## 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. Antennae/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

1. See Article 22 of this ordinance for site specific requirements concerning the Chesapeake Bay Act
2. 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.