

# Planning Commission

## Joint Public Hearing with Town Council & Planning Commission Regular Meeting Agenda

Cape Charles Civic Center

March 1, 2016

6:00 P.M.

1. Call to Order – Planning Commission Joint Public Hearing and Regular Meeting
  - a. Roll Call – Establish a quorum
  - b. Read Public Hearing announcement – Zoning Ordinance text and map amendments
  - c. Hear public comment
  - d. Close Public Hearing
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
  - a. Approval of Agenda Format
  - b. Approval of Minutes
  - c. Reports
5. Old Business
  - a. Zoning Ordinance text and map amendments – review and make recommendation to Town Council
  - b. Draft Comprehensive Plan document – review and make recommendation to Town Council
  - c. Review of Zoning Ordinance Article III Section 3.6.B.35
6. New Business
  - a. Review of Northampton County proposed Town Edge-1 and Town Edge-Commercial General District land uses
  - b. Potential location for dog beach
7. Announcements
8. Adjourn

## Public Hearing

**The Cape Charles Town Council and Planning Commission** will hold a joint public hearing at 6:00 p.m. on Tuesday, March 1, 2016 at the Cape Charles Civic Center at 500 Tazewell Avenue in Cape Charles. The purpose is to hear public comment regarding the following topics:

1. Text amendments to several sections of the Zoning Ordinance.
2. Amendments to the Zoning Map for Parcels incorrectly identified.

Four Peach Street parcels (83A3-1-599c; 83A3-1-600c; 83A3-1-601b; and 83A3-1-601c) commonly known as 8 Peach Street, 10 Peach Street, and 12 Peach Street, are depicted on the February 2014 zoning map as zoned Residential – 1. Previous maps showed them as Commercial -1, and the historical use of those parcels is commercial.

These items will be discussed by the Planning Commission at their regular meeting immediately following the public hearing for a recommendation to be made to the Town Council.

Copies of the items are available for review on the Town's website [www.capecharles.org](http://www.capecharles.org) and in the Clerk's Office.



**DRAFT**  
**PLANNING COMMISSION**  
**Regular Meeting**  
**Cape Charles Civic Center**  
**February 2, 2016**  
**6:00 p.m.**

At approximately 6:00 p.m. Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Commissioners Andy Buchholz, Dan Burke, Joan Natali, Bill Stramm and Michael Strub. Commissioner Sandra Salopek was not in attendance. Also in attendance were Town Planner Larry DiRe and Town Clerk Libby Hume. There were no members of the public in attendance.

A moment of silence was observed which was followed by the recitation of the Pledge of Allegiance.

**PUBLIC COMMENTS:**

There were no public comments to be heard nor any written comments submitted prior to the meeting.

**CONSENT AGENDA**

**Motion made by Joan Natali, seconded by Dan Burke, to accept the agenda format as presented. The motion was unanimously approved.**

The Commissioners reviewed the minutes for the January 5, 2016 Regular Meeting.

**Motion made by Joan Natali, seconded by Dan Burke, to approve the minutes from the January 5, 2016 Regular Meeting as presented. The motion was unanimously approved.**

**REPORTS**

Larry DiRe reported the following: i) The draft Tourism Zone Ordinance had been sent to the town's attorney for review. The town manager informed him that the attorneys had red-lined the documents but a copy had not yet been received; and ii) Staff prepared the Planning Department's FY 2017 operational budget and requested \$3,600 to purchase iPads for the Planning Commissioners, \$4K for legal review of certain sections of the Zoning Ordinance, and \$1K for technical support from the Accomack-Northampton Planning District Commission (ANPDC) for the Comprehensive Plan. If the Comprehensive Plan was adopted before June 30, 2016, the request for \$1K would be withdrawn.

**OLD BUSINESS**

**A. *Planning Commission 2016 Work Plan***

Larry DiRe stated that in past years, the Planning Commission and staff devised annual work plans to effectively guide the Commission's activities. The most recent work plan was done in 2013. As several significant projects had transitioned from the Commission to the Town Council, this was an appropriate opportunity to set some work goals for the 2016 calendar year. Larry DiRe proposed several projects as follows: i) sign ordinance revisions for conformance to the *Reed v. Town of Gilbert* ruling; ii) revisions to sections of the variance process and subdivision ordinances; iii) development of current town zoning district and other maps (i.e., town-owned parcels, future land use, residential street parking usage); iv) development of procedures to review, update, phase-out previously produced reports, studies and plans; v) revision of the satellite ordinance to conform to federal standards; and vi) meeting with the Historic District Review Board to discuss the zoning ordinance and the

historic district guidelines. Larry DiRe asked the Commissioners for their ideas regarding other items which could be reviewed in 2016.

Andy Buchholz stated that with the number of tourism promotions and the proposed artisan's trail, the town did not have enough places for people to eat without having to wait two or more hours. People would leave the town to find another restaurant with a shorter waiting period. He felt that the topic of food trucks needed to be considered. There was much discussion regarding the current ordinance which stated that food trailers could not be within 150' of a restaurant and the possibility of a current restaurateur also operating a food truck/trailer during the tourist season. It was agreed that this issue needed further research and discussion and to include Code Official Jeb Brady and Police Chief Jim Pruitt in future discussion.

There was also much discussion regarding a dog beach to accommodate residents and visitors with dogs providing an area where they could legally bring their dog to the beach. There was some discussion regarding the dog committee which met last year and provided recommendations to the Town Council to modify the hours where pets could be taken to the beach vs. the creation of a dog beach. The Town Council reviewed the recommendations from the committee and opted not to change the hours when pets were prohibited at the beach (April 1 through Labor Day between the hours of 9:00 a.m. – 9:00 p.m.).

**Motion made by Dan Burke, seconded by Michael Strub, to explore the possibility of creating a dog beach. The motion was unanimously approved.**

Larry DiRe stated that he would add this item to the March agenda and would include the findings from the dog committee.

Andy Buchholz asked whether lifeguards at the beach were still being considered. Libby Hume stated that the item was still on the Capital Improvement Plan under Beach Safety and would be reviewed by the Town Council at their February 4<sup>th</sup> work session. There was some discussion regarding the issue and the cost to the taxpayers and whether the taxpayers would be willing to increase their taxes to pay for lifeguards. The discussion gravitated to the tax assessments which were provided by Northampton County and how long it took the County to update the assessments after renovations or a new building was constructed on a lot.

Joan Natali stated that there was a potential opportunity for the town to do some networking with the new Board of Supervisors and several staff members had retired and been replaced and it would be nice to meet with the new staff. The Town Council had instructed the town manager to attend the Board of Supervisors meetings. The town manager met with the new economic development director. Dan Burke volunteered to work with the county if needed. It was also suggested that Treasurer Deborah Pocock meet with the new Commissioner of Revenue to build the relationship between the town and county.

Michael Strub stated that more data needed to be collected regarding parking along Bay Avenue so the issue could be evaluated. Larry DiRe stated that in 1999, the police department conducted a parking study which he would scan and email to the Commissioners. Andy Buchholz stated that it was old data and traffic counts around the town had increased since 1999.

Bill Stramm asked about the boat tax. The town currently charged \$.01 per \$100 but the county charged \$.99 per \$100. Cape Charles was the largest town in the county and the high tax rate was a detriment to attracting slip holders.

**B. *Schedule Public Input Meeting for Draft Comprehensive Plan***

Larry DiRe stated that the Commissioners reviewed the latest draft of the Comprehensive Plan at their January 5, 2016 meeting and voted to forward the draft document to the Town Council with the recommendation for adoption. Considering the additional review, input and revisions made since the November and December 2014 public input sessions, staff recommended an additional public input meeting be scheduled for February 22, 2016 to promote continuing transparency and responsible civic engagement. Ms. Elaine Meil from the A-NPDC was available to attend on February 22<sup>nd</sup>.

**Motion made by Joan Natali, seconded by Dan Burke, to schedule a Comprehensive Plan Public Input Meeting on February 22, 2016. The motion was approved by unanimous vote.**

**C. *Proposed Text Amendment to Zoning Ordinance Article III, Section 3.15.A***

Larry DiRe reviewed the current language of Article III, Section 3.15.A regarding the Open Space District and recommended the inclusion of language – “accommodate public gatherings” – to more accurately define the District’s uses currently being practiced.

**Motion made by Michael Strub, seconded by Bill Stramm, to approve the modification of Section 3.15.A as proposed. The motion was approved by unanimous vote.**

Bill Stramm asked about the proposed Strawberry Street Plaza and parking requirements for the project. Joan Natali stated that the parking for the retail establishments and residential dwelling units would be on the property vs. on street. There was some additional discussion regarding the proposed pedestrian plaza.

**NEW BUSINESS**

There was no new business to review.

**ANNOUNCEMENTS**

There were no announcements.

**Motion made by Joan Natali, seconded by Bill Stramm, to adjourn the Planning Commission meeting. The motion was unanimously approved.**

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Chairman Dennis McCoy

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Town Clerk



**DRAFT**  
**PLANNING COMMISSION**  
**Comprehensive Plan Public Input Session**  
**Cape Charles Civic Center**  
**February 22, 2016**  
**6:00 p.m.**

At 6:00 p.m. Chairman Dennis McCoy, having established a quorum, called to order the Comprehensive Plan Public Input Session. In addition to Chairman McCoy, present were Commissioners Joan Natali, Sandra Salopek, Michael Strub and Bill Stramm. Commissioner Andy Buchholz arrived at 6:15 p.m. Commissioner Dan Burke was not in attendance. Also in attendance were Town Planner Larry DiRe, Town Clerk Libby Hume and Ms. Elaine Meil, Executive Director of the Accomack-Northampton Planning District Commission (ANPDC). There were five members of the public in attendance.

Dennis McCoy announced that the purpose of this evening's meeting was to obtain public input regarding the proposed Comprehensive Plan Update. Ms. Meil would give an overview of the significant changes from the last public input sessions in November and December 2014 but there would be dialogue with the public throughout the session.

Ms. Meil began by stating that the Commonwealth of Virginia required localities to update their comprehensive plan every five years. The current update process for the Town began with the Commissioners conducting a preliminary review from November 2013 through March 2014. The Town contracted with the ANPDC to facilitate the review process and that work began in April 2014 and meetings continued through the summer and culminated with two public input sessions in November and December 2014. The input received was taken into consideration and additional changes were made to the draft comprehensive plan. The draft plan was then forwarded to the Town Council for their review and their comments were incorporated. There were many minor revisions such as formatting, name changes, subdivision changes, etc. Ms. Meil continued to report on the major revisions as follows:

- Information regarding cost-burdened households from the 2010 Census was added. The housing crisis of 2008 came after the last comprehensive plan was adopted.
- Some new language was added to direct the Town to pursue the connection of Mason Avenue to the Harbor if there was ever a change in land use in the area.
- The Harbor Access Road was added.
- Two new goals were added – attract families with children and to continue to foster prosperity in households.
- Information taken from the *2012 Healthy People, Healthy Places Community Well-Being on Virginia's Eastern Shore*, more commonly known as the Walkability Study, was added in regards to transportation, including the changes that had occurred regarding parking.
- The Chapter 729 consistency review, which was a transportation edit required by VDOT. VDOT had to review the draft comprehensive plan because of the Harbor Access Road project. The next time, this review should not be necessary since the Harbor Road project should be complete.
- A new strategy was added to connect the Town through bicycles to the Southern Tip Bike Trail. Efforts to pursue the project were included in the draft plan.
- The upcoming relocation of the hospital and change in situation was difficult to incorporate. Strategies were incorporated to increase the Town's work with Northampton County to address medical care, etc.
- Quite a few changes were made in regards to Town-owned properties. The minutes were reviewed to obtain descriptions of the properties and their use.
- Baseline demographic data was added to the appendix.
- The Capital Improvement Plan (CIP) was added as well.

Public input was received as follows:

Phil Goetkin (602 Jefferson Avenue) stated that he and his wife were new-comers to the Town. Their house was completed in June. Their experiences from being in Cape Charles far exceeded what they thought and they were happy about being here. They were not in Town for the initial public input meetings and just read the draft comprehensive plan today. Mr. Goetkin provided input as follows:

- He felt that the plan generally provided a great vision but wasn't sure how realistic it was, but it was better than setting the sights too low.
- He had difficulty following the information online and wasn't able to view the map. He suggested more and better maps so people could relate to it.
- A complete network of sidewalks was a goal, but he wasn't sure if it could be accomplished in our lifetime. There were other ways to get there more quickly. The Town Code stated that the Town Council had the authority to require property owners to install and maintain sidewalks in areas that were missing them. There were possible grants to help property owners with sidewalks.
- There could be more details regarding the Southern Tip Bike Trail.
- There was language regarding nature and other modes of transportation but not a lot of information on how to pursue this was included in the document.
- There was a lot of language regarding access to the water and harbor. Mostly, there was access, except for the lot along Mason Avenue that was owned by the railroad.
- Landscaping and plantings were mentioned in various places in the document. Promoting the use of native plants to help restore and enhance critical habitats was a good idea. He was a former employee of the National Park Service and a landscaper. VDOT had lots of rights-of-way and sometimes there were 10' – 12' between the curb and sidewalk. With guidance, a habitat plan could be developed for these areas. Good work could be done.
- He had mixed emotions regarding the concrete plant. It was an economic driver for the Eastern Shore and provided a lot of jobs, but it was unattractive. Minimal landscaping close to the water or along Mason Avenue could minimize the visual impact of the concrete plant and provide a more attractive view shed. There wasn't much regarding this issue in the plan.
- He was in favor of pursuing the acquisition of undeveloped waterfront lots.
- Regarding the new section talking about attracting families with children, the issue on the Eastern Shore was the quality of the public schools. This wasn't mentioned in the plan. Most families wanted to know about the schools. The plan could state that the Town was supportive of the Northampton County Schools. This was critical for a long-range plan and public schools should be part of the document.
- Overall the plan was a positive for Cape Charles, the Eastern Shore and all who lived here and was a good document.

Tom Weaver (702 Monroe Avenue) stated that he and his wife, Sue, were not yet permanent residents of the Town. They had their home in Charlottesville. Mr. Weaver asked whether this document was sent to the appropriate body to develop and whether there were benchmarks to track the progress. Joan Natali responded that once adopted by the Town Council, the comprehensive plan became the strategic, tactical guidelines for decisions made by Town Council. Projects voted on by the Town Council were supposed to be compared with the comprehensive plan to determine whether they were in support or opposition of the plan. There had been a number of very vocal conversations at Council meetings regarding the contents of the comprehensive plan.

Tom Weaver went on to state that his background was with business plans and added that he would like to know what the strategies of the comprehensive plan actually meant.

Dennis McCoy responded that the comprehensive plan influenced the CIP and it was an issue of what was the most important with the funds and human resources available. The Planning Commission provided the recommendations and guidance and the Town Council made the decisions. Several

projects such as Central Park and the Library had been largely done through volunteerism. The Town was lucky when the Bank of America moved and sold the building to the Town for \$200K. It wasn't perfect, but was renovated for the current library which made the Civic Center possible. The comprehensive plan did not have milestones or measurable results. Some items in the comprehensive plan were lightning rods for discussion and remained in the plan for a good reason. As time moved on, as Town Council worked on their CIP, and as money became available, things would move forward.

Tom Weaver concluded by stating that he appreciated all the effort and time that had gone into the comprehensive plan.

Michael Strub commented that it was nice to see that a lot of the projects from the 2009 plan had been completed, but there was still work to do. As projects became more feasible, they would be included in the CIP. This was not just an exercise for the state requirement. The Town respected and tried to follow the guidelines included in the plan.

**Motion made by Michael Strub, seconded by Sandra Salopek, to adjourn the Planning Commission Comprehensive Plan Public Input Session. The motion was approved by unanimous vote.**

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Chairman Dennis McCoy

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Town Clerk

# Planning Commission Staff Report

From: Larry DiRe   
Date: March 1, 2016  
Item: 4c-Staff Report  
Attachments: None

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1. The Historic District Review Board received three applications for consideration at their February 16<sup>th</sup> regular monthly meeting. There was one application was for a modification to a Certificate of Appropriateness approved in May 2015 allowing for the installation of a dormer. The applicant requested the dormer be replaced by skylights. That modification request was approved. The second application was for façade renovation at 207 Mason Avenue related to the construction of second and third floor residential units. The proposed renovations were approved. The third application was for construction of a new single-family home in the Residential – 1 District. The application was approved. The Board concluded their review of the Historic District Guidelines document. As required, elections were held for chairman and vice chairman. Joe Fehrer and John Caton were nominated and elected to hold those respective offices until February 2017.
2. Staff participated in a webinar on the use of historic tax credits sponsored by the Virginia Main Street program. The webinar was on Friday February 19<sup>th</sup> and attended by members of the ad hoc Main Street Organization Committee.
3. The draft Tourism Zone Ordinance was sent to the Town's attorney for review. The draft Ordinance text and a cover letter were mailed to potentially qualified businesses, currently holding a valid Town business license, for review and comment. To this date staff has received no comments.
4. Staff received a phone call about a potential Joint Permit Application for the installation of rip-rap behind Bay Vista Way. No further information has been submitted as of this date.
5. The Board of Zoning Appeals had no business and did not meet.
6. As of February 23, 2016 there has been no action on the Conditional Use Permit approved for 207 Mason Avenue.

# Planning Commission Staff Report

From: Larry DiRe   
Date: March 1, 2016  
Item: 5a-Proposed Zoning Ordinance text and map amendments  
Attachments: None

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## Item Specifics

The following sections of the Zoning Ordinance of the Town of Cape Charles are proposed for text amendment in order to correct factual or typographical errors, or comply with language in the Code or Virginia, or provide clarity in the administration of the Ordinance.

*Article II Section 2.9 (page 26)* defines "Municipal Community Center" as "the former Cape Charles High School building." That section shall read "See Neighborhood Community Center."

*Article IV Section 4.5.B (page 29)* identifies *Section 4.8* as "Table of Parking Standards". That section (*Section 4.5.B*) shall read "*Section 4.5.1*."

*Article III Section 3.2.1 (pages 5-6)* enumeration reads as follows: "1. Proportions; 3. Scale and Orientation; 4. Roofs; 4. Windows and Doors." This section shall read "2. Scale and Orientation" and "3. Roofs."

*Article III Section 3.2.C.3.c (page 3)* identifies *Section 4.8.E.2* as "Table of Parking Standards". That section (*Section 3.2.C.3.c*) shall read "*Section 4.5.1*."

*Article II Section 2.5.1.A.6 (page 6)* and *Article II Section 2.5.5 (page 7)* both cite a four-year period of non-occupancy of non-conforming structures. Virginia Code *Section 15.2-2307* states a two-year period. These sections shall read "two."

*Article II Section 2.3.7* is proposed for the purpose of resolving textual inconsistencies across the zoning ordinance. This section shall read, "*Where there is conflict between the provisions or requirements of this ordinance, the more restrictive provisions or requirements shall apply.*"

*Article III Sections 3.5.B.21; 3.6.B.36; 3.7.B.3; and 3.8.B.2* state "*compatible in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of the district.*" *Section 3.9.E.8* states, "*Any other use which is compatible in nature with the foregoing permitted and conditional uses and which is determined to be compatible with the intent of the District.*" These sections (*3.5.B.21; 3.6.B.36; 3.7.B.3; and 3.8.B.2*) shall read "*and is concurred with by the Planning Commission.*" The revised *Section 3.9.E.8* shall read "*Any other use which is compatible in nature with the foregoing permitted and conditional uses and which the Zoning Commissioner determines to be compatible with the intent of the District, and is concurred with by the Planning Commission.*"

The following parcels are proposed for Zoning District re-identification on the Zoning Map of the Town of Cape Charles to correct a cartography error.

Four Peach Street parcels (83A3-1-599c; 83A3-1-600c; 83A3-1-601b; and 83A3-1-601c) commonly known as 8 Peach Street, 10 Peach Street, and 12 Peach Street, are depicted on

the February 2014 zoning map as zoned Residential – 1. Previous maps showed them as Commercial -1, and the historical use of those parcels is commercial.

#### Discussion

Staff brought the above sections to the Planning Commission at various meetings in 2015. On November 5, 2015 the Planning Commission and Town Council held a joint work session to discuss the proposed amendments. At the January 5, 2016 Planning Commission and January 21, 2016 Town Council meetings March 1, 2016 was set as the date for a joint public hearing. The public hearing was advertised as required. The joint public hearing was held March 1, 2016.

#### Recommendation

Following public comments and further Commission discussion, staff recommends the Planning Commission make the recommendation to Town Council to approve all amendments as presented.

# Planning Commission Staff Report

From: Larry DiRe   
Date: March 1, 2016  
Item: 5b-Draft Comprehensive Plan document – review and recommendation to Town Council  
Attachments: Notes from February 22, public input session

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## Item Specifics

The attached notes from Ms. Elaine Meil, executive director of the A-NPDC, incorporate public comments into the draft Comprehensive plan document. There is also a summary of other comments received, but not requiring incorporation into the revised text.

## Discussion

Ms. Meil states the following: *“Staff has reviewed the public comments received and sought to address items that were already included within the plan. Some of the comments received were for items that were not discussed in prior Planning Commission meetings and staff recommends those be reviewed and incorporated into the Planning Commission’s future scope of work. These have been summarized at the end of this report.”*

## Recommendation

Following Commission discussion, staff recommends the Planning Commission make the recommendation to Town Council to review the draft document and move forward to required public hearing prior to adopting the draft.

# Town of Cape Charles Planning Commission Public Input Report

February 22, 2016

Staff has reviewed the public comments received and sought to address items that were already included within the plan. Some of the comments received were for items that were not discussed in prior Planning Commission meetings and staff recommends those be reviewed and incorporated into the Planning Commission's future scope of work. These have been summarized at the end of this report.

## Comments on the Draft Plan

1. Would like more details regarding a Southern Tip Hike & Bike Trail connection to the Town.

Since there is a strategy to support this connection, staff has written a short description for potential inclusion into another section.

### **Recommendation: Add the following paragraph to the end of III-C.2 Community Trail.**

The Southern Tip Hike & Bike Trail is located on the Eastern Shore of Virginia Wildlife Refuge and connects to Kiptopeke State Park. There are plans to extend the trail further north along the abandoned railway. The abandoned portion of the railway does not extend into Cape Charles. However, the Town intends to work with regional partners to promote a connection of the Town's Community Trail to the regional Southern Tip Hike & Bike Trail.

2. Develop a partnership with Northampton County & Northampton County Schools to support the Town's goal of attracting families with children. Having the best schools in Virginia is crucial to attracting families with children.

### **Recommendation: Add the following strategy to III-B.5.7 Attract Families with Children.**

- Develop a partnership with Northampton County and Northampton County Schools to support high quality education and advocate for continued improvements.

## Summary of Additional Comments

1. The vision is great but there are items that are unrealistic and may not happen. One dream is a complete network of sidewalks. This is a good goal to have but may not happen soon. For this to happen faster, consider requiring town people to install the sidewalk if it is not there.
2. The plan promotes access to the Harbor and this is a good thing.
3. The concrete plant is unattractive and landscaping along the fence on Mason Avenue or near the water could improve the view shed.
4. The plan promotes Native Plants and this is a good thing.
5. Consider developing a street and habitat plan for the VDOT Right of Way.
6. Add maps
7. Consider adding benchmarks to monitor progress on the strategies in the plan.



# Planning Commission Staff Report

From: Larry DiRe   
Date: March 1, 2016  
Item: 5c-Review of Zoning Ordinance Article III, Section 3.6.B.35  
Attachments: None

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## Item Specifics

As part of staff's review of the Zoning Ordinance, the following sections of the Town Zoning Ordinance and Accawmacke Plantation Planned Unit Development (commonly known as the "Bay Creek P.U.D.") are presented for review. Currently all the Specialty Commercial District permitted uses are allowed by-right in the Commercial – 1 District. Town Zoning Ordinance *Article III, Sections 3.7.B.1 and 3.8.B.1* incorporate all Commercial – 1 District permitted uses into the Commercial – 2, and Commercial – 3 Districts respectively. Therefore, any use allowable in the Specialty Commercial District is a by-right use in all commercial districts in Town except the Commercial-Residential (C-R) District.

*Article III Section 3.6.B.35* (Zoning Ordinance Article III page 14) states "Any use allowable in the S-C District."

*Planned Unit Development Division 6.C Article 5.B* (Bay Creek P.U.D. pages 6-19, 20) states the following:

B. Permitted Uses. Within the SC District, the following permitted uses shall be allowed:

1. Antique shops, art studios, galleries, supply shops, auditoriums, athletic clubs;
2. Bakery shops, bait and tackle shops, banks and financial institutions, barber and beauty shops, bath supply stores, beach club, bed and breakfast, business and professional office, blue print shops, bicycle rental, sale and services, book stores, boat rental, water-skiing and boat sales;
3. Car rental, café, camera shop, child day care center, churches and other places of worship, clothing stores, confectionery and candy stores, commercial schools, conference centers, community center, civic and cultural facilities;
4. Delicatessen, drug stores, dry cleaning shops (collecting and delivery only), dry goods stores;
5. Equestrian trails and facilities;
6. fish market, florist shops, food markets, grocery stores and supermarkets (not to exceed 5,000 gross square feet), furniture stores, furrier shops;
7. Gift shops, gourmet shops;
8. Hardware stores, health food stores, hobby supply stores, hotels and inns, health clubs and spas, harbor master office;
9. Ice cream stores, interior decorating showrooms, indoor recreational uses;
10. Jewelry stores;
11. Leather goods, luggage stores, locksmiths, liquor stores;
12. Marinas, including but not limited to: commercial fishing facilities, dock facilities, landside facilities, fuel storage and dispensing, boat ramps, dry stack storage, boat repair facilities, boat storage yard, millinery shops, music stores, meeting rooms, movie and stage theaters, museums, malls – indoor and outdoor;
13. Nightclubs, newsstands;
14. Office (retail or professional), office supply stores, outdoor recreational uses;

15. Paint and wallpaper stores, public or private parks provided that no structure shall be located less than 100 feet from any property line and all lighting shall be designed so as to illuminate the desired area only without being offensive to other areas or adjacent properties, pet shops, pet supply stores, post offices, parking garages and lots, pottery stores, private clubs, public libraries;
16. Radio and television sales and services, real estate sales, racquet courts and clubs, recreational uses, retail, restaurants – indoor and outdoor (excluding drive-through), retention areas, rental stores;
17. Shoe sales and repairs, souvenir stores, stationery stores, stables, streets;
18. Tailor shops, tobacco shops, toy shops, tennis courts and clubs;
19. utility installations, veterinarian offices and clinics (no outside kennels), video stores;
20. Watch and precision instrument sale and repair;
21. Any other commercial or professional use which is comparable in nature with the foregoing uses and which the Administrator determines to be compatible with the intent of this District.

There are no conditional uses allowed in the SC District.

#### Discussion

Staff brings this item to the Planning Commission for two specific reasons. The first is to provide an opportunity to review the by-right nature of uses enumerated in one document that are referenced, but not specifically enumerated in another document. To that end, staff asks if the text in *Article III Section 3.6.B.35* should be left as is, or amended to enumerate those more desired and/or appropriate uses of the Specialty Commercial District, rather than all those uses.

The second reason is to illustrate for the public the number and type of by-right commercial activities allowed in the Town of Cape Charles. Lived experience sometimes reveals that the public is not always aware of such uses. Staff recently spoke with separate commercial property owners about their experiences managing misinformation about commercial activity in the Commercial – 1 District and their respective properties.

#### Recommendation

Provide direction to staff.

# Planning Commission Staff Report

From: Larry DiRe   
Date: March 1, 2016  
Item: 6a-Review of Northampton County proposed Town Edge-1 and Town Edge-Commercial General Districts land uses

Attachments: Letter from County Administrator (A); proposed map (B); proposed text of district definitions (C); proposed Appendix of Land Use Regulations and Appendix B of densities, lot sizes and dimensions (D); list of Northampton County Board of Supervisors' "Projects and Issues" (E); 2014 Town Council Resolution supporting continuation of Planning Commission involvement in special use process (F).

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## Item Specifics

For several years the Northampton County staff, Planning Commission, and Board of Supervisors have been revising the County's Zoning Ordinance text and zoning map. After much work and public process, the County has scheduled a public hearing on the proposed text and map amendments for Wednesday March 9, 2016. County staff has made documents available both on their government website <http://www.co.northampton.va.us/departments/planning.html> and on-site at several locations including Cape Charles Town Hall and Cape Charles Memorial Library. The revisions and documentation are extensive, as they are the culmination of years of development, and cannot be succinctly summarized here. Instead, documents specifically cited in the February 9, 2015 [sic] letter to Mayor Proto (attachment A) are presented for review. The following is a brief description of this report's attachments and reason for inclusion:

Attachment A: formal letter from the County Administrator to Mayor Proto announcing the public hearing and citing the documents under consideration. Specific reference is made to "Appendix A of the proposed ordinance" detailing specific uses as by-right or special use, and Appendix B detailing densities, lot sizes and dimensions.

Attachment B: proposed land use map showing the Town Edge-1 and Town Edge Commercial General District proximate to Cape Charles.

Attachment C: Proposed Zoning Ordinance Section 154.2.082 Statements of intent for primary and secondary zoning districts, pages 69 and 70 from the document defining the Town Edge and Residential subdivision districts.

Attachment D: Appendix A and Appendix B from the proposed Zoning Ordinance, pages 235 – 266 from the document detailing use and other land use regulations for the Town Edge-1 and Town Edge Commercial General Districts. The document has been highlighted by staff to show all proposed Town Edge-1 and Town Edge Commercial General by-right uses (blue), and those uses specifically prohibited in those two districts (yellow). Uses requiring special use permission are also shown, but not highlighted.

Attachment E: County Board of Supervisors' projects and issues list showing the status of Cape Charles' "request for historic overlay district" as "pending." This is a non-prioritized list. The Town Comprehensive Plan (pages 18-19) addresses the Gateway Corridor Overlay district, and land use decisions on the Town's perimeter are relevant to the Town's future orderly growth.

Attachment F: May 22, 2014 Town Council Resolution supporting Planning Commission involvement in the process of granting special uses, as detailed in the proposed Zoning Ordinance.

#### Discussion

Staff is presenting the following limited, non-prioritized list of issues to consider both prior to the March 9<sup>th</sup> public hearing, and for further discussion with the County as the Town's "request for historic overlay district" moves from "pending" to active.

- Review the proposed specific Town Edge land uses for general compatibility with Town zoning and Comprehensive Plan
- Review the proposed land use district map for general compatibility with Town zoning and Comprehensive Plan
- Develop a list of recommended revisions to the proposed County Zoning Ordinance and map
- Meet with the Northampton County Board of Supervisors and County Planning Commission to discuss the zoning ordinance, zoning map and Comprehensive Plan

#### Recommendation

Provide direction to staff as necessary.

# ATTACHMENT A



## DEVELOPMENT DEPARTMENT NORTHAMPTON COUNTY, VIRGINIA

RECEIVED FEB 10 2016

### Development Department

- Planning
- Zoning
- Building
- Code Compliance
- Economic Development

16404 Courthouse Road

P.O. Box 538

Eastville, VA 23347

Phone: 757-678-0443

Fax: 757-678-0483

[www.co.northampton.va.us](http://www.co.northampton.va.us)

February 9, 2015

The Honorable George R. Proto  
607 Pine Street  
Cape Charles, Va  
23310

Re: Proposed Zoning Code Public Hearing

Dear Mayor Proto,

The Northampton County Board of Supervisors will hold a public hearing at the Northampton High School auditorium located at 16041 Courthouse Road, Eastville, VA 23347 on March 9, 2016, at 7:00 p.m. with respect to comprehensive amendments proposed to the Northampton County Zoning Code and proposed changes to zoning map classifications of land in Northampton County.

Please find enclosed the following documents for your review:

- Current Zoning Code
  - 2015 Zoning Code and maps
  - Chapter 158 Chesapeake/Atlantic Preservation Areas
- Proposed Zoning Codes
  - 1983 Zoning Code
  - 2000 Zoning Code
  - 2009 Zoning Code and Map

The current 2015 Zoning Code is contained in Chapter 154.1 of the Northampton County Code ("Current Ordinance"). The proposed Zoning Code will repeal Chapter 154.1 as well as Chapter 158 which is the Chesapeake/Atlantic Preservation Areas (CAP) and re-adopt the former Zoning Code which was known as the 2009 Zoning Code including the incorporation of the 2000 and 1983 Zoning Codes ("Proposed Ordinance"). The Chesapeake/Atlantic Preservation Areas (CAP), which was adopted as a stand-alone ordinance, will be re-incorporated within the former Zoning Code and is found at 154.1.164.

The Proposed Ordinance establishes 12 primary zoning districts, 19 secondary districts, 4 overlay zone districts, and 3 floating zone districts as compared to the Current Ordinance which contains 17 zoning districts. The Proposed Ordinance includes expanded Statements of Intent for all of the zoning districts. The Proposed Ordinance sets out detailed and specific uses which are permitted by right, or by major or minor special use permit, in each district in a chart format attached to the document as Appendix A to the Proposed Ordinance. A similar appendix to the 2000 Ordinance would govern uses in those districts to which that document relates. The Proposed Ordinance will set forth the Density, Lot Size and Dimensions in chart format in Appendix B. By contrast, the Current Ordinance describes uses in a more general format and those uses, whether permitted by right or by special use permit, along with setbacks and permitted density for each district, are set out in a section specific to each district in Sections 154.1-203 thru 154.1-220 of the Current Ordinance.

The Proposed Ordinance contains several amendments to the original 2009 text as follows:

- Section 154.2.020 Zoning Administrator
- Section 154.2.110 Domestic Husbandry, Traditional Husbandry and Intensive Farming Uses, Facilities, Structures, and Buildings;
- Section 154.2.116 Standards for Wind Energy Facilities, Wind Energy Test Facilities, and Wind Turbines, Large and Utility Scale
- Section 154.2.117 (new section) Standards for Certain Agricultural Uses (agri-tourism activities)
- Section 154.2.118 (new section) Accessory Dwellings

- Section 154.2.119 (new section) Additional Single Family Dwellings on One Lot
- Section 154.2.127 Low Impact Commercial Uses – Section B dealing with adaptive reuse business formerly identified as Qualifying Rural Business.
- Section 154.2.190 Signs

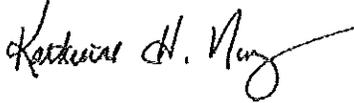
The Proposed Ordinance contains the deletion from the former 2009 Zoning Ordinance of the following:

- Section 154.162 Flood Plain Overlay District since it is now a stand alone ordinance contained in Chapter 159: Floodplain Management
- Section 154.177 Planned Industrial District
- Section 154.190 Signs
- Exhibit A Category 2 Low Impact Agri-tourism Uses

The proposed Zoning Code text & map amendments, as well as the current Comprehensive Plan, may be viewed on the County's website [www.co.northampton.va.us](http://www.co.northampton.va.us). Copies will also be available for examination at the following locations: Northampton County Development Department, 16404 Courthouse Road, Eastville, VA; Office of the Clerk of the Circuit Court, 5229 The Hornes, Eastville, VA; Cape Charles Town Office; Cheriton Town Office; Eastville Town Office; Exmore Town Office; the Town of Cape Charles Public Library; and the Northampton Free Library, Nassawadox, VA.

If you have any questions or for more information please contact Northampton County Administration at (757) 678-0440 or email [info@co.northampton.va.us](mailto:info@co.northampton.va.us). Thank you very much for your assistance with this matter.

Sincerely,



Katherine H. Nunez  
County Administrator

DRAFT

**Legend**

- C - Conservation
- A/RB - Agriculture/Rural Business
- H/R - Hamlet/Residential
- WH/R - Waterfront Hamlet/Residential
- V/R - Village/Residential
- VNB - Village Neighborhood Business
- V1 - Village-1
- WW/R - Waterfront Village/Residential
- WV1 - Waterfront Village - 1
- WVN/B - Waterfront Village - Neighborhood Business
- WWC - Waterfront Village - Waterfront Commercial
- MHP - Mobile Home Park
- EPRV - Existing Planned Rural Village
- ECC/R - Existing Cottage Community/Residential
- TE1 - Town Edge - 1
- TE-CG - Town Edge - Commercial General
- EB - Existing Business
- CI - Existing Industrial
- ES/R - A1 - Existing Subdivision/Residential - Agriculture-1
- ES/R - RVRR - Existing Subdivision/Residential - Rural Village - Rural Residential
- ES/R - RVR - Existing Subdivision/Residential - Rural Village - Residential
- ES/R - RVRM - Existing Subdivision/Residential - Rural Village
- ES/R - CDRR - Existing Subdivision/Residential - Community Development - Rural Residential
- ES/R - CDR1 - Existing Subdivision/Residential - Community Development - Single Family Residential
- ES/R - EBCW - Existing Subdivision/Residential - Existing Business - Commercial Waterfront
- C-1 - Commercial



DRAFT

**Proposed Zoning District Map  
of Northampton County  
South**

# ATTACHMENT C

## 2009 ZONING ORDINANCE

waters.

(G) *Existing Cottage Community/Residential District (ECC)*. The intent of this District is to recognize existing rural residential development located on or near the water, predating the county's adoption of a zoning ordinance or developed under old zoning standards, and which are not served by public utilities. It is the intent of Northampton County not to create any new Existing Cottage Community/Residential Districts, and the presence of an Existing Cottage Community/Residential shall not serve as justification for expansion of the District into surrounding Agriculture/Rural Business or Conservation Districts.

(H) *Town Edge District (TE)*. The intent of this primary district is to provide potential development areas adjacent to incorporated towns which may, in the future, be served by extensions of public water and sewer services from the towns. Growth and increased development are intended to occur simultaneously with the provision of public infrastructure, including, but not limited to, public sewer and water, to support such growth and development. Four secondary districts are provided:

(1) *Town Edge - 1 District (TE-1)*. The intent of this secondary district is to provide for a mix of **farming activities, compatible low density** residential, **light-commercial** and **other low-impact** uses at a density/intensity higher than that of the surrounding agricultural areas, but lower than may be appropriate in the **TE/R-2** district.

(2) *Town Edge/Residential -2 District (TE/R-2)*. The intent of this secondary district is to provide for a mix of residential, **home business, low-impact commercial and community service and-commercial** uses at a density/intensity similar to that of the adjacent town, taking into consideration the feasibility of, and impacts from, infill development within the town.

(3) *Town Edge - Neighborhood Business (TE-NB)*. The intent of this secondary district is to provide for a compatible mix of neighborhood-scale commercial, community service, very light industrial, and residential uses at a density higher than that in the Town Edge-1 District and similar to that of the adjacent town.

(4) *Town Edge - Commercial General (TE-CG)*. The intent of this secondary district is to provide for a mix of commercial, community-service, and light manufacturing/industrial uses adjacent to incorporated towns and at a density similar to that of the adjacent town.

(I) *Existing Business District (EB)*.

(1) ~~—————(1)———~~The intent of this District is to recognize commercial uses and zones outside of Village, Waterfront Village, Hamlet/Residential, Waterfront Hamlet/Residential, and Town Edge Districts which already exist, but in areas which are not recommended by the Comprehensive Plan for such use(s) or for further development or expansion of such use(s) on adjacent sites. The Existing Business designation shall apply to all parcels (or the portions thereof) that:

(a) Have legal, actively operating businesses existing on them as of **October 21, 2009**~~the adoption-date-of-the-2009-Comprehensive-Amendments-to-this-chapter~~, or

(b) Parcels rezoned to the Rural Village - Commercial, Community Development - Commercial Neighborhood District and/or the Community Development - Commercial General District between January 1, 2002, and **October 21, 2009** ~~the effective-date-of-the-2009-Comprehensive-Amendments~~ to this chapter but which are located outside the Village, Waterfront Village, Hamlet/Residential, Waterfront Hamlet/Residential, and Town Edge zoning districts.

(2) Commercial uses in the EB District shall be those allowed in Appendix A for TE-CG.

(3) Existing Business Districts are not intended to be enlarged after **October 21, 2009** ~~the-date-of-adoption-of-the-2009-Comprehensive-Amendments~~; however, a use being performed within an Existing

## 2009 ZONING ORDINANCE

Business District may expand to the lawful limits of the existing site.

(4) Any lawful non-conforming commercial use which exists on a parcel rezoned to the EB District on **October 21, 2009** ~~the adoption date of the 2009 Comprehensive Amendments to this chapter~~, but does not appear in Appendix A, shall still be considered a permitted use on the parcel.

(J) *Existing Industrial (EI)*. The intent of this District is to recognize existing industrial uses in the County as of **October 21, 2009** ~~the effective date of the 2009 Comprehensive Amendments~~ as well as those proposed for industrial use in the adopted Comprehensive Plan.

(1) Existing Industrial Districts are not intended to be enlarged after **October 21, 2009** ~~the date of adoption of the 2009 Comprehensive Amendments~~; however, a use being performed within an Existing Industrial District may expand to the lawful limits of the existing site.

(2) Any lawful non-conforming industrial or commercial use which exists on a parcel rezoned to the EI District on **October 21, 2009** ~~the adoption date of the 2009 Comprehensive Amendments to this chapter~~, but does not appear in Appendix A, shall still be considered a permitted use on the parcel.

(K) *Existing Subdivision/Residential (ES/R)*. The intent of this District is to recognize principally single-use, rural residential subdivisions and condominiums which have been developed or have been approved for six or more lots, or in the case of condominium development, six or more separate dwelling units on one parcel, on a 50-foot right-of-way or a state road as of **October 21, 2009** ~~the date of adoption of the 2009 Comprehensive Amendments to this chapter~~, but which are located in areas which are not recommended by the Comprehensive Plan for such use(s) or for further development or expansion of such use(s) on adjacent sites.

(1) The developments zoned Existing Subdivision/**Residential** as the primary district will retain as a secondary district the zoning assigned on December 28, 2000, or that to which the property was rezoned between December 28, 2000, and **October 21, 2009** ~~the date of adoption of the 2009 Comprehensive Amendments to this chapter~~. See § 154.081. The uses and dimensional and area regulations associated with each secondary district as adopted on December 28, 2000, and as may have been subsequently amended, are hereby incorporated into this chapter and will constitute the regulations under which each existing subdivision may continue to be developed and/or used.

(2) Existing Subdivision/**Residential** Districts are not intended to be enlarged after **October 21, 2009** ~~the date of adoption of the 2009 Comprehensive Amendments~~; however, a development may expand to the lawful limits of the approved subdivision plat and plan of development and in accordance with the applicable December 28, 2000, use and dimensional and area regulations.

(L) *Commercial (C-1)*. The intent of this primary District is to provide places for the conduct of commerce and business as well as to provide places of employment and strengthen the local economic base. To that end, a mix of commercial, community service, and very light industrial uses will be allowed in this District. Commercial Districts are also intended to control and limit strip commercial development and **regulate** access to public streets and to ensure that commercial uses preserve and protect the groundwater aquifer recharge spine along U.S. Route 13.

### § 154.2.083 STATEMENTS OF INTENT FOR OVERLAY ZONING DISTRICTS.

*Overlay Zoning Districts.* The purpose and intent of special overlay districts are set forth below and also within the regulations for such districts elsewhere in this chapter.

(A) *Historic Preservation District (HP)*. The intent of this Overlay District is to promote the general welfare by creating within the county an atmosphere of appreciation for our past heritage through the perpetuation of those historic landmarks, buildings or structures, herein referred to as historic landmarks,

# ATTACHMENT D

- BY RIGHT USE  
 - NOT PERMITTED

## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 1 Agricultural Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2R	NB	1	2R	NB	WC	ECC /R	1	2R	NB	CG/EB/C-1	E1
1	Agri-business office, on-site	M/S	R	R	-	R	-	-	R	-	-	-	-	R	-	-	-	R
2	Agriculture research facility	M/S	R	-	-	M/S	-	-	M/S	M/S	M/S	M/S	M/S	M/S	-	M/S	M/S	-
3	Agritourism activities at an agricultural operation	M/S	R	M/S	M/S	R	-	-	R	-	-	R	-	R	-	-	-	-
3 4	Forestry and forestry product harvesting	R	R	R	R	R	R	R	R	R	-	-	R	R	R	R	R	-
4 5	Grain storage facility, commercial	-	R	-	-	S	-	-	S	-	-	-	-	-	-	-	-	R
5 6	Grain storage facility, private	M/S	R	S	S	M/S	-	-	S	-	-	-	-	M/S	-	-	-	R
6 7	Grain/soybean production	R	R	R	R	R	R	R	R	R	R	-	-	R	R	R	R	R
7 8	Greenhouse sales, retail with outdoor storage and accessory goods/services	-	M/S R	S	-	S	-	R	S	-	M/S	-	-	S	S	R	R	R
8 9	Greenhouse sales, wholesale with outdoor storage	-	R	-	M/S	R	-	R	R	-	M/S	-	-	R	-	-	R	-
9 10	Horse barn, private* (one per acre)	-	R	M/S	-	R	M/S	-	M/S	-	-	-	-	R	M/S	-	-	-
11 0	Horse boarding/training, commercial* with accessory goods/services	-	M/S	M/S	-	S	-	-	S	-	-	-	-	S	-	-	-	-
12 4	Irrigation pond, excavated/impounded	S	R	M/S	-	M/S	-	-	M/S	-	-	-	-	M/S	-	-	-	-
13 2	Irrigation well (over 300,000 gallons per month)	-	M/S	M/S	-	M/S	-	-	M/S	-	-	-	-	M/S	-	-	-	-
14 3	Landscape contractor - design and maintenance	-	R	R	M/S	R	M/S	M/S	R	M/S	M/S	-	-	R	M/S	M/S	R	R
15 4	Agriculture - Domestic Husbandry Livestock - domestic/for private use (traditional farm-based livestock husbandry)	R	R	M/S	M/S	R	M/S	M/S	R	M/S	M/S	-	M/S	R	M/S	M/S	-	-
16 5	Agriculture - Intensive Farming Livestock production - Intensive	-	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17 6	Migrant labor camp	-	M/S	-	-	M/S	-	-	M/S	-	-	-	-	S	-	-	-	-

R - By Right S - Special Use Permit M/S - Minor Special Use Permit E - Exempt from Zoning Clearance  
 \* Appears in more than one category.  
 Aquaculture Uses are included in Category 6, Marine-Related Uses

## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 1 Agricultural Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	E1
187	Orchard/vineyard with accessory goods/services	-	R	R	R	R	R	R	R	R	-	-	R	R	R	S		-
198	Ornamental plant nursery with greenhouses (less than 20 acres) with accessory goods/services	-	R	-	-	R	R	M/S	R	-	-	-	-	R	R	-	-	R
192 0	Ornamental plant nursery with greenhouses (greater than 20 acres) with accessory goods/services	-	R	-	-	R	-	-	R	-	-	-	-	M/S	-	-	-	M/S
210	Packing shed, commercial	-	R	M/S	-	M/S	-	-	M/S	-	-	-	-	M/S	-	-	-	R
224	Packing shed, private on farm	M/S	R	R	-	R	-	-	R	-	-	-	-	R	-	-	-	R
23	Preparation, processing or sale of food products associated with an agricultural operation	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
22	Produce sales from mobile unit, owner's production	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
23	Produce stand, off-premise production with accessory goods/services	-	M/S	M/S	M/S	M/S	M/S	R	M/S	M/S	R	M/S	M/S	M/S	M/S	R	R	R
24	Sale of agricultural products from a farm market	R	R	R	R	R	-	R	R	-	R	R	R	R	R	R	R	R
245	Sale of agricultural products from a farm stand Produce stand, owner's production (seasonal)	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
265	Agriculture - Traditional Husbandry Traditional animal husbandry	-	R	-	-	M/S	-	S	-	-	-	-	-	-	-	-	-	-
276	Use of structure accessory to a farming operation	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
287	Vegetable production	R	R	R	R	R	R	R	R	R	R	-	R	R	R	R	R	R
298	Wildlife impoundment ponds, seasonal	R	R	R	R	R	-	-	R	-	-	-	-	R	-	R	-	-
302 9	Winery, production, with accessory goods/services	-	R	R	-	R	-	M/S	R	-	M/S	-	M/S	R	-	M/S	M/S	R

R - By Right S - Special Use Permit M/S - Minor Special Use Permit E Exempt from Zoning Clearance  
 \* Appears in more than one category.  
 Aquaculture Uses are included in Category 6, Marine-Related Uses

## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category-2 Low-Impact-Agritourism-Uses	Village							Waterfront-Village					Town-Edge				
		C	A	H	WH	1	2	NB	1	2	NB	WC	ECC	1	2	NB	CG/EB/C-1	E1
1	Agritourism: Agricultural education programs	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
2	Agritourism: Agricultural museum and exhibits	S	R	M/S	M/S	R	M/S	R	R	M/S	R	M/S	S	R	M/S	R	R	R
3	Agritourism: Bicycle trails and rentals	M/S	R	R	R	R	M/S	R	R	M/S	R	R	M/S	R	M/S	R	R	R
4	Agritourism: Camps, day or overnight	M/S	M/S	S	S	R	M/S	R	R	M/S	R	M/S	M/S	R	M/S	R	M/S	M/S
5	Agritourism: Concerts and special events (reg. scheduled)	M/S	M/S	S	S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	-	M/S	M/S	M/S	M/S	M/S
6	Agritourism: Corn maze	M/S	R	R	-	R	M/S	R	R	M/S	R	-	-	R	M/S	R	R	R
7	Agritourism: Educational demonstrations	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
8	Agritourism: Event venue (e.g., weddings, receptions)	S	M/S	S	M/S	S	M/S	R	R	M/S	R	M/S	M/S	S	M/S	R	R	R
9	Agritourism: Farm cottages (for short-term stays - not for permanent dwelling; max. 12 units)	-	M/S	M/S	-	S	M/S	M/S	S	M/S	M/S	-	-	S	M/S	M/S	S	S
10	Agritourism: Festivals and fairs	M/S	M/S	M/S	S	M/S	S	-	S	M/S	-	M/S	S	M/S	M/S	-	-	-
11	Agritourism: Fishing	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
12	Agritourism: Guest ranch/lodge up to 12 rooms	S	M/S	M/S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
13	Agritourism: Guide/outfitter operation*	R	M/S	M/S	M/S	M/S	M/S	R	M/S	M/S	R	S	-	M/S	M/S	R	R	M/S
14	Agritourism: Hiking trails	R	R	R	M/S	R	R	R	R	R	R	R	R	R	R	R	R	R
15	Agritourism: Holiday and seasonal events	M/S	M/S	M/S	M/S	R	M/S	-	R	M/S	-	-	M/S	R	M/S	R	R	R
16	Agritourism: Horseback riding with stables	-	R	M/S	-	R	S	S	R	-	S	-	S	R	S	M/S	-	M/S

R - By Right S - Special Use Permit M/S - Minor Special Use Permit E - Exempt from Zoning Clearance  
 \* Appears in more than one category.  
 Note: All uses in this category may provide accessory goods and/or services.

## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 2 Low-Impact Agritourism Uses					Village			Waterfront Village					Town-Edge				
		C	A	H	WH	1	2	NB	1	2	NB	WC	ECC	1	2	NB	CG/EB/C-1	E1
17	Agritourism: Horseback riding without stables	M/S	R	M/S	M/S	R	M/S	M/S	M/S	M/S	M/S	-	M/S	R	M/S	M/S	-	M/S
18	Agritourism: Hunting	R	R	-	-	R	M/S	M/S	R	M/S	M/S	M/S	S	M/S	M/S	M/S	-	S
19	Agritourism: Hunting dog, working dog trials/training	M/S	R	M/S	M/S	R	-	M/S	R	-	M/S	-	S	R	-	M/S	M/S	M/S
20	Agritourism: Kayak/canoe rentals (on-site use)	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
21	Agritourism: Organized tours	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
22	Agritourism: Paintball course, outdoor or indoor	S	R	-	-	M/S	-	M/S	M/S	-	M/S	-	-	M/S	-	R	R	R
23	Agritourism: Petting zoo	-	M/S	M/S	-	S	S	M/S	S	-	M/S	-	S	S	-	M/S	M/S	M/S
24	Agritourism: Picnicing facilities, with on-site catering (Health Dept. approval required)	-	R	M/S	S	R	S	R	R	S	R	-	M/S	R	M/S	R	R	R
25	Agritourism: Picnicing facilities, no catering	M/S	R	R	R	R	R	R	R	R	R	-	M/S	R	M/S	R	R	R
26	Agritourism: Plein-Aire events	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
27	Agritourism: Sales, agriculture-related handcrafts, food products, gifts	M/S	R	R	M/S	R	M/S	-	R	M/S	R	R	R	R	M/S	R	R	R
28	Agritourism: Skeet, clay and trap shooting	M/S	M/S	-	-	R	-	-	R	-	-	Z	-	M/S	-	-	-	-
29	Agritourism: U-pick harvest operations	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
30	Agritourism: Wagons and hay rides	R	R	R	M/S	R	M/S	R	R	M/S	-	-	-	R	R	R	R	R
31	Agritourism: Wildlife viewing and photography	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
32	Agritourism: Winery and winery tours	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R

R - By Right - S - Special Use Permit - M/S - Minor Special Use Permit - E - Exempt from Zoning Clearance  
 \* - Appears in more than one category.  
 Note: All uses in this category may provide accessory goods and/or services.

## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 3 Commercial Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2R	NB	1	2R	NB	WC	ECC /R	1	2R	NB	CG/EB/C-1	E1
1	Adult daycare, 7 or more*	-	-	S	-	-	-	S	-	-	S	-	-	-	-	S	R	-
2	Adult daycare, up to 6*	-	M/S	M/S	M/S	M/S	M/S	R	M/S	M/S	R	-	M/S	M/S	M/S	R	R	-
3	Aerobic studios, up to 2,500 sq. ft. with accessory goods/services	-	-	M/S	-	-	S	R	-	S	R	-	S	-	S	R	R	-
4	Animal grooming with accessory goods/services	-	M/S	M/S	S	M/S	M/S	R	M/S	M/S	R	-	S	M/S	M/S	R	R	-
5	Antiques mall, enclosed, greater than 2,500 sq. ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R
6	Antiques shop, enclosed - up to 2,500 sq. ft.	-	M/S	M/S	-	M/S	M/S	R	M/S	M/S	R	-	S	M/S	M/S	R	R	-
7	Appliance repair shop - no outside storage	-	-	-	-	-	-	R	-	-	R	-	S	R	-	R	R	R
8	Artist studio, up to 2,500 sq. ft.	M/S	M/S	M/S	M/S	M/S	M/S	R	M/S	M/S	R	-	M/S	M/S	M/S	R	R	-
9	Artist studio, over 2,500 sq. ft., up to 5,000 sq. ft.	-	M/S	M/S	-	M/S	-	R	M/S	-	M/S	-	-	M/S	-	R	R	-
10	Artisan studio, up to 2,500 sq. ft.	-	M/S	M/S	M/S	M/S	M/S	R	M/S	M/S	R	-	M/S	M/S	M/S	R	R	-
11	Artisan studio, greater than 2,500 sq. ft. to 5,000 sq. ft.	-	M/S	M/S	-	M/S	-	R	M/S	-	M/S	-	-	M/S	-	R	R	R
12	Auction markets, enclosed	-	-	-	-	-	-	S	-	-	S	-	-	-	-	S	R	R
13	Auto body/auto painting shops	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	S	R
14	Auto rental agency	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	R	R
15	Auto repair garage	-	-	M/S	-	-	-	S	-	-	-	-	-	-	-	S	R	R
16	Auto sales, service and rentals up to 20,000 sq. ft.	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	R	R

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## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 3 Commercial Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	E1
17	Auto service stations	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	S	R
18	Banks/financial institutions	-	-	-	-	-	-	S	-	-	S	-	-	-	-	S	M/S R	-
19	Barber shops with accessory goods/services	-	-	R	-	-	-	R	-	-	R	-	-	-	-	R	R	-
20	Beauty shops with accessory goods/services	-	-	M/S	-	-	-	R	-	-	-	-	-	-	-	R	R	-
21	Bed and breakfast	-	M/S	M/S	M/S	M/S	M/S	R	M/S	M/S	R	-	M/S	M/S	M/S	R	R	-
22	Beverage distribution, wholesale	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	R	R
23	Bicycle rentals/sales with accessory goods/services	M/S	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
24	Bowling alley	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	R	R
25	Broadcasting studio, radio/tv	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	R	R
26	Building material sales with outside storage	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	R	R
27	Car wash	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	R	R
28	Carpet and rug cleaning	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S		R
29	Catering, off-premise service	-	R	M/S	-	M/S	M/S	R	M/S	M/S	R	-	-	M/S	M/S	R	R	R
30	Conference/retreat center, up to 10 guest rooms, with accessory goods/services	-	M/S	S	M/S	M/S	S	S	M/S	S	S	-	-	M/S	S	S	R	-
31	Conference/retreat center, 11 - 25 guest rooms, with accessory goods/services	-	S	-	-	S	-	-	S	-	S	-	-	S	-	S	R	-
32	Convenience store	-	-	-	-	-	-	S	-	-	S	-	S	S	-	S	S	R
33	Dance halls (up to 3,000 sq. ft.)	-	M/S	M/S	M/S	-	M/S	M/S	-	M/S	-	S	M/S	-	-	M/S	R	M/S R

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## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 3 Commercial Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2R	NB	1	2R	NB	WC	ECC /R	1	2R	NB	CG/EB/C-1	E1
34	Dance halls (3,000 - 5,000 sq. ft.)*	-	-	S	-	-	-	S	-	-	S	-	-	-	-	S	SR	SR
35	Dance/visual arts studios, instructional	-	-	M/S	-	-	-	R	-	-	R	-	-	-	-	R	R	R
36	Day spa with accessory goods/services	-	R	M/S	M/S	R	M/S	R	R	M/S	R	-	-	R	M/S	R	R	-
37	Design studio, up to 2,500 sq. ft.	-	M/S	M/S	-	M/S	-	R	M/S	-	M/S	-	-	M/S	-	R	R	-
38	Design/production facility, up to 5,000 sq. ft.	-	S	-	-	S	-	R	S	-	S	-	-	S	-	R	R	R
39	Domestic animal training with accessory goods/services	-	M/S	M/S	S	M/S	M/S	R	M/S	M/S	R	-	-	M/S	M/S	R	R	-
<del>40</del>	<del>Dry cleaning/laundry</del>	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	S	R
41	Electrical repair shop, no outside storage	-	-	M/S	-	-	-	R	-	-	S	-	-	-	-	R	R	R
42	Flea market with permanent structure or without	-	-	-	-	-	-	S	-	-	S	-	-	-	-	S	R	R
43	Flexible term rental units	-	-	-	-	-	-	S	-	-	M/S	-	-	-	-	S	SR	-
44	Funeral homes (with or without crematorium)	-	-	S	-	-	-	S	-	-	-	-	-	-	-	S	R	-
45	Furniture repair/refinishing and restoration; cabinet making/carpentry shop	-	M/S	M/S	-	M/S	-	R	-	-	R	-	S	M/S	-	R	R	R
46	Game center, coin-operated	-	-	-	-	-	-	S	-	-	S	-	-	-	-	S	R	-
47	Guide/outfitter services*, waterfront service, with accessory goods/services	M/S	M/S	M/S	M/S	M/S	M/S	R	M/S	M/S	R	M/S	-	M/S	M/S	R	R	M/S R

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## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 3 Commercial Uses	Village							Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2R	NB	1	2R	NB	WC	ECC /R	1	2R	NB	CG/EB/C-1	E1
48	Health club/fitness center with accessory goods/services	-	-	-	-	-	-	R	-	-	S	-	-	-	-	R	R	-
49	Home occupation - Home business/office	R	R	R	R	R	R	R	R	R	R	-	R	R	R	R	R	-
50	Home occupation - micro-business/office	E	E	E	E	E	E	E	E	E	E	-	E	E	E	E	E	-
51	Inn, historic - Pre 1950 structure with accessory goods/services	S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	S	M/S	M/S	M/S	R	R	-
52	Kennels and boarding of animals with accessory goods/services	-	R	S	-	M/S	-	S	M/S	-	-	-	-	M/S	-	S	R	R
53	Landscape contractor - design and maintenance	-	R	R	M/S	R	M/S	M/S	R	M/S	M/S	-	-	R	M/S	M/S	R	R
54	Laundromat	-	-	S	-	-	-	S	-	-	-	-	-	-	-	S	R	R
55	Lawn mower/small engine sales, service, w/opaque screened outdoor storage	-	-	M/S	-	M/S	-	R	-	-	-	-	-	M/S	-	R	R	R
56	Memorial burial parks, commercial or non-profit operation (not part of a church yard)	-	S	S	-	S	-	-	S	-	-	-	-	S	-	-	-	-
57	Meteorological (MET) tower	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
58	Miniature golf	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	M/S R	-
59	Mini-storage facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S R	R
60	Mobile home sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S R	R
61	Moped rentals and sales	-	-	M/S	-	-	-	R	-	-	R	-	M/S	M/S	-	R	R	-
62	Motels and hotels, up to 10 rooms	-	-	S	-	-	-	S	-	-	S	-	-	-	-	S	R	-
63	Motels and hotels, 11 - 25 rooms	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R	-

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## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 3 Commercial Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	E1
64	Motels and hotels, 26 - 100 rooms	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-
65	Music studio	-	-	M/S	-	-	-	M/S	-	-	M/S	-	-	-	-	M/S	R	R
66	Neighborhood commercial center, up to 5,000 sq. ft.	-	-	S	-	-	-	R	-	-	S	-	-	-	-	M/S	R	R
67	Neighborhood commercial center, 5,000 - 10,000 sq. ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R	R
68	Nursery/daycare of preschool children (6 or less)	-	R	M/S	M/S	R	M/S	R	R	M/S	R	-	M/S	R	M/S	R	R	-
69	Nursery/daycare of preschool children (7 or more)	-	M/S	S	-	M/S	-	S	S	M/S	S	-	-	S	-	S	R	-
70	Office, business	-	-	M/S	M/S	-	M/S	R	-	M/S	R	S	-	-	M/S	R	R	R
71	Office, professional	-	-	M/S	M/S	-	M/S	R	-	M/S	R	-	-	-	M/S	R	R	R
72	Other retail establishment, 2, 500 - 5,000 sq. ft.	-	-	-	-	-	-	M/S	-	-	M/S	-	-	-	-	M/S	R	-
73	Other retail establishment, including waterfront service, less than 2,500 sq. ft.	-	-	M/S	-	-	-	R	-	-	R	M/S	M/S	-	-	R	R	-
74	Other retail establishment, 5,000 - 25,000 sq. ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SR	R
75	Petroleum product bulk storage for wholesale	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SR
76	Photographic studio	-	-	M/S	-	-	-	R	-	-	-	-	-	-	-	R	R	R
77	Plein Aire events	-	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	-

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## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 3 Commercial Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	E1
78.	Plumbing repair shop	-	-	M/S	-	-	-	R	-	-	M/S	-	-	-	-	R	R	R
79	Pool/billiard room*	-	-	-	-	-	-	M/S	-	-	S	-	S	-	-	S	R	R
80	Railroad passenger station	-	S	S	-	S	-	S	-	-	-	-	-	S	-	S	R	R
81	Regional commercial center, up to 20,000 sq. ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SR	R
82	Restaurant, over 2,500 sq. ft. or any with drive-thru service	-	-	-	-	-	-	S	-	-	S	-	-	-	-	S	R	R
83	Restaurant, any with outdoor seating, no drive-thru	-	-	S	-	-	-	S	-	-	S	-	-	-	-	S	SR	R
84	Restaurant, including waterfront service, less than 2,500 sq. ft., no drive-thru service	-	-	S	S	-	-	M/S	-	-	M/S	M/S	S	-	-	S	R	R
85	Qualifying rural business Adaptive Re-Use Business	S	M/S	M/S	S	M/S	-	M/S	M/S	-	M/S	-	S	M/S	-	M/S	M/S R	-
86	RV/camper sales/service/rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SR	R
87	Schools of special instruction, less than 25 students	-	-	S	-	-	-	R	-	-	S	S	-	-	-	R	R	R
88	Schools of special instruction, 25 or more students	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	SR	R
89	Shoe repair	-	-	M/S	-	-	-	R	-	-	R	-	-	-	-	R	R	-
90	Skating rink, ice/roller	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	R	R
91	Specialty food production, 2,500 sq. ft. or less	-	M/S	M/S	-	M/S	M/S	R	M/S	M/S	M/S	-	M/S	M/S	M/S	R	R	R
92	Stone monument processing	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	R	R

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## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 3 Commercial Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	E1
93	Subdivision sales/rental office, on-site at an approved subdivision	-	R	R	-	R	R	-	R	R	-	-	-	R	R	Z	R	-
94	Taxidermy services	-	M/S	M/S	-	M/S	-	R	M/S	-	M/S	-	-	M/S	-	R	R	R
95	Temporary seasonal sales - Christmas trees, seafood, etc. (4 - 30 days) with accessory goods/services	-	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
96	Theater, indoor single screen/stage, less than 5,000 sq. ft.	-	-	S	-	-	-	S	-	-	-	-	-	-	-	S	R	R
97	Tourism info office, kiosk or staffed	M/S	M/S	-	-	M/S	-	M/S	M/S	-	M/S	M/S	-	M/S	-	M/S	R	-
98	Tourist cottage (not intended for permanent residence) up to 12	-	S	S	S	S	-	S	S	-	S	-	R	S	-	M/S	M/S R	-
99	Truck/freight terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R
100	Truck stop	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	S	M/S R
101	Veterinary clinics with accessory goods/services	-	S	S	-	S	-	S	S	-	S	-	-	S	-	S	R	R
102	Veterinary services (no overnight boarding) with accessory goods/services	-	M/S	M/S	-	M/S	-	R	M/S	-	R	-	-	M/S	-	R	R	R
103	Warehousing, including moving and storage with accessory goods/services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S R	R
104	Wood splitting and packing	-	R	-	-	M/S	-	-	M/S	-	-	-	-	M/S	-	-	-	R
105	Yard/garage sales, 4 - 15 days	-	R	R	R	R	R	R	R	R	-	-	R	R	R	R	R	-
106	Yard/garage sales, temporary, 3 days or less	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	-

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## 2009 ZONING ORDINANCE

		<b>APPENDIX A: USE REGULATIONS</b>																
	<i>Category 4 Community Service Uses</i>					<i>Village</i>			<i>Waterfront Village</i>					<i>Town Edge</i>				
		<i>C</i>	<i>A/R B</i>	<i>H/R</i>	<i>WH/ R</i>	<i>1</i>	<i>2 R</i>	<i>NB</i>	<i>1</i>	<i>2 R</i>	<i>NB</i>	<i>WC</i>	<i>ECC /R</i>	<i>1</i>	<i>2 R</i>	<i>NB</i>	<i>CG/EB/C-1</i>	<i>E1</i>
1	Adult daycare, 7 or more*	-	-	S	-	-	-	S	-	-	S	-	-	-	-	S	R	-
2	Adult daycare, up to 6*	-	M/S	M/S	M/S	M/S	M/S	R	M/S	M/S	R	-	M/S	M/S	M/S	R	R	-
3	Airstrip, private normal use (PNU)	-	M/S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4	Airstrip, private occasional use (POU)	-	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5	Alternative waste water treatment system (accessory)	S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S
6	Animal shelter, non-profit operation	-	R	S	-	M/S	-	S	-	-	-	-	-	M/S	-	S	R	R
7	Churches/places of worship (with or without on-site cemetery) up to 10,000 sq. ft.	-	R	R	M/S	R	M/S	M/S	R	M/S	M/S	-	S	R	M/S	M/S	R	-
7A	Churches/places of worship (with or without on-site cemetery) 10,001 - 20,000 sq. ft.	-	M/S	S	-	M/S	S	S	M/S	S	S	-	-	M/S	S	M/S	M/S	-
8	Colleges/universities	-	S	-	-	S	-	S	S	-	-	-	-	-	-	S	SR	-
9	Community center, up to 5,000 sq. ft.	-	-	M/S	S	-	-	S	-	-	S	-	-	-	-	S	R	R
10	Helipad, private	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R
11	Hospitals	-	S	-	-	S	-	S	-	-	-	-	-	-	-	S	SR	R
12	Library	-	-	M/S	-	-	M/S	R	-	S	R	-	-	S	S	R	R	-
13	Mass/community subsurface drainfield, on-site	-	S	S	-	S	S	S	-	-	-	-	S	S	S	S	S	S
14	Medical clinics (outpatient)	-	S	S	-	-	-	S	-	-	S	-	-	-	-	S	R	-
15	Meeting facilities for fraternal, civic and similar organizations, up to 5,000 sq. ft.	-	S	S	S	S	-	M/S	S	-	S	-	-	-	-	S	R	-

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APPENDIX A: USE REGULATIONS																		
	Category 4 Community Service Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	EI
16	Museums, public or commercial, with accessory goods/services	-	S	S	-	S	S	R	S	S	R	-	-	-	-	R	R	R
17	Nursery/preschool (6 or less)*	-	R	M/S	M/S	R	M/S	R	R	M/S	R	-	M/S	R	M/S	R	R	-
18	Nursery/preschool (7 or more)*	-	S	S	-	S	-	S	S	-	S	-	-	-	-	S	R	-
19	Post offices	-	S	S	-	S	S	R	S	S	R	-	-	-	-	R	R	R
20	Public safety facilities - police, fire, rescue stations, including government offices	S	S	R	S	R	S	R	R	S	R	-	S	-	-	R	R	R
21	Public utility, Class A: See definition	R	R	R	R	R	R	R	R	R	R	R	R	R	-	R	R	R
22	Public utility, Class B: See definition	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
23	Recreational, educational or social events by a non-profit organization, temporary	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	-
24	Recreational or social uses within a subdivision for use of residents only	-	E	E	E	E	E	E	E	E	E	-	E	E	E	E	E	-
25	Research radar installation with or without ancillary structures	-	S	-	-	S	-	-	S	-	-	-	-	-	-	-	-	-
26	Residential care facilities (for medical/mental patients), up to 5,000 sq. ft.	-	S	S	-	S	-	S	S	-	S	-	-	-	-	S	R	-
27	Sanitary landfill, public (local government operated)	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
28	Schools, primary or secondary, public or private	-	S	S	-	S	-	S	S	-	-	-	-	-	-	S	SR	-
29	Schools, vocational or technical, public or private	-	S	S	-	S	-	S	S	-	-	S	-	-	-	S	SR	R
30	Sewage treatment facilities on-site (except for EI on-site not required)	-	S	-	-	S	S	S	S	S	S	-	-	S	S	S	S-R	SR
31	Social club, private, up to 5,000 sq. ft	-	S	S	S	S	S	M/S	S	-	S	-	-	-	-	S	R	-

R - By Right S - Special Use Permit M/S - Minor Special Use Permit E - Exempt from Zoning Clearance  
 \* Appears in more than one category.

APPENDIX A: USE REGULATIONS

	Category 4 Community Service Uses	2009 ZONING ORDINANCE							Village					Waterfront Village					Town Edge				
		1C	2R/B	M/R	M/R	1C	2R/B	M/R	1	2R	NB	WC	ECC/R	1	2R	NB	CG/EB/C-1	EI					
32	Solar energy facility, small system	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R					
33	Wireless Communication Facility (WCF)																						
	A. WCF ≤ 50 feet	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R					
	B. WCF > 50 feet and ≤ 100 feet on a parcel ≥ 5 acres	M/S	R	M/S	-	M/S	-	-	-	-	M/S	-	-	-	-	-	R	R					
	C. WCF > 100 feet and ≤ 199 feet on a parcel ≥ 5 acres	S	S	S	-	S	-	-	-	-	S	-	-	-	-	-	M/S	M/S R					
	D. WCF > 50 feet and ≤ 100 feet on a parcel < 5 acres	M/S	M/S	M/S	-	M/S	-	-	-	-	M/S	-	-	-	-	-	R	R					
	E. WCF > 100 feet and ≤ 199 feet on a parcel < 5 acres	S	S	S	-	S	-	-	-	-	S	-	-	-	-	-	M/S	M/S R					
34	Telephone exchange, unmanned	-	S	S	S	S	S	S	S	S	S	-	-	S	S	S	S	S					
35	Waste collection center, public (local government operated)	-	S	S	-	S	S	S	S	S	S	-	S	-	S	S	S	S					
36	Wind energy facility: wind energy test facility; wind turbine, large or utility-scale	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S					
37	Wind turbine, small, less than or equal to 35 feet in total height in accordance with standards in § 154.2.114	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R					
38	Wind turbine, small, greater than 35 feet and ≤ 120 feet total height in accordance with standards in § 154.2.114	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S					
39	Wind turbine, small, greater than 120 feet and ≤ 199 feet total height in accordance with standards in § 154.2.114	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S					
40	Windmills less than or equal 35 feet total height, in accordance with standards in § 154.2.114	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R					
41	Windmills greater than 35 feet and ≤ 120 feet total height, in accordance with standards in § 154.2.114	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S					
42	Windmills greater than 120 feet and ≤ 199 feet total height, in accordance with standards in § 154.2.114	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S					

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## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 5 Industrial Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	E1
1	Any industrial use which exceeds 50,000 gallons of water from the aquifer in any one day or 300,000 in any consecutive 30-day period	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
2	Asphalt or bituminous mixing plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
3	Automobile/farm equipment/truck assembly	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R
4	Bakeries, wholesale (up to 5,000 sq. ft.)	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	R	R
5	Barrel/box/bag manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R
6	Bio-diesel refinery (no petroleum products added on-site)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
7	Boat building and repair with or without marine railway*	-	S	S	S	S	-	S	S	-	S	S	-	S	-	S	S	S
8	Boat/yacht interiors - new and retrofit (fabrication and installation)	-	S	S	S	S	-	S	S	-	S	S	-	S	-	S	S	R
9	Borrow pit	-	S	-	-	S	-	-	S	-	-	-	-	S	-	-	-	S
10	Brick/tile/terra cotta manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
11	Building component manufacturing/ assembly of modular homes	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R
12	Bulk mailing services	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	R	R
13	Cabinet-making facility, up to 10,000 sq. ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R
14	Cinderblock manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R
15	Clock and watch manufacture and distribution (up to 5,000 sq. ft.)	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	R	R

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## 2009 ZONING ORDINANCE

		<b>APPENDIX A: USE REGULATIONS</b>																
	<i>Category 5 Industrial Uses</i>					<i>Village</i>			<i>Waterfront Village</i>					<i>Town Edge</i>				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	E1
16	Clothing manufacturing (up to 5,000 sq. ft.)	-	-	-	-	-	-	S	-	-	S	-	-	-	-	S	R	R
17	Communications equipment manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
18	Concrete/concrete products manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R
19	Contractor office/shop with material storage enclosed or outdoors with opaque screening up to 5,000 sq. ft.	-	S	S	-	S	-	S	S	-	S	-	-	S	-	S	R	R
20	Contractor office/shop with material storage outdoors, unscreened	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	M/S	R
21	Cotton gins	-	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R
22	Drafting equipment manufacture and distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R
23	Drop forge industry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
24	Drop-ship center, up to 50,000 sq. ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
25	Electronic appliance assembly	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R
26	Electronic components manufacturing (excluding transformers)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
27	Ethanol production	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
28	Farm equipment sales, service and repair	-	S	S	-	S	-	S	-	-	-	-	-	S	-	S	M/S	R
29	Fertilizer blending and distribution	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
30	Fertilizer/pesticide bulk storage for wholesale	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S

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## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 5 Industrial Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2R	NB	1	2R	NB	WC	ECC /R	1	2R	NB	CG/EB/C-1	E1
31	Foundry - artisan, up to 2,500 sq. ft.	-	M/S	M/S	-	M/S	-	M/S	M/S	M/S	M/S	-	-	M/S	-	M/S	M/S	R
32	Foundry - artisan, 2,500 - 10,000 sq. ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	M/S
33	Furniture manufacturing, up to 2,500 sq. ft.	-	M/S	M/S	-	M/S	-	M/S	M/S	-	M/S	-	-	M/S	-	M/S	M/S	R
34	Furniture manufacturing, 2,500 - 10,000 sq. ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R
35	Glass works and ceramics - artisan, up to 2,500 sq. ft.	-	M/S	M/S	-	M/S	-	R	M/S	-	R	-	-	M/S	-	R	R	-
36	Glass works and ceramics - artisan, 2,500 - 10,000 sq. ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R
37	Heavy equipment sales and service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R
38	Industrial trade school	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	S	R
39	Jewelry assembly - artisan, up to 2,500 sq. ft.	-	M/S	M/S	-	M/S	M/S	R	M/S	M/S	R	-	-	M/S	M/S	M/S	R	-
40	Jewelry assembly - artisan, 2,500 - 5,000 sq. ft.	-	-	-	-	-	-	M/S	-	-	M/S	-	-	-	-	M/S	M/S	R
41	Labs and test facilities for manufacturing, enclosed	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	M/S
42	Landscape contractor - design and maintenance on-site	-	R	R	M/S	R	M/S	M/S	R	M/S	M/S	-	-	R	M/S	M/S	R	R
43	Landscape contractor - site work	-	M/S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R
44	Machine shops, tool and die operations	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R
45	Medical/surgical instrument manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R

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## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 5 Industrial Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2R	NB	1	2R	NB	WC	ECC /R	1	2R	NB	CG/EB/C-1	E1
46	Metal fabrication and welding operations	-	S	S	-	-	-	S	-	-	S	-	-	-	-	S	S	S
47	Microbrewery (up to 5,000 sq. ft.)	-	-	M/S	-	-	-	M/S	-	-	M/S	-	-	-	-	M/S	R	R
48	Microbrewery (5,000 - 10,000 sq. ft.)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R
49	Modular unit manufacture and assembly	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R
50	Multi-unit storage facility, up to 50,000 sq. ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R
51	Musical instrument manufacture and distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R
52	Optical equipment manufacture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R
53	Pallet manufacture and repair facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R
54	Peanut dryer	-	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R
55	Petroleum product bulk storage for wholesale*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
56	Pharmaceutical manufacturing laboratories	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
57	Plaster products manufactured from previously prepared raw materials	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
58	Pottery and figurine manufacture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R
59	Prefabrication of wooden buildings/garden sheds, etc.	-	M/S	S	-	-	-	-	-	-	-	-	-	-	-	-	S	R
60	Printing, lithography establishments	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	R	R

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## 2009 ZONING ORDINANCE

		APPENDIX A: USE REGULATIONS																
	Category 5 Industrial Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	E1
61	Processing of bulk agricultural products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
62	Processing of seafood products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
63	Railroad freight terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R
64	Reclamation of soil or water, temporary - existing on-site only	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
65	Recreational vehicle retrofitting and customizing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R
66	Recycling collection site up to 1 acre	-	S	-	-	S	-	S	S	-	S	-	-	S	-	S	S	S
67	Recycling receiving/transfer facilities for plastic, glass, cans, paper, household waste	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
68	Recycling /processing of plastic, glass, aluminum or paper	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
69	Sawmill/kiln/planing facility	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R
70	Soap manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
71	Soybean crush mills for oil and meal production	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
72	Storage of bulk agricultural products	-	R	S	-	S	-	-	S	-	-	-	-	S	-	-	-	R
73	Storage of seafood products	-	R	S	M/S	S	-	-	S	-	S	S	-	S	-	-	-	R
74	Vehicle junkyard/graveyard with parts recycling/sales/screened	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
75	Warehouse, up to 50,000 sq. ft.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R
76	Wood, cloth or fiber product manufacture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S

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## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 6 Marine-Related Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2R	NB	1	2R	NB	WC	ECC /R	1	2R	NB	CG/EB/C-1	E1
1	Aquaculture business office, on-site	M/S	R	R	R	R	-	R	R	-	R	R	M/S	R	-	-	-	-
2	Aquaculture, fish production in existing ponds*	M/S	R	M/S	M/S	R	M/S	M/S	R	M/S	M/S	M/S	M/S	R	M/S	M/S	M/S	M/S
3	Aquaculture, fish production tanks	M/S	R	S	-	S	-	-	S	-	-	M/S	-	S	-	-	M/S	R
4	Aquaculture research facility	M/S	R	-	M/S	M/S	-	-	M/S	M/S	M/S	M/S	M/S	M/S	-	M/S	M/S	R
5	Aquaculture, shellfish seed production	M/S	R	M/S	M/S	M/S	-	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	R
6	Beaches, public naturally occurring	R	R	R	R	R	R	R	R	S	S	-	S	S	S	S	S	-
7	Boat building and repair with or without marine railway*	-	S	S	S	S	-	S	S	-	S	S	-	S	-	S	S	R
8	Boat ramp for recreational boats, private	R	R	R	R	R	R	R	R	R	R	R	<del>S</del>	R	R	R	R	-
9	Boat ramp for recreational boats public /commercial* with accessory goods/services	S	S	S	S	S	-	S	S	S	S	S	S	S	S	S	S	-
10	Boat rental with accessory goods/services	M/S	-	-	S	-	-	S	-	-	S	M/S	-	-	-	S	R	R
11	Boat sales/service	-	-	-	S	-	-	S	-	-	S	M/S	-	-	-	S	R	R
12	Clam packing houses (with no processing)	S	R	S	M/S	R	-	M/S	R	-	R	R	-	R	-	R	R	R
13	Crab packing houses	S	M/S	S	M/S	S	-	S	S	-	M/S	R	-	S	-	S	R	R
14	Crab shedding, enclosed	S	R	R	R	R	M/S	R	R	M/S	R	R	M/S	R	M/S	R	R	R
15	Crab shedding, not enclosed	S	R	M/S	R	R	-	M/S	R	M/S	R	R	M/S	R	M/S	M/S	M/S	R

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## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 6 Marine-Related Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	E1
16	Docks, private recreational	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	-
17	Dredge spoil disposal site (from local waters)	S	S	-	-	-	-	-	S	-	-	-	-	S	-	-	-	S
18	Erosion and storm water control devices	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
19	Fish packing houses (with no processing)	R	R	S	M/S	M/S	-	M/S	M/S	-	M/S	R	-	M/S	-	M/S	R	R
20	Hunting blinds*	R	R	-	R	R	-	-	R	-	-	-	-	R	-	-	-	-
21	Landing site for finfish, shellfish, crabs - commercial	S	M/S	M/S	M/S	-	-	M/S	M/S	-	R	R	S	S	-	S	R	R
22	Landing site for finfish, shellfish, crabs - private	R	R	M/S	R	R	R	R	R	R	R	R	R	R	R	R	R	R
23	Marina, 50 slips or more, public or commercial*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
24	Marina, less than 50 slips, public or commercial*	-	-	-	-	-	-	-	-	-	S	S	S	-	-	S	S	S
25	Marine navigation aids	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
26	Non-motorized watercraft - instruction rental, sales	M/S	M/S	M/S	M/S	M/S	M/S	R	M/S	M/S	R	M/S	M/S	M/S	M/S	R	R	R
27	Oyster shucking houses (with no processing)	S	R	M/S	R	R	-	M/S	R	-	R	R	-	S	-	R	R	R
28	Pot production for crab or eel pots, commercial (up to 1 acre incl. storage)	-	M/S	M/S	M/S	M/S	-	R	M/S	-	R	R	-	M/S	-	R	R	R
29	Pot production for crab or eel pots, private	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
30	Research facilities for marine sciences	S	S	S	S	S	-	M/S	S	-	M/S	S	-	S	-	S	S	R

R - By Right S - Special Use Permit M/S - Minor Special Use Permit E - Exempt from Zoning Clearance  
 \* Appears in more than one category.

## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 6 Marine-Related Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	E1
31	Retail sales of clam, crab, fish (less than 2,500 sq. ft.) with accessory goods/services	-	M/S	M/S	M/S	M/S	-	R	M/S	-	R	R	-	R	-	R	R	-
32	Watch houses for shellfish grounds, less than 500 sq. ft.	R	R	R	R	R	-	-	M/S	-	M/S	R	-	M/S	-	-	-	-
33	Wholesale outlet for clam, crab, fish, less than 2,500 sq. ft.	-	M/S	R	R	R	-	R	R	-	R	R	-	R	-	R	R	R
34	Wholesale outlet for unprocessed clam, crab, fish, 2,500 - 5,000 sq. ft.	-	R	-	M/S	R	-	M/S	R	-	M/S	R	-	-	-	M/S	R	R
35	Wildlife/marine life preservation area*	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R

R - By Right S - Special Use Permit M/S - Minor Special Use Permit E- Exempt from Zoning Clearance  
 \* Appears in more than one category.

## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 7 Recreational Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	E1
1	Archery range, outdoor, with accessory goods/services	-	M/S	-	-	M/S	-	-	M/S	-	-	-	-	M/S	-	-	-	R
2	Archery range, indoor (up to 5,000 sq. ft.) with accessory goods/services	-	R	-	-	M/S	-	M/S	M/S	-	M/S	-	-	M/S	-	M/S	R	R
3	Athletic fields	-	S	S	-	S	-	S	S	-	S	-	S	S	-	S	S	S
4	Athletic fields, with structures	-	S	-	-	S	-	-	S	-	-	-	-	S	-	-	-	S
5	ATV trails - commercial	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6	Batting cage	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	R
7	Boat ramp for recreational boats, private*	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	-
8	Boat ramp for recreational boats, public/commercial*	S	S	S	S	-	S	S	S	S	S	S	S	S	S	S	S	-
9	Boat storage and washing facilities	-	-	S	-	-	-	S	-	-	S	S	-	-	-	S	S	R
10	Bowling alley with accessory goods/services	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	R	R
11	Camper/RV storage with washing facilities, screened	-	-	-	-	-	-	S	-	-	-	-	-	-	-	S	S	R
12	Campgrounds with accessory goods/services	-	S	-	-	S	-	-	S	-	-	-	-	S	-	-	-	-
13	Corn mazes with accessory goods/services	-	R	R	-	R	-	-	R	-	-	-	-	R	-	-	-	-
14	Country clubs, not including golf courses	-	S	S	-	S	-	S	-	-	-	-	-	S	-	S	R	-
15	Dance halls (up to 3,000 sq. ft.)*	-	M/S	M/S	M/S	M/S	-	M/S	M/S	-	M/S	-	M/S	M/S	-	M/S	R	M/S

R - By Right S - Special Use Permit M/S - Minor Special Use Permit E - Exempt from Zoning Clearance  
 \* Appears in more than one category.

## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 7 Recreational Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2R	NB	1	2R	NB	WC	ECC /R	1	2R	NB	CG/EB/C-1	E1
16	Dance halls (3,000 - 5,000 sq. ft.)*	-	-	S	-	-	-	S	-	-	S	-	-	-	-	S	SR	SR
17	Day camp	-	S	S	-	S	S	S	S	S	S	-	-	S	S	S	S	-
18	Docks, private recreational	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
19	Firing range, indoor	-	S	-	-	-	-	S	-	-	-	-	-	-	-	S	S	R
20	Firing range, outdoor - including skeet, trap, sporting clays, shotguns, etc.	-	M/S	-	-	S	-	-	S	-	-	-	-	-	-	-	-	-
21	Firing range, outdoor - rifles, including semi-automatic and handguns	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
22	Fishing pier, commercial or public, with accessory goods/services	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	R
23	Game center, coin-operated	-	-	-	-	-	-	S	-	-	-	-	-	-	-	M/S	R	-
24	Go-kart tracks*	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
25	Golf course, public, private or commercial, with accessory goods/services	-	S	-	-	S	-	-	-	-	-	-	-	S	-	-	-	-
26	Golf driving range, daylight only, with accessory goods/services	-	M/S	-	-	M/S	-	-	-	-	-	-	-	M/S	-	-	M/S	R
27	Golf - miniature* with accessory goods/services	-	-	-	-	M/S	-	M/S	-	-	M/S	-	-	-	-	M/S	R	-
28	Guide/outfitter services* with accessory goods/services	M/S	M/S	M/S	M/S	M/S	-	R	M/S	M/S	R	S	-	M/S	M/S	R	R	M/S R
29	Hayrides, commercial	-	R	R	-	R	-	R	R	-	-	-	-	R	-	-	-	-
30	Health club/fitness center/day spa* with accessory goods/services	-	-	-	-	-	-	R	-	-	S	-	-	-	-	R	R	-

R - By Right S - Special Use Permit M/S - Minor Special Use Permit E - Exempt from Zoning Clearance  
 \* Appears in more than one category.

# 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 7 Recreational Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2R	NB	1	2R	NB	WC	ECC /R	1	2R	NB	CG/EB/C-1	E1
31	Horse barn, private* (one per acre)	-	R	M/S	M/S	R	-	M/S	R	M/S	M/S	-	-	R	M/S	M/S	M/S	-
32	Horse boarding/training, commercial* with accessory goods/services	-	R	S	-	S	-	-	S	-	-	-	-	S	-	-	-	-
33	Hunt clubs/lodges, commercial, no hunting grounds on-site	-	M/S	S	-	S	-	S	S	-	S	-	-	S	-	S	S	-
34	Hunting blinds*	R	R	-	R	R	-	-	R	-	-	-	-	R	-	-	-	-
35	Marina, 50 slips or more, public or commercial*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
36	Marina, less than 50 slips, public or commercial*	-	-	-	-	-	-	-	-	-	S	S	S	-	-	S	S	S
37	Non-motorized recreational trail	S	S	S	S	S	-	S	S	S	S	S	S	S	S	S	S	S
38	Non-motorized watercraft - instruction rental, sales*	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	R	R	R
39	Paintball course, outdoor	S	R	-	-	M/S	-	-	-	M/S	-	-	-	M/S	-	R	R	R
40	Parks - public	-	S	S	S	S	-	S	S	S	S	S	S	S	S	S	S	-
41	Playgrounds for children	-	M/S	R	M/S	M/S	-	R	M/S	M/S	R	-	M/S	M/S	R	R	S	-
42	Pool hall/billiard room*	-	-	-	-	-	-	S	-	-	S	-	S	-	-	M/S	R	-
43	Skating rink, ice/roller*	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	R	R
44	Swimming pools, public or commercial	-	S	S	-	S	-	S	-	-	S	-	-	-	-	S	R	R

R - By Right S - Special Use Permit M/S - Minor Special Use Permit E - Exempt from Zoning Clearance  
 \* Appears in more than one category.

## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 7 Recreational Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	E1
45	Temporary recreational event (3 days or less); e.g., carnival, ballooning, bungee jumping, tractor pulls, etc.	R	R	R	R	R	R	R	R	R	-	R	R	R	R	R	R	-
46	Tennis courts, private	-	R	R	R	R	-	R	R	R	R	-	R	R	R	R	R	-
47	Tennis courts, public or commercial	-	S	S	-	S	-	S	-	-	S	-	-	-	-	S	R	R
48	Theater, indoor screen/stage up to 5,000 sq. ft.*	-	-	S	-	-	-	S	-	-	S	-	-	-	-	S	R	R
49	Wildlife or marine life preservation area*	R	R	R	R	R	-	R	R	R	R	R	R	R	R	R	R	R

R - By Right S - Special Use Permit M/S - Minor Special Use Permit E - Exempt from Zoning Clearance  
\* Appears in more than one category.

## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																			
	Category 8 SF Single-Family Residential Uses							Village			Waterfront Village				Town Edge				
		C	A/R B	H/R	WH/ R	1	2R	NB	1	2R	NB	WC	ECC /R	1	2R	NB	CG/EB/C-1	E1	
1	Principal SF detached dwelling unit																		
	a. On-site construction	R	R	R	R	R	R	M/S	R	R	M/S	-	R	R	R	-	-	-	
	b. Manufactured, single-wide H.U.D. inspected	R	R	M/S	M/S	M/S	M/S	-	M/S	M/S	-	-	M/S	M/S	-	-	-	-	
	c. Manufactured, double or triple-wide H.U.D. inspected	R	R	R	R	R	R	-	R	R	-	-	M/S	R	R	-	-	-	
	d. Manufactured, modular V.D.H.C.D. inspected	R	R	R	R	R	R	M/S	R	R	M/S	-	R	R	R	M/S	-	-	
2	Principal SF attached dwelling units - with each unit under fee simple ownership																		
	a. Townhouse, row house or side by side	-	-	-	-	-	S	-	-	S	-	-	-	-	S	S	-	-	
	b. Duplex	-	-	M/S	-	-	M/S	-	-	M/S	-	-	-	-	M/S	M/S	-	-	
3	Principal SF detached rural farmstead dwelling unit	M/S	M/S	M/S	M/S	M/S	-	-	M/S	-	-	-	-	-	-	-	-	-	
4	Accessory SF detached dwelling unit																		
	a. On-site construction	S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	-	-	M/S	M/S	M/S	M/S	-	-	
	b. Manufactured, single-wide H.U.D. inspected	S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	-	-	M/S	M/S	M/S	M/S	-	-	
	c. Manufactured, double or triple-wide H.U.D. inspected	S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	-	-	M/S	M/S	M/S	M/S	-	-	
	d. Manufactured, modular V.D.H.C.D. inspected	S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	-	-	M/S	M/S	M/S	M/S	-	-	
5	Accessory SF attached dwelling unit	S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	-	M/S	M/S	M/S	M/S	-	-	
R - By Right S - Special Use Permit M/S - Minor Special Use Permit E- Exempt from Zoning Clearance																			
* Appears in more than one category.																			

## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 8 SF Single-Family Residential Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	E1
6	Accessory uses and structures (excluding guesthouses)**	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
7	Guesthouses (meeting primary setbacks and clearly subordinate to primary structure)	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	M/S	-	M/S	M/S	M/S	M/S	-	-
8	Temporary SF detached dwelling unit - manufactured, single-wide HUD inspected	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
9	Temporary emergency dwelling	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
10	Combination live-work unit w/allowable business/commercial use	-	M/S	M/S	M/S	M/S	-	R	M/S	-	R	M/S	-	M/S	M/S	M/S	M/S	-
11	Residential Facility	R	R	R	R	R	R	M/S	R	R	M/S	-	R	R	R	R	-	-

R - By Right S - Special Use Permit M/S - Minor Special Use Permit E - Exempt from Zoning Clearance  
 \* Appears in more than one category.  
 \*\* Must be in rear yard

## 2009 ZONING ORDINANCE

APPENDIX A: USE REGULATIONS																		
	Category 8 MF Multi-Family Residential Uses					Village			Waterfront Village					Town Edge				
		C	A/R B	H/R	WH/ R	1	2 R	NB	1	2 R	NB	WC	ECC /R	1	2 R	NB	CG/EB/C-1	E1
1	Principal MF attached dwelling units - apartment	-	-	S	-	-	S	-	-	S	-	-	-	-	S	S	S	-
2	Principal MF attached dwelling units - with each unit not under fee simple ownership																	
	a. Townhouse, row house or side by side	-	-	-	-	-	S	-	-	S	-	-	-	-	S	S	-	-
	b. Duplex	-	M/S	M/S	-	M/S	M/S	-	-	M/S	-	-	-	M/S	M/S	M/S	-	-
3	Accessory uses and structures**	-	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
4	Temporary emergency dwelling	-	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
5	Housing for migrant farm workers in association with a seasonal farming operation	-	M/S	-	-	M/S	-	-	M/S	-	-	-	-	S	-	-	-	-
6	Worker housing - up to and including 12 occupants, employer furnished	-	S	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-
7	Housing for students, faculty and staff in association with a learning institute	-	S	S	S	S	S	-	S	S	-	-	-	S	S	S	S	-
8	Mixed-use structure, residential/commercial, up to 4 single-family dwelling units	-	-	S	S	-	-	S	-	-	S	-	-	-	-	S	S	-
9	Group homes																	
	a. Respite care service facility	-	S	S	S	S	S	S	S	S	S	-	S	S	S	S	-	-
	b. Retirement home	-	S	S	S	S	S	S	S	S	S	-	S	S	S	S	-	-
	c. Supervised living residential service facility	-	-	S	-	-	-	S	-	-	S	-	-	-	-	-	R	-
10	Shared senior home	-	M/S	M/S	M/S	M/S	M/S	M/S	-	M/S	M/S	-	-	M/S	M/S	-	-	-

R - By Right S - Special Use Permit M/S - Minor Special Use Permit E- Exempt from Zoning Clearance  
 \* Appears in more than one category.  
 \*\* Must be in rear yard

### APPENDIX B: DENSITIES, LOT SIZES AND DIMENSIONS

## 2009 ZONING ORDINANCE

APPENDIX B: DENSITIES, LOT SIZES AND DIMENSIONS																			
ZONING DISTRICT					Village			Waterfront Village					Town Edge						
	C	A/R B	H/R	WH/ R	V-1	V-2 R	NB	WV-1	WV-2 R	WV-NB	WV-WC	ECC /R	TE-1	TE-2 R	TE-NB	TE-CG	E1	EB/C-1	
Maximum density (# dwelling units per # acres)	1:50	1:20 <sup>1</sup>	2:1	2:1	1:20	2:1 <sup>2</sup>	2:1 <sup>2</sup>	1:20	2:1	2:1	None	2:1	1:5	1:2 <sup>3</sup>	1:2 <sup>3</sup>	None	None	None	
Minimum lot size	1 acre	1 acre <sup>4</sup>	1/2 acre	1/2 acre	1 acre	1/2 acre	1/2 acre	1 acre	1/2 acre	1/2 acre	None	1/2 acre	1 acre	1 acre	1/2 acre	None	None	None	
Minimum lot width in feet at:																			
Measured at the building/front setback line	150	125	100	100	125	100	P/ none	125	100	P/ none	P/ none	90	125	100	None	None	None	None	
Measured at the shoreline	250	250	250	250	250	250	250	250	250	250	250 (water dependent uses only, 60)	250	None	None	None	None	250	None	
Minimum yard dimensions in feet:																			
<i>Front Yard Setback</i>																			
All structures measured from the property line on U.S. Rt. 13	100	100	100	n/a	100	100	100	n/a	n/a	n/a	n/a	n/a	100	100	100	100	100	100	
All structures measured from the right-of-way of all other roads and railroads <sup>7</sup>	200	60	P/60	P/60	80	P/60	P/60	P/80	P/60	P/10	P/60 (water dependent uses only, 10)	P/20	60	60	60	100	100 <sup>7</sup>	100	

<sup>1</sup> Density may be increased to 1:10 under open space density bonus option; 85% open space required; max. lot coverage for each lot = 25%.

<sup>2</sup> With SUP, density may be increased to 4:1 for multi-family if one-site sewage and water supply systems are approved by the Health Department.

<sup>3</sup> Through rezoning to TE/R-2 or TE-NB, density may be increased to 5:1 if central water and sewer owned and operated by a municipality, county or public service authority are provided; setbacks may be modified.

<sup>4</sup> Minimum lot size may be reduced to 30,000 sq. ft. under open space density bonus option.

<sup>5</sup> In the case of zero lot line development or a shared lot line, a 20-ft. setback shall be observed on the other.

<sup>6</sup> See § 154.140 et seq. for supplemental regulations.

<sup>7</sup> P/x = Prevailing, if one exists, otherwise number indicated. See § 154.2.142, Front Setback/Yard Regulations. Front setback from railroad right-of-way in E1 District is 0 feet.

Note: Supplemental setback regulations are stated in § 154.2.140 et seq., Supplemental District Regulations.

Note: All development requires Health Department approval.

## 2009 ZONING ORDINANCE

APPENDIX B: DENSITIES, LOT SIZES AND DIMENSIONS																			
ZONING DISTRICT					Village			Waterfront Village					Town Edge						
	C	A/RB	H/R	WH/R	V-1	V-2 R	NB	WV-1	WV-2 R	WV-NB	WV-WC	ECC/R	TE-1	TE-2 R	TE-NB	TE-CG	E1	EB/C-1	
<i>Rear Yard Setback</i>																			
Principal structures	100	25	25	25	50	25	20	50	25	20	20 (water dependent uses only, 0)	20	50	25	20	75	100	75	
Accessory structures	20	10	5	5	10	5	5	10	5	5	5 (water dependent uses only, 0)	5	10	5	5	50	75	50	
<i>Side Yard Setback</i>																			
Allowable principal attached structures measured from shared property lines	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
All other principal structures	50	15	15	15	25	10	15	25	10	15	20 (water dependent uses only, 10)	10 <sup>5</sup>	25	10	15	50	75	50	
Accessory structures	10	10	5	5	10	5	5	10	5	5	20 (water dependent uses only, 10)	5	10	5	5	35	50	35	
<i>Shoreline Setback<sup>6</sup></i>																			
All structures except those approved by the Wetlands Board measured from the shoreline	150	115	110	115	115	105	105	115	105	105	110 (water dependent uses only 0 )	105	115	105	105	110	115	110	

<sup>1</sup> Density may be increased to 1:10 under open space density bonus option; 85% open space required; max. lot coverage for each lot = 25%.

<sup>2</sup> With SUP, density may be increased to 4:1 for multi-family if one-site sewage and water supply systems are approved by the Health Department.

<sup>3</sup> Through rezoning to TE/R-2 or TE-NB, density may be increased to 5:1 if central water and sewer owned and operated by a municipality, county or public service authority are provided; setbacks may be modified.

<sup>4</sup> Minimum lot size may be reduced to 30,000 sq. ft. under open space density bonus option.

<sup>5</sup> In the case of zero lot line development or a shared lot line, a 20-ft. setback shall be observed on the other.

<sup>6</sup> See § 154.2.140 et seq. for supplemental regulations.

<sup>7</sup> P/x = Prevailing, if one exists, otherwise number indicated. See § 154.2.142, Front Setback/Yard Regulations. Front setback from railroad right-of-way in E1 District is 0 feet.

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## 2009 ZONING ORDINANCE

APPENDIX B: DENSITIES, LOT SIZES AND DIMENSIONS																		
ZONING DISTRICT					Village			Waterfront Village					Town Edge					
	C	A/RB	H/R	WH/R	V-1	V-2 R	NB	WV-1	WV-2 R	WV-NB	WV-WC	ECC/R	TE-1	TE-2 R	TE-NB	TE-CG	E1	EB/C-1
Maximum height in feet: <sup>6</sup>																		
Principal structures	35	35	35	35	35	35	35	35	35	35	35	25	35	35	35	35	45	35
Accessory structures	25	25	25	25	25	20	20	25	20	20	25	16	25	16	20	25	30	25
Maximum lot coverage (%):	2	15	25	25	15	25	60	15	25	60	60 (water dependent uses only, 75)	60	15	25	60	60	75	75

<sup>1</sup> Density may be increased to 1:10 under open space density bonus option; 85% open space required; max. lot coverage for each lot = 25%.

<sup>2</sup> With SUP, density may be increased to 4:1 for multi-family if one-site sewage and water supply systems are approved by the Health Department.

<sup>3</sup> Through rezoning to TE/R-2 or TE-NB, density may be increased to 5:1 if central water and sewer owned and operated by a municipality, county or public service authority are provided; setbacks may be modified.

<sup>4</sup> Minimum lot size may be reduced to 30,000 sq. ft. under open space density bonus option.

<sup>5</sup> In the case of zero lot line development or a shared lot line, a 20-ft. setback shall be observed on the other.

<sup>6</sup> See § 154.2.140 et seq. for supplemental regulations.

<sup>7</sup> P/x = Prevailing, if one exists, otherwise number indicated. See § 154.2.142, Front Setback/Yard Regulations. Front setback from railroad right-of-way in E1 District is 0 feet.

Note: Supplemental setback regulations are stated in § 154.2.140 et seq., Supplemental District Regulations.

Note: All development requires Health Department approval.

# ATTACHMENT E

## Northampton County Board of Supervisors

### Projects and Issues Listing—Not in Priority Order

January 25, 2016

<u>Project or Issue</u>	<u>Comments</u>
<u>1.</u> Complete 2017 Budget.....	see schedule
<u>2.</u> Implement 2009 ZO and Amendments.....	see schedule
<u>3.</u> Finalize USDA obligation.....	Need release letter
<u>4.</u> Finalize/Adopt Board Manual.....	February Meeting?
<u>5.</u> EMS/Volunteer Agreement.....	Task Force comments
<u>6.</u> EMS Garage Decision.....	Review options
<u>7.</u> EMS Staffing/Equipment Plan and Funding.....	2017 Budget
<u>8.</u> VDH Services Contract FY 17.....	Set meeting
<u>9.</u> Update Capital Plan needs.....	List and \$\$\$
<u>10.</u> Properties (OWNED).....	BOS 10/26/15
<u>11.</u> Cape Charles Access Road.....	Target March 2016
<u>12.</u> Compensation and Classification Study.....	Board Employees
<u>13.</u> AFD Application Ranking System (Advisory Group).....	Comm of Revenue
<u>14.</u> Stronger Economies Together (SET).....	Meetings/ANPDC
<u>15.</u> Facilities, Utilities, Harbors and Ramps, Solid Waste.....	Develop Action List
<u>16.</u> E-911 System, Public Safety Communications (Southern).....	Study options
<u>17.</u> Town of Eastville-Request for Boundary Adjustment.....	In progress
<u>18.</u> Town of Cape Charles-Request for historic overlay district.....	Pending
<u>19.</u> Appropriate staffing-Code Comp, Building, Parks and Rec.....	Restructure?
<u>20.</u> Restructure Quarterly Financial Statements.....	Finance
<u>21.</u> Review Financial Policies (update).....	Finance
<u>22.</u> Review Personnel Policy Manual.....	Finance, Legal, HR
<u>23.</u> Centralization of all finance staff.....	Recommendations ?
<u>24.</u> Rural Health, Hecate, Sunset Inn, Bay Storage.....	Track and Assist
<u>25.</u> Follow Riverside Plans and actions in Nassawadox.....	Town Issue
<u>26.</u> Review County Website content and updates.....	Resources?
<u>27.</u> Identify Storm water management Facilities (pond maintenance).....	Code Enforcement?
<u>28.</u> Re-draft Residential Rental Ordinance (deal with vacant only).....	Confirm legality
<u>29.</u> Consider/Plan Review session for Strategic Plan.....	Offsite event
<u>30.</u> Track Legislative Agenda (VACO releases) like DEQ Stormwater.....	Adopted 10/13/15

#### *Additions Added by Board on January 25, 2016:*

31. Elimination of Paper Through Automated Agenda Preparation  
And Delivery ..... In Progress
32. Request Assistance from the Commissioner of the Revenue on  
SLEAC Values.....

*ATTACHMENT F*  
**RESOLUTION 20140522A**

**SUPPORTING THE CONTINUATION OF PLANNING COMMISSION  
INVOLVEMENT IN THE SPECIAL USE PERMIT PROCESS IN THE PROPOSED  
2014 ZONING AMENDMENTS UNDER CONSIDERATION BY THE  
NORTHAMPTON COUNTY BOARD OF SUPERVISORS**

**WHEREAS**, a planning commission is a public body appointed under authority of the Code of Virginia whose duties include preparation of a comprehensive plan, zoning and subdivision ordinance, and a capital improvement program; and

**WHEREAS**, a planning commission is charged with developing community land-use plans and providing recommendations on their implementation to the local governing body; and

**WHEREAS**, planning commissioners are charged with a great deal of responsibility, as the knowledge they hold can have a direct impact on the preparedness of a community to make informed land-use planning decisions; and

**WHEREAS**, a special use permit allows specific exception to the zoning regulations from a list of acceptable uses for a particular parcel of land in a zoning district, and is by nature a land-use planning decision; and

**WHEREAS**, planning commissioners are generally trained to make informed recommendations to the Board of Supervisors regarding land-use planning applications.

**SO, THEREFORE, BE IT RESOLVED**, that the Town of Cape Charles hereby petitions the Northampton County Board of Supervisors to continue to receive Planning Commission recommendations on Special Use Permits.

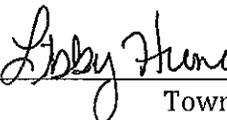
**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Town of Cape Charles hereby officially requests that this notice and adopted resolution be incorporated into the official record of the ongoing process of the drafting of revised Northampton County Ordinances which are under consideration on this date of May 22, 2014, and we officially request that this resolution be read into the record at the next scheduled meeting of the Northampton County Board of Supervisors meeting and the next scheduled meeting of the Northampton County Planning Commission.

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Adopted by the Town Council of Cape Charles on May 22, 2014.

By:   
Mayor

ATTEST:

  
Town Clerk

# Planning Commission Staff Report

From: Larry DiRe   
Date: March 1, 2016  
Item: 6b-Potential location for dog beach  
Attachments: March 19, 2015 staff report on findings from the Cape Charles Dog Committee; March 19, 2015 Town Council meeting minutes

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## Item Specifics

The issue of dogs accessing public property in general, and the Town beach in particular, have been discussed in the past. As recently as one year ago a committee of residents studied the broader issue of dog recreation and activity around town. That committee's findings and the minutes of Town Council discussion of those findings are attached. Several months ago a resident addressed the Planning Commission during the comment section of a regular meeting to state the need for dog-friendly facilities in Town, including at the beach. There are decided benefits to having a designated time and place at the Cape Charles beach. These include being able to further market tourism to travelers specifically interested in bringing their dogs with them on vacation, and the overall increased public health outcomes associated with walking, running, and swimming that dog-owners would participate in if their pets could join them in those activities. At the same time, public health and safety are always paramount responsibilities in the planning process.

## Discussion

Staff has done a brief literature review of practices and regulations associated with dog-friendly beaches around the country. Communities and public agencies in California and Florida are among the most prominent and well-regulated. While all communities are different and demographics and local values inform local government decision-making, some common themes emerge. For example, allowing dogs to have access to a location or facility does not require that these dogs are off-leash. Days and hours of dog access are a standard regulation. Signage, fencing, and location relative to high and low tides are important considerations. As with many dog-related public safety concerns, proper control and responsible ownership go a long way to ensuring a safe environment for all using the facility or beach during dog-access times. Future study is worthwhile and including a broader base of public and community stakeholders may yield a programmatic recommendation with more buy-in and likelihood for success.

## Recommendation

Provide direction to staff.

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> Cape Charles Dog Committee Update		<b>AGENDA DATE:</b> March 19, 2015
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Update re: Dog Committee and Recommendations		<b>ITEM NUMBER:</b> 8D
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT(s):</b> Jen Lewis, Recreation Coordinator	<b>REVIEWED BY:</b> Bob Panek, Interim Town Manager	

**BACKGROUND:**

Over the years, the Mayor, Town Council and staff have been approached by citizens on different occasions regarding possible ways to make the Town more of a pet-friendly destination. In the fall of 2014, the Mayor asked for volunteers to serve on a citizen committee to review the rules regarding dogs on the beach and throughout the Town. Recreation Coordinator Jen Lewis serves as the staff liaison for the committee which consists of 3 Cape Charles citizens – Beth Davis, Miriam Elton, and George Ferguson.

**DISCUSSION:**

The committee discussed a designated area to be open to dogs and their owners on a year-round basis but felt that the main issue of concern was owner responsibility. Discussions included ways to assist the dog owners in cleaning up after their pets as well as new hours for summer beach use. Much discussion was focused on enforcement of the Town's existing ordinances.

The committee offers the following recommendations:

1. Change the summer beach hours to prohibit dogs on the beach from 10:00 a.m. to 7:00 p.m. from Memorial Day to Labor Day. The Town's current ordinance prohibits dogs on the beach from 9:00 a.m. to 9:00 p.m. from April 1 through Labor Day. New signage would be installed at each beach entrance or on all doggie stations with just this information.
  - a. This change would require a public hearing and Council adoption of an ordinance.
2. The buckets would be removed from all Doggie Stations throughout the Town and pet owners would be encouraged to use the regular trash receptacles. Staff would ensure that baggies are available at all Doggie Stations at all times.
3. The Police Department would work with local citizens to enforce the Town's ordinance. The committee felt that a conversation between violators and a police officer would be enough to make noticeable changes for such issues as feces throughout Central Park and private property, as well as adhering to the leash law.

**RECOMMENDATION:**

Staff requests Council review and discussion regarding the above recommendations and guidance regarding moving forward with the recommendations.

**NEW BUSINESS:**

**A. Appointment of Zoning Administrator:**

§ 2.4.1 of the Cape Charles Zoning Ordinance stated that the Town Council was to appoint a Zoning Administrator to serve under the Town Manager and outlined the Zoning Administrator's authority to enforce the Town's Ordinance.

**Motion made by Councilwoman Natali, seconded by Vice Mayor Bannon, to appoint Town Planner Larry DiRe as the Zoning Administrator. The motion was approved by unanimous vote.**

**B. Sewer System Manhole Rehabilitation Project:**

Bob Panek stated that after extensive inspection of the manholes, 33 were identified as needing repairs, 3 needed to be rebuilt, and 2 fine screen vaults needed resurfacing. The Town advertised an invitation for bids (IFB) with a bid deadline of February 17, 2015. Three bids were received and Eastern Shore Landscaping Management (ESLM) was the low bidder at \$41,792 which was below the budgeted amount of \$100K. The Town had a long relationship with ESLM which had proven to be responsive and reliable.

**Motion made by Councilman Brown, seconded by Councilwoman Natali, to authorize the Interim Town Manager to execute a contract with ESLM for the rehabilitation of the specified manholes, rebuilding 3 manholes and relining the fine screen vaults at a cost of \$41,792. The motion was approved by unanimous vote.**

**C. Facilities Painting Contractor:**

Bob Panek stated that an IFB for Facilities Painting associated with the Utilities Department, Public Works, Library and administrative buildings. The bidders proposed a cost for each building separately and the painting would be done at the town's request as money in the maintenance budget was available. Two bids were received and Bill Widgeon was the low bidder at a total cost of \$24,350.

There was much discussion regarding the task order contract and the fact that the work would be performed as funding was available in the maintenance budget vs. the project being a budgeted item. There was no proposed time limit to the contract.

Councilman Wendell asked why the painting work had to be contracted out when the town had maintenance staff to do the work. Much debate followed regarding this issue.

**Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to authorize the Interim Town Manager to execute a contract with Bill Widgeon for the painting of town facilities. The motion was defeated. Roll call vote: Bannon, no; Bennett, no; Brown, no; Natali, yes; Wendell, no.**

**Motion made by Councilman Brown, seconded by Vice Mayor Bannon, to table the decision regarding awarding of the painting contract until more information was provided by the Public Works/Utilities Director Dave Fauber. The motion was approved by unanimous vote.**



**D. Cape Charles Dog Committee Report:**

Jen Lewis stated that in the fall of 2014, the Mayor asked for volunteers to serve on a citizen committee to review the rules regarding dogs on the beach and throughout the town. The committee discussed a designated area to be open to dogs and their owners on a year-round basis but felt that the main issue of concern was owner responsibility. The committee recommended the following: i) Change in the beach hours to prohibit dogs on the beach from 10:00 a.m. to 7:00 p.m. from Memorial Day to Labor Day; ii) Removal of the buckets from all Doggie Stations throughout the town, since the buckets were used for regular trash, and encouragement to pet owners to deposit baggies in the regular trash receptacles. Staff would ensure that baggies were available at all Doggie Stations at all times; and iii) Have the Police

Department work with local citizens to enforce the town's ordinance. The committee felt that a conversation between violators and a police officer would be enough to make noticeable changes. An article would also be published in the Cape Charles Gazette urging owners to clean up after their pets.

After much discussion regarding the change in times, police enforcement, and a designated area for dogs, Council agreed that the times for dogs on the beach would not be changed at this time; but agreed with the second and third items which were recommended by the Dog Committee.

E. *Clean the Bay Day Municipal Partner Cooperative Agreement:*

Smitty Dize stated that the Chesapeake Bay Foundation held an annual Clean the Bay Day event around the Chesapeake Bay Watershed. Last year, Cape Charles unofficially took part in Clean the Bay Day by having Davis Disposal place a dumpster at the Harbor for boaters to pick up trash from the area. In order for the town to become an official port for the 27<sup>th</sup> Annual Clean the Bay Day, a Municipal Partner Cooperative Agreement would need to be executed with the Chesapeake Bay Foundation and a Clean the Bay Day coordinator would have to be designated. There would be minimal cost to the town for eight man hours, fuel for the boat and signage. The dumpster would be provided by Davis Disposal at no cost to the town.

**Motion made by Councilman Wendell, seconded by Councilman Brown, to authorize the Interim Town Manager to execute the Municipal Partner Cooperative Agreement with the Chesapeake Bay Foundation and designate Recreation/Community Events Coordinator Jen Lewis as the Clean the Bay Day Coordinator. The motion was approved by unanimous vote.**

**MAYOR AND COUNCIL COMMENTS**

Vice Mayor Bannon, Councilmen Bennett and Brown and Councilwoman Natali stated that they did not have any additional comments.

Councilman Wendell expressed his excitement to have Mr. Brent Manuel on board. It was a unanimous decision by Council to offer the position to Mr. Manuel and he added that he thought it was wonderful that Mr. Manuel planned to reside in town. Councilman Wendell stated his concurrence with the Mayor's comments earlier this evening and asked everyone to welcome Mr. Manuel aboard.

Mayor Proto stated his agreement with Councilman Wendell's comments and added that Bob Panek had done a great job as interim town manager.

**ANNOUNCEMENTS**

- March 26, 2015 – Town Council Budget Work Session, 3:00 PM.
- April 2, 2015 – Town Council Budget Work Session, 6:00 PM.
- April 7, 2015 – Town Council/Planning Commission Special Joint Meeting, 6:00 PM.
- April 9, 2015 – Town Council Budget Work Session, 3:00 PM.
- April 16, 2015 – Town Council Regular Meeting, 6:00 PM.

**Motion made by Councilman Brown, seconded by Councilman Wendell, to adjourn the Town Council Regular Meeting. The motion was approved by unanimous vote.**

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Mayor Proto

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Town Clerk