) Recreational establishments, except drive-in theaters.

103 (4) Offices, public buildings and clinics.

104 (5) Public and private institutional uses, including churches, schools, hospitals, libraries,
105 exhibits, clubs and organizations.

106 (6) Hotels and lodges.

107 (7) Printing and publishing.

108 (8) Public and private parking facilities, subject to special provisions for public parking as
109 listed in § 191-45.

110 (9) Funeral homes.

111 (10) Transportation terminals.

112 (11) Child-care centers.

113 (12) Banquet halls.

114 (13) Dwellings, provided that such dwellings shall be above or behind other principal uses so
115 as to not interrupt business frontage.

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117 **191-24 C-H Commercial Highway District.**

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119 In the C-H Commercial Highway District, the following regulations shall apply:

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121 A. Permitted principal uses and structures shall be as follows:

122

123 (1) Retail department, grocery and specialty stores.

124 (2) Personal and general service establishments, including banks, restaurants, ((fast-food))
125 carryout((s)) RESTAURANTS, ((fast-food cafeterias)), repair shops and the like.

126 (3) Recreational establishments, except drive-in theaters.

127 (4) Offices, public buildings and clinics.

128 (5) Public and private institutional uses, including churches, schools, libraries, exhibits, clubs
129 and organizations.

130 (6) Hotels and lodges.

131 (7) Printing and publishing.

132 (8) Public and private parking facilities, subject to special provisions for public parking as
133 listed in Section 191-45.

134 (9) Funeral homes.

135 (10) Transportation terminals.

136 (11) Child-care centers.

137 (12) Wholesale, warehouse and building material supply establishments.

138 (13) Banquet halls.

139 (14) Automobile, boat, mobile home, farm and construction equipment sales and service.

140 (15) Gardens, orchards, nurseries and sales in connection therewith.

141 (16) Veterinary hospitals and kennels.

142 (17) Planned shopping centers, subject to special provisions listed for such uses in Section
143 191-44.

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145 B. Permitted accessory uses and structures shall be as follows:

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147 (1) Uses and structures customarily and clearly incidental to permissible principal uses and
148 structures. Garbage and trash, unless kept in the principal structure, shall be kept in enclosed
149 containers and shall not be visible from any residential lot line and that portion of the premises
150 normally open to automobile circulation.

151

152 C. Special exception uses and structures shall be as follows:

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154 (1) Public utility installations.

155 (2) Temporary exposition centers, carnivals and fairs.

- 156 (3) Light manufacturing uses, including bottling, packaging, laboratories and the like.
- 157 (4) Planned unit developments, subject to special provisions listed for such uses in Section
- 158 191-37.
- 159 (5) ((Drive-in, drive-through and)) ((f))Fast-food restaurants.
- 160 (6) Automobile repair shops and filling stations.
- 161 (7) Convenience stores.
- 162 (8) Senior living communities, subject to special provisions listed for such uses in Section 191-
- 163 46.2.

164
165 **191-25 I Industrial District**

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167 In the I Industrial District, the following regulations shall apply:

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169 A. Permitted principal uses and structures shall be as follows:

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- 171 (1) Wholesale, warehouse and building supply establishments.
- 172 (2) Sales, service or repair of automobiles, construction and materials.
- 173 (3) Offices and office buildings.
- 174 (4) Printing, bottling and packaging, subject to special provisions listed for such uses in § 191-
- 175 46.
- 176 (5) Manufacturing uses, including production, processing, cleaning, testing and distribution of
- 177 materials and goods, except uses and structures determined by the Zoning Inspector as potentially
- 178 hazardous to surrounding properties, subject to special provisions listed for such uses in § 191-46.
- 179 (6) Banquet halls.
- 180 (7) Conference and convention centers.
- 181 (8) Hotels.
- 182 (9) Restaurants AND CARRY-OUT RESTAURANTS.
- 183 (10) Golf courses.
- 184 (11) Open space.

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186 **SECTION 3: BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF**
187 **LA PLATA** that Section 191-25.3A. of the Code of the Town of La Plata (1998 Edition and
188 Supplements) be and it is hereby repealed, without amendments, and that a new Section 191-
189 25.3A.~~(3)~~(4) be added to the Code of the Town of La Plata (1998 Edition and Supplements), to read
190 as follows:

191
192 **Chapter 191 - ZONING**
193 **Article III. District Regulations**

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195 **191-25.3 L-I Light Industrial District**

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197 In the L-I Light Industrial District, the following regulations shall apply:

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A. Permitted principal uses and structures shall be as follows:

- (1) Wholesale, warehouse, mini-warehouse, and building supply establishments.
- (2) Offices and office buildings.
- ~~(3)~~ (4) RESTAURANTS AND CARRY-OUT RESTAURANTS.

SECTION 4: AND BE IT FURTHER ENACTED that this Ordinance shall become effective at the expiration of fifteen (15) calendar days after its approval by the Council.

ADOPTED this 11th day of April, 2006.

SEAL:

COUNCIL OF THE TOWN OF LA PLATA

Gene Ambrogio, Mayor

R. Wayne Winkler, Councilman

C. Keith Back, Councilman

ATTEST:

Paretta D. Mudd, Councilwoman

Judith T. Frazier, Town Clerk

Vic E. Newman, Councilman

Date: _____

<p>EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. ((Double Parenthesis)) indicate matter deleted from existing law. <u>Underlining</u> indicates amendments to bill. Strike Out indicates matter stricken from bill by amendment or deleted from the law by amendment.</p>
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