

Planning Commission

Regular Meeting Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

April 5, 2016

6:00 P.M.

1. Call to Order – Planning Commission Regular Meeting
 - a. Roll Call – Establish a quorum
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. Review of Northampton County proposed Town Edge-1 and Town Edge-Commercial General District land uses
 - b. Consideration of dog beach
6. New Business
 - a. May 3rd regular meeting date reschedule due to Election Day
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION & TOWN COUNCIL
Joint Public Hearing & Regular Meeting
Cape Charles Civic Center
March 1, 2016
6:00 p.m.

At 6:00 p.m. Vice Chairman Mike Strub, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Vice Chairman Strub, present were Commissioners Andy Buchholz, Dan Burke, Joan Natali and Sandra Salopek. Chairman Dennis McCoy and Commissioner Bill Stramm were not in attendance. Also in attendance were Town Manager Brent Manuel, Town Planner Larry DiRe and Town Clerk Libby Hume. There were six members of the public in attendance.

Mayor George Proto, having established a quorum, called to order the Public Hearing and Meeting of the Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Godwin, Wendell and Councilwoman Natali. Councilman Brown was not in attendance.

Town Planner Larry DiRe provided an overview of the proposed Zoning Ordinance text and map amendments. (Please see attached.)

PUBLIC HEARING COMMENTS:

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

Motion made by Andy Buchholz, seconded by Sandra Salopek, to close the Planning Commission Public Hearing. The motion was approved by unanimous vote.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to close the Town Council Public Hearing. The motion was approved by unanimous vote.

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

PUBLIC COMMENTS:

Karen Gay, 506 Monroe Avenue

Ms. Gay spoke in favor of designating a portion of the beach to allow dogs. She distributed a photograph of a dog in an alley taken while she was walking around the Town and described that the dog was in a pen with a shed with 3" - 5" of standing water. Animal Control looked at the conditions when it was dry and informed her it was legal. She asked the Planning Commission to think about this situation and whether they thought it was humane. She concluded by encouraging public discussion of the issue regarding adequate treatment of a pet.

Gwen Parker, 709 Prestwick Turn

Ms. Parker stated that she agreed with Ms. Gay and added that the dogs were standing in excrement and were left there day after day.

Town Clerk Libby Hume read a letter submitted by Linda J. Burke of 516 Madison Avenue. (Please see attached.)

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

CONSENT AGENDA

With the Town Council in attendance to discuss the Northampton County Zoning Ordinance, it was recommended to move New Business Item 6A ahead of Old Business.

Motion made by Andy Buchholz, seconded by Dan Burke, to move New Business Item 6A – Review of Northampton County proposed Town Edge-1 and Town Edge-Commercial General District Land Uses before Old Business. The motion was approved by unanimous vote.

The Commissioners reviewed the minutes for the February 2, 2016 Regular Meeting and the February 22, 2016 Comprehensive Plan Public Input Session.

Libby Hume stated that Bill Stramm submitted comments via email and had noted a typographical correction to page 2 of the February 2, 2016 Regular Meeting minutes.

Motion made by Joan Natali, seconded by Sandra Salopek, to approve the minutes from the February 2, 2016 Regular Meeting as amended and the February 22, 2016 Comprehensive Plan Public Input Session as presented. The motion was unanimously approved.

REPORTS

Larry DiRe reported that he did not have anything to add to his written report and updated the Commission stating that the property owner of 207 Mason Avenue had contacted him and Code Official Jeb Brady regarding the conditional use permit.

NEW BUSINESS

Review of Northampton County Proposed Town Edge-1 and Town Edge-Commercial General District Land Uses:

Larry DiRe stated that the Northampton County Board of Supervisors (BOS) adopted the current zoning ordinance in December 2015. In January 2016, the new BOS voted to repeal the decision and revert back to the Zoning Ordinances from 2009, 2000 and 1983. The first step of the process was the March 9, 2016 Public Hearing with a comment period until March 21, 2016.

The Commission and Council reviewed the current and 2009 zoning maps of the Town Edge areas and the listing of uses in these areas. There was much discussion regarding the issue and the draft Historic Town Edge Corridor Overlay (HTE) which was provided to the BOS and County Planning Commission on several occasions over the last few years, the latest was submitted along with two Town Council resolutions which were adopted on May 22, 2014. Mayor Proto asked that the HTE be emailed to the Council and Commissioners.

After further discussion, the Commissioners were charged with comparing the County's Town Edge language with the HTE at their April 5th meeting in order to make a recommendation to Council regarding how the Town should move forward to begin discussions with the County Planning Commission and BOS. There was some discussion regarding another possible joint meeting with the Council and Commission in order to expedite the process.

Mayor Proto stated that a meeting with the BOS needed to be scheduled for general discussion to open up communications with the new BOS. The Town could then make a recommendation to work together regarding the Town Edge language.

Town Manager Brent Manuel reminded the Council regarding the pending litigation against the County. The BOS were committed to reverting back to the previous zoning ordinance. The Town would still have the opportunity to work with the County moving forward.

Mayor Proto stated that he felt the 2009 Town Edge zoning map was more of a risk than the one approved in 2015. There was more discussion regarding possible uses in this area.

Motion made by Councilman Godwin, seconded by Vice Mayor Bannon, to adjourn the Town Council Meeting. The motion was approved by unanimous vote.

B. Potential Location for Dog Beach

Larry DiRe stated that the issue regarding dogs accessing public property in general and the Town beach in particular had been discussed in the past and last year a committee of residents studied the issue of dog recreation and activity around the Town. Several months ago, a resident addressed the Commission regarding the need for dog-friendly facilities in Town, including at the beach. There were benefits to having a designated time and place allowing dogs at the beach, especially in regards to furthering tourism marketing to travelers specifically interested in bringing their dogs with them on vacation. Staff performed a brief review of practices and regulations associated with dog-friendly beaches across the county and communities and public agencies in California and Florida were among the most prominent and well-regulated.

There was much discussion regarding this issue as follows: i) Whether the designated area on the beach would be exclusive for dogs 24 hours each day and if so, some type of physical barrier or fence to separate the dog beach to prevent dogs from getting to the other areas of the beach; ii) Whether to dogs would be permitted to be off-leash only in the water and tide and if on sand, should dogs be leashed and/or under the physical control of their owner(s); iii) Insurance issues; iv) Cleaning the area; v) A possible review of the report from California. Larry DiRe stated that it was 67 pages and that he would email it to the Commissioners; vi) Legal recourse if there were any problems; vii) Possibly broadening the scope of this topic to include a dog park and the ethical treatment of animals. The Commission could research and draft language for recommendation to the Town Council. Larry DiRe stated that he would research the Code of Virginia since Virginia was a Dillon Rule State to determine whether the Town had the ability to regulate the treatment of animals. This issue would be revisited at the April meeting.

OLD BUSINESS

A. Zoning Ordinance Text and Map Amendments

A public hearing was held earlier in the evening with no public comments received.

Motion made by Dan Burke, seconded by Joan Natali, to make a recommendation to Town Council to approve all amendments as presented. The motion was approved by unanimous vote.

B. Draft Comprehensive Plan

The Commissioners reviewed notes and suggested language from Ms. Elaine Meil, executive director of the Accomack-Northampton Planning District Commission, incorporating the public comments received at the February 22, 2016 Comprehensive Plan Public Input Session.

Motion made by Joan Natali, seconded by Dan Burke, to incorporate the changes as discussed into the Comprehensive Plan and forward the Draft Comprehensive Plan to Town Council for their review. The motion was approved by unanimous vote.

C. *Zoning Ordinance Article III, Section 3.6.B.35*

The Commissioners reviewed some of the by-right uses in the Specialty Commercial (SC) District which allowed no conditional uses. Larry DiRe stated that any type of business could open by-right in Cape Charles.

There was some general discussion regarding the following: i) The uniqueness of the Town and surrounding area, especially for tourism; ii) Cape Charles was a transient town and there were a lot of businesses that weren't currently here but could potentially come here based on the seasonal nature. The Town had potential for "mom & pop" businesses; iii) There was a need for additional choices for food. There were not enough restaurants and many people did not want to wait for hours to get a table. If the food in a restaurant was good, people would possibly wait. Many restaurant owners were opposed to food trucks, but typically, food trucks would not affect the business for a restaurant. There was some discussion regarding restaurants that were unprepared last season and ran out of food on a number of occasions; iv) A strategy was needed for a business plan. The Town needed to show what could be done in Cape Charles vs. what could not be done. It would be helpful to have this information available to the public; v) There could be unintended consequences such as tax issues with more non-profits coming into the Town and taking properties off the tax roll. The Town should not restrict the type of business coming into the commercial district; vi) The possibility of removing some of the by-right uses and requiring conditional uses; vii) The current Zoning Ordinance included language regarding the design of churches but should not be regulating places of worship. There was discussion regarding the possibility of changing the terminology "churches" to "places of public assembly;" and viii) There was some discussion regarding "equestrian trails and facilities" which was a by-right use in the SC District. There wasn't any location in Town that could accommodate such a use. There was also a law regarding the number of horses permitted per acre.

Larry DiRe would research these issues and report back to the Commissioners at the May meeting.

ANNOUNCEMENTS

There were no announcements.

Motion made by Joan Natali, seconded by Dan Burke, to adjourn the Planning Commission Regular Meeting. The motion was approved by unanimous vote.

Vice Chairman Mike Strub

Mayor George Proto

Town Clerk

**Public Comments Submitted in Writing
March 1, 2016 Planning Commission Meeting**

Linda J. Burke, 516 Madison Avenue

To Town Council and Planning Commission:

Thank you for this opportunity to express my views.

I would like to have the north end of the beach designated for dogs as a lot of residents are dog owners and many vacationers bring their dogs with them. Pet friendly resorts are an increasingly popular trend.

Additionally, I would like to see Cape Charles create an ordinance that would ensure the humane treatment of dogs by prohibiting the use of dog pens. I have seen dogs in water up to their chests after a heavy rain in two separate instances. These same dogs were in a shed or some type of dreadful structure during the frigid weather we had over the winter. You will find the indifference these pet owners have for their pets is the same indifference they have concerning the condition of their property. Most kennels or pens are not only inhumane, but are a blight on the neighborhood.

Town Council can draft and pass an ordinance to prevent the inhumane life imposed on these helpless animals. Other municipalities in Virginia have done it. Town Council had the ability, the question is do they want to take a stand and make a difference.

Proposed Zoning Ordinance & Map Amendments March 1, 2016 Joint Public Hearing & Meeting

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.I (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.

Planning Commission Staff Report

From: Larry DiRe 
Date: April 5, 2016
Item: 4c-Staff Report
Attachments: None

1. There has been activity on the conditional use permit for 207 Mason Avenue, which was approved by the Town Council at their January 21st regular monthly meeting. The property owner submitted a set of construction plans for review by the Building Official. He reviewed the plans and wrote a comment letter to the owner and project engineer.
2. The Historic District Review Board received six applications for Certificate of Appropriateness at their March 15th regular monthly meeting. These applications included new construction of a single-family home, removal of a chimney from a residential building, major renovation to a single-family home, front porch reconstruction at a contributing structure, front and rear additions of a single-family home, and mounting of bulletin and message boards at two Town-owned buildings. All were approved.
3. The outdoor bulletin board for the downtown wayfinding directional map arrived at Town Hall on March 16th. The wider area map is finalized and ready for printing, while the downtown area detail map is still being finalized. When the detail map is completed it will be sent to the printer and then the board will be affixed to the west side wall of the Cape Charles Memorial Library.
4. As of Monday March 28th the USACE contract for the next phase of the federal harbor dredge project was not yet finalized.
5. At the March 17th Town Council meeting the Council directed the Planning Commission to consider the application of the development standards to the Commercial – 3 District parcels lying outside the Historic District overlay. That will be coming to the Commission in May.
6. Staff received an application for Certificate of Harbor Development from the Cape Charles Yacht Center to place a two-story, wood-frame building on a permanent foundation on lot 20, locate a small wood-frame building on lot 19 and set it on a permanent foundation, and build a small two-stall bath house. The Harbor Area Review Board is scheduled to meet on Monday April 11th to consider this application.
7. The Board of Zoning Appeals had no business and did not meet.

Planning Commission Staff Report

From: Larry DiRe 
Date: April 5, 2016
Item: 5a-Review of Northampton County proposed Town Edge-1 and Town Edge-Commercial General Districts land uses
Attachments: (A) proposed map; (B) proposed Appendix of Land Use Regulations and Appendix of densities, lot sizes and dimensions.

Item Specifics

At the March 1, 2016 joint Planning Commission – Town Council work session, the Planning Commission was tasked with reviewing the proposed land uses in the Town Edge-1 and Town Edge Commercial General Districts. The purpose of this review is to provide recommendation to the Town Council of those uses appropriate for the Historic Town Entrance overlay. That overlay has been discussed by the Town and Northampton County for a number of years. To this date no such overlay is in place.

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

Attachment B: Appendix A and Appendix B from the proposed Zoning Ordinance detailing by right and special permit uses, and other regulations for the Town Edge-1 and Town Edge Commercial General Districts. The document was edited by staff to show all proposed Town Edge-1 and Town Edge Commercial General by-right and special permit uses. All those uses specifically prohibited in those two districts have been deleted.

Discussion

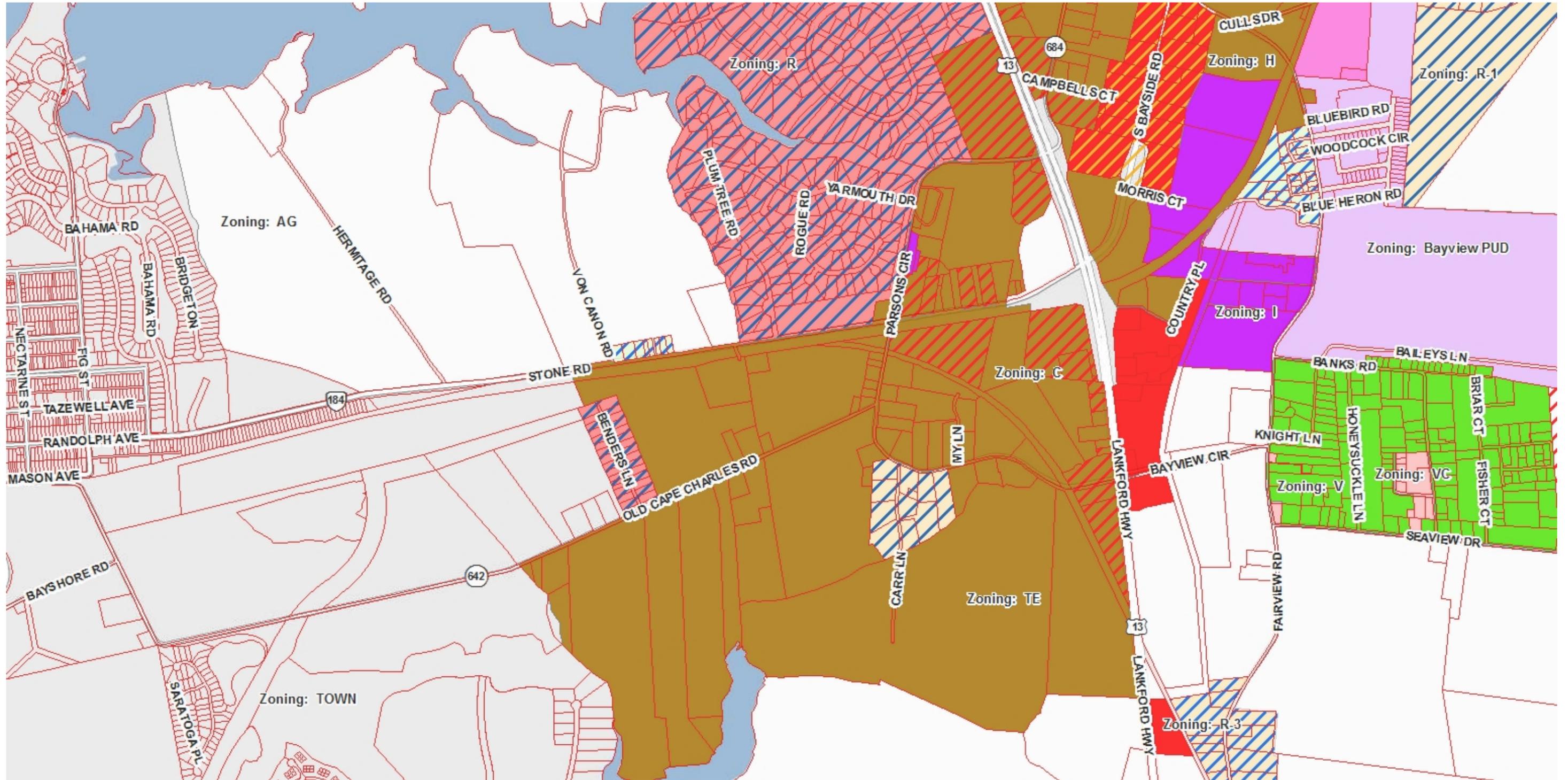
Staff is presenting the following limited, non-prioritized list of issues to consider for further discussion prior to making recommendation to the Town Council.

- The land use area for the proposed Town Edge Commercial General District (approximately 61 acres) is decidedly smaller than the Commercial District land use area (approximately 112 acres) adopted by the County in December 2015. This is important when considering the actual footprint that land uses have to fit.
- As shown on the map attachment A, the Town Edge Commercial General parcels are not all contiguous and some are irregular shapes. This contrasts with the Commercial District map adopted in December 2015. Those parcels are contiguous, allowing for greater continuity of uses in the District.
- Under both the adopted 2015 and proposed 2016 zoning, the parcels fronting US Highway 13 retain a commercial land use character.
- Town Edge -1 land use is the dominant land in parcels south of Stone Road and west of Parsons Circle to the Town boundary
- Commercial, Community Service, and Industrial uses are very limited in the Town Edge – 1 District. These uses are listed on pages 4 thru 17 of the attachment B document.
- Marine-related uses are prevalent throughout both the Town Edge – 1 and Town Edge Commercial General Districts as both by right and special permit. These uses may be the most incompatible with the goals of the Historic Town Entrance overlay. They are listed on pages 18 thru 20 of the attachment B document.

- Single and multi-family uses are very limited in the Town Edge Commercial General District, and most common in the Town Edge – 1 District. See pages 25 thru 27 of attachment B.
- Recreation uses are varied in scope and lot size likely needed to be implemented. These uses are common in both the Town Edge – 1 and Town Edge Commercial General Districts. Such uses may be more practical west of Parsons Circle and south of Old Cape Charles Road. Those uses are found on pages 21 thru 24 of the attachment B document.

Recommendation

Following discussion make recommendation to Town Council.



APPENDIX A: USE REGULATIONS

	Category 1 Agricultural Uses											Town Edge		
													I	
1	Agri-business office, on-site											R		-
2	Agriculture research facility											M/S		M/S
3	Agritourism activities at an agricultural operation											R		=
3.4	Forestry and forestry product harvesting											R		R
5.6	Grain storage facility, private											M/S		-
6.7	Grain/soybean production											R		R
7.8	Greenhouse sales, retail with outdoor storage and accessory goods/services											S		R
8.9	Greenhouse sales, wholesale with outdoor storage											R		R
9.10	Horse barn, private* (one per acre)											R		-
11.0	Horse boarding/training, commercial* with accessory goods/services											S		-
12.1	Irrigation pond, excavated/impounded											M/S		-
13.2	Irrigation well (over 300,000 gallons per month)											M/S		-
14.3	Landscape contractor - design and maintenance											R		R
15.4	Agriculture – Domestic Husbandry Livestock – domestic/for private use (traditional farm-based livestock husbandry)											R		-
176	Migrant labor camp											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

APPENDIX A: USE REGULATIONS

	Category 1 Agricultural Uses											Town Edge						
														I			CG/EB/C-1	
187	Orchard/vineyard with accessory goods/services													R			S	
198	Ornamental plant nursery with greenhouses (less than 20 acres) with accessory goods/services													R			-	
192 0	Ornamental plant nursery with greenhouses (greater than 20 acres) with accessory goods/services													M/S			-	
210	Packing shed, commercial													M/S			-	
221	Packing shed, private on farm													R			-	
23	<u>Preparation, processing or sale of food products associated with an agricultural operation</u>													<u>R</u>			<u>R</u>	
24	<u>Sale of agricultural products from a farm market</u>													<u>R</u>			<u>R</u>	
245	<u>Sale of agricultural products from a farm stand Produce stand, owner's production (seasonal)</u>													R			R	
276	Use of structure accessory to a farming operation													R			R	
287	Vegetable production													R			R	
298	Wildlife impoundment ponds, seasonal													R			-	
302 9	Winery, production, with accessory goods/services													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.
 Aquaculture Uses are included in Category 6, Marine-Related Uses

APPENDIX A: USE REGULATIONS

	<i>Category 3 Commercial Uses</i>												<i>Town Edge</i>						
														<i>I</i>			<i>CG/EB/C-1</i>		
1	Adult daycare, 7 or more*														-			R	
2	Adult daycare, up to 6*														M/S			R	
3	Aerobic studios, up to 2,500 sq. ft. with accessory goods/services														-			R	
4	Animal grooming with accessory goods/services														M/S			R	
5	Antiques mall, enclosed, greater than 2,500 sq.ft.														-			R	
6	Antiques shop, enclosed - up to 2,500 sq. ft.														M/S			R	
7	Appliance repair shop - no outside storage														R			R	
8	Artist studio, up to 2,500 sq. ft.														M/S			R	
9	Artist studio, over 2,500 sq. ft., up to 5,000 sq. ft.														M/S			R	
10	Artisan studio, up to 2,500 sq. ft.														M/S			R	
11	Artisan studio, greater than 2,500 sq. ft. to 5,000 sq. ft.														M/S			R	
12	Auction markets, enclosed														-			R	
13	Auto body/auto painting shops														-			S	
14	Auto rental agency														-			R	
15	Auto repair garage														-			R	
16	Auto sales, service and rentals up to 20,000 sq. ft.														-			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 3 Commercial Uses													Town Edge				
															I			CG/EB/C-1
17	Auto service stations													-			S	
18	Banks/financial institutions													-			M/S R	
19	Barber shops with accessory goods/services													-			R	
20	Beauty shops with accessory goods/services													-			R	
21	Bed and breakfast													M/S			R	
22	Beverage distribution, wholesale													-			R	
23	Bicycle rentals/sales with accessory goods/services													R			R	
24	Bowling alley													-			R	
25	Broadcasting studio, radio/tv													-			R	
26	Building material sales with outside storage													-			R	
27	Car wash													-			R	
28	Carpet and rug cleaning													-			S	
29	Catering, off-premise service													M/S			R	
30	Conference/retreat center, up to 10 guest rooms, with accessory goods/services													M/S			R	
31	Conference/retreat center, 11 - 25 guest rooms, with accessory goods/services													S			R	
32	Convenience store													S			S	
33	Dance halls (up to 3,000 sq. ft.)													-			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

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

APPENDIX A: USE REGULATIONS

	<i>Category 3 Commercial Uses</i>												<i>Town Edge</i>				
														<i>I</i>			<i>CG/EB/C-1</i>
48	Health club/fitness center with accessory goods/services													-			R
49	Home occupation - Home business/office													R			R
50	Home occupation – micro-business/office													E			E
51	Inn, historic - Pre 1950 structure with accessory goods/services													M/S			R
52	Kennels and boarding of animals with accessory goods/services													M/S			R
53	Landscape contractor - design and maintenance													R			R
54	Laundromat													-			R
55	Lawn mower/small engine sales, service, w/opaque screened outdoor storage													M/S			R
56	Memorial burial parks, commercial or non-profit operation (not part of a church yard)													S			-
58	Miniature golf													-			<u>M/S R</u>
59	Mini-storage facilities													-			<u>S R</u>
60	Mobile home sales													-			<u>S R</u>
61	Moped rentals and sales													M/S			R
62	Motels and hotels, up to 10 rooms													-			R
63	Motels and hotels, 11 - 25 rooms													-			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 3 Commercial Uses													Town Edge					
																I			CG/EB/C-1
64	Motels and hotels, 26 - 100 rooms														-			S	
65	Music studio														-			R	
66	Neighborhood commercial center, up to 5,000 sq. ft.														-			R	
67	Neighborhood commercial center, 5,000 - 10,000 sq. ft.														-			R	
68	Nursery/daycare of preschool children (6 or less)														R			R	
69	Nursery/daycare of preschool children (7 or more)														S			R	
70	Office, business														-			R	
71	Office, professional														-			R	
72	Other retail establishment, 2,500 - 5,000 sq. ft.														-			R	
73	Other retail establishment, including waterfront service, less than 2,500 sq. ft.														-			R	
74	Other retail establishment, 5,000 - 25,000 sq. ft.														-			S R	
76	Photographic studio														-			R	
77	Plein Aire events														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.

APPENDIX A: USE REGULATIONS

	Category 3 Commercial Uses													Town Edge					
																I			CG/EB/C-1
78	Plumbing repair shop														-			R	
79	Pool/billiard room*														-			R	
80	Railroad passenger station														S			R	
81	Regional commercial center, up to 20,000 sq. ft.														-			S R	
82	Restaurant, over 2,500 sq. ft. or any with drive-thru service														-			R	
83	Restaurant, any with outdoor seating, no drive-thru														-			S R	
84	Restaurant, including waterfront service, less than 2,500 sq. ft., no drive-thru service														-			R	
85	Qualifying rural business Adaptive Re-Use Business														M/S			M/S R	
86	RV/camper sales/service/rentals														-			S R	
87	Schools of special instruction, less than 25 students														-			R	
88	Schools of special instruction, 25 or more students														-			S R	
89	Shoe repair														-			R	
90	Skating rink, ice/roller														-			R	
91	Specialty food production, 2,500 sq. ft. or less														M/S			R	
92	Stone monument processing														-			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 3 Commercial Uses													Town Edge					
																I			CG/EB/C-1
93	Subdivision sales/rental office, on-site at an approved subdivision														R			R	
94	Taxidermy services														M/S			R	
95	Temporary seasonal sales – Christmas trees, seafood, etc. (4 - 30 days) with accessory goods/services														R			R	
96	Theater, indoor single screen/stage. less than 5,000 sq. ft.														-			R	
97	Tourism info office, kiosk or staffed														M/S			R	
98	Tourist cottage (not intended for permanent residence) up to 12														S			M/S R	
99	Truck/freight terminal														-			S	
100	Truck stop														S			S	
101	Veterinary clinics with accessory goods/services														S			R	
102	Veterinary services (no overnight boarding) with accessory goods/services														M/S			R	
103	Warehousing, including moving and storage with accessory goods/services														-			S R	
104	Wood splitting and packing														M/S			-	
105	Yard/garage sales, 4 - 15 days														R			R	
106	Yard/garage sales, temporary, 3 days or less														E			E	

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													Town Edge					
																I			CG/EB/C-1
1	Adult daycare, 7 or more*														-			R	
2	Adult daycare, up to 6*														M/S			R	
5	Alternative waste water treatment system (accessory)														M/S			M/S	
6	Animal shelter, non-profit operation														M/S			R	
7	Churches/places of worship (with or without on-site cemetery) up to 10,000 sq. ft.														R			R	
7A	Churches/places of worship (with or without on-site cemetery) 10,001 - 20,000 sq. ft.														M/S			M/S	
8	Colleges/universities														-			S R	
9	Community center, up to 5,000 sq. ft.														-			R	
11	Hospitals														-			S R	
12	Library														S			R	
13	Mass/community subsurface drainfield, on-site														S			S	
14	Medical clinics (outpatient)														-			R	
15	Meeting facilities for fraternal, civic and similar organizations, up to 5,000 sq. ft.														-			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											Town Edge					
													I			CG/EB/C-1	
16	Museums, public or commercial, with accessory goods/services													-			R
17	Nursery/preschool (6 or less)*													R			R
18	Nursery/preschool (7 or more)*													-			R
19	Post offices													-			R
20	Public safety facilities - police, fire, rescue stations, including government offices													-			R
21	Public utility, Class A: See definition													R			R
22	Public utility, Class B: See definition													S			S
23	Recreational, educational or social events by a non-profit organization, temporary													E			E
24	Recreational or social uses within a subdivision for use of residents only													E			E
26	Residential care facilities (for medical/ mental patients), up to 5,000 sq. ft.													-			R
28	Schools, primary or secondary, public or private													-			S <u>R</u>
29	Schools, vocational or technical, public or private													-			S <u>R</u>
30	Sewage treatment facilities <u>on-site (except for EI on-site not required)</u>													S			S <u>R</u>
31	Social club, private, up to 5,000 sq. ft													-			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												Town Edge			
												I	CG/EB/C-1		
32	Solar energy facility, small system											R			R
33	Wireless Communication Facility (WCF)														
	A. WCF ≤ 50 feet											R			R
	B. WCF > 50 feet and ≤ 100 feet on a parcel ≥ 5 acres											-			R
	C. WCF > 100 feet and ≤ 199 feet on a parcel ≥ 5 acres											-			M/S
	D. WCF > 50 feet and ≤ 100 feet on a parcel < 5 acres											-			R
	E. WCF > 100 feet and ≤ 199 feet on a parcel < 5 acres											-			M/S
34	Telephone exchange, unmanned											S			S R
35	Waste collection center, public (local government operated)											-			S R
37	Wind turbine, small, less than or equal to 35 feet in total height in accordance with standards in § 154.2.114											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
39	Wind turbine, small, greater than 120 feet and ≤199 feet total height in accordance with standards in § 154.2.114											S			S
40	Windmills less than or equal 35 feet total height, in accordance with standards in § 154.2.114											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
42	Windmills greater than 120 feet and ≤199 feet total height, in accordance with standards in § 154.2.114											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.

	Category 5 Industrial Uses													Town Edge					
															I			CG/EB/C-1	
4	Bakeries, wholesale (up to 5,000 sq. ft.)														-			R	
7	Boat building and repair with or without marine railway*														S			S	
8	Boat/yacht interiors - new and retrofit (fabrication and installation)														S			S	
9	Borrow pit														S			-	
11	Building component manufacturing/ assembly of modular homes														-			S	
12	Bulk mailing services														-			R	
13	Cabinet-making facility, up to 10,000 sq. ft.														-			S	
15	Clock and watch manufacture and distribution (up to 5,000 sq. ft.)														-			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

	<i>Category 5 Industrial Uses</i>													<i>Town Edge</i>					
															<i>I</i>			<i>CG/EB/C-1</i>	
16	Clothing manufacturing (up to 5,000 sq. ft.)														-			R	
17	Communications equipment manufacturing														-			S	
19	Contractor office/shop with material storage enclosed or outdoors with opaque screening up to 5,000 sq. ft.														S			R	
20	Contractor office/shop with material storage outdoors, unscreened														-			M/S	
22	Drafting equipment manufacture and distribution														-			R	
28	Farm equipment sales, service and repair														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.

APPENDIX A: USE REGULATIONS

	<i>Category 5 Industrial Uses</i>												<i>Town Edge</i>						
														<i>I</i>			<i>CG/EB/C-1</i>		
31	Foundry - artisan, up to 2,500 sq. ft.														M/S			M/S	
32	Foundry - artisan, 2,500 - 10,000 sq. ft.														-			S	
33	Furniture manufacturing, up to 2,500 sq. ft.														M/S			M/S	
34	Furniture manufacturing, 2,500 - 10,000 sq. ft.														-			S	
35	Glass works and ceramics - artisan, up to 2,500 sq. ft.														M/S			R	
36	Glass works and ceramics - artisan, 2,500 - 10,000 sq. ft.														-			S	
37	Heavy equipment sales and service														-			S	
38	Industrial trade school														-			S	
39	Jewelry assembly - artisan, up to 2,500 sq. ft.														M/S			R	
40	Jewelry assembly - artisan, 2,500 - 5,000 sq. ft.														-			M/S	
41	Labs and test facilities for manufacturing, enclosed														-			S	
42	Landscape contractor - design and maintenance on-site														R			R	
44	Machine shops, tool and die operations														-			S	
45	Medical/surgical instrument manufacturing														-			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.

APPENDIX A: USE REGULATIONS

	<i>Category 5 Industrial Uses</i>												<i>Town Edge</i>					
														<i>I</i>			<i>CG/EB/C-1</i>	
46	Metal fabrication and welding operations													-			S	
47	Microbrewery (up to 5,000 sq. ft.)													-			R	
48	Microbrewery (5,000 - 10,000 sq. ft.)													-			S	
51	Musical instrument manufacture and distribution													-			S	
52	Optical equipment manufacture													-			S	
58	Pottery and figurine manufacture													-			S	
59	Prefabrication of wooden buildings/garden sheds, etc.													-			S	
60	Printing, lithography establishments													-			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

	<i>Category 5 Industrial Uses</i>											<i>Town Edge</i>					
													<i>I</i>			<i>CG/EB/C-1</i>	
63	Railroad freight terminals													-			S
64	Reclamation of soil or water, temporary - existing on-site only													R			R
65	Recreational vehicle retrofitting and customizing													-			S
66	Recycling collection site up to 1 acre													S			S
67	Recycling receiving/transfer facilities for plastic, glass, cans, paper, household waste													-			S
72	Storage of bulk agricultural products													S			-
73	Storage of seafood products													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.

APPENDIX A: USE REGULATIONS

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

APPENDIX A: USE REGULATIONS

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

APPENDIX A: USE REGULATIONS

	<i>Category 6 Marine-Related Uses</i>					<i>Village</i>			<i>Waterfront Village</i>				<i>Town Edge</i>			
													<i>I</i>			<i>CG/EB/C-1</i>
31	Retail sales of clam, crab, fish (less than 2,500 sq. ft.) with accessory goods/services												R			R
32	Watch houses for shellfish grounds, less than 500 sq. ft.												M/S			-
33	Wholesale outlet for clam, crab, fish, less than 2,500 sq. ft.												R			R
34	Wholesale outlet for unprocessed clam, crab, fish, 2,500 - 5,000 sq. ft.												-			R
35	Wildlife/marine life preservation area*												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.

APPENDIX A: USE REGULATIONS

	<i>Category 7 Recreational Uses</i>													<i>Town Edge</i>					
															<i>I</i>			<i>CG/EB/C-1</i>	
1	Archery range, outdoor, with accessory goods/services														M/S			-	
2	Archery range, indoor (up to 5,000 sq. ft.) with accessory goods/services														M/S			R	
3	Athletic fields														S			S	
4	Athletic fields, with structures														S			-	
6	Batting cage														-			S	
7	Boat ramp for recreational boats, private*														R			R	
8	Boat ramp for recreational boats, public/commercial*														S			S	
9	Boat storage and washing facilities														-			S	
10	Bowling alley with accessory goods/services														-			R	
11	Camper/RV storage with washing facilities, screened														-			S	
12	Campgrounds with accessory goods/services														S			-	
13	Corn mazes with accessory goods/services														R			-	
14	Country clubs, not including golf courses														S			R	
15	Dance halls (up to 3,000 sq. ft).*														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.

APPENDIX A: USE REGULATIONS

	Category 7 Recreational Uses													Town Edge					
															I			CG/EB/C-1	
16	Dance halls (3,000 - 5,000 sq. ft.)*														-			S R	
17	Day camp														S			S	
18	Docks, private recreational														R			R	
19	Firing range, indoor														-			S	
22	Fishing pier, commercial or public, with accessory goods/services														S			S	
23	Game center, coin-operated														-			R	
25	Golf course, public, private or commercial, with accessory goods/services														S			-	
26	Golf driving range, daylight only, with accessory goods/services														M/S			M/S	
27	Golf - miniature* with accessory goods/services														-			R	
28	Guide/outfitter services* with accessory goods/services														M/S			R	
29	Hayrides, commercial														R			-	
30	Health club/fitness center/day spa* with accessory goods/services														-			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

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

	<i>Category 7 Recreational Uses</i>													<i>Town Edge</i>					
															<i>I</i>			<i>CG/EB/C-1</i>	
45	Temporary recreational event (3 days or less); e.g., carnival, ballooning, bungee jumping, tractor pulls, etc.														R			R	
46	Tennis courts, private														R			R	
47	Tennis courts, public or commercial														-			R	
48	Theater, indoor screen/stage up to 5,000 sq. ft.*														-			R	
49	Wildlife or marine life preservation area*														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.																			

APPENDIX A: USE REGULATIONS

<i>Category 8 SF Single-Family Residential Uses</i>														<i>Town Edge</i>					
															<i>I</i>			<i>CG/EB/C-1</i>	
1	Principal SF detached dwelling unit																		
	a. On-site construction														R			-	
	b. Manufactured, single-wide H.U.D. inspected														M/S			-	
	c. Manufactured, double or triple-wide H.U.D. inspected														R			-	
	d. Manufactured, modular V.D.H.C.D. inspected														R			-	
4	Accessory SF detached dwelling unit																		
	a. On-site construction														M/S			-	
	b. Manufactured, single-wide H.U.D. inspected														M/S			-	
	c. Manufactured, double or triple-wide H.U.D. inspected														M/S			-	
	d. Manufactured, modular V.D.H.C.D. inspected														M/S			-	
5	Accessory SF attached dwelling unit														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.																			

APPENDIX A: USE REGULATIONS

	<i>Category 8 SF Single-Family Residential Uses</i>													<i>Town Edge</i>					
															<i>I</i>			<i>CG/EB/C-1</i>	
6	Accessory uses and structures (excluding guesthouses)**														R			R	
7	Guesthouses (meeting primary setbacks and clearly subordinate to primary structure)														M/S			-	
8	Temporary SF detached dwelling unit - manufactured, single-wide HUD inspected														R			R	
9	Temporary emergency dwelling														R			R	
10	Combination live-work unit w/allowable business/commercial use														M/S			M/S	
11	Residential Facility														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

APPENDIX A: USE REGULATIONS

	<i>Category 8 MF Multi-Family Residential Uses</i>											<i>Town Edge</i>				
													<i>I</i>			<i>CG/EB/C-1</i>
1	Principal MF attached dwelling units - apartment												-			S
2	Principal MF attached dwelling units - with each unit not under fee simple ownership															
	b. Duplex												M/S			-
3	Accessory uses and structures**												R			R
4	Temporary emergency dwelling												R			R
5	Housing for migrant farm workers in association with a seasonal farming operation												S			-
7	Housing for students, faculty and staff in association with a learning institute												S			S
8	Mixed-use structure, residential/ commercial, up to 4 single-family dwelling units												-			S
9	Group homes															
	a. Respite care service facility												S			-
	b. Retirement home												S			-
	c. Supervised living residential service facility												-			R
10	Shared senior home												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

APPENDIX B: DENSITIES, LOT SIZES AND DIMENSIONS

ZONING DISTRICT												Town Edge						
													TE-1			TE-CG		
Maximum density (# dwelling units per # acres)													1:5			None		
Minimum lot size													1 acre			None		
Minimum lot width in feet at:																		
Measured at the building/front setback line													125			None		
Measured at the shoreline													None			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		
All structures measured from the right-of-way of all other roads and railroads ⁷													60			100		

¹ Density may be increased to 1:10 under open space density bonus option; 85% open space required; max. lot coverage for each lot = 25%.
² 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.
³ 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.
⁴ Minimum lot size may be reduced to 30,000 sq. ft. under open space density bonus option.
⁵ In the case of zero lot line development or a shared lot line, a 20-ft. setback shall be observed on the other.
⁶ See § 154.140 *et seq.* for supplemental regulations.
⁷ 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.

APPENDIX B: DENSITIES, LOT SIZES AND DIMENSIONS

ZONING DISTRICT													Town Edge					
													TE-1			TE-CG		
Rear Yard Setback																		
Principal structures													50			75		
Accessory structures													10			50		
Side Yard Setback																		
Allowable principal attached structures measured from shared property lines													0			0		
All other principal structures													25			50		
Accessory structures													10			35		
Shoreline Setback ⁶																		
All structures except those approved by the Wetlands Board measured from the shoreline													115			110		

¹ Density may be increased to 1:10 under open space density bonus option; 85% open space required; max. lot coverage for each lot = 25%.
² 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.
³ 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.
⁴ Minimum lot size may be reduced to 30,000 sq. ft. under open space density bonus option.
⁵ In the case of zero lot line development or a shared lot line, a 20-ft. setback shall be observed on the other.
⁶ See § 154.2.140 *et seq.* for supplemental regulations.
⁷ 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.

APPENDIX B: DENSITIES, LOT SIZES AND DIMENSIONS

ZONING DISTRICT												Town Edge					
													TE-1			TE-CG	
Maximum height in feet:⁶																	
Principal structures													35			35	
Accessory structures													25			25	
Maximum lot coverage (%):													15			60	

¹ Density may be increased to 1:10 under open space density bonus option; 85% open space required; max. lot coverage for each lot = 25%.
² 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.
³ 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.
⁴ Minimum lot size may be reduced to 30,000 sq. ft. under open space density bonus option.
⁵ In the case of zero lot line development or a shared lot line, a 20-ft. setback shall be observed on the other.
⁶ See § 154.2.140 *et seq.* for supplemental regulations.
⁷ 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.

Planning Commission Staff Report

From: Larry DiRe 
Date: April 5, 2016
Item: 5b-Consideration of dog beach

Attachments: City of Virginia Beach City Code 6-5 Animals on beach and adjacent areas.

Item Specifics

Following previous public comments and discussion at the March 1, 2016 Planning Commission meeting, staff has prepared this report. The report presents the current laws regulating dogs in Cape Charles, information from a small sampling of Virginia municipalities that are both regional and similar to Cape Charles capacity to administer and enforce a dog swim area; and information gleaned from a major research project conducted in the state of California several years ago. The California report serves as a starting point for best practices of dog accessible swim areas and beaches. There is no doubt that a well socialized dog is a dog that poses less risk of aggression, and owner and pet exercise serves a broader public health benefit.

Attachment: City of Virginia Beach Code section legislating animals on the public beach and adjacent areas.

Cape Charles Town Ordinance Sec. 50-191. - Animals on beach and other public places.

(a) Animals prohibited during certain period.

(1) It shall be unlawful for any person owning, having control of any animal to permit such animal to be on the public sand beach, the boardwalk or the grassy area west of the boardwalk during the period from 9:00 a.m. through 9:00 p.m. between April 1 and Labor Day of each year, such period hereinafter referred to [as] the "season".

(2) It shall be unlawful for any person who owns or has control of any animal to permit such animal to run at large at any time. For purposes of this section, an animal shall be deemed to run at large while roaming, running, or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

Kiptopeake state park: Dogs not allowed at all on the north beach; allowed on-leash at all times on the south beach, dog must have current rabies vaccination.

Town of Colonial Beach: pets not allowed on beach at all; can be on boardwalk from October through April.

Town of Urbanna: on leash year-round in the marina.

City of Poquoson: waterfront treated same as rest of the City which is under a leash law.

Discussion

Staff is presenting the following limited, non-prioritized list of issues to consider for further discussion based on research from other community's experience with dog swim areas.

- The basic issue of requiring dogs to be under leash control, instead of voice control, is addressed differently.
- In the event that dogs are allowed access to a designated swim area, the hours of such permission may vary depending on the desired purpose. For example hours designated in the early morning or later evening may be more appropriate for residents and longer-term guests, while permitted hours during the daytime may serve the needs of visitors coming to the beach for just a day trip and bringing their dog along.
- Potential conflict between one beach-goer's dog and another beach-goer escalates into a conflict between the two beach-goers.
- Removing animal waste landside can be managed by dog waste bag stations (found throughout Cape Charles); dog wastes excreted into water are more difficult to manage. That waste can poses a public health concern.
- The number of dogs allowed swim area access under the control of one responsible beach-goer; the appropriate age of that responsible beach-goer.
- Should a dog become aggressive at the designated swim area what is the most appropriate response: remove the dog from the area or put the dog under leash control (if off-leash dogs are permitted in the swim area).
- The mere presence of dogs allowed in a designated swim area may make some beach-goers believe that the water and shoreline are neither clean nor hygienic for public health, in which case there is an unintended consequence of negatively impacting the beaches image.
- In the event dogs are allowed access to a designated swim area during specific daytime hours, once those hours expire the dog may spend the rest of the beach-goer's visit in a hot car.

Recommendation

Following discussion provide direction to staff.

Sec. 6-5. - Animals on beach and adjacent areas.

(a) For purposes of this section:

(1)

The term "animal" shall be deemed to include, but not be limited to, any mammal, bird, or reptile;

(2)

The term "owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; (iv) acts as a custodian of an animal; or (v) is in possession of an animal; and

(3)

The term "season" means the period from 6:00 p.m. on the Friday before Memorial Day through 6:00 p.m. Labor Day of each year.

(b) It shall be unlawful for the owner of a dog present on any sand beach to fail to maintain control of the dog.

(c) It shall be unlawful for the owner of any animal to permit such animal to be on the sand beaches from Rudee Inlet on the south to 42nd Street on the north during the season.

(d) It shall be unlawful for the owner of any animal to permit such animal to be on the boardwalk or the grassy area west of the boardwalk to the property lines during the season; provided, however, that a leashed dog, under the control of the owner, may be permitted on the boardwalk and the grassy area west of the boardwalk to the property lines during the season between the hours of 6:00 a.m. and 10:00 a.m.

(e) It shall be unlawful for the owner of any animal to permit such animal to be on any sand beach during the season; provided, however, that a dog may be permitted on beaches other than the beaches listed in subsection (c) during the season between the hours of 6:00 p.m. and 10:00 a.m. if leashed or under the control of the owner.

(f) It shall be unlawful for the owner of any animal to have the animal on Atlantic Avenue, or in the parks and connector streets between Atlantic Avenue and the boardwalk, from Rudee Inlet to 42nd Street, unless such animal is in an escape-proof container. This provision shall not be applicable to leashed dogs.

(g) No owner of any animal shall knowingly or willfully permit such animal to litter any sand beaches within the city or to litter the boardwalk or the grassy area west of the boardwalk to the property lines from Rudee Inlet on the south to 42nd Street on the north, at any time. In the event such animal shall defecate on the sand beaches within the city, or on the boardwalk or the grassy area west of the boardwalk to the property lines from Rudee Inlet on the south to 42nd Street on the north at any time, the person who owns or has control of such animal shall immediately remove all feces deposited thereon by such animal and dispose of same in a sanitary manner approved by the department of public health, such as by encasing same in an airtight wrapper or container and placing same in a garbage receptacle. Failure to so remove

said feces in accordance with the provisions of this subsection shall constitute a Class 1 misdemeanor.

(h)Notwithstanding the above, it shall be unlawful for the owner of any animal to permit such animal to be on any sand beaches within the city, at any time, unless such person shall have in his possession a container of sufficient size and adequate design to remove and dispose of all feces deposited thereon by such animal, in accordance with the provisions of subsection (g).

(i)With the exception of subsections (g) and (h), the provisions of this section shall not be applicable to a guide dog, hearing dog or service dog trained to accompany a person with a disability while being accompanied by such person, or to any dog or horse in the custody or control of a law enforcement officer while such officer is in the performance of his duties.

(j)The provisions of this section may also be enforced by city animal control officers.

(Code 1965, § 5-43; Ord. No. 1536, 6-3-85; Ord. No. 1875, 5-15-89; Ord. No. 2053, 4-23-91; Ord. No. 2213, 5-4-93; Ord. No. 3186, 6-28-11; Ord. No. 3235, 5-22-12; Ord. No. 3334, 3-25-14)

Cross reference— Animals, Ch. 5.

Planning Commission Staff Report

From: Larry DiRe 
Date: April 5, 2016
Item: 6a – May 3rd regular meeting date reschedule due to Election Day
Attachments: None

Discussion

- The Planning Commission meets for the regular monthly meeting on the first Tuesday of the month. In May that date is the third, which is also Election Day in the Town of Cape Charles. Staff is requesting the Commissioners consider changing the date to allow for the public and Commissioners to participate in the election without conflict with regular meeting attendance.

Recommendation

After discussion decide whether the date for the May 2016 regular monthly meeting will change.