

ORDINANCE NO. 664

ORDINANCE NO. 664: AMENDS THE TOWN OF COLONIAL BEACH ZONING ORDINANCE, ARTICLE 26 HOME OCCUPATIONS BY ADDING THE FOLLOWING "GUIDELINES FOR HOME OCCUPATIONS": 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. 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. ORDINANCE NO. 664 AMENDED THE CAPACITY OF A HEAVY TRUCK OR PIECE OF EQUIPMENT FROM ONE (1) TON (900KG) TO TWO (2) TONS (1800KG) GROSS WEIGHT. THE FOLLOWING SECTION WAS REMOVED FROM HOME OCCUPATION GUIDELINES: ANY HOME OCCUPATION WITH ANY ON-PREMISES CUSTOMER OR CLIENT CONTACT SHALL COMPLY WITH THE PARKING REQUIREMENTS FOUND IN ARTICLE 13 OF THIS ORDINANCE. OTHERWISE, NO ADDITIONAL PARKING SHALL BE REQUIRED. THE FOLLOWING SECTION WAS ADDED TO THE "PERMIT REQUIRED" SECTION: 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). THE FOLLOWING SECTIONS WERE ADDED TO "GUIDELINES FOR MINOR HOME OCCUPATIONS:" ONLY MEMBERS OF THE FAMILY WHO RESIDE AT THE PREMISES MAY WORK IN THE BUSINESS, CUSTOMER CONTACT ON AN APPOINTMENT ONLY BASIS. THE FOLLOWING MINOR HOME OCCUPATIONS WERE ADDED: SINGLE CHAIR BARBER/BEAUTY SHOP. THE FOLLOWING MINOR HOME OCCUPATIONS WERE REMOVED: SCULPTORS, AUTHORS AND COMPOSERS, IN-HOME PROFESSIONAL OFFICES WITHOUT CUSTOMER OR CLIENT CONTACT INCLUDING BUT NOT LIMITED TO ACCOUNTANTS, ARCHITECTS, PHOTOGRAPHERS, BROKERS, INSURANCE BROKERS AND AGENTS, REAL ESTATE BROKERS AND AGENTS, COMPUTER PROGRAMMERS, CONSULTANTS, COUNSELORS, DENTISTS, PHYSICIANS, ENGINEERS, LAWYERS, OR SIMILAR PROFESSIONALS. THE FOLLOWING SECTIONS WERE ADDED TO "GUIDELINES FOR MAJOR HOME OCCUPATIONS:" UP TO FOUR (4) EMPLOYEES WHO ARE NOT FAMILY MEMBERS AND DO NOT RESIDE AT THE PREMISES ARE PERMITTED. THERE SHALL BE ADEQUATE OFF-STREET PARKING FOR EMPLOYEES. CUSTOMER CONTACT PERMITTED. THE FOLLOWING USES WERE ADDED TO GUIDELINES FOR MAJOR HOME OCCUPATIONS: ARTS AND CRAFTS STUDIOS; CABINET MAKING/WOODSHOPS; CUSTOM GUNSMITH; HOME NANOBREWRIES LOCKSMITHS; PET GROOMING/SITTING, PERSONAL SERVICE ESTABLISHMENTS. THE FOLLOWING MAJOR HOME OCCUPATIONS

WERE REMOVED: BARBER AND BEAUTY SHOPS. IN-HOME PROFESSIONAL OFFICES WITH ON-PREMISES CUSTOMER OR CLIENT CONTACT INCLUDING BUT NOT LIMITED TO ACCOUNTANTS, ARCHITECTS, ARTISTS, BROKERS, COMPUTER PROGRAMMERS, CONSULTANTS, COUNSELORS, ENGINEERS, LAWYERS, INSURANCE AGENTS AND BROKERS, REAL ESTATE AGENTS AND BROKERS, OR SIMILAR PROFESSIONALS. PERSONAL SERVICE WITH ON-PREMISES CUSTOMER OR CLIENT CONTACT, PHOTOGRAPHY STUDIOS, SEAFOOD OPERATIONS, SMALL CONTRACTORS. THE FOLLOWING USES WERE REMOVED FROM THE SECTION "WHEN A HOME OCCUPATION IS NOT REQUIRED: BED AND BREAKFAST, ROOMING HOUSE AND TOURIST HOME. THE FOLLOWING SECTION WAS ADDED TO THE ARTICLE: MAJOR HOME OCCUPATION PERMIT CONDITIONS. FOR MAJOR HOME OCCUPATIONS WHERE A CONDITIONAL USE PERMIT IS REQUIRED, THE FOLLOWING CONDITIONS SHALL BE PLACED ON EVERY MAJOR HOME OCCUPATION: HOME OCCUPATIONS SHALL BE REQUIRED TO HAVE A LIFE SAFETY INSPECTION BY THE BUILDING OFFICIAL PRIOR TO OPERATION; HOME OCCUPATIONS SHALL BE REQUIRED TO INSTALL A WATER METER PRIOR TO OPERATING; HOME OCCUPATION SHALL ABIDE BY ALL LOCAL, STATE AND FEDERAL LAWS/REQUIREMENTS; THE STORAGE OF HAZARDOUS MATERIALS SHALL BE PROHIBITED. THE ORDINANCE ALSO ADDS DEFINITIONS FOR ARTICLE 20 AS PROVIDED: SEASONAL GOODS, ARTISTS, HOME NANOBREWERIES, BEER AND BARREL.

WHEREAS, Ordinance No. 664 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 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 improper storage of hazardous materials in a dangerous manner 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.

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.

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.”

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