

The following pages include proposed revisions to other sections of Chapter 190 for consistency with the proposed Working Waterfront Overlay Districts.

KEY:

text to remain

text to be deleted

new text

< NOTES >

ARTICLE III: OVERLAY AND FLOATING ZONING DISTRICTS

Section 190-15 CRITICAL AREA OVERLAY DISTRICT (CAO)

< SECTIONS 15.1 THROUGH 15.13 TO REMAIN UNCHANGED. >

15.14. WATER-DEPENDENT FACILITIES

A. USES INCLUDED

As indicated in Table IV-1, Land Uses, ~~The~~ following uses, which use water for transportation and derive economic benefits from shore access, may be allowed:

1. Private piers, community piers and related boat facilities;
2. Marinas; and
3. Water-oriented or water-based public recreation, education, scientific, research areas;
4. Aquaculture, water-based (retail or wholesale).
5. Charter/tour boat facility.
6. Facility for marine pollution control, oil spill cleanup, or servicing of marine sanitation devices.
7. Fireboat, marine patrol, and similar emergency response or public safety service.
8. Fisheries activities.
9. Marine contracting.
10. Marine fabrication.
11. Marine salvaging service.
12. Marine transport (cargo).
13. Port.
14. Tugboat, pilot boat, vessel towing, and similar services.
15. Water-based transportation facility.

< REMAINDER OF SECTION TO REMAIN UNCHANGED. >

ARTICLE IV: LAND USES

Section 190-25 TABLE OF LAND USES

25.1. GENERAL

- A.** Table IV-1, Land Uses, establishes permitted uses, special exception uses and accessory uses in the zoning districts set forth in this article.
- B.** All uses not listed in the table are prohibited except as provided below in Subsection C.
- C.** If a use is not listed in Table IV-1 or defined in Article IX, the use may be interpreted by the Planning Director to be of a similar nature or character as a listed use. The Planning Director shall refer to the following sources:
 - 1.** The most recent edition of the “Land Based Classification Standards, LBCS Tables” published by the American Planning Association (APA);
 - 2.** The most recent edition of “A Planner’s Dictionary,” a publication of the APA’s Planning Advisory Service;
 - 3.** If a use or term is not listed or defined in the APA documents, the most recent edition of Webster’s Unabridged Dictionary or the “North American Industry Classification Manual (NAICS); ”and,
 - 4.** The Planning Director may also seek a recommendation from the Planning Commission.
- D.** This Section shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another listed use that is allowed in other zoning districts.
- E.** Specific standards and requirements for many of the listed land uses are given in §§190-26 through 190-34.
- F.** Maximum floor area standards for commercial and industrial uses in the Village zones are established in the Village zoning district requirements, §190-10. Uses that exceed the applicable floor area standards may be approved as a special exception by the Board of Appeals.
- G.** Land uses in the WWOD shall be as specified in §190-21.6. Maximum floor area standards for non-residential uses located in the WWOD and adjacent to residential uses or zones are established in the WWOD requirements (§190-21).

< ALL OTHER PROVISIONS OF THIS SECTION TO REMAIN UNCHANGED. >

Section 190-26 AGRICULTURE AND RELATED USES

26.16. AQUACULTURE (RETAIL)

A. In all districts other than WWOD-1:

1. Minimum fifty-foot front setback and two-hundred-foot setback from all other property boundaries.
2. Ten-acre minimum lot size.
3. No on-site processing allowed.

~~B. In WWOD-1, on-site processing is allowed unless the district abuts a parcel zoned:~~

~~C. RR, RC or WRC, or~~

~~D.B. VH, VM, or VR and occupied by a residential use before the application to establish a retail aquaculture use is filed.~~

E.C. All aquaculture products must be raised on site.

26.17. AQUACULTURE (WHOLESALE)

A. In all districts other than WWOD-1, excludes on-premises processing of aquaculture products.

~~B. In WWOD-1, on-site processing is allowed unless the district abuts a parcel zoned:~~

~~C. RC or WRC, or~~

~~D.B. VH, VM, or VR and occupied by a residential use before the application to establish a wholesale aquaculture use is filed.~~

E.C. Minimum two-hundred-foot setback from property lines for related ponds:

1. in the AC, CP, WRC, RC, VH and VM Districts: **200 feet.**
2. **WWOD-1: 100 feet.**

F.D. **In WWOD-1, all aquaculture products must be raised on site.**

Section 190-27 RESIDENTIAL USES

< NO CHANGES >

Section 190-28 INSTITUTIONAL USES

28.7. COMMUNITY AND CULTURAL FACILITIES

- A.** Includes public and quasi-public buildings and structures for recreation, conservation, cultural, museum, library and public service uses.
- B.** In the RC District, lot Lot coverage shall be is limited to:
1. **In the RC District:** 15% of the site or 20,000 square feet, whichever is less.

2. In the WWOD-2 and WWOD-3 Districts: 20% of the site or 20,000 square feet, whichever is less.

- C. Structures existing in the RC District prior to August 13, 1989, may be expanded, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that lot coverage may be increased through the use of growth allocation subject to §190-55.5.

Section 190-29 COMMERCIAL USES

29.14. RETAIL, GENERAL

- A. Includes sales of antiques, books, baked goods, clothing, crafts, drugs, dry goods, furniture, gifts, groceries, hardware, household items, liquor, plants (flowers, shrubs, and trees), seafood, sports equipment, and items generally found in department stores, general stores or variety stores.
- B. General retail uses shall not exceed 25,000 square feet in gross floor area, except in the WWOD where general retail uses shall not exceed 10,000 square feet in gross floor area. For purposes of this Section, the term "gross floor area" includes indoor and outdoor space utilized for retail display and sale of goods.

Section 190-30 INDUSTRIAL USES

< NO CHANGES >

Section 190-31 MARINE USES

< NO CHANGES >

Section 190-32 UTILITY, TRANSPORTATION AND COMMUNICATION USES

< NO CHANGES >

Section 190-33 ACCESSORY USES

33.5. COTTAGE INDUSTRY

See also Home Occupation.

A. USES APPROPRIATE AS COTTAGE INDUSTRIES

The following list indicates uses that would be appropriate as cottage industries.

1. Craftsman (cabinetmaker, furniture maker, saddler, gunsmith etc.).
2. Property maintenance and landscape contractors.
3. Farm equipment services and repairs.
4. Firewood harvesting and sales.
5. Home improvement contractors (plumber, heating/air-conditioning technician, carpenter, mason, electrician, roofer, glazier, painter, etc.).
6. Septic, sewer or drain service.
7. Vehicle and boat repair, detailing or painting conducted exclusively inside an accessory structure.
8. Wholesale seafood distribution without operation of truck refrigeration units on the property.

B. STANDARDS FOR COTTAGE INDUSTRIES

1. Minimum lot size:
 - a. ***In all districts other than WWOD:*** five acres.
 - b. ***WWOD: 30,000 square feet.***
2. The cottage industry shall not occupy more than 3,000 square feet in a single accessory structure or in a combination of accessory structures, unless minimum lot size exceeds ten (10) acres in size, in which case the accessory structure(s) may occupy up to but not more than 5,000 square feet.
3. No more than one cottage industry per residence or lot is permitted. The use shall be incidental and secondary to the use of the residential dwelling.
4. Major site plan approval is required. See Article VII.
5. A use certificate is required for continued operation of all cottage industries. Cottage Industry use certificates shall be renewed every two years. The County shall conduct a site inspection to ensure compliance with the terms and conditions of the original approval, including any amendments, as a condition of renewal.
6. The property used for the cottage industry shall contain the primary residence of the proprietor.
7. If the proprietor is not the property owner, evidence of permission of the property owner to use the property for the cottage industry must be provided to the Planning Director.
8. Setbacks for structures and outdoor storage, loading, operations or parking areas ***in all districts other than WWOD:***
 - a. From neighboring property lines: 150 feet.
 - b. From neighboring residences: 200 feet.
 - c. From tidally influenced waters: 100 feet.
 - d. ***In the WWOD, setbacks for structures and outdoor storage, loading, operations and parking areas shall be as specified in the regulations for the overlay district.***
9. The following requirements apply to outdoor areas used for equipment or material storage, repair or work areas, and parking, loading or circulation of trucks with a gross vehicle weight rating over 10,000 pounds. Such outdoor areas shall:
 - a. Occupy no more than 10,000 square feet;

- b. Be limited to locations shown on the approved site plan; and,
 - c. Be screened from adjacent properties, public ways, and shorelines by a Type D landscape yard (§190-40.5.C), or an equivalent combination of vegetation, setbacks and topography.
- 10. Truck limits:**
- a. No more than two trucks used for the cottage industry may be based on the lot (parked during non-business hours), unless minimum lot size exceeds ten (10) acres in size, in which case up to but not more than five (5) trucks are permitted.
 - b. The cottage industry shall not generate visits to the site by trucks with a gross vehicle weight rating over 16,000 pounds.
 - c. On any single day, no more than 10 truck trips may be generated by the cottage industry (including employee's commuter vehicles arriving at or leaving the site), with no more than four trips by trucks with GVWR of 10,000 pounds or more.
- 11. Adequate, dust-free areas shall be provided for safe on-site circulation and parking of vehicles related to the cottage industry.**
- 12. Any change, enlargement or alteration of a cottage industry use, or of the structure and facility occupied by the use, shall require site plan approval.**
- 13. New accessory structures for cottage industries:**
- a. Proprietors who desire to construct a new accessory structure for a cottage industry must own and reside on the property.
 - b. Proprietors of a cottage industry operated on land owned by an immediate family member may be allowed to construct a new accessory structure.
 - c. Proprietors who rent their primary residence on property that contains the cottage industry must operate the cottage industry using existing accessory structures only.
 - d. New accessory structures shall be limited to a roof ridge height of not greater than 25 feet.
- 14. No more than five nonresident employees shall report to a cottage industry site, unless minimum lot size exceeds ten (10) acres in size, in which case up to but not more than seven (7) employees are permitted.**
- 15. Employee hours:**
- a. In the VR, VH or VM district employees shall not report prior to 7:00 a.m. or leave after 9:00 p.m.
 - b. **In WWOD-1 and WWOD-2, there shall be no limitation on employee work hours.**
- 16. No use shall require internal or external construction features or the use of electrical, mechanical, or other equipment that would change the fire rating of the structure or in any way increase the fire danger to neighboring structures or residences.**
- 17. Cottage industries shall not conduct retail sales. In this Section, "retail sales" means providing goods directly to the customers where such goods are displayed on site and are available for immediate purchase and removal from the premises by the purchaser. "retail sales" does not include:**
- a. Displaying goods online or by catalogue where the customer browses and completes the purchase remotely, such as online, by phone, or mail, and the purchased goods are then shipped to the customer;

- b. Maintaining a workshop or showroom displaying a limited selection of custom-made goods; or,
 - c. Passing along to the customer the cost of new parts or components needed to repair or modify an item.
- 18.** Cottage Industries shall comply with all federal, state or local regulations, including without limitation, obtaining all necessary governmental approvals.
- 19.** Cottage industries on lots less than five acres and approved prior to adoption of this chapter:
- a. All work associated with the cottage industry must be carried out in an accessory structure.
 - b. All materials and equipment associated with the cottage industry shall be stored inside the accessory structure.
 - c. **These provisions shall not apply to cottage industries located in the WWOD.**

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ARTICLE V: DEVELOPMENT STANDARDS

Section 190-40 LANDSCAPING

40.3. MINIMUM PLANTING REQUIREMENTS

A. APPLICABILITY

The minimum planting requirements apply only to development requiring a major site plan, except in the WWOD-1 and WWOD-2 where these requirements shall not apply.

< ALL OTHER PROVISIONS OF THIS SECTION TO REMAIN UNCHANGED. >

40.4. PARKING AREA INTERIOR LANDSCAPING

A. APPLICABILITY

1. The parking area interior landscaping requirements apply to development having 12 or more parking spaces, except in the WWOD-1 and WWOD-2 where these requirements shall not apply.
2. For purposes of this requirement, the parking area:
 - a. Includes all areas within the outer boundary of the parking lot including parking spaces, drive aisles, walkways, and loading areas;
 - b. Includes paved areas used for display of vehicles for sale or for rent;
 - c. Includes parking spaces for visitors, employees or fleet vehicles; but,
 - d. Does not include the perimeter landscape yard or vehicle repair areas.

< ALL OTHER PROVISIONS OF THIS SECTION TO REMAIN UNCHANGED. >

40.5. PERIMETER LANDSCAPE YARDS

A. APPLICABILITY

Perimeter landscape yards may be required for:

1. Development requiring a site plan: see Subsection C and D.1 below.
2. Subdivisions: Streetyard landscaping only, see Subsection D.2 below.
3. Development located in the WWOD: see Section 190-21.

< ALL PROVISIONS OF SUBSECTIONS B. & C. TO REMAIN UNCHANGED. >

D. PERIMETER LANDSCAPE YARDS ADJACENT TO STREETS

< ALL PROVISIONS OF D. 1. THROUGH D. 4. TO REMAIN UNCHANGED. >

5. ZONING DISTRICT MODIFICATIONS

- a. In the Gateway Overlay District, the landscape yard requirements along the street are modified as provided in the requirements for the overlay district.
- b. In the Village zoning districts, the approving authority may eliminate or reduce the perimeter landscape yard along the street frontage where the front yard is too shallow.
- c. In the Working Waterfront Overlay Districts 1 and 2, the landscape yard requirements along the street shall not apply.

Section 190-41 OFF-STREET PARKING; OFF-STREET LOADING

< ALL PROVISIONS OF 41.1 AND 41.2 TO REMAIN UNCHANGED. >

41.3. MINIMUM PARKING REQUIREMENTS FOR SPECIFIC USES

In Table V-6, "GFA" refers to gross floor area. If a fractional number results from application of these requirements, one parking space is required for a fraction of 1/2 or more, and no parking space is required for a fraction less than 1/2.

< ADD THE FOLLOWING IN ALPHABETICAL ORDER TO TABLE V-6, OFF-STREET PARKING REQUIREMENTS: >

TABLE V-6 OFF-STREET PARKING REQUIREMENTS	
LAND USE	NUMBER OF PARKING SPACES
<u>Charter/tour boat company</u>	<u>1 per 4 passengers (including crew) based on the maximum allowable occupant load of the vessel(s)</u>
<u>Facility for marine pollution control, oil spill cleanup, or servicing of marine sanitation devices</u>	<u>1 per employee</u>
<u>Marine salvaging service</u>	<u>1 per employee</u>
<u>Tugboat, pilot boat, vessel towing, and similar services</u>	<u>1 per employee</u>
<u>Water-based transportation facility</u>	<u>1 per 4 passengers (including crew) based on the maximum allowable occupant load of the vessel(s)</u>

ARTICLE IX: DEFINITIONS

Section 190-78 TERMS DEFINED

< ADD THE FOLLOWING TERMS AND DEFINITIONS: >

ART STUDIO AND/OR GALLERY

An establishment for the preparation, display, and/or sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, and similar items.

BOAT BUILDING AND/OR REPAIR AND/OR MAINTENANCE, MINOR

A facility where vessels are constructed, repaired, and/or serviced. "Minor" refers to vessels that can be lawfully and physically transported in their entirety over a major collector road.

BOAT RENTAL AND/OR SALES, MINOR

A facility where vessels are leased or sold. "Minor" refers to vessels that can be lawfully and physically transported in their entirety over a major collector road.

CHARTER/TOUR BOAT FACILITY

A facility where passengers board a vessel-for-hire used for educational or sightseeing tours, fishing excursions, or other recreational activities.

DWELLING, ACCESSORY TO COMMERCIAL USE

An accessory dwelling located on the same lot as a commercial use.

EVENT VENUE, ACCESSORY

An ancillary facility for receptions, meetings, parties and similar events, which provides indoor or outdoor space, sanitary facilities and parking area.

FACILITY FOR MARINE POLLUTION CONTROL, OIL SPILL CLEANUP, OR SERVICING OF MARINE SANITATION DEVICES

A facility where vessels used to respond to environmental concerns or emergencies are moored, docked, or stored. The facility may also contain equipment used to service or repair marine sanitation devices.

FIREBOAT, MARINE PATROL, AND SIMILAR EMERGENCY RESPONSE OR PUBLIC SAFETY SERVICE

A facility where vessels used to provide fire protection, law enforcement, emergency response, or similar public protection services for the County and its residents are moored, docked, or stored.

IN-WATER FUEL SALES FOR BOATS

A structure located over or adjacent to a waterway that houses one or more fuel pumps for refueling vessels while they are in the water.

MARINE FABRICATION

The manufacture or construction of components for marine equipment and boats, including construction of marine molds, marine industrial welding, maritime carpentry, metal casting for marine use, sail and canvas accessory manufacture, and spar and rigging construction.

MARINE PRODUCT SALES

The sale of products used in the maritime, boating, and/or fishing industries.

MARINE SALVAGING SERVICES

The use of any part of a lot for the storage, dismantling, and/or sale of maritime objects recovered from waterways.

MARINE TRANSPORT (CARGO)

Facility or activity for the storage, loading, unloading, and movement of goods over waterways.

ON-LAND BOAT STORAGE (DRY STACK OR SURFACE PARKING LOT)

A facility for storing boats out of water. Dry stack boat storage is a land-based operation, where boats are dry stored or "stacked" until such time as they are transferred to the water for use. In a surface parking lots, boats are stored on trailers.

RESIDENTIAL STRUCTURES AND USES, ACCESSORY

Accessory structures and uses customarily associated with residential uses.

SEAFOOD MARKET (RETAIL OR WHOLESALE)

A facility where finfish, shellfish, seafood products, or other aquatic plants or animals are sold. May include the sale of ancillary related products.

SEAFOOD PROCESSING AND/OR DISTRIBUTION FACILITY

A facility in which harvested finfish, shellfish, and/or other aquatic plants or animals are preserved, prepared, packed, and/or packaged for transport to a buyer.

STORAGE, ACCESSORY TO COMMERCIAL AND INDUSTRIAL USES

Outdoor areas or structures accessory to a commercial or industrial use in which goods and materials are kept for more than 24 hours.

STORAGE BUILDING PRIOR TO CONSTRUCTION OF A PRIMARY STRUCTURE

An accessory structure used to store goods and materials erected on a vacant lot prior to establishment of a principal use.

TUGBOAT, PILOT BOAT, VESSEL TOWING, AND SIMILAR SERVICES

A facility where vessels used to guide or tow boats or ships are moored, docked, or stored.

WATER-BASED EDUCATIONAL, SCIENTIFIC, AND/OR RESEARCH FACILITY

A facility for study, research, experimentation, and/or demonstration in the fields of limnology, aquatic ecology, oceanography, marine biology, hydrology, or other aquatic sciences that requires regular access to the water to achieve its educational, scientific, or research objectives.

WATER-BASED TRANSPORTATION FACILITY

A facility furnishing services for the transportation of passengers using watercraft such as ships and boats.

WATER-ORIENTED EDUCATIONAL, SCIENTIFIC, AND/OR RESEARCH FACILITY

A facility for study, research, experimentation, and/or demonstration in the fields of limnology, aquatic ecology, oceanography, marine biology, hydrology, and other aquatic sciences.

WATER-DEPENDENT USE

A use that requires direct access to, or location in, on, or over marine or tidal waters, and which therefore cannot be located inland. Examples include, but are not limited to, charter boat companies, commercial fishing and other maritime operations, marinas, water-based transportation facilities, aquaculture operations, and water-based education and research organizations.

WATER-RELATED USE

A use not directly dependent on access to the water, but which provides goods and/or services directly associated with a water-dependent use. Examples include, but are not limited to, seafood markets, seafood production facilities, boat sales, boat repair, and dry storage.

WATER-ENHANCED USE

A use that derives economic or aesthetic benefit from, or is otherwise enhanced by, location on or near the water, but that does not require water access to function. Examples include, but are not limited to, hotels, motels, inns, bed and breakfasts, restaurants, shops, and event venues.

< AMEND THE FOLLOWING TERMS AND DEFINITIONS: >

ROADSIDE VENDOR

An accessory use consisting of a stand, tent, cart, and/or open air area for the retail sales of goods, including but not limited to beverages, food, and flowers. There are two types of roadside vendors: short-term and long-term. **A Roadside Vendor, Seafood, sells only seafood and ancillary products.**

WATER-DEPENDENT FACILITIES (CA)

- A. Those structures or works associated with industrial, maritime, recreational, educational or fisheries activities that require location at or near the shoreline within the shoreline development buffer. An activity is water-dependent if it cannot exist outside the shoreline development buffer and is dependent on the water by reason of the intrinsic nature of its operation. Facilities associated with the following uses are water-dependent facilities.
- (1) Private piers, community piers and related boat facilities.
 - (2) Marinas.
 - (3) Water-oriented **or water-based** public recreation, education, **scientific**, research areas.
 - (4) **Aquaculture, water-based (retail or wholesale).**
 - (5) **Charter/tour boat facility.**
 - (6) **Facility for marine pollution control, oil spill cleanup, or servicing of marine sanitation devices.**
 - (7) **Fireboat, marine patrol, and similar emergency response or public safety service.**
 - (8) **Fisheries activities.**
 - (9) **Marine contracting.**
 - (10) **Marine fabrication.**
 - (11) **Marine salvaging service.**
 - (12) **Marine transport (cargo).**
 - (13) **Port.**
 - (14) **Tugboat, pilot boat, vessel towing, and similar services.**
 - (15) **Water-based transportation facility.**
- B. Non-water-dependent facilities are all other facilities not included in the definition of water-dependent facilities.