

ORDINANCE NO. 662

ORDINANCE NO. 662 AMENDS THE ZONING ORDINANCE OF COLONIAL BEACH BY AMENDING ARTICLE 07, RESORT COMMERCIAL (RC) DISTRICT BY ADDING THE FOLLOWING PERMITTED USES: BREW PUBS AND COMMERCIAL NANOBREWERIES. THE FOLLOWING CONDITIONAL USE WAS ADDED TO ARTICLE 07: MICROBREWERIES. ORDINANCE NO. 662 ALSO AMENDS ARTICLE 08, GENERAL COMMERCIAL (C-1) DISTRICT BY ADDING THE FOLLOWING PERMITTED USES: BREW PUBS, MICROBREWERIES AND COMMERCIAL NANOBREWERIES. THE FOLLOWING CONDITIONAL USE WAS ADDED TO ARTICLE 08: LARGE SCALE BREWERIES. ORDINANCE NO. 662 AMENDS ARTICLE 09, COMMERCIAL RESIDENTIAL (CR) DISTRICT BY ADDING THE FOLLOWING PERMITTED USES: BREW PUBS, COMMERCIAL NANOBREWERIES AND HOME NANOBREWERIES. THE FOLLOWING CONDITIONAL USE WAS ADDED TO ARTICLE 09: MICROBREWERIES.

ORDINANCE NO. 662 AMENDS ARTICLE 10, AGRICULTURAL (A-1) DISTRICT BY ADDING THE FOLLOWING PERMITTED USES: MICROBREWERIES AND COMMERCIAL NANOBREWERIES. THE FOLLOWING CONDITIONAL USE WAS ADDED TO ARTICLE 10: LARGE SCALE BREWERIES. ORDINANCE NO. 662 FURTHER AMENDS ARTICLE 23, LIGHT INDUSTRIAL (M-1) DISTRICT BY ADDING THE FOLLOWING PERMITTED USES: BREWERIES TO INCLUDE LARGE SCALE BREWERIES, MICROBREWERIES AND COMMERCIAL NANOBREWERIES. ORDINANCE NO. 662 ADDS DEFINITIONS TO ARTICLE 20 DEFINITIONS: LARGE SCALE BREWERIES, MICROBREWERIES, COMMERCIAL NANOBREWERIES, HOME NANOBREWERIES. ORDINANCE NO. 662 WILL FURTHER AMEND ARTICLE 26, HOME OCCUPATIONS BY ADDING THE FOLLOWING PERMITTED USES TO MAJOR HOME OCCUPATIONS: HOME NANOBREWERIES. ORDINANCE NO. 662 WILL ADD THE FOLLOWING ADDITIONAL REQUIREMENTS SECTION TO ARTICLES 07, 08, 09, 10, 23 & 26: ALL LARGE SCALE BREWERIES, MICROBREWERIES, COMMERCIAL NANOBREWERIES, HOME NANOBREWERIES AND BREWPUBS SHALL BE LICENSED AND/OR PERMITTED BY THE PROPER NATIONAL AND STATE AGENCIES CONCERNING BREWERIES.

WHEREAS, Ordinance No. 662 is consistent with good zoning practice, is justified by the public necessity, convenience, and general welfare, and is in accord with the comprehensive plan of the Town.

BE IT ORDAINED BY THE COLONIAL BEACH TOWN COUNCIL THAT the Colonial Beach Zoning Ordinance shall be amended as follows:

**“ARTICLE 7
RESORT COMMERCIAL (RC) DISTRICT**

STATEMENT OF INTENT

That portion of Colonial Beach referred to as the downtown beach front provides a resort area for tourists. Land use in this district shall orient itself to the development of an attractive, viable resort area. This district should be permitted where public utilities and transportation systems are adequate. Land uses which go against this concept or adversely affect the operation thereof shall be excluded from the district. The FAR shall not exceed .75 with a minimum of 25% open, permeable land coverage.

7-1 Permitted Uses: Within the Resort Commercial District, a building and/or land shall be used only for the following purposes with an approved site plan;

- a. Arts and crafts studios
- b. Bed and breakfast
- c. Boardwalk vendors (requires a vendors permit from the Town Manager)
- d. Brewpubs
- e. Business service establishment
- f. Church or house of worship
- g. Commercial recreational establishment
- h. Community facility/open space
- i. Emergency service establishments
- j. Financial service establishment
- k. Golf cart, moped, bicycle, and canoe/kayak sales and rental establishments
- l. Indoor flea markets
- m. Live-work units
- n. Museums
- o. Commercial Nanobreweries
- p. Offices
- q. Personal service establishment
- r. Private, public and commercial piers
- s. Public facilities and utilities
- t. Public parks/playgrounds
- u. Restaurants, excluding those with drive in facilities
- v. Retail establishments
- w. Special events (requires a special event permit from Town Manager)
- x. Wayside stand and/or farmers market

7-2 Accessory Uses: Within the Resort Commercial District, a building and/or land shall be used only for the following purposes with an approved site plan;

- a. Accessory structures
- b. Antenna
- c. Automatic teller machine (ATM)
- d. Parking lot/structure
- e. Storage of operable motor vehicles and operable recreational vehicles, trailers, and marine vehicles provided the vehicles are parked in the side or rear yards in accordance with Article 18 of this ordinance.
- f. Walk-in freezer
- g. Commercial generator
- h. Fences in rear & side yards only

7-3 Conditional Uses (Conditional Use Permit Required): Notwithstanding Section 7-1 of this Article, the following uses require a Conditional Use Permit. After review of the application and public hearing thereon, in accordance with Article 16 herein, the Town Council finds as a fact that a proposed use is consistent with the intent of the Land Use Plan, and is in the public interest, the following uses may be permitted with an approved site plan;

- a. Civic, social or fraternal facility
- b. Commercial parking lot/structure as a principal use
- c. Conference center
- d. Convenience store
- e. Microbreweries
- f. Mixed residential/commercial use building
- g. Motel, hotel, and rooming house
- h. Nightclub
- i. Restaurants, with drive in facilities
- j. Structures exceeding a 35-foot building height
- k. Theaters
- l. Tourist home
- m. Vacation cottage complex

7-4 Bulk & Area Regulations

Table 7-4.1 Principal Structure Requirements

Zoning District – Resort Commercial: Bulk & Area Regulations for the Principle Structure

Minimum lot area	None
Maximum lot coverage w/out mitigation	36%
Front Setback minimum	5-feet from Road Right-of-way
Front Setback maximum	10-feet from Road Right-of-way
Rear Setback minimum	10-feet
One-side setback	5-feet unless adjacent Residential District then 10-feet
Sum of side setbacks (left & right)	15-feet unless adjacent to Residential District then 20-feet
Minimum street frontage	None
Minimum street frontage on cul de sac/curve	None
Minimum lot width at front setback	50-feet
Maximum height	35-feet above finished grade
Off-street parking	2 spaces per 250 net retail square feet (excluding storage areas, bathrooms, halls, etc.)
Flood proofing	3-feet above base flood elevation
Landscaping (new construction/reuse of commercial sites)	1 tree for each 50-ft. of frontage and a minimum of 2-Street trees per commercial site; exact requirements shall be determined as part of the site plan process
Minimum caliper (size) of street trees	2.5 inches at time of planting
Floor area ratio (FAR)	0.75
Sign Area (maximum)	1-sq. ft. of sign area for each linear foot of building frontage, capped at 75-sq. ft.; all ground signs shall be monument style with a masonry base.
Sign Height (maximum)	15-feet above finished grade

Ground Sign Setback from ROW (street)	5-feet
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Table 7-4.2 Accessory Structure Requirements

Zoning District – Resort Commercial: Bulk & Area Regulations the Accessory Structure

Front setback	Must be located in rear/side yard
Rear setback	3-feet
Side setback	3-feet
Setback from principal structure	10-feet
Maximum size	35% of principal structure
Maximum height	34 feet above finished grade or 1-foot below principal structure or whichever is less
Flood Proofing	3-feet above base flood elevation
Fence height in Side & Rear Yard	6-feet
Fence height in Front Yard	4-feet
Fence Setback	0-feet
Type of Fencing	Wood or Plastic in rear/side yards only
Accessory structures cannot have separate meters/service connections for utility services	

7-5 Development Standards for the Resort Commercial District

A. Development Standards

1. The following standards apply to all new construction or redevelopment within this district. All development standards shall be shown on the approved site plan(s).
2. Notwithstanding Section 18-3 of this Ordinance, and in addition to the requirements contained in Article 24 of this Ordinance, areas provided or reserved for the acceptance and collection of refuse from commercial establishments shall be screened from view by a uniformly painted solid board fence, a uniform evergreen hedge, or other appropriate screening measures. Such screening shall be six (6) feet in height.
3. Areas designated for outdoor display of merchandise provided or reserved for resale or rental shall not exceed thirty (30%) percent of the floor area of the structure dedicated to the use.
4. Surveys/site plans for new construction shall be required to be submitted and approved prior to approval of zoning/building permits. Surveys shall be consistent with the requirements of Article 14 of this ordinance.
5. Site surveys shall provide for the management of stormwater in accordance with State regulations.
6. An inspection by the Building Official is required prior to operating. This inspection will address life and safety issues and assign a maximum occupancy load to the structure.
7. All mechanical equipment whether rooftop or ground level shall be screened from view of public rights-of-way and designed as an integral part of the structure.
8. No portion of the principal building that is constructed of unadorned concrete block or corrugated and/or sheet metal shall be visible from any public right-of-way(s).
9. Curb, gutter and sidewalks shall be installed prior to Certificate of Occupancy at the developer’s expense on all undeveloped/developed lots.

10. All new development and re-development shall place all utilities underground including electric, cable, telephone, etc. at the developer's expense.
11. All principal structures shall be placed on a permanent foundation.
12. Barbed chain link or razor wire fence is prohibited.
13. Setbacks shall be measured from exterior foundation walls.
14. Projections beyond the foundation wall may extend up to 3-feet into the setback. Projections shall be incorporated into the structure so as to appear as an integral part of the building. Such features shall not be considered in determination of setbacks.
15. Accessory structures, parking areas, decks, trash collection areas and other utilitarian areas shall be located in a manner that is sensitive to adjacent structures and screened from public rights-of-way.
16. If during renovation of an existing site sidewalk/curb is broken the entire sidewalk/curb section(s) shall be replaced in accordance with Town standards at the developer's/applicant's expense.

7-6 Additional Requirements

- A. See Article 22 of this ordinance for site specific requirements concerning the Chesapeake Bay Act
- B. All large scale breweries, microbreweries, commercial nanobreweries, home nanobreweries and brewpubs shall be licensed and/or permitted by the proper national and state agencies concerning breweries.

Definitions to be added to Article 20- Definitions

Barrel- unit of volume equaled to 31 gallons

Beer- an alcoholic beverage usually made from malted cereal grain (as barley), flavored with hops, and brewed by slow fermentation

Brew Pubs- An establishment where less than 500 barrels of beer is made on the premises in conjunction with a restaurant or bar and where 40% or more of the beer produced on site is sold on site.

Commercial Nanobreweries- An establishment where beer is made on the premises and then sold or distributed, and which produces less than 500 barrels of beer per year. Commercial Nanobreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

Home Nanobreweries- An establishment where beer is made on the premises and then sold or distributed off premises, and which produces less than 250 barrels of beer per year.

Large Scale Brewery- An establishment where beer is made on the premises and then sold or distributed, and which produces more than 10,000 barrels of beer per year. Breweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

Microbrewery- An establishment where beer is made on the premises and then sold or distributed, and which produces between 501-10,000 barrels of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to

consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

ARTICLE 8 GENERAL COMMERCIAL (C-1) DISTRICT

Statement of Intent

The purpose of this district is to provide sufficient space and appropriate locations for commercial activities generally serving the complete town and located along existing major thoroughfares.

8-1 Permitted Uses

Within the C-1 District, a building and/or land shall be used only for the following purposes with an approved site plan:

- a. Commercial Accessory Structures
- b. Arts, Crafts & Photography Studios
- c. Automobile Service Stations
- d. Brewpubs
- e. Carwash
- f. Civic, Social or Fraternal Facilities
- g. Churches/Places of Worship
- h. Commercial Nanobreweries
- i. Community Center/Open Space
- j. Convenience Stores
- k. Day-care center
- l. Financial Service Establishments
- m. Live-work units
- n. Marinas
- o. Microbreweries
- p. Museums
- q. Outdoor storage of merchandise and outdoor display of merchandise is permitted, provided that the outdoor storage and/or display is ancillary to a use permitted by right, and provided that the requirements of section 8-12 of the Zoning Ordinance, which is contained in Appendix A of the Colonial Beach Town Code, are met
- r. Private or Public Piers
- s. Professional offices
- t. Public Utilities, Buildings and Facilities
- u. Restaurants
- v. Mini-warehouse/self-storage
- w. Small Retail Establishments, not exceeding 12,000 square feet
- x. Vehicle major service establishments
- y. Vehicular Sales, Service and Repair Establishments

8-2 Conditional Uses (Conditional Use Permit Required)

Notwithstanding 8-1 of this Article, the following uses require a Conditional Use Permit with an approved site plan:

- a. Auction Houses
- b. Boat Building Establishments

- c. Boathouses
- d. Book Stores
- e. Bottling Establishments
- f. Bus and Railroad Stations
- g. Commercial Recreation Facilities
- h. Commercial Piers
- i. Conference Centers
- j. Flea Markets
- k. Funeral Homes
- l. Go-cart Tracks
- m. Hospitals
- n. Hotels and Motels
- o. Large Scale Breweries
- p. Nightclubs
- q. Outdoor display/storage of merchandise that does not meet the requirements of section 8-12 of the Zoning Ordinance, which is contained in Appendix A of the Colonial Beach Town Code.
- r. Parking Deck/Lot
- s. Pawn Shops and Wayside Stands
- t. Seafood Packing Facilities
- u. Service & Repair Establishments
- v. Shopping Centers
- w. Theaters
- x. Veterinary Hospitals and Kennels
- y. Watchman or caretakers with living quarters who are employed by the business

8-3 Development Standards

- a. Full frontage improvements required (curb, gutter & sidewalk)
- b. No chain link or other types of wire fences may be placed on the required front yard.
- c. Off street parking shall be to the side and rear of the principal structure. Parking shall be based upon the net public floor area excluding storage, halls, bathrooms, etc.
- d. Dumpsters must be screened from view by a board on board fence or masonry enclosure (see figure 8-1.1).
- e. Outdoor lighting shall not exceed 0.5 foot-candle at any property line and such lights shall be shielded to reflect the light down. The light source (bulb) shall be shielded so as not to be visible from adjoining property lines or public rights-of-way.
- f. Light standards or poles shall not exceed 15-feet in height.
- g. Across the front of the property a “street tree” standard shall be required as specified by the Director of Planning.
- h. Parapet walls or other screening device shall be used to screen roof top mechanical equipment from view.
- i. Hotel/motel parking shall be structured and attached to or adjacent to the principle building. It shall have architecture that is consistent with the principal building and it shall not be calculated as part of the building height when located below the principal building provided that the height of the parking shall not exceed 35-feet from finished grade and the first level (1) parking level is below ground.

8-4 Area Regulations

There shall be no minimum lot area required.

8-5 Front Yard Setback Regulations

For main structures the minimum front yard setback from the street right of way upon which the structure fronts shall be five (5) feet and the maximum shall be thirty (30) feet.

8-6 Minimum Street Frontage Regulations

For main structures, there shall be no minimum street frontage required.

8-7 Lot Width Regulations

For main structures, there shall be no minimum lot width required.

8-8 Side Yard Setback Regulations

- a. For main structures, there shall be no minimum side yard required.
- b. Notwithstanding Section 8-7(a), for main structures adjacent to the boundary line of a residential zoning district, the minimum side yard adjacent to such district shall be twenty-five (25) feet.
 - i. This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall consistent with the main structure or a board on board fence is constructed with a three (3) foot landscaped bed placed along the property line (see figure 8.8.1 for an example of an architectural wall).

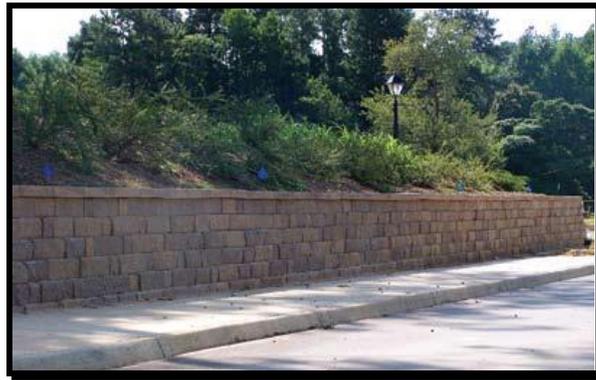


Figure 8-8.1 Example of an architectural wall

8-9 Rear Yard Setback Regulations

- a. For main structures, there shall be no minimum rear yard required.
- b. Notwithstanding Section 8-9(a), for main structures adjacent to the boundary line of a residential zoning district, the minimum side yard adjacent to such district shall be twenty-five (25) feet.
 - i. This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall consistent with the main structure or a board on board fence is constructed with a three (3) foot landscaped bed placed along the property line (see figure 8.8.1 for an example of an architectural wall).

8-10 Height Regulations

Permitted structures may be erected up to thirty-five (35) feet from final grade with the following exceptions:

- a. Church spires, monuments, water towers, chimneys, flag poles, television antennae, and radio aeriels.
- b. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

8-11 Accessory Structure Regulations

- a. Accessory structures shall have no minimum setback required.
- b. Notwithstanding Section 8-10(a), an accessory structure, shall be located no closer than twenty-five (25) feet to any property line which is adjacent to the boundary line of a residential district.
 - i. This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall consistent with the main structure or a board on board fence is constructed with a three (3) foot landscaped bed is placed along the property line (see figure 8-8.1 above).
- c. All accessory buildings shall be less than the main building in height.

8-12 Screening Regulations

- a. Notwithstanding section 2-10 of the Zoning Ordinance, which is located in Appendix A of the Colonial Beach Town Code, and in addition to the requirements contained in Article 24 of the Zoning Ordinance, the following uses shall be screened from view by a uniformly painted solid board fence or a masonry wall constructed consistent with the principal structure. Such screening shall be six (6) feet in height and shall not extend past the front corners of the main structure.
 - i. Areas provided or reserved for open air storage, or loading/unloading of material, merchandise, or equipment.
 - ii. Areas provided or reserved for the open air storage of damaged, or inoperable boats and watercraft, provided however that this shall not include those awaiting general repair or maintenance.
 - iii. Areas provided or reserved for the acceptance and collection of refuse.
- b. Notwithstanding section 5-14 (a) of the Zoning Ordinance, outdoor display of merchandise provided or reserved for resale shall not require screening, if the area designated for such display does not exceed thirty percent (30%) of the floor area of the structure dedicated to the use.
- b. Such screening shall not obstruct the view of motorists using any street, private driveway, parking aisles, or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety. Such screening shall be maintained in perpetuity by the property owner(s) in good condition as determined by the Director of Planning. Whenever the enforcement of the provisions of this Section would result in a traffic hazard, the Director of Planning may waive or modify such requirements.

8-13 Additional Requirements

- A. All large scale breweries, microbreweries, commercial nanobreweries, home nanobreweries and brewpubs shall be licensed and/or permitted by the proper national and state agencies concerning breweries.

Definitions to be added to Article 20- Definitions

Barrel- unit of volume equaled to 31 gallons

Beer- an alcoholic beverage usually made from malted cereal grain (as barley), flavored with hops, and brewed by slow fermentation

Brew Pubs- An establishment where less than 500 barrels of beer is made on the premises in conjunction with a restaurant or bar and where 40% or more of the beer produced on site is sold on site.

Commercial Nanobreweries- An establishment where beer is made on the premises and then sold or distributed, and which produces less than 500 barrels of beer per year. Commercial Nanobreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

Home Nanobreweries- An establishment where beer is made on the premises and then sold or distributed off premises, and which produces less than 250 barrels of beer per year.

Large Scale Brewery- An establishment where beer is made on the premises and then sold or distributed, and which produces more than 10,000 barrels of beer per year. Breweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

Microbrewery- An establishment where beer is made on the premises and then sold or distributed, and which produces between 501-10,000 barrels of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

ARTICLE 9 COMMERCIAL-RESIDENTIAL (CR) DISTRICT

Statement of Intent

The purpose of this district is to provide for a transitional mixture of uses. Although commercial uses are emphasized, mixed commercial and residential uses may be continued, developed, and redeveloped. Residential and commercial ventures may be allowed in the same structure. The Floor Area Ratio (FAR) in this district is 0.75.

9-1 Permitted Uses: Within the Commercial Residential District, a building and/or land shall be used only for the following purposes with an approved site plan;

1. Arts and crafts studios
2. Bed and breakfasts and tourist homes

3. Brewpubs
4. Business Service Establishments
5. Commercial Nanobreweries
6. Civic, social or fraternal facilities
7. Day care centers
8. Emergency service facilities
9. Financial service establishments
10. Service establishments
11. Recreational/Outdoor Equipment Rentals
12. Government Facilities
13. Home occupations (minor & major)
14. Live-work units
15. Multi-family dwellings
16. Museums
17. Major/Minor subdivisions
18. Offices
19. Parks and playgrounds
20. Personal service establishments
21. Restaurants
22. Retail establishments not exceeding 6,000 square feet
23. Schools
24. Single-family-dwellings
25. Wayside stands/farmer's markets

9-2 Accessory Uses: Within the Commercial Residential District, a building and/or land shall be used only for the following purposes with an approved site plan;

1. Accessory structures
2. Antenna/Satellite Dishes (roof top)
3. Automatic teller machines (ATM)
4. Commercial/residential generators
5. Fences in rear and side yards
6. Parking lots/structures in association with a permitted use
7. Storage of operable motor vehicles and operable recreational vehicles, trailers, and marine vehicles provided the vehicles are parked in the side or rear yards in accordance with Article 13 of this ordinance.
8. Walk-in freezers
9. Yard sales

9-3 Conditional Uses (Conditional Use Permit Required): Notwithstanding section 9-1 of this Article, the following uses require a Conditional Use Permit. After review of the application and public hearing, thereon, in accordance with Article 16 herein, the Town Council finds as a fact that the proposed use is consistent with the intent of the Land Use Plan, and is in the public interest, the following uses may be permitted with an approved site plan.

1. Adult Businesses
2. Adult day cares
3. Assisted living facilities/Nursing Homes
4. Book stores
5. Commercial parking lot/structure as a principal uses
6. Commercial Recreational Establishments

7. Community centers
8. Convenience Stores
9. Family day homes
10. Funeral homes
11. Hotels and motels
12. Medical Clinics
13. Microbreweries
14. Mixed Residential/Commercial Use
15. Night clubs
16. Retail establishments exceeding 6,000 square feet
17. Rooming houses with or without a complete kitchen
18. Shopping centers
19. Structures exceeding 35-feet in height
20. Theaters
21. Vacation cottage complexes
22. Veterinary Hospitals

9-4 Bulk & Area Regulations

Table 9-4.1 Principal Structure Requirements

Minimum lot area	5,000 square feet
Maximum lot coverage w/out mitigation	36%
Front setback	5-feet from Road right-of-way
Rear Setback	15-feet
One-side setback	5-feet
Sum of side setbacks	10-feet
Minimum street frontage	10-feet
Minimum lot width at front setback	10-feet
Maximum height	35-feet above final finished grade
Off-street parking	2 spaces per 300 square feet of net retail floor area (excluding storage areas, halls, bathrooms, etc.); for residential uses a minimum of 2 parking spaces or 380 square feet per dwelling unit.
Flood proofing	3-feet above base flood elevation
Landscaping (new construction/reuse)	1 tree for each 50-ft. of frontage and a minimum of 2-trees per commercial site; exact requirements to be determined as part of the site plan process.
Minimum caliper (size of trees)	2.5 inches for deciduous and 6-feet in height for evergreen trees at time of planting
Floor Area Ratio (FAR)	0.75
Sign Area (maximum)	1 sq. foot of sign area for each linear foot of building frontage, capped at 75-sq. ft.; all ground signs shall be monument with a masonry base; pole signs are not permitted. Only 1 ground sign per parcel.
Sign Height (maximum)	10-ft. above final finished grade
Ground sign setback from Right Of Way	2-feet

Table 9-4.2 Accessory Structure Requirements

Front setback	Must be located in side or rear yard
Rear setback	3-feet
Side setback	3-feet
Setback from principal structure	10-feet
Maximum building size	35% of principal structure gross square feet
Maximum building height	34-feet above final finished grade or 1 foot below principal structure or whichever is less
Flood proofing	3-feet above base flood elevation
Fence height (side & rear yards only)	6-feet above final finished grade
Fence setback	0-feet
Type of fencing	Wood, plastic or chain link in rear/side yards only; no razor or barbed wire permitted

Accessory structures cannot have separate meters/service connections for utility services

9-5 Development Standards for the Commercial Residential District

A. The following standards apply to all new construction or redevelopment within this district. All development standards shall be shown on the approved site plan(s).

1. In addition to the requirements contained in Article 24 of this Ordinance, areas provided or reserved for the acceptance and collection of refuse from commercial establishments shall be screened from view by a uniformly painted solid board fence, a uniform evergreen hedge, or other appropriate screening measures. Such screening shall be six (6) feet in height.
2. Areas designated for outdoor display of merchandise provided or reserved for resale or rental shall not exceed thirty (30%) percent of the floor area of the structure dedicated to the use.
3. Surveys/site plans for new construction shall be required to be submitted and approved prior to approval of zoning/building permits. Surveys shall be consistent with the requirements of Article 14 of this ordinance.
4. Site surveys shall provide for the management of stormwater in accordance with State regulations.
5. An inspection by the Building Official is required prior to operating. This inspection will address life and safety issues and assign a maximum occupancy load to the structure.
6. All mechanical equipment whether rooftop or ground level shall be screened from view of public rights-of-way and designed as an integral part of the structure.
7. No portion of the principal building that is constructed of unadorned concrete block or corrugated and/or sheet metal shall be visible from any public right-of-way(s).
8. Curb, gutter and sidewalks shall be installed prior to Certificate of Occupancy at the developer's expense on all undeveloped lots.
9. If during renovation of an existing site sidewalk/curb is broken the entire sidewalk/curb section(s) shall be replaced in accordance with Town standards at the developer's/applicant's expense.
10. All principal structures shall be placed on a permanent foundation.
11. Barbed/razor wire fence is prohibited.
12. Setbacks shall be measured from exterior foundation walls.
13. Projections beyond the foundation wall may extend up to 3-feet into the setback. Projections shall be incorporated into the structure so as to appear as an integral part of the building. Such features shall not be considered in determination of setbacks.

9-6 Additional Requirements

- A. See Article 22 of this ordinance for site specific requirements concerning the Chesapeake Bay Act
- B. All large scale breweries, microbreweries, commercial nanobreweries, home nanobreweries and brewpubs shall be licensed and/or permitted by the proper national and state agencies concerning breweries.

Definitions to be added to Article 20:

Fitness Center/gym – A building where active and passive exercises and related activities are performed for the purpose of physical fitness, weight control and muscle building.

Farmer’s market - see wayside stand

Subdivision (minor) – see subdivision ordinance

Subdivision (major) - see subdivision ordinance

Single-family dwellings – A structure arranged or designed to be occupied by one-family, with a single complete kitchen. Such units may be attached or detached.

Kitchen, complete – a room within a dwelling unit containing a stove/range along with any combination of the following appliances; refrigerator, dishwasher, freezer, garbage disposal, or microwave.

Dwelling Unit: One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen; except hotels, boarding houses, lodging houses, tourist cabins, automobile trailers, recreational vehicles, campers, motels and rooming houses.

Hotel/Motels: A building or group of attached or detached buildings containing any combination of three or more lodging or guest units, with individual bathrooms, intended primarily for rental or lease to transients by the day or week, provided such guests shall not abide more than 30 consecutive days in a calendar year nor shall such a building be used for permanent housing for such guests. These facilities are distinguished from multiple-family dwellings in which rentals or leases are for longer periods and occupancy is generally by residents rather than for transients. Ten percent (10%) of the units in such a project may contain kitchens and may be leased or rented for a period longer than one week.

Dwelling - Any structure which is designed for use for residential purposes except hotels, boarding houses, lodging houses, tourist cabins, automobile trailers, recreational vehicles, campers, motels and rooming houses.

Immediate family - For the purpose of this ordinance the immediate family shall include: grandfather, grandmother, mother, father, son, daughter, granddaughter, grandson, brother, sister, aunt, uncle, niece, nephew.

Inoperable vehicle - Any motor vehicle, trailer or semi-trailer which is not in operating condition; or which for a period of thirty (30) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle; or on which there are displayed neither valid license plates, a valid inspection decal, nor a valid Town decal.

Junk - Any scrap, dismantled, inoperable, or dilapidated vehicles, including parts; machinery; household furniture and appliances; construction equipment and materials; tanks and drums; tires; pipes; wire; wood; paper; metals; rags; glass; and any other kind of salvage or waste material.

Junkyard – an area of a lot that is occupied by inoperable motor vehicle which covers more than 200-square feet.

Multi-family Dwellings- A building used or intended to be used as a residence of three or more families living independently of each other which includes townhouses, single-family attached, apartments and condominiums.

Personal Service Establishments: An establishment which principally provides the provision of frequent or recurrent needed services of a personal nature, typically services include: barber shops, beauty salons, tanning salons, fitness center/gym, nail salons, day spas, tailor shops, shoe repair shops, dry cleaners, and wig shops.

Recreational/Outdoor Equipment Rentals: A facility used for the sale and rental of minor recreational and outdoor equipment such as kayaks, canoes, mopeds and golf carts.

Government Facilities: A governmental facility or land area used exclusively for public use and benefit. Examples include but are not limited to: water/sewer pumps, water/sewer lines, meters, streets, sidewalks, drainage structures, administrative offices, police station/office, meeting rooms, libraries, parks and playgrounds and similar facilities.

Adult Businesses: any commercial establishment which features the depiction, description or display of "specified anatomical areas" or "specified sexual activities" to the degree specified in the text. Adult establishments include:

- adult bookstores,
- adult eating or drinking establishments
- adult theaters,
- other adult commercial establishments, or any combination of the above.

Brew Pubs- An establishment where less than 500 barrels of beer is made on the premises in conjunction with a restaurant or bar and where 40% or more of the beer produced on site is sold on site.

Commercial Nanobreweries- An establishment where beer is made on the premises and then sold or distributed, and which produces less than 500 barrels of beer per year. Commercial Nanobreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

Home Nanobreweries- An establishment where beer is made on the premises and then sold or distributed off premises, and which produces less than 250 barrels of beer per year.

Large Scale Brewery- An establishment where beer is made on the premises and then sold or distributed, and which produces more than 10,000 barrels of beer per year. Breweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

Microbrewery- An establishment where beer is made on the premises and then sold or distributed, and which produces between 501-10,000 barrels of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

ARTICLE 10
Agricultural A-1 District

Statement of Intent

This district is composed of land used primarily for farming and other land intensive activities and is established to protect existing and future agricultural pursuits, while providing for low density residential development in a rural setting.

10-1 Permitted Uses

Within the Agricultural District a building and/or land shall be used only for the following purposes:

- a. Accessory structures
- b. Agriculture, animal or poultry husbandry
- c. Churches
- d. Single Family Detached Dwellings
- e. Forestry, in accordance with 10-12
- f. Minor Home Occupations
- g. Manufactured Homes
- h. Nursery, Horticulture
- i. Wildlife and/or game preserves
- j. Public Utility Facilities
- k. Warehouses
- l. Campgrounds
- m. Wayside stands

10-2 Conditional Uses (Conditional Use Permit Required)¹

Notwithstanding 10-1 of this Article, the following uses require a Conditional Use Permit. When after review of the application and public hearing thereon, in accordance with Article 16 herein, the Town Council finds as a fact that the proposed use is consistent with the intent of the Land Use Plan, and is in the public interest, the following uses may be permitted:

- a. Boathouses
- b. Cemetery
- c. Communication Facilities and/or Tower
- d. Dairies
- e. Outdoor recreational facilities
- f. Grain and Fertilizer Storage
- g. Major Home Occupations
- h. Oil and Gas Wells, Drilling
- i. Sand Gravel Pits
- j. Stone Works
- k. Sawmills, Portable

10-3 Area Regulations

The minimum lot area for permitted uses shall be one (1) acre.

10-4 Front Yard Setback Regulations

1. For all main structures, the minimum front yard setback from the property line shall be seventy-five (75) feet.
2. For all main structures located on corner lots, there shall be two front yard setbacks, one for each side of the lot which fronts upon a street. The remaining yards shall be considered side yards.

10-5 Minimum Street Regulations

The minimum street frontage shall be one hundred (100) feet.

10-6 Lot Width Regulations

For all main structures, the minimum lot width at the front setback line shall be one hundred (100) feet.

10-7 Side Yard Setback Regulations

For all main structures, the minimum side yard shall be twenty-five (25) feet. The minimum combined width of the two side yards shall be fifty (50) feet.

10-8 Rear Yard Setback Regulations

For all main structures, the minimum rear yard shall be fifty (50) feet.

10-9 Height Regulations

Permitted structures may be erected up to thirty-five (35) feet from grade with the following exceptions:

- a. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, silo (used for agricultural products - grain, corn, etc.), television antennas, and radio aerials are exempt.
- b. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

10-10 Accessory Structure Regulations

Accessory buildings including roof overhang shall not be closer than ten (10) feet to any property line.

10-11 Additional Requirements Including But Not Limited To:

1. Chesapeake Bay Act: refer to Article 22 of this Ordinance.
2. Flood Plain: refer to Article 21 of this Ordinance.
3. Landscaping: refer to Article 24 of this Ordinance.
4. Off-street Parking: refer to Article 13 of this Ordinance.
5. Signs: refer to Article 12 of this Ordinance.
6. Site Plan Requirements: refer to Article 14 of this Ordinance.
7. All large scale breweries, Microbreweries, Commercial Nanobreweries, Home Nanobreweries and brewpubs shall be licensed and/or permitted by the proper national and state agencies concerning breweries.

10-12 Forestry Performance Standards

1. A minimum of five (5) acres shall be required for forestry operations.
2. A pre-harvest plan for all forestry operations shall be submitted to and approved by the Zoning Administrator. The Zoning Administrator shall review the pre-harvest plan for compliance with all applicable requirements of this chapter. The Zoning Administrator shall either approve or disapprove the plan no later than ten (10) working days after submission. In no case shall a forestry operation on land in the Town=s land use tax program designated for forest or agricultural use proceed without the approval of the Zoning Administrator. Forestry operations which occur to prevent the spread of disease or infestation as certified by the state forester or which occur on land in the Town=s land use program designated for forest or agricultural use shall be permitted, without issuance of a use permit, upon approval by the Zoning Administrator of a pre-harvest plan complying with the provisions of this section.
3. All forestry operations shall be in accordance with the approved pre-harvest plan. A pre-harvest plan shall include:
 1. A detailed description of the property to be timbered including its current condition, characteristics of adjacent property, influence on water quality, identification of cultural and historical resources, and the presence of any environmentally sensitive features or wildlife;
 2. A narrative description of all harvesting procedures, techniques for harvesting in sensitive areas, the location of main haul roads, skid trails, potential log landings and stream or drainage crossings, and timing of harvest;
 3. A reforestation plan, if required; and
 4. A depiction of all required buffer areas.
4. Where stump removal, grubbing, or other soil disturbing activities are proposed in conjunction with tree harvesting, except those preparations for reforestation that are in accordance with the approved pre-harvest plan, an erosion and sedimentation control plan shall be submitted to and approved by the Town prior to commencement of any soil disturbing activity.
5. All heritage, memorial, and specimen trees shall be protected and preserved during and after tree harvesting.
6. Fifty foot (50') buffers within which no timbering shall occur shall be provided along all public roads and twenty five foot (25') buffers shall be provided along the side and rear property lines. Fifty percent (50%) of the crown cover within the side and rear yard buffers may be harvested.
7. Streamside management zones at least fifty feet (50') in width, within which no timbering may occur shall be preserved on each side of all perennial and intermittent streams. Upon request, the Zoning Administrator may approve harvesting fifty percent (50%) of the crown cover within the streamside management zone, accompanied by a fifty percent (50%) increase of the streamside management zone to one hundred feet (100').
8. All property which is forested or timbered shall be replanted with seedling trees, within one (1) year of the next growing season after the forestry operation is completed, unless the applicant can provide sufficient evidence to the Zoning Administrator as to why reforestation is not required. This provision shall not apply to property that is converted to bona fide agricultural or improved pasture use as described in subsection B of Title 10.1-1163, Code of Virginia.
9. If trees are removed from the buffer areas in excess of the provision in (f), the property owner shall be responsible for replanting the number removed with two and one-half inch (2 2") caliper trees. This provision shall not be deemed to preclude cutting or thinning necessitated by disease or infestation and recommended by the Virginia Department of Forestry.
10. Exemptions from environmental requirements, including but not limited to 404 permit exemptions pursuant to Title 40, Chapter 1 of the Environmental Protection Agency and Part 323

of the Regulatory Program of the U.S. Army Corps of Engineers, shall only be allowed for established, (ie. on-going) farming silviculture. Activities which bring an area into farming, silviculture, or ranching use are not part of an established operation.

Definitions to be added to Article 20- Definitions

Barrel- unit of volume equaled to 31 gallons

Beer- an alcoholic beverage usually made from malted cereal grain (as barley), flavored with hops, and brewed by slow fermentation

Brew Pubs- An establishment where less than 500 barrels of beer is made on the premises in conjunction with a restaurant or bar and where 40% or more of the beer produced on site is sold on site.

Commercial Nanobreweries- An establishment where beer is made on the premises and then sold or distributed, and which produces less than 500 barrels of beer per year. Commercial Nanobreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

Home Nanobreweries- An establishment where beer is made on the premises and then sold or distributed off premises, and which produces less than 250 barrels of beer per year.

Large Scale Brewery- An establishment where beer is made on the premises and then sold or distributed, and which produces more than 10,000 barrels of beer per year. Breweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

Microbrewery- An establishment where beer is made on the premises and then sold or distributed, and which produces between 501-10,000 barrels of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

ARTICLE 23 LIGHT INDUSTRIAL M-1 DISTRICT

Statement of Intent

The purpose of this district is to provide sufficient space in the appropriate locations for light industrial and manufacturing uses, as well as related service and support uses. All permitted uses shall involve minimal hazards and shall not create significant amounts of smoke, noise, odor, dust, or other potential nuisances. This district is intended to be located along or near primary highways in order to facilitate easy access and to avoid industrial traffic impacts on residential streets.

23-1 Permitted Uses

Within the Light Industrial M-1 District the following uses are permitted when in compliance with the statement of intent of this Article as determined by the Zoning Administrator and upon approval of a site plan submitted in accordance with Article 14 of this Ordinance.

1. Assembly Plants, including but not limited to, automobiles, electrical appliances, computer equipment and software, ventilating systems, and medical equipment.
2. Breweries to include Large Scale Breweries, Microbreweries and Commercial Nanobreweries
3. Building Establishments including, but not limited to, boat building, craft shops, woodworking shops, lumber yards, sawmills, concrete works, machine and metal shops.
4. Business Service & Supply and Wholesale Trade Establishments.
5. Convenience Stores.
6. Communication facilities including, but not limited to, towers, antennas, and dishes.
7. Horticultural Facilities, including but not limited to, greenhouses, nurseries, and tree farms.
8. Laboratories, including but not limited to, medical, military, and pharmaceutical.
9. Manufacturing, and/or packaging of products derived from material which is refined or initially processed elsewhere.
10. Processing Plants, including but not limited to the processing, packaging, and treatment of, food for human and animal consumption, cosmetics, pharmaceuticals, and toiletries.
11. Oil and gas refining facilities
12. Professional Offices.
13. Public Water and Sewer Facilities including, but not limited to, waste water treatment plants, wells, water towers, and dams.
14. Public Service Training Facilities as defined in Article 20 of this Ordinance.
15. Storage Facilities including, but not limited to, warehouses, self-storage facilities, building materials yard, tank farms, and agricultural silos.
16. Vehicle Sales & Service Establishments. This use includes, but is not limited to, automobile service, and major service stations, the sale, rental and/or lease of motor vehicles including, but not limited to automobiles, farm implements, marine, and recreational vehicles.

23-2 Conditional Uses (Conditional Use Permit Required)

Notwithstanding Section 23-1 of this Article, the following uses require a Conditional Use Permit. After review of the application and public hearing thereon, in accordance with Article 16 herein, the Town Council finds as a fact that a proposed use is consistent with the intent of this ordinance and the Land Use Plan, and is in the public interest, the following uses may be permitted.

1. Airports, Public and Private
2. Heliports and Helistops
3. Chemical plants

23-3 Use Limitations

1. All operations, activities, and storage shall be conducted within a completely enclosed building, except permitted uses and conditional uses which by their nature must be conducted outside of a building.

2. Notwithstanding Section 23.3-a of this Article, the following accessory uses may be conducted within a canopy building, as defined in Article 20 of this Ordinance, or in the open.
 - a. Storage of building materials, pallets, supplies, equipment, or machinery.
 - b. Display or sales areas for vehicles or other products.
 - c. Loading or unloading areas for trucks and other vehicles.
3. Nothing in this Article shall be deemed to allow or authorize any use in violation of the regulations of the Commonwealth of Virginia concerning the buffer area associated with waste water treatment facilities.
4. Any activity which involves the transfer and/or shipment of raw or processed human or animal waste, or which may constitute a safety, health or traffic hazard, or public nuisance is not permitted. Public water and sewer facilities shall be exempt from this provision.

23-4 Area Regulations

The minimum lot area for permitted uses shall be one acre. (43,560 square feet).

23-5 Setback Regulations

Structures shall be located 40 feet from any street right of way.

23-6 Lot Width Regulations

There shall be no minimum lot width within the M-1 district.

23-7 Side and Rear Yard Regulations

1. The minimum side yard for each use shall be 15 feet with a total of the two combined side yards equaling 30 feet.
2. The minimum rear yard for each main structure shall be 25 feet.

23-8 Height Regulations

Permitted structures may be erected up to 50 feet from grade with the following exceptions: communication towers, cupolas, monuments, water towers, chimneys, flues, flag poles, storage silos and structures associated with waste water treatment facilities.

23-9 Screening

Structures and uses are required to be screened from abutting residential development. The screen shall be within one (1) foot of the common property line and consist of a solid masonry wall, a uniformly painted solid board fence, or evergreen hedge eight (8) feet in height except in areas requiring natural air circulation, unobstructed view, or other technical considerations necessary for proper operation.

23-10 Accessory Building Regulations

Accessory buildings as defined shall be behind the main and shall be no closer than fifteen (15) feet to any property line.

23-11 Additional Requirements Including But Not Limited To:

1. Chesapeake Bay Act: refer to Article 22 of this Ordinance.
2. Signs: refer to Article 12 of this Ordinance.
3. All large scale breweries, microbreweries, commercial nanobreweries, home nanobreweries and brewpubs shall be licensed and/or permitted by the proper national and state agencies concerning breweries.

Definitions to be added to Article 20- Definitions

Barrel- unit of volume equaled to 31 gallons

Beer- an alcoholic beverage usually made from malted cereal grain (as barley), flavored with hops, and brewed by slow fermentation

Brew Pubs- An establishment where less than 500 barrels of beer is made on the premises in conjunction with a restaurant or bar and where 40% or more of the beer produced on site is sold on site.

Commercial Nanobreweries- An establishment where beer is made on the premises and then sold or distributed, and which produces less than 500 barrels of beer per year. Commercial Nanobreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

Home Nanobreweries- An establishment where beer is made on the premises and then sold or distributed off premises, and which produces less than 250 barrels of beer per year.

Large Scale Brewery- An establishment where beer is made on the premises and then sold or distributed, and which produces more than 10,000 barrels of beer per year. Breweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

Microbrewery- An establishment where beer is made on the premises and then sold or distributed, and which produces between 501-10,000 barrels of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

ARTICLE 26 HOME OCCUPATIONS

Statement of Intent

Home occupations are intended to allow for home business opportunities without disturbing the residential nature of the surrounding neighborhoods.

A. Permit Required

1. All home occupations shall require a permit issued in accordance with the regulations governing the zoning district in which such is located.
2. A courtesy inspection by the Building Official may also be required to ensure life safety assurances are in place (fire extinguisher, ingress/egress, and emergency lighting).

B. Classes of Home Occupations

1. Home Occupations shall be divided into two (2) classes; Minor Home Occupations, and Major Home Occupations.

C. Home Occupations Guidelines

- a. Guidelines for All Home Occupations:
 - a. The home occupation shall be clearly incidental and subordinate to the residential use of the property.
 - b. The occupation or activity shall not employ machinery or equipment that creates noise, odor, smoke, dust or glare which is dangerous or otherwise detrimental to persons residing in the home or on adjacent property. The storage of hazardous materials shall be prohibited.
 - c. There shall be no noise, odor or exterior evidence that the building or its premises are being used for any purpose other than a dwelling.
 - d. The home occupation must be conducted entirely within the dwelling unit or accessory structure and shall be located on the same parcel as the principal building (residence).
 - e. The home occupation shall not exceed twenty-five percent (25%) of the floor area of the residence
 - f. No electrical or mechanical equipment shall be employed other than machinery or equipment customarily used in the home or associated with a hobby or avocation.
 - g. No on premises sale of merchandise, equipment or materials are permitted except for "one of a kind, limited" productions that are not mass produced and are handcrafted on premises.
 - h. No on premises outside storage or display of merchandise, equipment or materials are permitted.
 - i. No person shall conduct a home occupation without obtaining the appropriate business license required by law and issued by the Town of Colonial Beach
 - j. No heavy truck or vehicle or piece of equipment having a gross rated carrying capacity or more than two (2) tons (1,800kg) gross weight shall be parked or stored on or operated from the site in connection with a home occupation.
 - k. Only a single, non-illuminated sign, no larger than 3-square feet and which has a minimum setback of three (3) feet from the right-of-way shall be permitted.

b. Guidelines for Minor Home Occupations

1. Only members of the family who reside at the premises may work in

the business.

2. Customer contact on an appointment only basis
3. The following are business that typically may fall within the Minor Home Occupation category:

- i. Artists
- ii. Single chair barber/beauty shop;
- iii. Dressmakers, seamstresses, tailors;
- iv. Home crafts including but not limited to ceramics, electronic repair and similar crafting activities;
- v. Professional offices including but not limited to, accountants, bookkeepers, architects, photographers, brokers, insurance brokers and agents, real estate brokers and agents, computer programmers, consultants, counselors, engineers, lawyers, or similar professionals.
- vi. Internet provision;
- vii. Mail order business;
- viii. Small contractors;
- ix. Telephone answering service;
- x. All other activities in the opinion of the Zoning Administrator which are materially similar to the activities listed above.

c. Guidelines for Major Home Occupations:

- a. Up to four (4) employees who are not family members and do not reside at the premises are permitted.
- b. There shall be adequate off-street parking for employees.
- c. Customer contact permitted
- d. The following are business that typically may fall within the Major Home Occupation category:
 - i. Any of the categories of a minor home occupation where outside employees are utilized;
 - ii. Arts and Crafts Studios;
 - iii. Cabinet making/woodshops;
 - iv. Custom gunsmith;
 - v. Home Nanobreweries
 - vi. Locksmiths;
 - vii. Pet grooming/sitting;
 - viii. Personal service establishments;
 - ix. Small contractors;
 - x. Tutoring, music or voice lessons, or similar services for not more than four (4) persons at any single time;
 - xi. All other activities in the opinion of the Zoning Administrator which are materially similar to the activities listed above.

D. When Home Occupation Permit Not Required.

1. Any use which is specified as a permitted or conditionally permitted use within a particular zoning district shall not constitute a minor home occupation for

which a home occupation permit is required.

2. This includes the following activities:
 - i. Home office used intermittently for work usually conducted elsewhere at the individual's regular place of business;
 - ii. Tele-commuting.

E. Prohibited Home Occupations.

1. The following uses shall be prohibited as any class of home occupation:
 - i. Automobile repair, servicing and sales;
 - ii. Funeral chapels or funeral homes;
 - iii. Gift shops;
 - iv. Medical or dental clinics or hospitals;
 - v. Restaurants, tearooms, or other eating or drinking establishments;
 - vi. Commercial stable and/or kennels;
 - vii. Veterinary clinics;
 - viii. All other activities in the opinion Zoning Administrator which are materially similar to the activities listed above.

F. Major Home Occupation Permit Conditions.

1. For major home occupations where a conditional use permit is required, the following conditions shall be placed on every major home occupation:
 1. Home occupations shall be required to have a life safety inspection by the Building Official prior to operation;
 2. Home occupations shall be required to install a water meter prior to operating;
 3. Home occupation shall abide by all local, state and federal laws/requirements;
 4. The storage of hazardous materials shall be prohibited.

G. Permit Not Assignable or Transferable.

Home Occupation permits are unique to the applicant and location and shall not be assigned or transferred to any other person or location.

H. Revocation.

A Home Occupation permit may be revoked by the issuing authority for the violation of any condition placed thereon or violation of guidelines specified in this ordinance.

26-9 Additional Requirements.

All large scale breweries, microbreweries, commercial nanobreweries, home nanobreweries and brewpubs shall be licensed and/or permitted by the proper national and state agencies concerning breweries.

Definitions to be added to Article 20 Definitions:

Artist- A person regularly engaged in the production of art or creative work written, composed, created or executed for a “one of a kind, limited” production. Such use may include the fine and applied arts including painting, traditional and fine crafts, sculpture, writing, creating film or animation, the composition of music, choreography and the performing arts.

Home Nanobreweries- An establishment where beer is made on the premises and then sold or distributed off premises, and which produces less than 250 barrels of beer per year.

Barrel- unit of volume equaled to 31 gallons

Beer- an alcoholic beverage usually made from malted cereal grain (as barley), flavored with hops, and brewed by slow fermentation

Brew Pubs- An establishment where less than 500 barrels of beer is made on the premises in conjunction with a restaurant or bar and where 40% or more of the beer produced on site is sold on site.

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Microbrewery- An establishment where beer is made on the premises and then sold or distributed, and which produces between 501-10,000 barrels of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.”

THIS IS TO CERTIFY THIS IS A TRUE COPY OF AN ORIGINAL ORDINANCE, adopted by the Town Council at a regular meeting of Council held Thursday, November 12, 2015 at the Colonial Beach Town Center, with a quorum of Council being present.

Kathleen Flanagan, Town Clerk