



TOWN OF COLONIAL BEACH
PLANNING COMMISSION

PLANNING COMMISSION MEETING AGENDA FOR
Thursday, August 10, 2023--5:30 PM

Town Center, 22 Washington Avenue, Colonial Beach, Virginia

- 1) Call to Order
- 2) Roll Call of Members
- 3) Approval of the Agenda
- 4) Approval of Minutes
 - a. March 9, 2023
 - b. June 8, 2023
- 5) Public Comment on Non-Public Hearing Related Planning Commission Matters
- 6) Public Hearings

None

Old Business

- 7) Draft Zoning Text Amendment 23-05 – Article 16 (Conditional Use Permits) – Town Initiative

To update the text within Article 16 (Conditional Use Permits) of the Colonial Beach Zoning Ordinance.

 - a. PC Discussion
 - b. Action

New Business

- 8) Town Council Referral to Updated Article 6 (General Residential (R-2) District)
 - a. PC Discussion
 - b. Action
- 9) 2023-2024 Planning Commission Work Plan Review & Update
 - a. PC Discussion
 - b. Action
- 10) Adjournment

ATTACHMENT

1AS

Town of Colonial Beach Planning Commission Minutes

Date: Thursday, March 9, 2023 – Town Center, 22 Washington Avenue
Time: 5:30 p.m.

Members Present: Bryon Mack, Chair
Nathan Howell, Vice Chair
Vicki Luna
Bob Christiansen
Will Nuckols
Bailey Thompson (remote)

Members Absent: None.

Town Council Liaison: Dr. Caryn Self Sullivan, Ph.D.

Staff: Don Dooley, Director of Community Development
Darla Odom, Zoning Administrator
Kaylynn DeBernard, Planner

Mr. Mack called the meeting to order at 5:34 p.m.

1) Approval of Agenda

Mr. Nuckols moved to approve the agenda. Ms. Luna seconded the motion. The Planning Commission voted unanimously to approve the agenda, as drafted.

2) Approval of Minutes

a. November 17, 2022

b. December 6, 2022

Mr. Christiansen moved to approve the minutes for November 17, 2022, and December 6, 2022, as drafted.

Ms. Luna made a correction to the December 6, 2022, minutes regarding the Resiliency Committee. She noted the sentence about the Resiliency Committee being disbanded because it was out of the Commission’s purview. That should be stricken.

Mr. Mack said he would prefer that the minutes state that the Resiliency Committee be moved to an ad hoc status.

Mr. Nuckols supported changing the Resiliency Committee from a standing committee to an ad hoc committee without outside, mandatory, attendance because they could not get participation.

Ms. Luna moved to approve the November 17, 2022, Planning Commission Minutes, as presented, and the December 6, 2022, Planning Commission Minutes, as amended. Mr. Howell seconded the motion which passed unanimously.

The Commission asked Mr. Dooley to confirm the first name “Mr. Nelson” in the public comment section. Mr. Dooley agreed to clarify the name and stated that staff would make every effort to identify everyone’s full name in future meeting minutes.

3) Public Comment on Non-Hearing Planning Commission Related Matters

Mr. Mack stated that there was one item received by the Commission that would not be read or discussed but would be noted as received.

4) CIP – Attachment 1

a. Discussion

Ms. Adams-Jacobs stated that she would present on the CIP, and the Director of Public Works [Diane Beyer] would also provide information. She reported that the process starts in October and the minimum criteria for CIP projects is \$20,000.

Mr. Nuckols asked what the Commission’s role is in the CIP review and what potential action they might take.

Ms. Adams-Jacobs responded that their role was to receive the background information, with the Chair and Vice Chair serving on the CIP Steering Committee, as well as to provide feedback as they work through the process.

Ms. Adams-Jacobs reviewed the timeline. She said it starts in October and goes through November and December. A draft CIP is then prepared in February with the Steering Committee. It would then be presented to the Planning Commission and Town Council in March. The Commission is then asked to set a public hearing on the CIP in April. Thereafter, it is presented to the Town Council in May for adoption.

Ms. Adams-Jacobs stated that the CIP reflects comprehensive planning goals and includes projects related to public works, parks and recreation, administration and technology, public safety, and resiliency. She said that they must align with State enabling authority to maintain compliance with

Commonwealth code and be prepared to carry out policies adopted in the Comprehensive Plan. She presented a list of current and previous CIP projects, completion statuses, and costs.

Public Works Director, Diane Beyer, presented a list of public works, infrastructure, transportation, and other CIP projects to the Commission.

Mr. Mack asked if the grant for streetscape has been identified?

Ms. Adams-Jacobs responded that staff was pursuing it, and the amount of money indicated was carried over from the previous CIP. She stated that a town parking garage was also carried over.

Mr. Christiansen asked what the useful life is on the police body cameras?

Ms. Adams-Jacobs replied that it used to be 5 to 7 years, but those lifespans have been shortened.

Mr. Nuckols asked about the individual columns on the slides.

Ms. Adams-Jacobs explained that there were columns for the different fiscal years 2024-2028.

Ms. Beyer mentioned that the Town has outgrown its initial system communications infrastructure, so it has to be updated with a new antenna, repeaters, and parts. She stated the conveyer system building was also being upgraded to become more automated and safer for personnel. She said the 3rd Street Pump Station was critical and needed generator upgrades and the control systems that runs the plant also need improvements.

Mr. Mack asked if the communication system was a single point?

Ms. Beyer responded that it was staged and used repeaters, antennas, etc. throughout town.

Mr. Nuckols asked if the generator was operational or a backup?

Mr. Beyer stated that it was a backup.

Ms. Beyer reported that the Central Drainage Area (“CDA”) Project had gone out for bid, and the Town was currently in the negotiation and contract agreement phase, to be followed by a contractor with a start date.

Ms. Adams-Jacobs clarified that the Town signed the CDA Project contract that day and had a preconstruction meeting scheduled for the following week.

Ms. Beyer stated that the camera truck would allow them to inspect existing underground sewer lines and identify infiltration issues, which affect the entire system.

Mr. Nuckols asked if the replacement meant just replacing broken parts or if it meant revitalizing an entire stretch?

Ms. Beyer explained that it meant sewer laterals or mains that have issues with infiltration and inflow. She said that the areas would have to be identified specifically with the camera. Research done by Dewberry had already identified some by model as well as behavior during big rainstorms.

Ms. Luna said that would allow for mapping of infrastructure underground. One benefit would be overlaying infrastructure underground to identify the age of systems in need of examination, if not repair.

Ms. Beyer agreed and stated that the camera work would provide more conclusive information.

Ms. Adams-Jacobs stated that they still had work to do on what type of trucks to use. Some localities had modified vehicles, like old ambulances, to use in this capacity.

Mr. Nuckols asked whether or not the CIP would go forward before the Commission shaped it, or if it went forward to the Town Council with a sidebar containing Commission comments?

Ms. Adams-Jacobs responded that last year, the CIP went forward with the Commission's recommendation for approval, as drafted, with the exception of some bylaw items.

Mr. Mack asked if these were listed in order of priority?

Ms. Adams-Jacobs replied that they are operational in nature and are essential, and they aren't really listed in order of priority.

Mr. Nuckols commented that locations of things are not specified, such as the location of the municipal center and excursion pier, which would likely have impacts on other things like parking. He asked if there was a way to give people a general location?

Mr. Mack said that they have not done their space analysis for the municipal center yet.

Ms. Adams-Jacobs added that they were in the process of that analysis and were working with Town Council on a site. As Staff moves through the budget process, they can include items with potential locations in the narrative.

Mr. Mack asked if the excursion pier was just an extension of the current town pier?

Town Council Liaison, Dr. Caryn Self-Sullivan, stated that this was a pie-in-the-sky consideration, and an excursion pier would be a larger pier where boats could drop people off like they did in the early 1900s. She said that this would require a lot of further exploration, especially given the shallowness of the water.

Mr. Nuckols asked what the logic was of putting things in different years?

Ms. Adams-Jacobs explained that a lot of it has to do with how funding is received, especially when it involves outside funding and contractual obligations, and they want to prioritize things in a sense as the GFOA does in the order of public safety, health, and wellness.

Mr. Nuckols asked what would happen if they couldn't get funding for them?

Ms. Adams-Jacobs responded that there are projects that have had deferred maintenance, such as drainage projects, but it's based on needs, financing and Town priorities.

Mr. Mack stated that the CDA Project has been hanging on by a thread, and improvements there would facilitate some extra use for the future because of the larger pipes.

Ms. Adams-Jacobs said that without ARPA funds, the Town wouldn't be able to get a lot of these projects done. It is once-in-a-generation funding. She stated that in the past, the Town's only funding source has been the sale of town property. Town Council has asked staff to look at additional funding streams. She emphasized that it may not be realistic to expect million-dollar influxes though.

Ms. Beyer stated that staff worked extremely hard to fund the less-appealing infrastructure projects like sewer lines and safety initiatives. In addition, staff has come together with financial advisors to help realize these projects through the CIP.

Ms. Luna said they have identified the Point drainage area replacement with allocation of \$7 million plus and know the priority will be the CDA Project. However, she wondered why they were looking at the Point prematurely before the plan comes out to identify critical areas.

Ms. Adams-Jacobs responded that they have been doing I & I analysis in the Point area from a year ago. That analysis has been completed. However, that project is not currently moving forward at this time. She said that the stormwater management plan may come back with different priorities, but staff has been working to get data back from Westmoreland County.

Mr. Howell noted that sewage and stormwater were separate but related.

Ms. Luna said they were that way because of I & I.

Mr. Nuckols commented that he did not know if the Parks and Recreation Plan timeline was aligned with the CIP, in terms of setting public hearings.

Mr. Mack stated that those were disparate items because the Parks and Recreation Plan was just figuring out where the parks are.

Ms. Adams-Jacobs said they need to have the Parks and Recreation Plan completed by the end of June, and the Town needs to have the budget adopted by mid-May. She surmised the Parks and Recreation Plan would be identifying projects for next year's CIP and it would contain a lot of Parks and Recreation projects given the feedback that the Town has received.

b. Set Public Hearing

The Commission agreed, by consensus, that the CIP be set for public hearing before the Planning Commission on April 13, 2023.

5) Annual Report – Attachment 2

a. Discussion

Mr. Dooley reported that the Commission received the Draft 2022 Planning Commission Annual Report at their last meeting. However, the Commission decided to defer reviewing it until the November and December 2022 Planning Commission Meeting Minutes were received and voted on. Since that action took place earlier tonight, staff recommended the Commission proceed with its review of the Draft 2022 Planning Commission Annual Report.

Ms. Luna said that the statement in the Annual Report for the September 8, 2022, convening of the Planning Commission was referred to as a “meeting” in the Annual Report. It should state that there were “meeting notes” instead of “minutes” since there was no Planning Commission quorum.

b. Action

Mr. Christiansen moved to adopt the Draft 2022 Planning Commission Annual Report as presented. Ms. Luna seconded the motion, which passed unanimously.

Mr. Nuckols asked what happened to the report next.

Dr. Self-Sullivan, Ph.D. said that it went to the Town Council as the Annual Report of the Commission.

Mr. Mack stated that after Council review, the 2022 Planning Commission Annual Report then becomes part of public record.

6) PC Work Plan 2023-2024 – Attachment 3

a. Discussion

Mr. Dooley reported that the Commission previously discussed the Commission’s work plan at its February 23, 2023, work session, meeting. Staff subsequently amended the work plan, as directed by the Commission, and is reflected on the current iteration of the work plan before the Commission. He said that staff recommends approval of the work plan as presented, unless the Commission had other changes. Mr. Dooley confirmed that the most recent draft is dated March 9, 2023. He noted that the work plan is designed to be a living document and would come back to the Commission for regular review at 30-, 60-, or 90-day intervals.

Mr. Mack asked that the items be noted as complete when they reach that point.

The Commission thanked Mr. Dooley for his efforts on the work plan.

Mr. Christiansen asked about the Town Council monetization item they had discussed previously.

Mr. Dooley responded that there were two items removed from the Commission’s prior draft work plan: 1) the monetization of assets and 2) the temporary event permit ordinance. The removal of these two items were removed in consultation with the Town Manager. He explained that the monetization item was deemed to be more appropriate for Town Council and not the Commission. Mr. Dooley also stated that he recently learned that the Parks Department handles temporary events and a process has already been established for temporary events.

Mr. Mack asked if the Commission’s action would be to approve the 2023-2024 Planning Commission Work Plan?

Mr. Nuckols said it wasn’t a policy document, it was a work plan. He wanted to make sure the public was aware of the difference.

Mr. Dooley responded that staff would be bringing the Commission’s 2023-2024 Work Plan to Town Council for their review and posting it on the Town’s website in the future.

Ms. Luna commented that the work plan is much more advanced than it was just a few years ago.

Mr. Mack added that it was a living document, just like the CIP, so it will always be subject to change.

b. Action

Mr. Howell moved to approve the 2023-2024 Planning Commission Work Plan, as presented. Mr. Christiansen seconded the motion. The item passed unanimously.

7) Subdivision Ordinance Amendments – Attachment 4

a. Discussion

Mr. Dooley stated that at the last Commission meeting, Ms. Luna requested the inclusion of tree groves to be shown on preliminary subdivision plats, under Item 32, Page 31. He said staff also renumbered the Final Plat Requirements, as the original draft had additional ordinance numbers instead of letters and numbers.

The Zoning Administrator, Darla Odom, stated that the Town’s current Subdivision Ordinance required preliminary plats for major subdivisions. However, State zoning law changed whereby local communities could only require preliminary plat submissions to the Commission for subdivisions that exceed 50 lots. She said that a lot of localities use to require preliminary plats for almost all subdivisions. However, that is no longer the case given the changes in State law. The proposed updates to preliminary plat submittals, in the Town’s subdivision ordinance, now reflects current State law.

Ms. Luna asked why the Dodson Development came before the Commission since it had less than 50 lots?

Ms. Odom explained that Mr. Dodson voluntarily agreed to bring it forward but was not required to do so by State zoning law.

Ms. Luna recalled that the Commission did not have responsibility for the development, but she also learned that Town Council didn’t have purview either.

Ms. Odom explained that State planning law gives the Commission the authority to review preliminary or tentative subdivision plats. It used to apply to smaller subdivisions, but developer pressure and other market factors prompted the State to make changes. She said that under Section 6.2.A, the applicant or subdivider could voluntarily provide a conceptual plat map to the Commission in addition to presenting a preliminary plat map for 50 lots or less. However, that would be voluntary. She emphasized that this was all ministerial in terms of meeting minimum standards.

Mr. Mack asked if this pertained just to a preliminary plat?

Ms. Odom responded that any plat map had to be reviewed by the subdivision agent, but the

subdivider was not required to submit a preliminary plat to the Commission if the subdivision was 50 lots or less.

Ms. Luna said the Commission previously discussed with Mr. Dooley ways to require additional information as part of a plat map submittal.

Mr. Nuckols asked if there is a way to require a subdivider to offer solutions to anticipated subdivision impacts on the Town or the surrounding environs?

Mr. Dooley replied that it is typical to have a project submittal that already incorporates mitigate measures into the subdivision design to address community concerns that are consistent with the Town's Comprehensive Plan.

Ms. Odom commented that the ordinance stipulates final plat requirements, and prior to that, an applicant must have their construction plans approved. She said that gets down to the specifics and those items must be bonded for, and they can't get building permits until that is done.

Mr. Dooley explained that the Commission's job is to approve the overall subdivision concept. It is staff's job to get into the weeds and focus on the details, including consistency with codes and ordinances.

Mr. Nuckols said that he would like to see a demonstration of the applicant's intent to do both pieces at an earlier point in the process.

Mr. Dooley responded that he understood that and provided assurances that project issues would be identified in all staff reports provided to the Commission. Particularly as its staff's job to vet out any/all issues associated with a subdivision design during the development review process.

Mr. Christiansen asked if the Commission's final step for the Town's Subdivision Ordinance Update would be reviewing the legal aspects?

Mr. Dooley confirmed this and said that the Town Attorney had just provided his comments the previous day. However, neither he nor Ms. Odom had a chance to fully review the Town Attorney's comments and recommendations for discussion with the Commission at this time.

Mr. Mack said he appreciated the detail of some of the comments, particularly on those things that could be challenged.

Mr. Howell stated that he would like to see references to items or categories required under surety, or under State code, as there have been ongoing issues in the Town pertaining to roadways, rights-

-of-way, and tie-ins to public infrastructure. He suggested using language from other localities to achieve more specificity.

Mr. Nuckols said that the concept language on Page 23 may not be worded as intended, as it says “you may submit” a concept plan and submit 12 copies.

Mr. Dooley suggested changing “may” to “shall.”

Mr. Mack suggested leaving the Town Attorney’s comments in for now, as is, because there is still ongoing dialogue and staff needs time to conduct further review. Once completed, staff can come back to the Commission with a cleaner version of the draft revisions to the Subdivision Ordinance.

Mr. Nuckols stated that there was a lot for the public to digest with the Subdivision Ordinance Update. He wondered if staff could include notes on items that had code implications, state parameters, other requirements, etc.?

Mr. Mack suggested that staff add comment boxes within the margins of the Subdivision Ordinance re-draft.

Mr. Dooley asked if the Commission was comfortable with the proposed changes to the Subdivision Ordinance up until the Town Attorney’s comments?

Commissioners agreed that they were.

Mr. Howell stated that if the Commission was provided a clean copy with just substantive policy changes, not every administrative edit, it is easier to digest and helps the Commission focus. In doing so, the Commission is just left with text strikethroughs, text additions and the comment boxes to explain the changes or edits.

The Commission agreed to revisit this item at their April meeting.

8) Upcoming Business

Mr. Dooley stated that staff would be working on Article 19 (Zoning Map (Rezoning) and Text Amendments) as the next Commission work plan item.

Mr. Dooley reported that there was interest in establishing a mobile vending court at the corner of Hawthorne and Beach Terrace.

Mr. Mack asked if there was still interest in the potential development of another mobile vending court in Town?

Mr. Dooley responded that there was, but the Community Development Department had not received an application to date.

Mr. Dooley confirmed that Mr. Adam Schaffer and Ms. Pat Kuhrtz had recently applied for the openings on the Planning Commission.

The Commission agreed to extend the application deadline to the end of the month before reviewing the applicant pool.

9) Adjournment

Mr. Howell moved to adjourn the meeting. Ms. Luna seconded the motion. The motion passed unanimously.

The Commission adjourned the meeting at 9:36 p.m.

I certify that these Planning Commission Meeting Minutes were reviewed, approved, and adopted by the Planning Commission on August 10, 2023.

Bryon “Tree” Mack, Planning Commission Chair

Attest:

Don Dooley, Planning Commission Clerk

ATTACHMENT

1B

Town of Colonial Beach Planning Commission Minutes

Date: Thursday, June 8, 2023 – Town Center, 22 Washington Avenue

Time: 5:30 p.m.

Members Present: Bryon Mack, Chair
Vicki Luna
Pat Kuhrtz
Bob Christiansen
Bailey Thompson
William Hutchins (participating remotely)

Members Absent: Nathan Howell, Vice Chair

Town Council Liaison: Dr. Caryn Self Sullivan, Ph.D.

Staff: Don Dooley, Director of Community Development
Darla Odom, Zoning Administrator
Heather Oliver, Town Clerk

1) Call to Order

Mr. Mack called the meeting to order at 5:33 p.m.

2) Roll Call of Members

Mr. Mack stated that the only member not present was Vice-Chair Nathan Howell, with Commissioner Hutchins participating remotely.

3) Approval of Agenda

Ms. Luna moved to approve the agenda as presented. Mr. Christiansen seconded the motion. The motion passed unanimously.

Mr. Mack stated that there would be an agenda amendment to discuss the reappointment of Commissioner Luna.

Mr. Dooley said there was also an item for discussion of a CUP for a mobile vending court.

Mr. Mack confirmed that it was for the courtyard on Beach Terrace.

Mr. Dooley suggested adding the items under New Business.

Ms. Luna agreed to amend her motion, and Mr. Christiansen agreed to amend his second to the motion. The revised motion passed unanimously.

4) Approval of Minutes

a. January 26, 2023

Mr. Christiansen commented that the vote on ZOA 01-2023 should be corrected to reflect 4-1-0-1, as Commissioner Nuckols voted “nay” and Commissioner Ale was absent. Mr. Christiansen also noted that there was a “1:20” at the end of the sentence that he didn’t understand. Mr. Dooley said that the 1:20 should be stricken as a typographical error and the vote will be corrected to reflect 4-1-0-1.

Ms. Luna moved to approve the minutes, as amended. The Commission voted unanimously to approve the minutes, as amended.

5) Public Comment on Non-Hearing Planning Commission Related Matters

There was no public comment provided.

Old Business

6) Zoning Text Amendment 23-03 – Zoning Map (Rezoning) and Text Amendment (Article 19) Revisions

a. Update and Discussion

Mr. Dooley reported that at the last Planning Commission meeting, the Commission referred the draft revisions for review to the town attorney, who had several comments. Some of his comments pertained to the list of submittal requirements, reports, etc. Mr. Dooley said that staff had held a conference call earlier in the day regarding some of the Town Attorney’s issues. It was Mr. Dooley’s intent to bring back ZTA 23-03 to the Commission in July for further review after addressing the Town Attorney’s comments and suggestions.

Ms. Luna said they had discussed submittal requirements and had decided on five copies of the plat, and she asked if that was what the town attorney was reviewing.

Mr. Dooley responded that Article 19 deals with rezonings and text amendments. He stated that the proposed number of plans to be submitted would be up to 12, which is consistent with the subdivision ordinance update.

Ms. Luna asked if they would need another public hearing?

Mr. Dooley replied that no public hearing has been held or scheduled yet for the draft revisions to Article 19. The basic process established for zoning code updates is to bring staff's draft revisions to the Commission for its initial review and comment. After incorporating Commission comments and changes into the draft ordinance revisions, the document would be forwarded to the town attorney for their input and recommended changes. The refined, draft, ordinance revisions would then be brought back to the Commission for a final review. Once the Commission was comfortable with the revisions to the draft ordinance update, it would authorize staff to set a public hearing on the matter. The Commission would then hold a public hearing and make its recommendation on the draft ordinance revisions to the Town Council for review and action.

Ms. Luna asked if a text amendment to a zoning ordinance was a rezoning?

Ms. Odom responded that it was not. It was an amendment to the zoning ordinance.

Mr. Dooley clarified that the zoning ordinance updates that staff and the Commission are working on may also be referred to as "text amendments" to the Town's Zoning Ordinance.

New Business

7) Zoning Text Amendment 23-04 - Short-Term Rental Ordinance

a. Update and PC Discussion

Mr. Mack reported that the Planning Commission subcommittee on the proposed Short-Term Rental ("STR") Ordinance had its last meeting several weeks ago, with all members in attendance, including some members of the public. Mr. Mack summarized what the STR Subcommittee had discussed to present, including some suggested revisions to the draft STR Ordinance. Chair Mack stated that there was considerable concern and discussion about parking for STR's.

Mr. Mack stated that the STR Subcommittee felt that some additional work on the draft Ordinance was necessary. Therefore, it wasn't ready for Commission review. However, STR Subcommittee was meeting again the following Thursday. Once the STR Subcommittee completes its final, recommended, changes to the draft Ordinance, it will be forwarded to the Commission for its review and then a public hearing will be scheduled on the draft Ordinance.

Mr. Dooley clarified that the meeting would be held on June 15, 2023 at 4:30 p.m. at 100 Hawthorne Street.

Mr. Christiansen said that he saw the community comments from Town Council Member Williams, which included limiting the number of units an individual or corporation could

handle, but he didn't see anything like that in the current proposal and wondered if it was illegal in some way.

Mr. Mack responded that it wasn't illegal, but at this point, the subcommittee did not add it in. He said the Town Council could certainly add it, and the Town can control the number of units through the registration process.

Ms. Luna stated that the STR Subcommittee had discussed the registration process, and how to proceed if there were violations such as those related to noise, trash, and parking. She said the Subcommittee discussed taking action if there were more than two complaints, with action taken by town staff or the police or fire department. At that point, there would be concern as to whether additional Airbnb properties could be authorized under that scenario. Ms. Luna emphasized that her understanding was that they could not just blanketly deny someone moving forward with registration of short-term rentals.

Mr. Christiansen said that he was aware of the concerns. In other communities there have been companies that have come in and purchased properties to dominate the short-term rental market. He stated that he understood those concerns and the issue of how many of these you could have in a small town, but he wasn't sure of how to address this.

Mr. Mack stated that this was their first pass at the draft STR Ordinance, with limited guidance provided from Town Council. He emphasized that this is just a starting point for the Commission to establish some rules so that everyone is covered: the Town, residents, and businesses. Mr. Mack said that if Town Council decides that they want to set a limit on the number of short-term rentals a business can have, they can proceed in that regard. However, the Commission was not given any guidance on the issue.

Dr. Self-Sullivan said that for procedural reasons, when the STR Subcommittee forwards their recommendations to the Planning Commission, they can recommend such a limitation; the town attorney would then look into the Town's ability to do that. She stated that the Town Council would then vote on that recommendation.

Ms. Luna stated that their objective was really to identify properties in Town that are being used for short-term rentals. The idea of getting a registration place and the requirement to get a business license will help the keep track of STR's by identifying where they are located and how many there are in Town.

Dr. Self-Sullivan commented that she believed that had already passed.

Mr. Dooley clarified that the registration requirement was all part of the proposed STR Ordinance.

Ms. Luna said the Commission had discussed this about 18-months ago, including the registration, but they were told that it was the responsibility of Town staff and not the Planning Commission.

Mr. Christiansen said that he understood they needed to get something in place, but there may be a concern from residents about how many short-term rentals there are in Town.

Ms. Luna stated that she felt that there was a growing amount of available housing stock offered as short-term rentals, with few long-term rentals available. This is something the Commission needs to consider for the future.

Mr. Mack agreed that they do not want the Town to be overrun with short-term rentals. However, the concern emerging from the STR Subcommittee was parking, with other issues being much less prominent. He said that when it comes back to the Commission, they can discuss things like number limits.

Mr. Christiansen said that was fine, and he could see that there's a real legal issue in terms of dictating what people can do with their property.

Dr. Self-Sullivan commented that if they were to set a limit, people could just form an LLC and buy a house under a different name, so it would be difficult to do.

Mr. Mack said they could possibly set a town-wide limit of the number of short-term rentals allowed in the Town.

Ms. Luna stated that they could address that through zoning, particularly in zones along the beach where more people are staying. She added that they need short-term rentals, but the Town is being overrun.

Mr. Thompson asked staff if the Commission could get a map of where short-term rentals were located.

Mr. Dooley responded that mapping might be challenging, but staff would certainly try.

Mr. Thompson stated that he would also like to know the percentage of houses in Town that were short-term rentals and how many were in single-family detached or attached homes, as well as the number of short-term rentals in multi-family housing.

Ms. Odom said that one of the reasons the Town is looking toward registration of STR's is to ensure that it knows what is out there. Currently, the Town only has access to VRBO and Airbnb lists. She noted that staff could bring a list, but it may not be comprehensive.

Mr. Mack commented that this would take considerable time and effort.

Ms. Luna stated that they have a very informal meeting coming up with the Department of Housing and Community Development, and she put together an update to the housing section for the Town's Comprehensive Plan that she wrote in 2017. She said that she did a one-page update that specifically addresses the number of detached rental and owner-occupied units, which she could forward to the Commission. She added that just for discussion, she would also like them to consider the current housing stock and how it is being used.

Mr. Dooley commented that business licenses are already required for short-term rentals, so they could look at that documentation to identify some STR locations. However, to break that down into different categories and types of housing units would be excessive on staff resources. Nevertheless, staff would do their best to get relevant information for Commission review.

Ms. Odom stated that the U.S. Census counts vacant units. However, those operated seasonally, or as short-term rentals are considered "vacant property" which is misleading.

Mr. Dooley noted that not everyone is obtaining a business license for their short-term rental unit. Therefore, the Town does not know where all of the short-term rentals are located in Town. He said that to track those down, staff would have to do internet research to see what was being advertised but it may still be incomplete.

Mr. Thompson asked if there was consideration of the number of days units could be rented.

Mr. Mack responded, "yes," to some degree. However, the State requirement is that a unit be rented out for less than 30 days at a time. He said that they have not set anything as an upper limit of how long it can be rented, because a successful short-term rental would vary across that line significantly during certain times of the year or season. He added that over the winter, many short-term rental owners will rent to those who are here for school, 3 to 6 months at a time, which takes them out of the short-term rental category. He said that's why they have been hesitant to try to limit these by number.

Mr. Thompson asked if they had looked at the difference between “homestays” whereby someone lives in the house and rents out a few rooms versus renting an entire house, with the owner not occupying it.

Mr. Mack replied that according to the State, whether it is a room or a whole building, if it is a rental for less than 30 days, it’s a short-term rental. He said the only time it makes a difference is when there is just a room that someone is living in full-time, and the differentiator is when it is whole building. He stated that the primary objective at this point is getting all the short-term rental addresses registered and setting down ground rules for the operation of a short-term rental units. Chair Mack said this would give the Town some documented resource in the event a short-term rental business was operating outside of Town zoning provisions in order to provide an avenue for recourse and potentially enable the Town to suspend a short-term rental.

Mr. Thompson thanked the STR Subcommittee for its work and said he was excited to see what is generated from this effort.

Ms. Luna commented that the meetings are run very efficiently.

New Business

8) Planning Commission Continued Service – Ms. Luna

Mr. Mack explained that Commissioner Luna’s appointment term on the Commission expires in July, and she wishes to be considered for reappointment. However, the only, apparent, process in place for the Planning Commission to have an existing Commission re-appointed to the Commission was to submit their name to the Town Council.

Ms. Oliver stated that it would be good for Ms. Luna to submit an updated application, which was the same process used for Mr. Christiansen.

Mr. Thompson moved to submit Ms. Luna’s name to Town Council for reappointment to the Planning Commission. Ms. Kuhrtz seconded the motion. The motion which passed unanimously.

9) Update – Mobile Vending Court

Ms. Odom reported that staff has been working since Spring with a property owner at 20 Beach Terrace. The owner is proposing to operate a mobile vending courtyard on the property. She stated that the surveyor would be adding one item to their plan and would be at the property the following day. Given that this is a seasonal use, staff wanted to get them on the

Planning Commission Agenda for public hearing as soon as possible. She said that staff would like to get the Commission's consent to schedule this item for public hearing in July.

Mr. Mack responded that in light of the pending information, he wanted to confirm that everything else is in order.

Ms. Odom said that staff has everything they need and can prepare the public notice, which would not be affected by the survey information. She said that her experience with this body has been that they have an application in hand before they schedule a public hearing.

Mr. Mack replied that his assessment is that this is a seasonal operation with a limited amount of buildup for this to become functional and operational.

Ms. Odom concurred with his assessment.

Mr. Mack said he supported the staff request.

Ms. Luna stated that she agreed with moving forward now and not inhibiting the process.

Ms. Luna moved to direct staff to schedule a public hearing before the Planning Commission in July for the mobile vending courtyard application (CUP 23-01) at 20 Beach Terrace. Mr. Christiansen seconded the motion. Roll was called, and the motion passed unanimously.

10) Adjournment

The Commission adjourned the meeting at 6:18 p.m.

I certify that these Planning Commission Meeting Minutes were reviewed, approved, and adopted by the Planning Commission on August 10, 2023.

Bryon "Tree" Mack, Planning Commission Chair

Attest:

Don Dooley, Planning Commission Clerk

ATTACHMENT

2



TO: Town of Colonial Beach Planning Commission

FROM: Don Dooley, Director of Community Development
John Shaw, Zoning Official

COPY: Darla Odom, Zoning Administrator

SUBJECT: ZONING TEXT AMENDMENT (ZTA) 23-05 – ARTICLE 16 (CONDITIONAL USE PERMITS)

DATE: August 10, 2023

SUMMARY

The Planning Commission identified revisions to Article 16 (Conditional Use Permits) as a Quarter 2/Quarter 3 priority in its 2023-2024 Work Plan. The targeted goal identified for this work plan item is to enhance application submittal requirements and update the processing procedures and timelines for Conditional Use Permits.

BACKGROUND

At the previously Planning Commission Meeting of July 13, 2023, the Commission deferred discussion on ZTA 23-05 to August 10, 2023, because of a heavy agenda and the lateness of the hour.

The general revisions to Article 16 (Conditional Use Permits) include:

1. Identifying the number of plan copies required to be submitted as part of the CUP application review process.
2. Updating the position of “Planning Director” to “Director of Community Development.”
3. Amending the text of Article 16, where applicable, for clarity, consistency, and compliance with the Code of Virginia.
4. Updating the list of information required to be submitted for completeness of a CUP Application.
5. Adding the option for the Director of Community Development to request additional information, as deemed appropriate, to customize the appropriate level of evaluation for the scale and context of each project. The intent is to provide reasonable flexibility to meet project evaluation needs.
6. Adding a section to Article 16 that addresses recordation of an approved CUP with the Clerk of the Circuit Court.
7. Incorporation of a provision within Article 16 that specifies that an approved CUP land-use, which requires additional permits (i.e., building permit, zoning permit, etc.) shall be obtained in compliance with all other applicable laws, codes, and statutes.

DISCUSSION

Staff has identified text within several Sections of Article 16 that should be added, deleted, or modified to provide additional clarity/continuity in the ordinance, remove archaic language, create project findings, and enhance various submittal requirements to help address potential planning issues to facilitate better projects. Additions are identified by underlining in red. Deletions are identified by ~~strikethroughs in red~~.

Staff requests the Commission review the draft amendments to Article 16, as cited below, along with the recommended changes and offer its feedback. Thereafter, staff will incorporate all Commission feedback and forward the draft revisions for legal review and comment. Once completed, the draft revisions will return to the Commission for subsequent review.

Statement of Intent

1. A proposed second paragraph is added to inform an applicant that CUP approval is a privilege granted by the Town Council. In addition, compliance solely with the provisions of the zoning ordinance may be insufficient to address potential, adverse, impacts of the proposed use on the surrounding neighborhood and the Town, as a whole. Therefore, specific conditions may be imposed by the Town Council, as a condition of approval, to mitigate the possible, adverse, impacts of the proposed use.

Section 16-1 (Conditional Use Permit Application)

2. Section 16-1(A) clarifies that a “contract purchaser of a property” may also submit a CUP application. It appears mistakenly omitted in the current text.
3. Section 16-1(B) updates the title of “Planning Director” to “Community Development Director” and deletes the reference to a site plan accompanying the application. This requirement, however, has been moved to Section 16-2(B).

Section 16-2 (Determination of Completeness)

4. Section 16-2(A) requires that the applicant schedule a pre-application conference with the zoning administrator to discuss the proposal. The intent of this requirement is to provide the applicant an opportunity to present what is being proposed and for the administrator to provide guidance on what constitutes a complete application for consideration by the Planning Commission and the Town Council. It also provides the ability for the applicant to understand potential land-use issues that will need to be addressed during the CUP process.
5. Section 16-2(B) enumerates six (6) types of submittal information that provide clarity as to what could be the potential impacts, appearance, and operation of the use.
6. Section 16-2(C) proposes changes to the time limit requirements for review of the application for completeness. The intent is to provide a longer period for staff to review an application in order to accomplish a complete analysis of what is being proposed and to obtain comments from other departments and outside agencies, as applicable.
7. Section 16-2(C) proposes an update of the title of “Planning Director” to “Community Development Director”.

Section 16-3 (Dismissal of Incomplete or Lapsed Applications)

8. Section 16-3(A) proposes an update of the title of “Planning Director” to “Community Development Director.

16-4 (Withdrawal of Application)

9. Section 16-4(A) proposes words "and dated" and an update of the title of “Planning Director” to “Community Development Director.”

Section 16-5 (Standard of Review)

10. Section 16-5(A) adds standard Number 4 for consideration of uses that are potentially incompatible with other neighborhood uses. For example, uses that create excessive noise, traffic, glare, fumes, and odors would be incompatible.

Section 16-6 (Recordation of Conditional Use Permit)

11. An approved CUP is often referred to as "running with the land". Consequently, it should be recorded with the property deed at the Office of the Clerk of the Circuit Court of Westmoreland County to ensure that if the property is sold, conveyed, or dedicated to another owner, the successor is required to comply with the approved conditions established for the use if the operation of that use is to be continued.

Section 16-7 (Other Laws Applicable)

12. In addition to the approved conditions of a CUP, the permittee is required to comply with other applicable local, state, and federal regulations, laws, and codes.

Section 16-8 (Review by the Planning Commission)

13. To be consistent with the time limits identified in the Code of Virginia, the time limit for the Planning Commission to make a recommendation on the CUP application to the Town Council is proposed to be increased from ninety (90) to one hundred (100) days.

Sections 16-9 through 16-17

14. These sections identify minor changes that pertain to updating the title of “Planning Director” to “Community Development Director”

RECOMMENDED ACTION

That the Commission review and consider the draft revisions to Article 16 and provide staff with its recommended edits or changes.

Attachments:

- 1) Draft 1 – Proposed Revisions to Article 16 (Conditional Use Permits)

ARTICLE 16
CONDITIONAL USE PERMITS

Statement of Intent

Uses designated as conditional uses are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impact on the surrounding neighborhood and the town as a whole, require individual consideration of their design, configuration, and/or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location.

No inherent right exists for an applicant to receive a conditional use permit; such permits are a special privilege granted by the Town Council under a specific set of circumstances and conditions, and each application and situation is unique. Consequently, mere compliance with the generally applicable requirements of the zoning ordinance may not be sufficient for approval of the permit by the Town Council.

16-1 Conditional Use Permit-Application

- A. An application for a conditional use permit may be made by any property owner, tenants, contract purchaser, or authorized agent specifically authorized to file such application in writing by the owner of the property on which the use is to be located.
- B. An application for a conditional use permit shall be filed with the ~~Planning Director~~ Director of Community Development on a form provided by the Town. ~~and shall contain or be accompanied by a site plan in accordance with Article 14 of this Ordinance.~~
- C. An application for a conditional use permit shall be accompanied by a fee consistent with the fee schedule as adopted by the Town Council. There is no provision which allows this fee to be waived.

16-2 Determination of Completeness

- A. A pre-application conference shall be scheduled by the applicant with the zoning administrator or his/her designee to discuss the proposal.
- B. The application shall be accompanied by twelve (12) copies of plans (11"x17" minimum) or documents containing the following information:
 - 1. A site plan developed in accordance with Article 14, Section 14-4, of the Colonial Beach Zoning Ordinance;
 - 2. Color photographs of the property in addition to the front, side, and rear elevations of all on-site buildings or structures associated with the conditional use. When exterior alterations are proposed to any existing, on-site, building elevation, the applicant shall provide scaled architectural renderings of the affected building elevations that detail the proposed changes. For all new buildings or structures to be developed on-site with the conditional use, the applicant shall provide detailed, scaled, elevations of the proposed front, sides and rear of the new building(s) or structure(s);

3. A scaled floor plan of the proposed conditional use, when located within a building or structure, that illustrates the use or function of each room and the square footage of the building;
 4. A business or operational description of the proposed conditional use that includes the days and hours of operation, number of employees and how it will be operated in a harmonious and compatible manner with the surrounding properties;
 5. Identification of the existing, adjacent, uses and buildings surrounding the property on which the proposed conditional use is to be located; and,
 6. Any additional information deemed necessary by the Director of Community Development to evaluate the nature and compatibility of the proposed conditional use with the surrounding properties.
- C. Within ~~ten (10)~~thirty (30) working days after an application for a conditional use permit is filed, the ~~Planning Director~~ Director of Community Development or their designee shall determine whether the application is complete, and all submission requirements satisfied. If the ~~Planning Director~~ Director of Community Development determines that the application is not complete, the ~~Planning Director~~ Director of Community Development shall notify the applicant, in writing of any deficiencies within ~~five (5)~~ ten (10) working days after such determination. If the application is not made complete within ~~fifteen (15)~~ thirty (30) working days of such notice, the ~~Planning Director~~ Director of Community Development shall begin the process of dismissal in accordance with 16-3 of this Article. No further steps to process the application shall be taken until the applicant remedies the deficiencies.

16-3 Dismissal of incomplete or lapsed applications

- A. If an applicant refuses or neglects to pursue an application or fails to submit information required by this Article, the ~~Planning Director~~ Director of Community Development may, not less than fifteen (15) working days after notice of intention to do so, declare an application dismissed. Notice sent by certified mail, return receipt requested, to the applicant at the last known address shall be deemed adequate compliance with this requirement. If an application is dismissed there shall be no refund of the required fee.

16-4 Withdrawal of application

- A. An application for a conditional use permit may be withdrawn upon the submission of a signed and dated written request by the applicant to the ~~Planning Director~~ Director of Community Development. Such request must be received at least twenty-four (24) hours prior to final action by the governing body. Upon such withdrawal, processing of the application shall cease. If the applicant withdraws an application for a conditional use permit, there shall be no refund of the required fee.

16-5 Standard of Review

- A. A conditional use permit may be issued provided that the governing body finds that the use will not:

1. Affect adversely the health, safety or welfare of persons residing or working in the neighborhood of the proposed use;
2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
3. Be in conflict with the purposes of the Comprehensive Plan of the Town of Colonial Beach; and,
4. Be incompatible with the surrounding neighborhood.

16-6 Recordation of Conditional Use Permit

- A. A certified copy of all ordinances and resolutions authorizing a conditional use permit pursuant to this section shall be recorded by, and at the expense of the project applicant, in the name of the property owner as grantor in the office of the Clerk of the Circuit Court of Westmoreland County. No conditional use permit shall become effective and run with the land until it is legally recorded and may not, at any time, be invalidated under the provisions contained in Sections 16-11, Section 16-12 or Section 16-13 of this Ordinance.

16-7 Other laws applicable

- A. The granting of a conditional use permit does not exempt the applicant from obtaining all required zoning permits, building permits, a certificate of occupancy, or complying with all other requirements of this ordinance or any applicable town, county, state, or federal code.

16-~~6~~ 8 Review by the Planning Commission

- A. Upon receiving the application and report, the Planning Commission shall conduct a public hearing on the proposed conditional use permit in accordance with the public notice requirements of this Article and shall make a recommendation to the governing body within ~~ninety (90)~~ one hundred (100) days of the date the application is determined to be complete, unless requested sooner by the governing body. Such ~~ninety (90)~~ one hundred (100) day limit may be waived by the applicant or may be extended by the Planning Commission to obtain additional information reasonably required to make a recommendation.

16-~~7~~ 9 Review by the Governing Body

- A. Upon receiving the recommendation of the Planning Commission, the governing body shall conduct a public hearing on the proposed conditional use permit in accordance with the public notice requirements of this Article, and shall make a decision within a reasonable time not to exceed twelve (12) months from the date that the application is determined to be complete, unless the application has been withdrawn by the applicant prior to the expiration of the time period, or the applicant requests or consents to action beyond such period. The governing body may:
 - (1) Approve the conditional use, with or without conditions, if the governing body finds that the proposed use complies with the standards set out in 16-5 of this Article.
 - (2) Disapprove the conditional use if the governing body finds that the proposed use does not comply with the standards set out in 16-5 of this Article.

- (3) Refer the application back to the Planning Commission for further study and review.

16-~~8-10~~ Conditions, Safeguards, and Restrictions

- A. In authorizing a conditional use permit the governing body may impose such conditions, safeguards and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with this the Zoning Ordinance and the Comprehensive Plan or to ameliorate any adverse impacts of the proposed use.

16-~~9-11~~ Time Limitations

- A. The governing body may establish a time limitation on operation(s) of the use, the duration of the conditional use permit, including a requirement that the permit be periodically renewed or extended. Any renewal or extension of a conditional use permit shall be subject to the same procedure as specified for the issuance of a new permit. Unless a time limit is specified in the permit, such shall be valid for an indefinite period of time.

16-~~10-12~~ Expiration of Permit

- A. Approval of a conditional use permit shall lapse, and become null and void, where the applicant or successor-in-interest has failed to establish the use authorized or to commence and diligently pursue the construction authorized thereby within one (1) year of the date of approval. If a conditional use is changed to another use or is discontinued for a period of two (2) years then the conditional use shall not be renewed or reestablished without complying with the same procedure as specified for the issuance of a new permit.

16-~~11-13~~ Revocation

- A. Approval of a conditional use may be revoked by the governing body for un-remedied or repeated violation of the conditions placed on the permit or failure to satisfy the requirement of the Zoning Ordinance. Such revocation shall only be taken after conducting a public hearing and upon giving written notice to the applicant or successor-in-interest.

16-~~12-14~~ Additional Application.

- A. Where an application for a conditional use permit is disapproved by the governing body, the Town Council may not consider substantially the same application for a period of one (1) year following the date of the denial of the application by the Governing Body.

16-~~13-15~~ Notice of Public Hearing - Advertising.

- A. Notice of any public hearing held shall be advertised by the ~~Planning Director~~ Director of Community Development for two successive weeks in a newspaper having general circulation within the Town of Colonial Beach. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans or documents may be examined. The notice shall specify the date, time, and place of public hearing at which persons affected may appear and present their views, such public hearing shall not be held less than six (6)

days nor more than twenty-one (21) days after the second advertisement appears in such newspaper.

16-~~14~~ 16 Notice of Public Hearing - Written Notice.

- A. At least five (5) days prior to each public hearing, the ~~Planning Director~~ Director of Community Development shall send written notice specifying the date, time, and place of public hearing at which persons affected may appear and present their views, to the owner(s), their agent or the occupant of each parcel involved and to all abutting property and property located immediately across the street or road from the affected property. Such notice shall contain a descriptive summary of the purpose of the public hearing and a reference to the place or places within the locality where copies of the proposed plans or documents may be examined. Such notice shall be sent to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records. If the purpose of the public hearing involves any parcel of land located within one half mile of a boundary of an adjoining locality of the Commonwealth, written notice shall also be given at least ten days before the hearing to the chief administrative officer, or his designee, of such adjoining locality. Such notices may be sent by first class mail; however, the ~~Planning Director~~ Director of Community Development shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

16-~~15-17~~ Notice of Public Hearing - Posting of Property.

- A. The Director or his/her designee shall post the subject property, at least fifteen (15) days prior to the date of each public hearing, for each street frontage, at least one notice of the scheduled hearing, on the land or building involved.

ATTACHMENT

3



TO: Town of Colonial Beach Planning Commission
FROM: Don Dooley, Director of Community Development and Zoning
SUBJECT: Town Council Referral to Update Article 6 (General Residential (R-2) District
DATE: August 10, 2023

SUMMARY

At the Town Council Meeting of July 18, 2023, the Council voted unanimously to refer Article 6 (General Residential (R-2) District) in the Town’s Zoning Ordinance to the Planning Commission to consider increasing the maximum, permitted, floor area ratio (“FAR”) for principal structures in the R-2 District Zone. Currently, the maximum FAR is 0.40 in the R-2 District Zone.

BACKGROUND

The Council’s referral of Article 6 to the Planning Commission is based, in part, on some members of the building community desiring to construct larger, single-family, homes on R-2 District Zone property. At present, some builders feel that the maximum FAR of 0.40 is too limiting for a modern residence, as a principal structure, on a R-2 lot. For the Commission’s reference, FAR (floor area ratio) represents a mathematical ratio between the square footage of a lot and the square foot footage constructed on the lot. For example, a maximum FAR of 0.40 on a typical 5,000-square foot lot in the R-2 District Zone means that for every 1,000-square feet of a lot area, 400 square feet of gross floor area can be constructed on the lot, up to a maximum of 2,000 square feet (5,000-square feet X 0.40 FAR = 2,000 square feet).

DISCUSSION

Prior to staff beginning its analysis of Article 6 and the implications of increasing the FAR in the R-2 District Zone, the Planning Commission is encouraged to provide its initial thoughts or direction on the FAR issue as well as any other considerations that should be addressed as part of the review to Article 6. For the Commission’s reference, staff has attached a copy of Article 6 as it is currently codified in the Town’s Zoning Ordinance.

RECOMMENDATION:

This an informational item.

Attachment No. 1 – Copy of Article 6 (General Residential (R-2) District)

**ARTICLE 6
GENERAL RESIDENTIAL (R-2) DISTRICT**

Statement of Intent

The general intent of this district is to promote single-family dwelling units and open areas. The district is established to protect and enhance the essential characteristics of residential communities and to promote a suitable environment for family life. The housing pattern is a typical urban style with a density of 3.7 to 6 units per acre. New Development or redevelopment project within this district shall have a harmonious and compatible relationship with the surrounding neighborhood.

6-1 Permitted Principal Uses:

- A. Within this Zoning District, a building and/or land shall be used for the following purposes with an approved site plan:
 - 1. Church/Place of Worship
 - 2. Family day homes
 - 3. Group homes
 - 4. Minor home occupation
 - 5. Parish house
 - 6. Private boat piers
 - 7. Public facilities
 - 8. Public parks/playgrounds
 - 9. Single-family dwellings
 - 10. Subdivisions (major and minor)

6-2 Accessory Uses

- A. Within this Zoning District, a building and/or land shall be used for the following all accessory uses shall need to be shown on the approved site plan. Accessory uses cannot be established until the principle use has been established.
 - 1. Accessory apartment unit
 - 2. Accessory structures
 - 3. Family healthcare structure
 - 4. Fences
 - 5. Home gardens
 - 6. 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.
 - 7. Storm water management facilities/BMP

6-3 Conditional Uses (Conditional Use Permit Required)

- A. The following uses require a Conditional Use Permit. If after a review of the application and public hearing, in accordance with Article 16, if the Town Council finds 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. Subject to an approved site plan and any conditions imposed by Town Council.
 - 1. Accessory apartment larger in excess of 750 square feet

2. Bed and Breakfast
3. Tourist home
4. Library
5. Major home occupation
6. Nursing home/Convalescent Center
7. School

6-4 Bulk & Area Regulations

Table 6-4.1 Lot and Principal Structure Requirements

Zoning District – R-2: Bulk & Area Regulations for the Principle Structure	
Minimum lot area	5,000-square feet
Maximum lot coverage w/out mitigation	36%
Front setback-minimum	15-feet from Road Right-of-Way
Front Setback-maximum	30-feet from Road Right-of-Way
Rear Setback-minimum	25-feet
One-side setback	5-feet
Sum of side setbacks (left & right)	15-feet
Minimum street frontage	50-feet
Minimum street frontage on cul de sac/curve	30-feet
Minimum lot width at front setback	50-feet
Maximum height	35-feet above finished grade
Off-street parking	2-spaces (380 sq. ft. total)
Flood proofing	3-feet above base flood elevation
Landscaping (new construction)	2-Street trees in front yard
Minimum caliper (size) of street trees	2.5 inches at time of planting
Floor area ratio (FAR)	0.4

Table 6-4.2 Accessory Use and Structure Requirements

Zoning District – R-2: Bulk & Area Regulations for the Accessory Structure	
Front setback	Must be located in rear/side yard
Rear setback	3-feet
Setback	3-feet
Setback from principal structure	10-feet
Maximum Size	25% of gross square footage of principal structure with a maximum building footprint of 20 ft. by 20 ft.
Maximum Height	35-feet above finished grade or 1 foot below principal structure whichever is less
Fence height in Front Yard	4-feet
Fence height in Side & Rear Yards	6-feet
Fence Setback	0-feet; except corner lots
Fence Setback for Corner Lots	15-ft; (sight triangle)
Accessory structures cannot have separate meters/service connections for utility services	

Table 6-4.3 Accessory Apartment Requirements

Zoning District – R-1: Regulations for the Accessory Apartment	
Number of Units	1 permitted with single family dwelling
Bedrooms	Maximum of 2
Entrances	Located to the side or rear of the principal structure (not facing a public right-of-way) or to the side/above of accessory structure.
External Appearance	Consistent with single-family dwelling
Maximum size*	750 square feet or 25% of the habitable space of the principal structure with a maximum building footprint of 20 ft. by 20 ft.
Addresses & Utilities	No separate 911 addresses or utility connections. Billing registration shall be in the name of the owner(s) of the principal structure
Parking	1 additional space (180 square feet)
Use	The accessory apartment shall be used as a residential structure and no commercial or home occupation may be conducted from the accessory apartment
Building Code	All accessory apartments shall be subject to the requirements of the Statewide Uniform Building Code in particular sections 309, 406 and 508
Deed Restriction	Prior to occupying an accessory apartment a deed restriction stipulating the accessory apartment will be constructed, used, occupied and maintained in accordance with these provisions. The owner must reside in either the principal structure or the accessory structure.
Setbacks:	
Attached	Adhere to the setbacks of the principal structure (Table 6.4-1)
Detached	Adhere to setbacks for accessory structure (Table 6.4.-2)
Height	35-feet maximum
None of the following may be used as an accessory apartment: travel trailers, campers, motor homes/recreational vehicles, tents, camp cabins, shipping containers, auto-trailers or semi-trailers, or mobile/manufactured homes.	

*Note: An accessory apartment (AA) in excess of the 750-square feet or 25% of the habitable space may be permitted by conditional use provided the maximum size of the accessory apartment does not exceed 950-square feet or 40% of the habitable space, whichever is less. AAs in existence at the time of adoption of this ordinance are grandfathered and are not subject to these regulations.

6-5 Fencing

- A. Fences cannot impair vehicular or pedestrian visibility/access
- B. Finished sides shall face toward neighboring properties
- C. Fences shall not be taller than six (6) feet above finished grade

6-6 Development Standards for the R-2 District

A. R-2 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. Surveys/site plans 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.
3. Site surveys shall provide for the management of stormwater in accordance with State regulations
4. 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
5. 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)
6. Curb, gutter and sidewalk shall be installed prior to Certificate of Occupancy at the developer's expense on all undeveloped lots. 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. Minor home occupations may have a sign which is no more than three (3) square feet in size. (1.5 feet long and 1.5 feet wide)
 - i. Sign shall not be illuminated
 - ii. Sign shall be affixed to exterior wall of the principal structure
8. Minor home occupations may see clients on an appointment only basis
9. All principal structures shall be placed on a permanent foundation
10. Barbed or razor wire fence is prohibited
11. Setbacks shall be measured from exterior foundation walls.
12. Projections beyond the foundation wall may extend up to 3-feet into the setback
13. Projections shall be incorporated into the structure so as to appear as an integral part of the building. Such architectural features shall not be considered in determination of setbacks
14. Accessory structures, parking areas, decks, trash collection areas and other utilitarian areas should be located in a manner that is sensitive to adjacent structures and screened from public rights-of-way.
15. Any development or redevelopment project must have a harmonious and compatible relationship with the surrounding neighborhood

6.7 Additional Standards

- A. See Article 22 of this ordinance for site specific requirements concerning the Chesapeake Bay Act
- B. See Article 12 for Sign Regulations and Article 18 Supplementary Regulations

ATTACHMENT

4



TO: Town of Colonial Beach Planning Commission

FROM: Don Dooley, Director of Community Development and Zoning

SUBJECT: **2023-2024 PLANNING COMMISSION WORK PLAN REVIEW & UPDATE**

DATE: August 10, 2023

BACKGROUND:

On March 9, 2023, the Planning Commission adopted its current 2023-2024 Work Plan. As the Work Plan is intended to be a “living document,” subject to change, staff is forwarding the current iteration of the Work Plan for the Commission’s reference.

As previously represented to the Commission, staff will forward the Work Plan to the Commission every 30-60 days for its edification and review in the event the Commission’s work priorities change due to unanticipated circumstances, needs, or by Town Council direction.

DISCUSSION:

As identified in the updated 2023-2024 Commission Work Plan, the Commission has completed the first four projects on its Work Plan schedule.

With respect to Work Plan Item Nos. 3 (Subdivision Ordinance Update) and 4 (Establishment of a Short-Term Rental Ordinance), these projects are currently before the Town Council and are both scheduled for a Town Council public hearing on August 16, 2023.

Work Plan Item No. 5, which involves updating Article 19 (Zoning Map (Rezoning) and Text Amendments), is still under legal review by Max Hlavin from the law firm from Sands Anderson, PC. Although legal review of this Work Plan item has been delayed due to workload, it will be brought back to the Commission at its regularly scheduled meeting of September 14, 2023, for further consideration by the Commission.

Work Plan Item No. 7 is an update to Article 16 (Conditional Use Permits). This project is currently being reviewed by the Commission at tonight’s regularly scheduled Planning Commission meeting of August 10, 2023. It will be the Commission’s first review of the proposed changes to Article 16 as it was continued from the Planning Commission Meeting of July 13, 2023, due to a heavy Commission agenda and the lateness of the hour. Once the Commission provides its comments and suggestions for the updating of Article 16, it will be forwarded to the Town Attorney for legal review and brought back to the Commission.

On July 18, 2023, the Town Council referred Article 6 (General Residential (R-2) District) to the Commission to consider increasing the maximum, allowable, floor area ratio in the R-2 District zone to something above its current limit of 0.40 FAR. The Council specifically directed that Article 6 be prioritized over the Commission’s next Work Plan item which is to review and update Article 14 (Site Plan). Given the Council’s direction, staff is proposing to modify the Commission’s Work Plan schedule to identify that Article 6 (General Residential (R-2) District) will be reviewed by the Commission during Q3/Q4

**Planning Commission Memorandum – Updated 2023-2024 Planning Commission Work Plan
August 10, 2023**

(September through December) as there is not enough time to complete the review of Article 6 during Q2/Q3 (March through September). As such, the review and update to Article 14 (Site Plan) will be re-scheduled for review from Q2/Q3 to Q3/Q4, after the review of Article 6 (General Residential (R-2) District).

For the Commission's reference, staff has also updated all Commission and Town Council meeting dates for active Work Plan projects through August 16, 2023.

RECOMMENDATION:

Review and approve the revisions to the 2023-2024 Planning Commission Work Plan, as presented.

Attachment:

- 1) Proposed 2023-2024 Planning Commission Work Plan Update (August 10, 2023)

TOWN OF COLONIAL BEACH PLANNING COMMISSION WORK PLAN FOR 2023-2024		ADOPTED MARCH 9, 2023 (DRAFT Update 8.10.23)							
PROJECT DESCRIPTION		PROJECT GOAL(S)	Comp Plan/Zoning Code Update	Target Timeline	PC Meeting Dates	PC Public Hearing	Action Date	Council Action	
Line	Focus Area: Zoning Code	Purpose/Text Considerations	Initiative Type	Quarter/Year 2023					
1	Planning Commission Work Plan for 2023-2024 - Completed	Establish work priorities and goals for 2023-2024.	PC Workplan	Q1 2023	2/1/23, 2/23/23, 3/9/23	N/A	PC Adoption 3.9.23	TC Adoption - Reso. 17-22 on 4.5.23	
2	Review and update Article 12 (Sign Ordinance) - Completed	Update Sign Ordinance and permit temporary flutter signs.	Zoning Code Update	Q1 2023		1/26/2023	Recommend to TC 1/26/23	App'd 2/15/23	
3	Subdivision Ordinance Update - Completed (Pending TC Approval)	Revisions to the Subdivision Ordinance that include amended definitions, strengthening submittal requirements to understand project details and various minor clarifications.	Zoning Code Update	Q1/Q2 2023	1/26/23, 2/1/23, 3/9/23, 4/11/23	5/11/2023		7/19/2023, 8/16/23 (PH)	
4	Establish Short-Term Rental Ordinance (Article 18- Miscellaneous) -PC added to Approved 2023-2024 Work Plan on 4.13.23. Originally scheduled for 2024. - Completed (Pending TC Approval)	Establish a Short-Term Rental Ordinance, per Council referral on 4.5.23, and develop registration and zoning standards for their operation. Establish PC Subcommittee and return draft ordinance within 60-days to Council.	New Ordinance	Q2/Q3 2023	4/13/23, 5/11/2023, 7/18/23	7/13/2023	Recommend to TC 7/18/23	8/16/2023	
5	Update Zoning Map (Rezoning) & Text Amendments (Article 19)	Strengthen submittal requirements to understand project details to determine potential impacts on the Town and consistency with the Comprehensive Plan.	Zoning Code Update	Q2/Q3 2023	4/13/2023, 5/13/23				
6	Review and Update Conditional Use Permit Ordinance (Article 16)	Provide specific submittal requirements to accompany an application. Strengthen CUP findings to include impacts on traffic, parking, lighting and public infrastructure etc.	Zoning Code Update	Q2/Q3 2023	7/13/2023, 8/10/23				
7	Update General Residential (R-2) District (Article 6)	Town Council referral (7/18/23) to PC to consider increasing allowable floor area ratio (FAR) in the R-2 District Zone.	Zoning Code Update	Q3/Q4 2023					
8	Review and Update of Site Plan Ordinance (Article 14)	Strengthen submittal requirements to facilitate staff review of projects.	Zoning Code Update	Q3/Q4 2023 (Change from Q2/Q3)					
9	Establish Workforce Housing Ordinance	Create greater opportunities to grow housing for all segments of the community, particularly those associated with the Town's workforce.	New Ordinance	Q3/Q4 2023					
10	Review and Update Parking Ordinance (Article 13).	Consider providing greater flexibility in parking standards or creative parking alternatives (i.e., permitting golf cart parking to count toward on-site parking, permit stacked parking for commercial uses if a valet is provided, allow parking study to determine alternative on-site parking standards for a use, etc.	Zoning Code Update	Q3/Q4 2023					
11	Review and Update Landscape Ordinance (Article 24)	Provide enhancements to landscape ordinance (i.e., enhance landscape plan submittal requirements, require landscape professional to prepare plans, identify types of trees & shrubs for use, incorporate technical planting specifications, reevaluate plant/tree material size and quantities, prohibit mutilation/topping of trees etc.	Zoning Code Update	Q3/Q4 2023					
Focus Area: Zoning Code		Purpose/ Text Considerations	Initiative Type	Quarter/Year 2024					
12	Establish a Marijuana Dispensaries Ordinance.	Regulate the location, establishment and operation of Marijuana Dispensaries.	New Zoning Ordinance	2024					
13	Short Term Rental Ordinance-	Create zoning regulations to address the operation of short-term rentals in Town.	New Zoning Ordinance-	2024	Moved to Q2/Q3 2023 Workplan at TC direction.				
14	Environmental Resiliency and Storm Water Management	Develop zoning provisions that will support future recommendations from the future Berkley Group Report, as appropriate.	New Zoning Ordinance	2024					
15	Establish a "Duty to Maintain" Ordinance	Create an ordinance that requires all property owners to maintain their buildings and lots in good repair to mitigate blight.	New Zoning Ordinance	2024					
16	Review and Update Non-Conforming Ordinance	Review current adequacy of the Non-Conforming Ordinance to align with Comprehensive Plan.	Zoning Ordinance Update	2024					
17	Establish an EV charging station ordinance	Review peer communities for adequate approach for addition of EV charging stations in the Town.	New Ordinance	2024					
18	Create an Urban Development Area for Colonial Beach	The Town of Colonial Beach is considered to be "UDA-like." By creating Urban Development Areas (UDAs), the Town will promote sufficient growth in residential and commercial areas.	Zoning Ordinance Update/New Ordinance	2024					

