

**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
3. Brew Pubs
4. Business Service and Supply Establishments
5. Civic, Social, or Fraternal Facilities
6. Commercial Nanobreweries
7. Day Care Centers
8. Dwelling, Single Family Detached
9. Emergency Service Establishments
10. Financial Institutions/Service Establishments
11. Government Facilities
12. Home Occupations, Major
13. Home Occupations, Minor
14. Live/Work Units
15. Multi-Family Dwellings
16. Museums
17. Offices
18. Parks/Playgrounds
19. Personal Service Establishments
20. Recreational/Outdoor Equipment Rentals
21. Restaurants
22. Retail Establishments not exceeding 6,000 square feet
23. Schools
24. Service Establishments
25. Subdivision (Major)
26. Subdivision (Minor)
27. Tourist Homes
28. Wayside Stands and/or Farmers 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 or Accessory Buildings
2. Antennae/satellite dishes (roof top)
3. Automatic Teller Machines (ATM)
4. Commercial Generators
5. Fences in rear and side yards
6. Parking lots

7. Parking Decks in association with a permitted use
8. Residential generators
9. 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.
10. Walk-in Freezers
11. 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, if 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 Residences/Facilities
4. Bookstores
5. Commercial Parking Lots/Structures as a principal use
6. Commercial Recreational Establishments
7. Community Facilities/Open Spaces
8. Convenience Stores
9. Family Day Homes
10. Funeral Homes
11. Hotels/Motels
12. Medical Clinics
13. Microbreweries
14. Mixed Residential/Commercial Use
15. Mobile Vending Courtyards
16. Nightclubs
17. Nursing Homes
18. Retail Establishments exceeding 6,000 square feet
19. Rooming Houses with or without a complete kitchen
20. Shopping Centers
21. Structures exceeding 35-feet in height
22. Theaters
23. Vacation Cottage Complexes
24. Veterinary Hospitals

9-4 Bulk & Area Regulations

**Table 9-4.1 Principal Structure Requirements**

Minimum lot area	1,500 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)	1.5 maximum
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**

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 and Site Plans for new construction shall be required to be submitted and approved prior to approval of zoning 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. A Certificate of Occupancy and Zoning Compliance 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.
8. Curb, gutter, and sidewalks on all undeveloped Lots shall be installed at the developer's expense prior to the issuance of a Certificate of Occupancy and Zoning Compliance.
9. If during renovation of an existing site any sidewalk or curb is broken, then the entire sidewalk or curb section(s) shall be replaced in accordance with Town standards and 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 Preservation Act.
2. All Large Scale Breweries, Microbreweries, Commercial Nanobreweries, Home Nanobreweries, and Brew Pubs shall be licensed and/or permitted by the proper national and state agencies concerning breweries.