

Planning Commission
Regular Session Agenda
Cape Charles Civic Center – 500 Tazewell Avenue
September 6, 2022, at 6:00 P.M.

1. Call to Order
 - A. Roll call and establish a quorum
2. Invocation and Pledge of Allegiance
3. Consent Agenda
 - A. Approval of agenda format
 - B. Approval of Minutes: August 2, 2022 Public Hearing & Regular Meeting Minutes
4. Public Hearings: NONE
5. Citizen Comment Period, for any item not subject to an advertised public hearing
6. Unfinished Business:
 - A. Review of proposed zoning ordinance amendments regarding Accessory Dwelling Units
7. New Business: NONE
8. Report of Officers and Committees
 - A. Housing Committee re: Land Use Ordinance Barriers to Housing Development
9. Standing Staff Reports
 - A. Interim Planning & Zoning Administrator Monthly Report for August 2022
 - 1.) Subdivision Agent Report
 - 2.) Report on Applications filed with Board of Zoning Appeals, pursuant to Code of Virginia §15.2-2310
 - 3.) Historic District Guidelines Update
 - 4.) Comp Plan Review Update – Status Report
10. Announcements - Next Meetings:
 - Public Forum: Thursday, September 8, 2022 @ 6:30 pm – Presentation on Draft Historic District Guidelines
 - Joint Meeting with Town Council, Planning Commission & Historic District Review Board with our consultant, Commonwealth Preservation Group: Thursday, September 29, 2022 @ 6:30 pm – review of Draft Historic District Guidelines and comments received from the public and the Board members
 - Regular Session: October 4, 2022 @ 6:00 pm
11. Adjourn



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PLANNING COMMISSION
Public Hearing & Regular Meeting
Cape Charles Civic Center
August 2, 2022

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Kenneth Butta, Paul Grossman, Jim Holloway, Dennis McCoy and Michael Strub. There was one vacancy on the commission. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, and Town Clerk Libby Hume. There were no members of the public in attendance and seven viewers on Facebook Live.

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

CONSENT AGENDA:

Motion made by Paul Grossman, seconded by Michael Strub, to approve the Consent Agenda as present. The motion was approved by unanimous vote.

Bill Stramm read the public hearing notice and opened the public hearing.

PUBLIC HEARING COMMENTS:

- A. *Conditional Use Permit (CUP) 2022-004: Application from Barbara and Bill O'Hare at 11 Randolph Avenue (Tax Map #83A3-2-3-1) for an Accessory Dwelling Unit in the Residential-1 Zoning District pursuant to CCZO Section 4.2 (J).*

Katie Nunez summarized the staff report and read the public comment submitted by Steve Handy and Claudine Pierce. (Please see attached.)

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

Motion made by Paul Grossman, seconded by Kenneth Butta, to close the public hearing portion of the Planning Commission meeting. The motion was approved by unanimous vote.

CITIZEN COMMENTS:

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

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- A. *Discussion and Possible vote on Conditional Use Permit (CUP) 2022-004: Application from Barbara and Bill O'Hare at 11 Randolph Avenue (Tax Map #83A3-2-3-1) for an Accessory Dwelling Unit in the Residential-1 Zoning District pursuant to CCZO Section 4.2 (J).*

Motion made by Paul Grossman, seconded by Dennis McCoy, to recommend Town Council approve the Conditional Use Permit (CUP 2022-004) for an Accessory Dwelling Unit at 11 Randolph Avenue on an application filed by Barbara and Bill O'Hare pursuant to Cape Charles Zoning Ordinance Section 4.2 (J). The motion was approved by unanimous vote.

B. Discussion regarding zoning ordinance provisions regarding Accessory Dwelling Units.

Katie Nunez summarized the Town Council discussion and said the Commissioners needed to discuss how to proceed with revisions rewrite to the text amendments pertaining to Accessory Dwelling Units (ADU).

Discussion and questions were as follows: (i) Dennis McCoy asked what Town Council's problem was on the "Policies and Descriptions" document provided in the packet the number two description bullet was highlighted. Katie Nunez said this council does not want it to be restrictive with the intent. Dennis McCoy pointed out that this was the identical phrasing from the study that the Berkley Group completed for the Northampton County. (ii) There was much discussion on the length of stay whether it be kept at thirty days or be changed to sixty days. (iii) Allowing family and friends to stay in the ADU when not in use as a long-term rental was discussed as an option. (iv) The commissioners were still unclear on the purpose of an ADU. (v) Bill Stramm asked if short-term rentals were being considered as an option; no. (vi) The definition for "kitchen" would be "a space within a structure designated for the preparation of food". (vii) Kenneth Butta stated that annual inspections and expiration dates were needed. (viii) Paul Grossman would like an ADU to be a by-right usage but was worried about how it could be monitored. Katie Nunez said that additional terms or conditions could be given. Paul Grossman thought the fines were not enough if a violation was to be placed on a property. Katie Nunez would like to have civil penalties instead of criminal. Paul Grossman asked if the Conditional Use Permit would be revoked if the ADU was being rented as a short-term rental. He added that the owners should have a financial penalty, permanent ban, and per day violation. (ix) Jim Holloway said safety should be paramount and the first question to be asked was can the fire department of other emergency department find the residence. Paul Grossman said all building requirements should be followed. Katie Nunez said the owners could provide a statement of attestation and added that she was working with Jeb Brady, Code Official, to issue a Certificate of Completion. and (x) Michael Strub asked if a definition for long term rental should be added; no, Town Council does not want to be restrictive and flexibility for family members to stay in an ADU was wanted. He then said make it easy and state "No short-term rentals.". Much discussion ensued on how to ensure it was understood that accessory dwelling units were for long-term rentals and not short-term rentals.

Katie Nunez would compile all discussion and revise the Cape Charles Zoning Text Amendments as necessary for review at the September meeting.

C. Discussion regarding report commissioned by Northampton County entitled: "Overcoming Land Use Ordinance Barriers to Housing Development" dated May 27, 2022 by the Berkley Group.
Katie Nunez briefly read through the staff report.

Paul Grossman provided a table compiled of his review of the report. (Please see attached.) He suggested forming a sub-committee of himself and one other commissioner. Bill Stramm was interested.

Paul Grossman, Bill Stramm, and Katie Nunez would schedule a meeting.

REPORT OF OFFICERS AND COMMITTEES

Bill Stramm would like a status report on the strategic plan for the sidewalks. He referenced the Sidewalk Study that had been conducted. Katie Nunez would ask Town Manager John Hozey.

STANDING STAFF REPORTS

Katie Nunez gave updates on the following: (i) Final Plats Approved: (1) Dreams by the Water Subdivision; Final Site Plan Approved: (1) Cape Charles Mini Golf; (ii) Board of Zoning Appeals: (1) Three variance applications.; and (2) Working with property owner, Nancy Rooney, on options to get allowance for a first-floor residential unit in the Commercial-1 District.

ANNOUNCEMENTS

- Regular Session – September 6, 2022, at 6:00 p.m. in the Civic Center

Motion made by Paul Grossman, seconded by Jim Holloway, to adjourn the Planning Commission Public Hearing and Regular Meeting at 7:21 p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning Technician

Planning Commissioner Paul Grossmans Table

Paul Grossman (7/25/22)

Review of 'Overcoming Land Use Ordinance Barriers to Housing Development' Report (May 27,2022)

Factor 1: Diversity of Housing Stock

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
1	Finding: Accessory dwelling units should be permitted more broadly across the localities. - Though some localities limit ADU residency to family members, this is not recommended as it is a difficult provision to enforce and limits the ability to create affordable rental options. - ADUs are not listed as permitted uses in the Town of Cape Charles. Expanding the permission of ADUs provides opportunity for additional affordable housing and aging in place.	P.17	Cape Charles does not limit occupants of ADU to family members. ADUs can be occupied by owners, family members or renters > 30 days duration. One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, <u>contingent upon approval as a conditional use</u> in accordance with Section 4.3. Section 4.2.J.	No changes recommended. Planning Commission/ Town Council currently revising ADU ordinance and considering removal of conditional use permit requirement (i.e., allow by-right).	Pro: Ordinance has sufficient requirements to allow review and approval by ZA. Reduces process time by eliminating public hearings and PC and TC engagement.
2	Finding: Impacts of Tourist/Transient Housing and Alternative Structures on Housing Cape Charles uses the term short-term rental. Taking a comprehensive look at the tourist/transient housing group across all localities reveals that each locality permits some form of these tourist/transient or "short-term" rentals by-right. Studies show that short-term rentals and similar tourist and transient housing can negatively affect housing affordability if they are not owner-occupied dwellings.	P.17			

1

	Owner-occupancy can be a requirement as a performance standard for these uses.				
3	Recommendation 1: Create a consolidated use table/matrix similar to the table in Northampton County's ordinance, to clearly identify permitted uses within each district to ease interpretation and usability	P.18			
4	Recommendation 2: Modernize/expand permitted uses. Modernize permitted use lists in ordinances to incentivize and facilitate a diverse range of housing types not currently permitted, such as accessory dwelling units and middle housing (4–8-unit buildings) in appropriate zoning districts.	P.18			
5	Recommendation 3: Expand flexibility in residential use permissions. Examine whether residential uses that currently require approval of a special (or conditional) use permit may be appropriate by right with accompanying use/development standards. [Code of Virginia § 15.2-2288.1 specifically prohibits a locality from requiring special (or conditional) use permit approval for residential dwellings proposed in compliance with the use, height, and density permitted by-right under the zoning district regulations.]	P.18			
6	Recommendation 4: Evaluate manufactured home parks and subdivisions as affordable housing options.	P.18			

2

	"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" does not include a park model recreational vehicle, which is a vehicle that is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard. [§ 46.2-100. Definitions.]				
7	Recommendation 5: Amend ordinances to ensure uses comply with the Code of Virginia. Ordinance for Cape Charles, should be amended to comply with the Code of Virginia § 15.2-2292.1 relative to temporary family health care structures.	P.18			

3

	§ 15.2-2292.1. Zoning provisions for temporary family health care structures. Zoning ordinances for all purposes shall consider temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land. "Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in § 63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.				
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PLANNING COMMISSION STAFF REPORT

Meeting Date: September 6, 2022

Prepared by: Katie H. Nunez, Planning & Zoning Administrator

Date: August 31, 2022

REGULAR SESSION: Accessory Dwelling Unit Zoning Ordinance Review

At the August 2, 2022 meeting, the Planning Commission discussed the feedback from Town Council regarding the previously proposed zoning text amendments to Section 4.2 (J) - Accessory Dwelling Units & Section 2.9 – Definitions. As indicated, the Town Council requested the Planning Commission to incorporate their feedback and propose a new zoning text amendment regarding Accessory Dwelling Units.

After our discussion, I have attempted to develop a new proposal for Planning Commission to consider and discuss and make further changes as necessary to present to the Town Council at their September 15, 2022 meeting.

Legend of Changes in the document:

Current Zoning Text: Regular Text

Proposed Deletions: Shown as **~~bold, strike through text~~**

Proposed Additions, first version: Shown in *Red Italic Font*

Proposed Additions or Changes from the First Version: *Shown in Blue Italic Font or ~~Blue Italic Font Strike Through Text~~*

A. PROPOSED ZONING TEXT AMENDMENTS TO CCZO SECTION 4.2 (J)

1. ADD A NEW SECTION AS THE FIRST PARAGRAPH in SECTION 4.2 (J)
STATEMENT OF INTENT: *To establish criteria and standards for Accessory Dwelling Units to implement one component of the goal from the Town's Comprehensive Plan to add diversity of housing type while maintaining the neighborhood character. ~~and providing affordable housing options.~~ The intent is to allow an increased density on a lot in specific zoning districts to provide opportunity in the creation of long-term rental units to assist in meeting the housing needs of the Town and County and to provide flexibility to property owners to be able to utilize the ADUs as overflow space for their own family use, as needed.*
2. ORIGINAL ORDINANCE of SECTION 4.2 (J):
Accessory Dwellings. One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, ~~contingent upon approval as a conditional use in accordance with Section 4.3,~~ and subject to the following:

1. Physical characteristics.

- a. Accessory dwellings shall be located in an accessory building.
- b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.
- c. Accessory dwellings shall have **one kitchen area**, one bathroom, and a *sleeping area*.
- d. Accessory buildings ~~and~~ shall not have the appearance of a single-family dwelling.

3. Occupancy characteristics.

- a. *Transient Occupancy (also referred to Short Term Rentals [STRs]) means any person(s) who, for any period of not more than 30 consecutive days, either at his own expense or at the expense of another, lodges or obtains lodging at any hotel, motel tourist home, or other facility. Accessory Dwelling Units may not be rented on a Transient Occupancy basis.*
- b. Length of stay – ~~No~~ *An* accessory dwelling unit ~~shall~~ *may* be occupied ~~by any person or persons, whether paying a fee for such occupancy or not, by the same person or persons~~ for a period *no* less than **thirty (30)** ~~sixty (60)~~ consecutive calendar days *either paying a fee for such occupancy at his own expense or at the expense of another.* Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested; **either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.**
- b. Inspections — All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.**
- c. *The property owner where the Accessory Dwelling Unit (ADU) is located may utilize the ADU as overflow residential space for members of their family, as needed.*

3. Other requirements.

- a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
- b. Accessory dwellings will be required to have its own municipally issued trash receptacle, separate from the main residence/structure.*
- c. Accessory dwellings meeting the requirements of all of the physical characteristics of 4.2 (J) (1) above must obtain a Certificate of Completion for Accessory Dwellings from the Code Official, which is equivalent to a Certificate of Occupancy. In order to issue said Certificate, the Code Official will conduct an inspection to determine compliance with the Building Code.*
- ~~b.~~ d. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.

- e. ~~c. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to~~ *be in compliance with* Section 4.5.1.C.6. ~~(Table of Parking Standards)~~ using both on and off-street parking areas.
- d. ~~f. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.~~
- e. ~~g. Annual Certifications to be submitted to the Town by March 15 of each year to the Building and Planning Department.~~
 - 1. *The property owner will submit an annual affidavit on Town Affidavit Form for Accessory Dwellings attesting to their acknowledgement and adherence to the Zoning Ordinance requirements for Accessory Dwelling Units .*
 - 2. *The property owner will submit an annual affidavit on Town Affidavit Form for Safety Compliance for Accessory Dwellings Units.*
 - 3. *If the property owner changes between March 16 and December 31 of the calendar year, the new property will be required to submit both a new Town Affidavit Form for Accessory Dwellings and a Town Affidavit Form for Safety Compliance for Accessory Dwelling Units no later than 30 days from the property transfer.*

B. PROPOSED ZONING TEXT AMENDMENTS TO SECTION 2.9 – Definitions

1. Add the following Definitions to Section 2.9

KITCHEN means a space within a structure designated for the preparation of food ~~that includes a sink.~~

BATHROOM means a room or area that includes a sink and toilet. It may also include a bathtub, shower, or bidet.

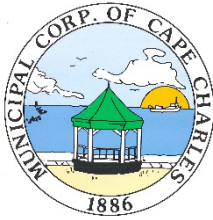
BEDROOM is a room, or space within a structure intended for sleeping. Requirements include:

- *A minimum size of 70 sq. ft; if more than one person occupies the room, there must be 50 sq. ft per occupant.*
- *Access to a bathroom without crossing another bedroom.*
- *Every bedroom must have access to natural ventilation and have a permanent heat source.*
- *Two means of egress: one that leads to the rest of the home without going through another bedroom and one that leads directly to the outside. If the outside egress is a window, it must be at least 5.7 sq. ft and can be no more than 44 inches from the room floor, unless there is a permanent step installed. It shall be illegal to have locking bars or grates covering an egress window.*
- *Ceiling height must be no less than 7 feet.*

SLEEPING AREA is an area in a room or house where a person can sleep and may utilize a bed, bunk beds, daybed, or other furniture identified for sleeping purposes, including ad without limitation, a pull-out couch or futon.

2. Correct the following definition in Section 2.9

BUILDING, ACCESSORY means a subordinate and separate building located upon the same lot occupied by the main structure or where a main structure was previously located. Accessory buildings shall not be used as dwelling units, unless a conditional permit is issued for an accessory dwelling zoning permit is issued in compliance with Section 4.2 (J).



CAPE CHARLES

ACCESSORY DWELLING UNIT ANNUAL SAFETY INSPECTION CHECKLIST & AFFIDAVIT

INSTRUCTIONS:

Each Accessory Dwelling Unit established pursuant to Cape Charles Zoning Ordinance Section 4.2 (J) is required to conduct and complete this Annual Safety Inspection Checklist by May 1 annually and return to the Building Office at (INSERT ADDRESS). You must sign and get this affidavit notarized, confirming that you have conducted the inspection, either yourself as the property owner, or your agent on your behalf, and you are attesting to the accuracy of all information provided.

The Building/Code Official retains the right to conduct an in-person inspection of the property to determine compliance with the Safety and Health Requirements for Accessory Dwelling Units and will schedule said inspection within 5 days of providing written

PROPERTY ADDRESS		Person Completing Inspection:	
PROPERTY OWNER NAME:		Date of Inspection:	
MAILING ADDRESS			
PHONE #:			
EMAIL:			

SAFETY INSEPTION ITEMS		Answer			Notes
ITEM # and CATEGORY		Y	N	NA	
1	SMOKE DETECTORS Please list the location of each smoke detector and # of smoke detectors total for the structure. Are they located and installed, as previously approved by the Building Official during the initial inspection, with one on each level and in each bedroom, if separated by walls?				
2	CARBON MONOXIDE (CO) ALARM Please list the location of each carbon monoxide alarm and # of carbon monoxide alarms total for the structure.				
3	STAIRS & STAIRWAY Are all steps and handrails securely fastened and anchored, free from trip hazards and no loose or broken boards or stair treads?				

	Is the stairway in sound condition and free from any obstacles? Is the stairway illuminated?				
4	DOORS Are all exits out of the building free of obstructions and able to be used? Does the egress door for the Accessory Dwelling Unit open from the inside without a key?				
5	WINDOWS Is the egress window easily openable? Is the egress window free from obstructions or obstacles?				
6	GARAGE SEPARATION to LIVING SPACE Is the separation from garage to living space in the same condition as approved by the Building Official during his initial inspection?				
7	ELECTRICAL Are all electrical components in safe working conditions, including: • No missing cover plates • No exposed open wiring • All outlets are working				
8	WATER HEATER Is the water heater in sound, working condition?				
9	HEATING Does the living space have heating ability to a minimum of 68 degrees? Please Note: space heaters are not permitted to meet this requirement.				
10	FIRE EXTINGUISHER Is there a fire extinguisher in the kitchen? Please provide location where it is. Is it expired or current?				
11	GENERAL Interior areas, including the garage, shall be kept free from excessive accumulation of rubbish or garbage. No grills are permitted on balconies				

ADD SIGNATURE LINES

ADD AFFIDAVIT STATEMENT

ADD NOTARY STUFF



PLANNING COMMISSION STAFF REPORT

Meeting Date: September 6, 2022

Prepared by: Katie H. Nunez, Planning & Zoning Administrator

Date: August 31, 2022

REGULAR SESSION: Housing Subcommittee Report

The Housing Subcommittee of the Planning Commission, which is comprised of Commissioner Stramm, Commissioner Grossman and Planning & Zoning Administrator Nunez, has been meeting weekly since August 2, 2022 in reviewing, discussing and developing possible revisions to the Cape Charles Zoning Ordinance in response to the analysis contained in the Berkeley Group report entitled “Overcoming Land Use Ordinance Barriers to Housing Development” which was commissioned by Northampton County and included a review of the zoning for the County and all of its incorporated towns.

One of the working documents that was developed by the subcommittee is an Excel Document that provides in a list format all of the uses allowed (either by right or through Conditional Use Permit) and then provides a definition for said use, if one is provided in the ordinance, and then lists whether that use is allowed or not across all of the zoning districts. In addition, a further column was included that categorize the use as either a business or structure.

There is a spreadsheet for the Accawmacke Plantation Planned Unit Development (PUD) Ordinance as well as one for the rest of the Town area governed directly by the Cape Charles Zoning Ordinance.

Our committee’s focus is on housing and so some of the cells have been highlighted in yellow and that is only to make it easier to find the uses dealing with housing.

Our subcommittee has found this document to be useful in the review of the zoning ordinance and wanted to go ahead and share this with the full Planning Commission so that they can start reading through this in anticipation of the full zoning ordinance review which will be commencing later this fall with our consultant, Summit Design and Engineering as they wrap up the Comprehensive Plan update.

Since the zoning ordinance is set up to consider all uses by district, sometimes it is helpful and useful to flip the picture and understand the uses and where they would be allowed throughout Town, including any requiring additional legislative approvals and if the definitions are appropriate and clear to the general user of the zoning ordinance.

No action is sought by the Planning Commission; this is just a tool for your use.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	Uses	Structure vs Business	Section 2.9 Definition (unless otherwise specified)	R-1	R-2	R-3	R-E	CR	C-1	C-2	C-3	Harbor	PUD	OSD	GBI	GBI H1	M-1	M-2
2	Accessory building*	S	BUILDING, ACCESSORY means a subordinate and separate building located upon the same lot occupied by the main structure or where a main structure was previously located. Accessory buildings shall not be used as dwelling units, unless a conditional use permit is issued for an accessory dwelling.	P	P	P	P	P				P	P		P		P	
3	Accessory uses customarily accessory and clearly incidental and subordinate to permitted uses	S	ACCESSORY USE, except as otherwise provided in the zoning district regulations, an accessory use is: 1. a use which is conducted on the same zoning lot as the principal use to which it is related, whether located within the same building or as an accessory structure, or as an accessory use of land, or which is conducted on a contiguous lot in the same ownership, and 2. clearly incidental to, and customarily found in connection with, such principal use, and 3. operated and maintained substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the zoning lot with the principal use.											P				
4	Adaptive reuse of existing structure	S	ADAPTIVE REUSE means the development of a new use for an older building or for a building originally designed for a special or specific purpose. [A new use different than the intended use for which the structure was originally constructed. (Section 3.2.C.6)]	C									C					
5	Agricultural operations (noncommercial)	S	Such as the tilling of soil, the raising of crops, horticulture, forestry, and gardening. (Section 3.1)				P											
6	Arboretum	S														P		P
7	Assembly halls	S										C	C					
8	Auditoriums	S										C	C					
9	Basketball courts, court sports	S		C									C	P				
10	Buildings over 40 ft but equal or less than 50 ft	S														C		
11	Civic and governmental facilities	S										P	P					
12	Commuter parking lot	S														P		
13	Croquet, court sport	S												P				
14	Docks and piers	S												P				

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	Uses	Structure vs Business	Section 2.9 Definition (unless otherwise specified)	R-1	R-2	R-3	R-E	CR	C-1	C-2	C-3	Harbor	PUD	OSD	GBI	GBI H1	M-1	M-2
15	Docks or piers as accessory uses	S			P	P							P					
16	Dog Pen	S	DOG PEN means any structure used to enclose and confine domestic canines outside of the principal building or structure on a lot. Pens shall be located only in the rear yard and in accordance with the Town’s zoning regulations. Pens shall be designed to provide the canines with shelter from the elements of nature and constructed in such a manner as not to cause injury to the animal or interfere with movement, vision or respiration. Pens shall be in a clean, dry, and sanitary condition at all times. Animal waste shall not be allowed to accumulate. PEN means a small enclosure used for the concentrated confinement and housing of animals, a place for feeding and fattening animals, or a coop. Enclosed pastures or range with an area in excess of one hundred square feet for each animal shall not be regarded as a pen.	P									P					
17	Dwelling, Accessory (ADU)*	S	DWELLING, ACCESSORY is a dwelling unit which is an accessory use to a single family dwelling or commercial use in the Commercial – Residential District.	C to P	C to P		C to P	C to P										
18	Dwelling, condominiums, conversion	S	DWELLING, CONDOMINIUM shall mean a single, separately owned dwelling unit in a multi-unit development or structure, with jointly owned and shared areas and facilities.	P	P	P	P	P	P	P	P	P	P		P		P	
19	Dwelling, condominiums, new Eliminate need to go through BZA with SUP	S	DWELLING, CONDOMINIUM shall mean a single, separately owned dwelling unit in a multi-unit development or structure, with jointly owned and shared areas and facilities.	C to P	C to P	C to P	P	C to P	C to P	P	P	C to P	P		P		P	
20	Dwelling, cooperatives, conversion	S	Real estate owned by an association, each of the members of which is entitles, by virtue of his ownership interest in the association, to exclusive possession of a unit. (See Code of Virginia Section 55-424 et. seq.)	P	P	P	P	P	P	P	P	P	P		P		P	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	Uses	Structure vs Business	Section 2.9 Definition (unless otherwise specified)	R-1	R-2	R-3	R-E	CR	C-1	C-2	C-3	Harbor	PUD	OSD	GBI	GBI H1	M-1	M-2
21	Dwelling, cooperatives, new Eliminate need to go through BZA with SUP	S	Real estate owned by an association, each of the members of which is entitles, by virtue of his ownership interest in the association, to exclusive possession of a unit. (See Code of Virginia Section 55-424 et. seq.)	C to P	C to P	C to P	P	C to P	C to P	P	P	C to P	P		P		P	
22	Dwellings, Duplex	S	DWELLING, DUPLEX shall mean a building designed as a single structure, containing two separate dwelling units, has direct access to the outside, and each of which is designed or arranged to be occupied by two families living independently of each other.	P	P	P	Katie to review lot size req'ts					No to Harbor since residential thru PUD process	P		P		P	
23	Dwellings, Group Homes (15.2-2291)	S	GROUP HOME is a residential facility, licensed by the Department of Behavioral Health and Developmental Services, in which no more than eight individuals with mental illness, mental retardation, or developmental disabilities reside, with one or more residential counselors or other staff persons. For the purposes of this ordinance, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in § 54.1-3401 of the Code of Virginia.	P	P	P		P					P		P		P	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	Uses	Structure vs Business	Section 2.9 Definition (unless otherwise specified)	R-1	R-2	R-3	R-E	CR	C-1	C-2	C-3	Harbor	PUD	OSD	GBI	GBI H1	M-1	M-2
24	Dwellings, Manufactured home	S	DWELLING, MOBILE HOME or MANUFACTURED HOME means a special form of one-family dwellings with the following characteristics: 1. designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities, with plumbing and electrical connections provided for attachments to outside systems 2. designed to be transported after fabrication on its own wheels 3. arriving complete at the site where it is to be occupied, usually including major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations, location and provision of support on site, connection with utilities and the like 4. intended to be used other than as a component in a structure two or more stories in height. MANUFACTURED HOUSING means factory built, single-family structures that meet national standards.	P	P	P	P	P										
25	Dwellings, Multi-family	S	DWELLING, MULTI-FAMILY shall mean a building designed for and containing two or more dwelling units.			P			C	C	P	C	P/C		P		P	
26	Dwellings, Residential units below or above minimum or maximum SF	S		C					Keep C for public notice and address parking					C				
27	Dwellings, Single-family	S	DWELLING, SINGLE FAMILY DETACHED shall mean a single-family dwelling that is located on an individual lot of record.	P	P		P	P	€	€	P	€	P		P		P	
28	Dwellings, Townhouse	S	DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE) shall mean a dwelling unit which is located on an individual lot of record and which is attached to another dwelling unit or any adjoining lot by a common wall.		P	P		P					P		P		P	
29	Equestrian facilities	S			C	C							C					
30	Equipment storage buildings associated with permitted recreational uses	S												P				

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	Uses	Structure vs Business	Section 2.9 Definition (unless otherwise specified)	R-1	R-2	R-3	R-E	CR	C-1	C-2	C-3	Harbor	PUD	OSD	GBI	GBI H1	M-1	M-2
31	Garages (private) as accessory uses	S	GARAGE, PRIVATE RESIDENTIAL is a structure that is an accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.		P	P							P					
32	Gazebos as accessory uses	S			P	P							P					
33	Libraries and galleries	S										P	P			P		
34	Municipal building	S														P		
35	Municipal Community Center	S	MUNICIPAL COMMUNITY CENTER. See ‘Neighborhood Community Center.’”	P	P								P					
36	Museums and cultural centers	S		P	P							P	P			P		P
37	Natural area	S														P		P
38	Neighborhood community center	S	NEIGHBORHOOD COMMUNITY CENTER is a facility within Residential Districts intended for the use of Town citizens for recreational and educational use.	C									C					
39	Office and meeting spaces for civic orgs	S		C									C					
40	Outdoor recreational uses	S	*Non-commercial recreation uses which are primarily open air									P	P	p*				
41	Parking areas associated with permitted recreational uses*	S												P				
42	Parking as Accessory uses*	S				P							P					
43	Parking, Off-street*	S										C	C					
44	Parking structure	S														P		
45	Parks	S	PARK means a tract of land designated and used by the public for active and passive recreation.									P	P	p*		P		P
46	Parks and playgrounds	S	PLAYGROUND means an active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.	P	P		C						P	p*				
47	Picnic Shelters	S	PICNIC AREA means a place equipped with tables, benches, grills, and trash receptacles for people to assemble, cook, eat, and relax.											P				
48	Plaza	S														P		P
49	Public amenities such as restrooms, bath houses, fountains, etc	S												P				
50	Public buildings	S							P	P	P		P		P		P	
51	Public facilities	S							P	P	P		P		P		P	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	Uses	Structure vs Business	Section 2.9 Definition (unless otherwise specified)	R-1	R-2	R-3	R-E	CR	C-1	C-2	C-3	Harbor	PUD	OSD	GBI	GBI H1	M-1	M-2
52	Public utilities and services	S	PUBLIC UTILITY means a closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.	C			P						C					
53	Recreational facilities	S														P		C
54	Recreational facilities as Accessory uses	S				P							P					
55	Residents' community centers as Accessory uses	S				P							P					
56	Retention areas: streets	S				P							P	P				
57	Schools	S		P	P		C						P					
58	Schools (Elementary, middle, or high schools) or institutions [Not trade or business schools]	S			C	C							C					
59	Structures, other than bldgs, exceeding 50 feet	S														C		C
60	Swimming pools as accessory use*	S			P	P							P					
61	Swimming pools*	S		C									C	P				
62	Tennis courts	S		C									C	P				
63	Tennis courts as accessory use	S			P	P							P					
64	Utility (Public Utility Facility)	S	PUBLIC UTILITY FACILITY means any building, structure, and facility including generating and switching stations, poles, lines, pumping stations, repeaters, antennas, transmitters, and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.									P	P	P				
65	Utility installations	S	UTILITY INSTALLATION. See Public Utility Facility.			P							P		P	P		C
66	Volleyball, court sport	S												P				
67	Water storage tank	S														P		C
68	Animal Hospital and kennels*	B													P			
69	Antique shops	B						P	P	P	P		P		P		P	
70	Antique shops ≤ 2500 SF gross floor area	B										P	P					
71	Antique shops > 2500 SF gross floor area	B										C	C					
72	Any other commercial or professional use which is compatible in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.	B							P	P	P		P		P		P	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	Uses	Structure vs Business	Section 2.9 Definition (unless otherwise specified)	R-1	R-2	R-3	R-E	CR	C-1	C-2	C-3	Harbor	PUD	OSD	GBI	GBI H1	M-1	M-2
73	Any other use is S-C District ????	B							P	P	P		P		P		P	
74	Any other use which is compatible in nature with the foregoing <u>permitted and conditional</u> uses and which the Zoning Administrator determines to be compatible with the intent of the District and is concurred with by the Planning Commission.	B										C	C					
75	Any other use which is compatible in nature with the foregoing <u>permitted</u> uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.	B						P					P		P		P	
76	Any other light industry as determined by the ZA to be compatible use in this diestricht	B													P			
77	Any other use as determined by the Zoning Administrator to be a compatible use with this district	B															P	
78	Accessory uses: customarily associated and clearly incidental and subordinate to the principal uses and structures and temporary licensed uses such as festivals, displays, outdoor entertainment, outdoor gatherings, performances, and outdoor open-air markets.	B													P			
79	Accessoru uses: Only those that are customarily accessory and clearly incidental and subordinate to the principal uses and structures.	B														P		P
80	Temporary licensed uses such as art festivals, displays, educational exhibits, outdoor gatherings or performances, and outdoor food markets.	B														P		P
81	Adult care center	B														P		
82	Agriculture	B														P*		P
83	Aquaculture	B														P		P
84	Art galleries	B						P					P		P	P	P	
85	Art shops	B							P	P	P		P		P		P	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	Uses	Structure vs Business	Section 2.9 Definition (unless otherwise specified)	R-1	R-2	R-3	R-E	CR	C-1	C-2	C-3	Harbor	PUD	OSD	GBI	GBI H1	M-1	M-2
86	Assembly of electrical appliances, electronic instruments and devices, radios, and phonographs	B															P	
87	Athletic clubs	B						P				P	P		P		P	
88	Auditoriums, theaters, and assembly halls	B							P	P	P		P		P		P	
89	Automobile and truck painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, overhauling, tire re-treading or recapping	B															P	
90	Automobile repair and small engine repair	B							P	P	P		P		P		P	
91	Automobile service stations*	B							P	P	P		P		P		P	
92	Bait and tackle shops	B										P	P					
93	Bakeries, confectionaries	B						C	P	P	P	P	P/C		P		P	
94	Beauty and barber shops	B						P	P	P	P		P		P		P	
95	Beauty and barber shops ≤ 2500 SF gross floor area	B										P	P					
96	Beauty and barber shops > 2500 SF gross floor area	B										C	C					
97	Bed and breakfasts	B	BED AND BREAKFAST or TOURIST HOME means a single-family dwelling containing sleeping and/or breakfast accommodations as an accessory use to the principal use. Such lodging shall have room accommodations for transient persons and wherein a charge is normally paid for such accommodations.	C				P	P	P	P	C	P/C		P		P	
98	Bicycle and moped sales and rentals	B							P	P	P		P		P		P	
99	Bicycle shops	B						C					C					
100	Bicycle, Moped sales and rentals ≤ 2500 SF gross floor area	B										P	P					
101	Bicycle, Moped sales and rentals > 2500 SF gross floor area	B										C	C					
102	Blacksmith shops	B															P	
103	Blueprinting shops	B							P	P	P		P		P		P	
104	Blueprinting shops ≤ 2500 SF gross floor area	B										P	P					
105	Blueprinting shops > 2500 SF gross floor area	B										C	C					
106	Boat and marine engine repair shops	B										C	C					
107	Boat rentals	B										P	P					
108	Boat sales	B							P	P	P		P		P		P	
109	Boat building, repairing, repainting, rebuilding and reconditioning	B															P	
110	Boatels	B										C	C					

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	Uses	Structure vs Business	Section 2.9 Definition (unless otherwise specified)	R-1	R-2	R-3	R-E	CR	C-1	C-2	C-3	Harbor	PUD	OSD	GBI	GBI H1	M-1	M-2
111	Bookstores, new and used ≤ 2500 SF gross floor area	B										P	P					
112	Bookstores, new and used > 2500 SF gross floor area	B										C	C					
113	Building materials sales yards	B															P	
114	Bottling, assembly, processing*	B													P			
115	Business studios, offices and clinics	B							P	P	P		P		P		P	
116	Business service establishment (including mail order or electronic catalog sales)	B														P		
117	Business studios	B										P	P					
118	Café and coffe ships	B						C					C					
119	Camera shops	B						P					P		P		P	
120	Camera shops ≤ 2500 SF gross floor area	B										P	P					
121	Camera shops > 2500 SF gross floor area	B										C	C					
122	Candy stores	B						P					P		P		P	
123	Candy stores ≤ 2500 SF gross floor area	B										P	P					
124	Candy stores > 2500 SF gross floor area	B										C	C					
125	Card shop	B							P	P	P		P		P		P	
126	Card shops ≤ 2500 SF gross floor area	B										P	P					
127	Card shops > 2500 SF gross floor area	B										C	C					
128	Carpet and flooring sales	B							P	P	P		P		P		P	
129	Catering services	B							P	P	P	P	P		P		P	
130	Child care facilities (conducted in church, synagogue, or similar place of worship or elementary, middle, or high school or institution of higher learning)	B			C	C							C					
131	Childcare and childcare education centers	B										C	C					
132	Childcare centers	B	CHILD CARE CENTER means any facility, other than a family home, established for providing childcare, supervision, and protection of children.						P	P	P		P		P		P	
133	Child day care center	B														P		
134	Churches and other places of worship	B	CHURCH means a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.	P	P		C						P					
135	Churches, synagogues, or similar places of worship	B	PLACE OF WORKSHIP shall mean a building where persons regularly assemble for religious purposes and related social events and which is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.		C	C							C					
136	Clothing stores	B						P					P		P		P	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	Uses	Structure vs Business	Section 2.9 Definition (unless otherwise specified)	R-1	R-2	R-3	R-E	CR	C-1	C-2	C-3	Harbor	PUD	OSD	GBI	GBI H1	M-1	M-2
137	Clothing stores ≤ 2500 SF gross floor area	B										P	P					
138	Clothing stores > 2500 SF gross floor area	B										C	C					
139	Coal yards	B															P	
140	Commercial recreation uses	B											P					
141	Communications center	B														P		
142	Concrete plant manufacturing, sales, and distribution of concrete and related products	B																P
143	Conference Centers	B						C				P	P			P		C
144	Crafts markets	B										C	C					
145	Day care centers	B						C					C					
146	Day spas	B						P					P		P		P	
147	Delicatessens	B						C	P	P	P	P	P		P		P	
148	Dressmaking, tailoring, and millinery shops	B							P	P	P		P		P		P	
149	Dressmaking, tailoring, millinery ≤ 2500 SF gross floor area	B										P	P					
150	Dressmaking, tailoring, millinery > 2500 SF gross floor area	B										C	C					
151	Drug stores	B							P	P	P		P		P		P	
152	Dry cleaning ≤ 2500 SF gross floor area	B										P	P					
153	Dry cleaning > 2500 SF gross floor area	B										C	C					
154	Dry cleaning shops	B							P	P	P		P		P		P	
155	Dry goods stores	B						P					P		P		P	
156	Dry goods stores ≤ 2500 SF gross floor area	B										P	P					
157	Dry goods stores > 2500 SF gross floor area	B										C	C					
158	Eating and drinking establishments	B							P	P	P		P		P		P	
159	Education centers (Childcare)	B							P	P	P		P		P		P	
160	Educational facilities	B										P	P					
161	Educational institution	B														P		C
162	Emergency medical services, facilities	B													P	P		P
163	Entertainment establishments	B										C	C					
164	Equipment storage yards, contractors	B															P	
165	Equipment, plant storage or rental commonly used by contractors	B															P	
166	Fabric stores	B							P	P	P		P		P		P	
167	Farmers' markets	B										C	C					
168	Feed and seed stores	B															P	
169	Financial institutions	B							P	P	P		P		P		P	
170	Financial institutions	B										P	P					
171	Fire services, facilities	B													P	P		P
172	Fishery	B														P		P
173	Flex industrial use	B														P		
174	Florists	B						P	P	P	P		P		P		P	

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[illegible]

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	Uses	Structure vs Business	Section 2.9 Definition (unless otherwise specified)	R-1	R-2	R-3	R-E	CR	C-1	C-2	C-3	Harbor	PUD	OSD	GBI	GBI H1	M-1	M-2
238	Post office, drop off and pick up	B														P		
239	Plumbing supply stores	B															P	
240	Printing service	B														P		P
241	Public Utility Facility	S	PUBLIC UTILITY FACILITY means any building, structure, and facility including generating and switching stations, poles, lines, pumping stations, repeaters, antennas, transmitters, and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public. UTILITY INSTALLATION. See Public Utility Facility.									P	P	P				
242	Public Utilities substation*	S														P		C
243	Public Utility service center	B														P*		C
244	Radio and television sales	B							P	P	P		P		P		P	
245	Rail and/or intermodal terminals, including transfer, storage, handling, inspection, processing and/or transport of containerized bulk and/or other cargo	B														P		
246	Railroad tracks, sidings, yards, or roundhouses	B																P
247	Real estate sales and rentals	B						P				P	P		P		P	
248	Recording studio	B														P		C
249	Research, experimental testing, or development activities	B														P		P
250	Restaurants	B	RESTAURANT means an establishment where food and drink are prepared and served and consumed primarily within the principal building.					C	P	P	P	P	P/C		P	P*	P	
251	Retirement homes	B	CONTINUING CARE RETIREMENT COMMUNITY is an age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee in excess of one year of monthly fees.							P	P		P		P		P	
252	Sail and canvas making and repair	B										P	P					
253	Schools (business and vocational)	B							P	P	P		P		P		P	
254	Schools (Commercial)	B							P	P	P		P		P		P	
255	Sheet metal shops	B															P	
256	Ship stores and chandleries	B										P	P					

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	Uses	Structure vs Business	Section 2.9 Definition (unless otherwise specified)	R-1	R-2	R-3	R-E	CR	C-1	C-2	C-3	Harbor	PUD	OSD	GBI	GBI H1	M-1	M-2
257	Shipping facilities	B													P			
258	Stationery shops	B							P	P	P		P		P		P	
259	Stationery shops ≤ 2500 SF gross floor area	B										P	P					
260	Stationery shops > 2500 SF gross floor area	B										C	C					
261	Storage, outdoor*	B														P		C
262	Storage Facilities	B													P		P	
263	Any telecommunication, television, or radio microwave dishes or antennas	B														P		C
264	Theaters	B										C	C					
265	Tobacco stores	B						P					P		P		P	
266	Tobacco stores ≤2500 SF gross floor area	B										P	P					
267	Tobacco stores > 2500 SF gross floor area	B										C	C					
268	Tourist homes	B	BED AND BREAKFAST or TOURIST HOME means a single-family dwelling containing sleeping and/or breakfast accommodations as an accessory use to the principal use. Such lodging shall have room accommodations for transient persons and wherein a charge is normally paid for such accommodations.	C								C	C					
269	Training center (excluding rehabilitation and institutional facilities)	B														P		
270	Transporation facilities	B	TRANSPORTATION FACILITY is any structure or facility that is primarily used, as part of a transit system, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.										P					
271	Upholstering shops	B							P	P	P		P		P		P	
272	Upholstering shops and fabric stores ≤ 2500 SF gross floor area	B										P	P					
273	Upholstering shops and fabric stores > 2500 SF gross floor area	B										C	C					
274	Utility generating plant and transmission facility using renewable energy sources	B														P		C
275	Video stores	B						P					P		P		P	
276	Video stores ≤ 2500 SF gross floor area	B										P	P					
277	Video stores > 2500 SF gross floor area	B										C	C					
278	Warehouses	B													P	P*		P

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	Uses	Structure vs Business	PUD Article 2 Definition (unless otherwise specified)	R-1	R-2	R-3	Village	SC	C	GBI	PD-STIP	CO
1	Accessory uses subordinate to golf courses, tennis and country clubs	S	Those uses allowable within a designated Zoning District or Land Use Classification only when incidental and subordinate to the permitted or conditional use.									P
2	Any other residential use which is comparable in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of this District.	S					P					
3	Arboretum	S									P	
4	Church, synagogue or similar place of worship*	S		C	C	C	C		P	P		
5	Civic facilities	S					P	P	P	P		
6	Clubhouse facilities	S										P
7	Community center	S					P	P	P	P		
8	Cultural center	S									P	
9	Cultural facilities	S					P	P	P	P		
10	Docks or piers	S	A structure extending from land into a water body allowing water access	P	P	P	P					
11	Dwelling, duplex	S	A building having two (2) dwelling units side by side		P	P	P					
12	Dwelling, model*	S		P	P	P	P					P
13	Dwelling, multi-family	S	A building or buildings of three (3) or more separate dwelling units, including townhouses and apartments.			P	P					
14	Dwelling, patio	S	A single-family dwelling with exterior porches and equal side yard setbacks.		P	P	P					
15	Dwelling, residential above commercial	S					P	P				

	Uses	Structure vs Business	PUD Article 2 Definition (unless otherwise specified)	R-1	R-2	R-3	Village	SC	C	GBI	PD-STIP	CO
16	Dwelling, single-family	S	A building having one (1) dwelling unit. DWELLING UNIT: A dwelling having one or more rooms, but having no more than two (2) kitchens designed for single family use including domestic employees employed within the dwelling unit.		P	P	P					
17	Dwelling, single-family detached	S		P			P					
18	Dwelling, townhouse	S				P	P					
19	Dwelling, zero lot line	S	Single family dwelling with one exterior wall on a side property line.		P	P	P					
20	Equestrian facilities*	S	A facility that may include all or some of the following functions and structures: horse training, riding instruction, horse boarding, horse breeding, horse layup and therapy, stables, show ring, event seating, parking, outside riding course, practice ring, schooling ring, riding trails, pastures, paddocks, turnouts, feed and supply storage, trailer parking and storage, tack store and meeting rooms and maintenance equipment storage.	C	C	C	C					
21	Garages, private	S	Accessory building designed or used for the storage of automobiles, trailerable boats or trucks not exceeding ½ ton owned and used by the occupants of the dwelling to which it is accessory.	P	P	P	P					
22	Gazebos	S		P	P	P	P					
23	Harbor master office	S					P	P				
24	Libraries, public	S					P	P				
25	Library	S									P	
26	Municipal building	S									P	
27	Museums	S							P	P	P	

	Uses	Structure vs Business	PUD Article 2 Definition (unless otherwise specified)	R-1	R-2	R-3	Village	SC	C	GBI	PD-STIP	CO
28	Natural area	S									P	
29	Open air non-commercial recreational uses	S										P
30	Parking	S				P	P					P
31	Parking areas associated with permitted recreational uses*	S										P
32	Parking garages	S					P	P	P	P		
33	Parking lots	S					P	P	P	P		
34	Parking lots, commuter	S									P	
35	Parking structure	S									C	
36	Parks	S	A tract of land set aside by the developer for recreation and/or open space.								P	
37	Parks*	S							P	P		
38	Parks, public or private*	S					P	P				
39	Performing arts center	S									C	
40	Plaza area	S									P	
41	Recreation facilities	S	A place designed and built to accommodate recreational activities.			P	P				C	
42	Residents community center	S	A place designed and built to accommodate resident or community assembly needs			P	P					
43	Retention areas	S	An open area designed for permanent or intermittent holding of water or dredge spoil.				P	P	P	P		
44	Retention areas: streets	S		P	P	P	P					P
45	Schools, elementary, middle or high school or institution of higher learning (not trade or business school)*	S		C	C	C	C					
46	Streets	S	STREET, ROAD: Any roadway, public or private, which affords principal means of vehicular access to abutting property				P	P	P	P		

	Uses	Structure vs Business	PUD Article 2 Definition (unless otherwise specified)	R-1	R-2	R-3	Village	SC	C	GBI	PD-STIP	CO
47	Structures associated with permitted recreational uses*	S	Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs.									P
48	Structures, other than bldgs, exceeding 50 feet	S									C	
49	Swimming pools with or without pool house	S		P	P	P	P					P
50	Tennis courts	S		P	P	P	P					P
51	Tennis courts and clubs	S					P	P				
52	Tennis, associated with country club	S										P
53	Utility installations	S		P	P	P	P			P	C	
54	Utility installations	S					P	P	P	P		
55	Water storage tank	S									C	
56	Adult Care	B	Provision of health care including retirement homes, congregate living and acute care facilities or mixtures thereof.						P	P		
57	Adult Care Center	B									P	
58	Agriculture (excluding livestock)	B									P	
59	Antique shops	B					P	P	P	P		
60	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.	B					P	P	P			

	Uses	Structure vs Business	PUD Article 2 Definition (unless otherwise specified)	R-1	R-2	R-3	Village	SC	C	GBI	PD-STIP	CO
61	Any other special commercial use which is comparable in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of this District.	B					P					
62	Appliance store	B							P	P		
63	Aquaculture	B									P	
64	Art gallery	B							P	P	P	
65	Art studios	B					P	P	P	P		
66	Art supply shops	B							P	P		
67	Athletic clubs	B					P	P	P	P		
68	Auction houses	B							P	P		
69	Auditoriums	B					P	P	P	P		
70	Automobile parts stores	B							P	P		
71	Automobile service stations (with or without convenience store)*	B							P	P		
72	Bakery shops	B					P	P	P	P		
73	Banks	B					P	P	P	P		
74	Barber shop	B					P	P	P	P		
75	Bath supply stores	B					P	P	P	P		
76	Beach club	B					P	P				
77	Beauty Shop	B					P	P	P	P		
78	Bed & Breakfast	B					P	P				
79	Bicycle rentals	B					P	P				
80	Bicycle sales, services and repair	B							P	P		
81	Blue print shop	B					P	P	P	P		
82	Boat rental and sales	B					P	P				
83	Book stores	B					P	P	P	P		
84	Bottling, assembly and processing*	B								P		
85	Broadcasting studios	B							P	P		
86	Building maintenance service	B							P	P		
87	Building supplies	B							P	P		
88	Business machine services	B							P	P		
89	Business office	B					P	P	P	P		
90	Cabinet shops	B							P	P		
91	Cafe	B					P	P				

	Uses	Structure vs Business	PUD Article 2 Definition (unless otherwise specified)	R-1	R-2	R-3	Village	SC	C	GBI	PD-STIP	CO
92	Camera shop	B					P	P				
93	Car rental	B					P	P				
94	Car wash	B							P	P		
95	Carpet and floor covering sales	B							P	P		
96	Child care facility*	B	Any facility operated for the purpose of providing care, protection and guidance to a group of children separated from their parents or guardians during a part of the twenty-four hour day	C	C	C	C					
97	Child day care center	B	Any facility operated for the purpose of providing care, protection and guidance to a group of children separated from their parents or guardians during a part of the twenty-four hour day				P	P	P	P	P	
98	Chiropractor office	B							P	P		
99	Churches and other places of worship	B					P	P				
100	Clinic	B							P	P		
101	Clothing stores	B					P	P				
102	Clubs, fraternal and social	B							P	P		
103	Clubs, private	B					P	P	P	P		
104	Commercial schools	B					P	P				
105	Communication and telecommunication centers	B									P	
106	Communication services	B							P	P		
107	Confectionery and candy stores	B					P	P	P	P		
108	Conference centers	B					P	P	P	P	P	
109	Customarily accessory and clearly incidental and subordinate to the principal uses and structures	B					P	P	P	P	P	
110	Dealerships, auto, light truck	B							P	P		
111	Dealerships, boat	B							P	P		
112	Delicatessen	B					P	P	P	P		
113	Dental office	B							P	P		
114	Department stores	B							P	P		
115	Drapery shops	B							P	P		

[illegible]

	Uses	Structure vs Business	PUD Article 2 Definition (unless otherwise specified)	R-1	R-2	R-3	Village	SC	C	GBI	PD-STIP	CO
171	Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, renewable energy technology components, photographic equipment, communication equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods and electrical equipment;	B									C	
172	Marinas, 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	B					P	P				
173	Markets	B					P	P				
174	Markets, food	B							P	P		
175	Medical care facility, outpatient only	B									P	
176	Medical office	B							P	P		
177	Millinery shops	B							P	P		
178	Motorcycle sales, services and repair	B							P	P		
179	Music stores	B							P	P		
180	News stores	B							P	P		
181	Newstands	B					P	P				

	Uses	Structure vs Business	PUD Article 2 Definition (unless otherwise specified)	R-1	R-2	R-3	Village	SC	C	GBI	PD-STIP	CO
182	Nightclubs	B					P	P				
183	Nurseries	B							P	P		
184	Nutrition centers	B							P	P		
185	Office (retail or professional)	B	A non-residential building in which business, clerical or professional activities are conducted.				P	P	P	P		
186	Office supply store	B					P	P	P	P		
187	Office, sales	B							P	P		
188	Office, professional	B							P	P	P	
189	Offices, administrative, business	B									B	
190	Outdoor storage*	B									C	
191	Paint stores	B							P	P		
192	Parcel services	B									P	
193	Pest control services	B							P	P		
194	Pet shops	B					P	P	P	P		
195	Pet supply stores	B					P	P				
196	Photographic equipment and service stores	B							P	P		
197	Plumbing supplies	B							P	P		
198	Police facilities	B								P	P	
199	Post office	B					P	P				
200	Post office, drop off and pick up	B									P	
201	Pottery stores	B					P	P	P	P		
202	Printing	B							P	P	P	
203	Professional office	B					P	P	P	P		
204	Racquet courts and clubs	B					P	P				
205	Radio and television sales and services	B					P	P	P	P		
206	Radio and television, commercial	B							P	P		
207	Rail and/or intermodal terminals, including transfer, storage, handling, inspection, processing and/or transport of containerized bulk and/or other cargo	B									C	
208	Real estate sales	B					P	P	P	P		
209	Recording studio	B									C	
210	Recreational uses	B					P	P				

[illegible]

[illegible]

	Uses	Structure vs Business	PUD Article 2 Definition (unless otherwise specified)	R-1	R-2	R-3	Village	SC	C	GBI	PD-STIP	CO
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Legend

P = Permitted by-right

C = Conditional use permit

R-1 = Low Density Residential District

R-2 = Medium Density Residential District

R-3 = Multi-family Residential District

SC = Specialty Commercial District

C = Commercial District

GBI = General Business/Industrial District

CO = Conservation - Open Space

PD-STIP = Planned Development Sustainable Technologies ECO-Industrial Park

Village = Village District

* Note that PUD contains conditions/restrictions associated with a particular usage



Municipal Corp. of Cape Charles

SEPTEMBER 2022 MONTHLY REPORT

Katie H. Nunez, Interim Planning/Zoning Administrator

1. Subdivision Agent:

Working with Water and Sewer Departments and Town Attorney in drafting documents and establishing procedures for accepting the water and sewer infrastructure and accepting road construction for the new roads in a subdivision so that the Town can sign off on the infrastructure work for the new Village L Subdivision in Bay Creek (which will now be called “Muirfield”) and start reviewing building permit applications for the lots in this subdivision.

Through this, we are creating the template documents to use when any new subdivision is moving through our system (after approved as a subdivision plat and completes construction of the infrastructure (water & sewer lines, stormwater, roads)) where the Town confirms construction was done in accordance with our standards and ready for acceptance into the Town’s utility systems and locks down a start date for the one year warranty that this work is covered by the Developer.

2. Board of Zoning Appeals - Code of Virginia Section 15.2-2310

[Planning Commission shall be provided any applications filed with the Board of Zoning Appeals.]

August Applications filed which were continued to the September calendar:

- A. An application from Dave & Pam Hainsworth for the property at the corner of Bay Avenue and Washington Avenue adjacent to the Chesapeake Bay and further described as the majority portion of Tax Map #83A1-3-A and 50% of Tax Map #83A1-3-C totaling approximately .85 acres or 37,037 sq. ft. and further identified on the proposed Site Plan as Lot A located in the Residential-1 (R-1) Zoning District and in the Chesapeake Bay Preservation Act (CBPA) Overlay Zoning District; said application is seeking an exception to the CBPA of the Cape Charles Zoning Ordinance (CCZO) Section 7.7 (A3) to allow for a residential dwelling unit pursuant to CCZO Section 7.5 which provides by-right single family dwelling in the R-1 Zoning District.
- B. An application from Dave & Pam Hainsworth for the property at the corner of Bay Avenue and Washington Avenue adjacent to the Chesapeake Bay and further described as the remaining portion of Tax Map #83A1-3-A not identified in the application above, 50% of Tax Map #83A1-3-C and all of Tax Map #83A1-3-B1 totaling approximately .84 acres or 36,933 sq. ft. and further identified on the proposed Site Plan as Lot B located in the Residential-1 (R-1) Zoning District and in the Chesapeake Bay Preservation Act (CBPA) Overlay Zoning District; said application is seeking an exception to the CBPA of the Cape Charles Zoning Ordinance (CCZO) Section 7.7 (A3) to allow for a residential dwelling unit pursuant to CCZO Section 7.5 which provides by-right single family dwelling in the R-1 Zoning District.

UPDATE: The public hearings were held at the August meeting and the applicant indicated that they will be revising the application based upon continued discussions with the Town and their attorney and the requirements of State Law regarding the Chesapeake Bay Preservation Act (CBPA). The hearings were left open and will continue at the September 13, 2022 BZA Meeting.

3. STATUS REPORT ON HISTORIC DISTRICT GUIDELINES

Commonwealth Preservation Group, the Town's consultant for the revisions to the Historic District Guidelines, will be submitting the next draft of the Historic District Guidelines by **Friday, September 2, 2022** to the Town. Said draft will include all of the text as well as all of the graphics/photos, etc. We are requesting public input on the draft guidelines during the entire month of September.

We have scheduled a **Public Forum session on Thursday, September 8, 2022 @ 6:30 pm in the Cape Charles Civic Center** which will be streamed live on Facebook through the Cape Charles website where the consultant will go through the draft Guidelines document and receive comments and questions from the public and all boards (Town Council, Planning Commission, Historic District Review Board) are all invited and encouraged to attend.

Additionally, we have scheduled a **joint meeting of Town Council, Planning Commission and Historic District Review Board for Thursday, September 29, 2022 @ 6:30 p.m. with Commonwealth Preservation Group to discuss the draft Guidelines and review all comments received.** The goal is to make final corrections or identify what additional items need to be addressed in the guidelines.

The consultants will have the entire month of October to incorporate any further changes to the Guidelines and deliver a final version to the Town by Monday, November 14, 2022. The Town will then schedule the required public hearings during December 2022 and January 2023 to consider adopting the revised Guidelines as well as any proposed changes to the Town Zoning Ordinance, specifically for Article VIII – Historic District Overlay Ordinance.

4. STATUS REPORT ON UPDATE TO COMPREHENSIVE PLAN

Summit Design and Engineering Services, the Town's consultant for updating the Comprehensive Plan, has been diligently working on the various components of the Comprehensive Plan document:

- Existing Conditions Chapter comprised of the following sections:
 - Population and Demographic Profile
 - Housing
 - Economy
 - Transportation
 - Environmental
 - Community Facilities & Services
 - Existing Zoning Map
 - Existing Land Use Map
- Vision, Goals, Objectives, & Strategies Chapter for Cape Charles

The upcoming calendar is as follows:

- 1) **Tuesday, September 27, 2022:** Consultant e-mails final draft of entire Comprehensive Plan to TOWN
- 2) **Wednesday, September 28, 2022:** Town Staff prints hard copy versions of the Comprehensive Plan for Town Council and Planning Commission and for 3 copies for the Library and 2 Copies for the Town Hall for general public viewing and places an electronic copy on the Town Website.
- 3) **Thursday, September 29, 2022:** Hard copies are distributed in person to the Town Council and the Planning Commission and provided to each department head.
- 4) Include article in the October 2022 Town Gazette that draft Comprehensive Plan is available for public comment throughout the month of October.
- 5) **Thursday, October 27, 2022 @ 6:30 p.m.:** Joint meeting with Town Council and Planning Commission and our consultant, Summit Design and Engineering, for full discussion and review of the draft Comprehensive Plan update.
- 6) In November 2022 (specific date to be determined), a Town Hall Meeting will be hosted to dedicate a full forum to receive public comment on the draft Comprehensive Plan update.
- 7) In December 2022 (specific date to be determined), the Public Hearing will be held on the adoption of the Comprehensive Plan before the Planning Commission and the Town Council

STAFF will be working on compiling a list of possible zoning ordinance amendments to provide to the Consultant by September 21, 2022 to begin keying up Phase II of this project – Zoning Ordinance Revisions. This initial list, along with the Consultant's audit of the Zoning Ordinance, will occur while the Comprehensive Plan Update comment period is open during the month of October. At the end of October, the consultant and the Town will have finalized the next task specific and calendar specific flow chart regarding the Zoning Ordinance revisions.