

ORDINANCE NO. 2022-05

THE MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET

FOR THE PURPOSE OF AMENDING
ARTICLE IV, SECTION 1.0 ESTABLISHMENT OF DISTRICTS AND USE
CLASSIFICATIONS, 1.5 NON RESIDENTIAL USES
OF THE LAND DEVELOPMENT ORDINANCE

ADDITIONAL PERMITTED USE IN THE RESIDENT MERCHANT DISTRICT-INN

WHEAREAS Inns were historically a common land use in the area of
New Market that is currently zoned as Residential Merchant
District;

AND WHEAREAS remotely managed guest operations marketed online
are now common in the state;

AND WHEREAS, Article IV, Section 1.0 Subsection 1.3.2.
Residential Special Uses (a) currently permits in the
Residential Merchant District a ***"Bed and Breakfast/Guest House.
A manager or operator-occupied dwelling in which lodging is
provided and which may include meals as a part of the
accommodations offered to such guests";***

AND WHEREAS, Article XIII (Definitions) currently further
defines a Bed and Breakfast as a ***"A manager or operator-occupied
dwelling in which lodging is provided for up to twelve guests
for a period of no more than fourteen days per occupancy, and
which may include meals, as a part of the accommodations offered
to such guests. The dwelling may also be the venue for weddings,
small receptions, catered events, business meetings, retreats,
and the like";***

AND WHEREAS, Article IV, Section 1.0 Subsection 1.11 Accessory
Uses currently defines a Guest House as a ***"1.11.4 Guesthouse.
Guest house living quarters may be located within a detached
accessory building on the same premises with the main building
and used by temporary guests of the occupants of the premises,
such quarters having no kitchen facilities and not rented or
otherwise used as a separate dwelling";***

AND WHEREAS, Article IV, Section 1.0 Subsection 1.5 (Non
Residential Uses), currently does NOT permit in the Residential
Merchant District a ***"1.5.48 Hotel. A building in which lodging***

or boarding is provided for ten or more persons, primarily transient, for compensation. Ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel may include restaurants, taverns, club rooms, public banquet halls, ballrooms, and meeting rooms.";

AND WHEREAS, Article IV, Section 1.0 Subsection 1.5 (Non Residential Uses), currently permits numerous Non-Residential Uses not required to be located in a Dwelling Unit within the Residential Merchant District but as is stated in Subsection 1.2.1 (Use Classifications) "Use classifications ... do not list every use or activity that may be appropriate in the classification.";

AND WHEREAS, the Ordinance is inconsistent with the historical existence of Inns in the Residential Merchant District.

NOW, THEREFORE, The Mayor and Council of The Town of New Market ordains as follows:

Section 2. Amendment. Article IV, Section 1.0 Subsection 1.5 (Non Residential Uses), is amended to provide as follows:

"1.5.77 Inn. A premises, or a portion of a premises, in which lodging is provided for up to twelve persons for a period of no more than fourteen days per occupancy, for compensation, and which may include meals, as a part of the accommodations offered to such guests. An on-premises operator is not required. The premises may also be the venue for weddings, small receptions, catered events, business meetings, retreats, and the like. A restaurant is defined as a separate use (see subsection 1.5.66).";

AG	OS	R-1	R-2	RM in d.u.	RM not in d.u.	MRS	MC	MCI	AP	I	EDF
					P						

AND IT IS FURTHER ORDAINED, that this Ordinance shall become effective on the 2nd day of February, 2023.

ATTEST:

BY ORDER OF THE
MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET

Mechele Stowell
Town Clerk

Winslow F. Burhans, III
Winslow F. Burhans, III, Mayor

Council Members:

Dennis Kimble
Dennis Kimble

Shannon Rossman
Shannon Rossman

Michael Wright
Michael Wright

Chris Weatherly
Chris Weatherly

Matthew Chance
Matthew Chance

INTRODUCED: December 8, 2022

ENACTED: January 12, 2023

EFFECTIVE: February 2, 2023