



TOWN COUNCIL & PLANNING COMMISSION

Joint Public Hearing

September 22, 2011

Town Hall

6:00 PM

1. Call to Order at 6:00 PM

- A. Roll Call
- B. Establish quorum

2. Public Hearing Comments:

A. Proposed Cape Charles Zoning Ordinance Modifications

- i. Sections 3.2.C., 3.2.B., and 4.0.B. – Home Occupations
- ii. Section 2.9 – Definition – Agriculture

3. Adjournment

Home Occupations:

- “Home Occupation” would be moved from Section 3.2.C. – Conditional Uses to Section 3.2.B. – Permitted Uses. This would read:
 7. Home Occupation in accordance with Section 4.0.
- Section 4.0.B was revised to require zoning clearance for any home occupation. The applicant would complete a questionnaire and sign an affidavit requesting a home occupation. The zoning administrator would review the questionnaire to determine whether the requested home occupation met the guidelines or whether the application would have to go through the Conditional Use process. The affidavit would be retained in the zoning file along with any other planning related documents. Should complaints arise after zoning clearance is granted, the affidavit would be used to substantiate initial compliance and if the requirements have been violated, the zoning clearance could be revoked. The proposed changes to this section are shown below:

Section 4.0 Home-Based Occupation

A. Statement of Intent

1. The purpose of this section is to allow home-based occupations in all districts that allow residential dwellings provided that the home-based occupation meets the requirements in 4.0.B below.

B. HOME-BASED OCCUPATION: The conduct of a business in a residence or on its premises is permitted providing the following characteristics are followed:

1. Is the home-based occupation business clearly incidental and subordinate to the residential use of the dwelling (YES)?
2. Is any change required to the exterior of the dwelling (NO)?
3. Will there be any storage of goods, products, equipment, solid waste or other similar items stored outside the house to a greater extent than that associated with normal neighborhood characteristics (NO)?
4. If any accessory buildings on the property used for the home-based occupation, do they meet the requirements of the zone (YES)?
5. Will the home-based occupation create noise, dust, vibration, smoke, smell, glare, electrical interference, fire hazard, or other hazard or nuisance to any greater or more frequent extent that would normally be expected in the immediately adjacent neighborhood if no home-based business existed (NO)?
6. Will the pedestrian and commercial delivery traffic generated by the home-based occupation be greater than normal traffic in the neighborhood (NO)?
7. Will any excessive parking requirements be met using off street parking (YES)?
8. If the home-based occupation meets the above requirements and the Home-Based Occupation Affidavit is signed, zoning clearance may be granted. If the home-based occupation does not meet the above requirements, a conditional use permit will be required.
9. Nothing herein precludes compliance with any Federal, State, or Local regulatory agency requirements.

Definition of Agriculture:

In Section 2.9, the current definition reads as follows:

“AGRICULTURE means the tilling of the soil, the raising of crops, *horticulture*, forestry, *gardening*, the keeping and raising of livestock and fowl, and including the process of any products produced on the premises, such as milk, eggs, and the like.”

Removing the words “horticulture” and “gardening” would keep the definition rural as is the intent of the R-E Zone.