

**TOWN OF COLONIAL BEACH  
PLANNING COMMISSION**

**Meeting Agenda**

**Thursday, June 30, 2022--5:30 PM**

**Town Center  
22 Washington Avenue, Colonial Beach, VA 22443**

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- 1) Call Meeting to Order
- 2) Approval of the Agenda
- 3) Approval of Minutes
- 4) Public Comment on Non-Hearing Related Planning Commission Matters
- 5) Public Hearing Regarding Potential Text Amendment to a Conditional Use in the Resort-Commercial (RC) Zoning District
- 6) Committee Reports
- 7) Other Topics
- 8) Upcoming Items
  - a. Zoning Ordinance Chapter 20, Definitions
  - b. Affordable Housing Overlay District
- 9) Adjournment

**Next Planning Commission Regular Meeting: July 29<sup>th</sup>, 2022--5:30 PM, Town Center - 22 Washington**

**Town of Colonial Beach Planning Commission Minutes**

Date: Thursday, May 26<sup>th</sup>, 2022 – Town Center, 22 Washington Avenue

Time: 5:30 p.m.

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Members Present: Nathan Howell, Chair  
Vicki Luna, Vice Chair  
Bob Christiansen  
Steve Ale  
Bryon Mack  
Will Nuckols

Members Absent: None

Staff: Vivian Seay Giles, Town Attorney  
John Shaw, Interim Zoning Administrator  
Kaylynn DeBernard, Planning Technician

**Approval of Agenda**

Approved agenda unanimously.

**Approval of the Minutes**

Approved minutes unanimously.

**Public Comment**

Citizen asked question about the new townhouse development and the 35-foot height restriction. Questions to be followed up by Planning and Zoning office.

The following email was sent in for public comment by Ms. Reimherr and was read by Mr. John Shaw:

“I was encouraged by the language of the proposed amendments to zoning regulations for Planned Unit Developments because they seem to lay the groundwork for increasing the inventory of much needed middle income and workforce housing in this community. I would, however, make a couple of recommendations. Per #3 under Statement of Intent, I would recommend that local businesses be able to weigh in on what income levels should be to assure that they will meet business workforce needs. Also despite my support for the types of zoning changes being proposed, I would ask whether there is any connection between these proposed zoning changes and any arrangements being made with a specific developer. If that is the case, in the interests of transparency, I believe that should be made public. I would not like to see the public finding themselves “over a barrel” so to speak in which they must approve all plans for a particular development or face loss of the entire project if they feel modifications should be made. I would also like to see Planning Committee meetings broadcast since many of the decisions that determine town action occur in these meetings.”

### **Discussion regarding Potential Text Amendment to Article 29, Planned Unit Development Residential (PUD-R) District**

Since the last Planning Commission meeting the Berkley Group provided a revised draft based off last meeting and final revision summary. The Berkley Group went through amended language the commission members recommended for change. Commission members discussed the changes provided by Berkley Group and with staff. The next step includes town staff taking discussion from this meeting and present it at the June Planning Commission meeting for a public hearing.

### **Discussion Regarding Potential text Amendment to a Conditional Use in the Resort-Commercial (RC) Zoning District**

Town staff presented commission members with the text amendment language. Commission members discussed the language written which included a maximum capacity within the theatre. Over a certain capacity would trigger a Conditional Use. Motion to have public hearing. Moved by Mr. Mack, seconded by Ms. Luna. Voted 5-1 to move forward for public hearing at next meeting.

### **Committee Reports**

*Housing:* Discussion of short-term rentals from May Planning Commission meeting continues. Discussion of recommending council to form a registration form for short term rentals. Next step should be focusing on code amendments and where to change in regard to short term rentals.

*Resiliency:* A new member has joined. Discussion of joining PDC is floating.

### **Other Topics**

Still looking for 1 Planning Commission member to join.

### **Adjournment**

**ARTICLE 7  
RESORT COMMERCIAL (RC) DISTRICT**

**STATEMENT OF INTENT**

That portion of Colonial Beach referred to as the downtown beach front provides a resort area for tourists. Land use in this district shall orient itself to the development of an attractive, viable resort area. This district should be permitted where public utilities and transportation systems are adequate. Land uses which go against this concept or adversely affect the operation thereof shall be excluded from the district. The Floor-Area-Ratio (FAR) shall not exceed .75 with a minimum of 25% open, permeable land coverage.

**7-1 Permitted Uses:** Within the Resort Commercial 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. Boardwalk vendors (requires a vendors permit from the Town Manager)
4. Brewpubs
5. Business service establishments
6. Churches or houses of worship
7. Commercial nanobreweries
8. Commercial recreational establishments
9. Community facilities/open spaces
10. Emergency service establishments
11. Financial service establishments
12. Golf cart, moped, bicycle, and canoe/kayak sales and rental establishments
13. Indoor flea markets
14. Live-work units
15. Museums
16. Offices
17. Personal service establishments
18. Private, public and commercial piers
19. Public facilities and utilities
20. Public parks/playgrounds
21. Restaurants, excluding those with drive in facilities
22. Retail establishments
23. Special events (requires a special event permit from Town Manager)
24. **Theaters with maximum permitted occupancy of no more than 70 persons**
25. Wayside stands and/or farmers markets

**7-2 Accessory Uses:** Within the Resort Commercial District, a building and/or land shall be used only for the following purposes with an approved site plan;

1. Accessory structures
2. Antennae
3. Automatic teller machines (ATM)
4. Parking lots/structures
5. 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 18 of this ordinance.
6. Walk-in freezers
7. Commercial generators

8. Fences in rear & side yards only

**7-3 Conditional Uses (Conditional Use Permit Required):** Notwithstanding Section 7-1 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 a 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. Civic, social or fraternal facilities
2. Commercial parking lots/structures as principal use
3. Conference centers
4. Convenience stores
5. Microbreweries
6. Mixed residential/commercial-use buildings
7. Motels, hotels, and rooming houses
8. Nightclubs
9. Restaurants, with drive in facilities
10. Structures exceeding a 35-foot building height
11. Theaters with maximum permitted occupancy of more than 70 persons
12. Tourist homes
13. Vacation cottage complexes

**7-4 Bulk & Area Regulations**

**Table 7-4.1 Principal Structure Requirements**

Zoning District – Resort Commercial: Bulk & Area Regulations for the Principle Structure

Minimum lot area	None
Maximum lot coverage w/out mitigation	36%
Front Setback minimum	5-feet from Road Right-of-way
Front Setback maximum	10-feet from Road Right-of-way
Rear Setback minimum	10-feet
One-side setback	5-feet unless adjacent Residential District then 10-feet
Sum of side setbacks (left & right)	15-feet unless adjacent to Residential District then 20-feet
Minimum street frontage	None
Minimum street frontage on cul-de-sac/curve	None
Minimum lot width at front setback	50-feet
Maximum height	35-feet above finished grade
Off-street parking	2 spaces per 250 net retail square feet (excluding storage areas, bathrooms, halls, etc.)
Flood proofing	3-feet above base flood elevation
Landscaping (new construction/reuse of commercial sites)	1 tree for each 50-ft. of frontage and a minimum of 2-Street trees per commercial site; exact requirements shall be determined as part of the site plan process
Minimum caliper (size) of street trees	2.5 inches at time of planting
Floor area ratio (FAR)	0.75

Sign Area (maximum)	1-sq. ft. of sign area for each linear foot of building frontage, capped at 75-sq. ft.; all ground signs shall be monument style with a masonry base.
Sign Height (maximum)	15-feet above finished grade
Ground Sign Setback from ROW (street)	5-feet

**Table 7-4.2 Accessory Structure Requirements**

Zoning District – Resort Commercial: Bulk & Area Regulations the Accessory Structure

Front setback	Must be located in rear/side yard
Rear setback	3-feet
Side setback	3-feet
Setback from principal structure	10-feet
Maximum size	35% of principal structure
Maximum height	34 feet above finished grade or 1-foot below principal structure or whichever is less
Flood Proofing	3-feet above base flood elevation
Fence height in Side & Rear Yard	6-feet
Fence height in Front Yard	4-feet
Fence Setback	0-feet
Type of Fencing	Wood or Plastic in rear/side yards only
Accessory structures cannot have separate meters/service connections for utility services	

**7-5 Development Standards for the Resort Commercial District**

**A. Development Standards**

1. 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).
2. Notwithstanding Section 18-3 of this Ordinance, and 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.
3. 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.
4. 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.
5. Site surveys shall provide for the management of stormwater in accordance with State regulations.
6. 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.
7. 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.
8. 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).
9. Curb, gutter and sidewalks shall be installed prior to Certificate of Occupancy at the developer's expense on all undeveloped/developed lots.

10. All new development and re-development shall place all utilities underground including electric, cable, telephone, etc. at the developer's expense.
11. All principal structures shall be placed on a permanent foundation.
12. Barbed chain link or razor wire fence is prohibited.
13. Setbacks shall be measured from exterior foundation walls.
14. 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.
15. Accessory structures, parking areas, decks, trash collection areas and other utilitarian areas shall be located in a manner that is sensitive to adjacent structures and screened from public rights-of-way.
16. 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.

#### **7-6 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.