

**TOWN OF COLONIAL BEACH  
PLANNING COMMISSION**

**Meeting Agenda**

**Thursday, September 8<sup>th</sup>, 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) Discussion of Zoning Ordinance Article 20, Definitions Update
- 6) Discussion of Zoning Ordinance Article 30 (Proposed), Workforce Housing Overlay District
- 7) Master Plan Justification and Scope – Respond to Referral from Town Council
- 8) Committee Reports
- 9) Other Topics
- 10) Upcoming Items
  - a. Sign Ordinance – flutter flags
  - b. Subdivision Ordinance Amendments (clean up)
- 11) Adjournment

**Next Planning Commission Regular Meeting: September 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 April Planning Commission meeting continues. Currently a short-term rental is required to obtain a business license. Adding an additional addendum to the business license application for short term rentals to fill out to be able to collect data and form a registry. Discussion of recommending council to form a registry for short term rentals. The current intent for Planning Commission is registration, data, and definitions. Next step should be focusing on definitions. Motion to present Town Council definitions stated for adoption for short term rentals. Moved by Mr. Mack, seconded by Mr. Ale. No vote was made. Discussion about what will require a public hearing or recommendation from planning commission. Updating the definitions of the zoning ordinance will require a recommendation and public hearing from the Planning Commission then the Town Council. No further action was taken due to no vote.

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

### **Other Topics**

Still looking for 1 Planning Commission member to join.

### **Adjournment**

**Town of Colonial Beach Planning Commission Minutes**

Date: Thursday, June 30<sup>th</sup>, 2022 – Town Center, 22 Washington Avenue  
Then recessed to Monday, July 18<sup>th</sup>, 2022

Time: 8:00 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, Planner

**Approval of Agenda**

Approved unanimously.

**Approval of Minutes**

May 2022 minutes deferred to next regular meeting to be approved.

**Public Comment**

None.

**Public Hearing Regarding Potential Text Amendment to a Conditional Use in the Resort-Commercial (RC) Zoning District**

Ms. Larson supports the idea of theaters in the downtown area. It supports the community and the people who live here.

Mr. Molar asks to devote time to public safety issues.

The following email was read into record by Kaylynn DeBernard:

”Sir or Madam--

As I may be unable to attend the Planning Commission meeting where this matter is heard, I would like to ask that my comment be read in support of the Colonial Beach Players Association:

My name is Bucky Doerr and I live at 206 Mimosa Avenue. From the mid-1980s until 1998 I created and ran a community theatre company called the 'Great Upstairs Theater' for children and youth. It was at 106 Hawthorn, above what was then the Town library at 106 Hawthorn Street. Until recently it was the Chamber of Commerce building.

A Town ordinance was passed declaring it the Town's only resident theater company, with all the reasonable code restrictions applicable thereto. In 1998 I bought the building next door

and ran my business of furniture repair and re-upholstery there for the next ten years. Two years ago I sold that building to the creators of the Colonial Beach Players Association and they have converted the space into a seriously upscale little theater.

The performing arts are a boon for our community. It showcases our Town's amazing local talent and draws us into a common and uplifting gathering place where we can indulge in a bit of healthy escapism.

I do thank the Planning Commission for making our Zoning Code a little friendlier and I do hope this text amendment will be approved.

Bucky Doerr”

Mr. Nuckols explained there is already a CUP process in place for theaters as a conditional use.

Vote to recommend text amendment as written to Council:

Nathan Howell--Aye  
Vicki Luna--Aye  
Bob Christiansen--abstain  
Steve Ale--Aye  
Bryon Mack--Aye  
Will Nuckols--Nay

### **Committee Reports**

*Resiliency:* Was referenced in an article about the work RAFT has accomplished in the community. Wants to have a meeting in the next month.

### **Upcoming Items**

Commission members were given a recommendation on how to add short term rentals into the zoning ordinances.

Commission members were briefed on an example of an Affordable Housing Overlay District. Affordable housing was brought up when the update of the PUD took place. The overlay would not limit the affordable housing district to just to PUD zone.

### **Motion to recess until July 18<sup>th</sup>**

Moved by Bryon Mack, seconded by Steve Ale. Approved unanimously.

**Town of Colonial Beach Planning Commission Minutes**

Date: Monday, July 18<sup>th</sup>, 2022 – Town Center, 22 Washington Avenue  
Meeting Continued from Thursday, June 30<sup>th</sup>, 2022

Time: 6:00 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  
Kaylynn DeBernard, Planner

**Approval of Agenda**

Approved unanimously.

**Discussion of Zoning Ordinance Amendment Article 29: Planned Unit Development-Residential (PUD-R)**

Vivian Seay Giles gave a briefing of the staff report presented commission members. The Berkley Group was consulted to prepare amendments to article 29 and have met with planning commission since April 2022.

Opening for Public Comment, will reopen after Planning Commission Discussion  
The following email was read into record by Kaylynn DeBernard:

“As a former Planning Commission Member, I am so pleased with Mayor Schick's explanation of the proposed PUD ordinance changes and additions. I agree it was past time for this to be updated. I am also very supportive of her comments regarding adherence to the Comprehensive Plan. While I don't always agree with decisions, I am so pleased to have true professionals (Town Manager and Attorney) applying their experience and knowledge guiding the Town Council and Planning Commission.

Pam Tolson  
134 Tenth St  
Colonial Beach, VA”

Ms. Reihmer discussed how large of a population increase is expected. Can we define certain ratio of different price points in the development, and will there be an amount required per unit for infrastructure costs?

Mr. Williams would like to discuss the acreage, units per acre, and the impacts of development. Would like to hear discussion of impacts on infrastructure, public safety, and traffic.

Dr. Montalvo is not sure if the PUD proposal is good for the residents. She is concerned about who is paying for the different studies that are listed in the new proposed amendment. Also concerned about density relating to multifamily housing.

Public Comment Closed, will reopen after Planning Commission Discussion

Mr. Howell would like to take the time to address concerns raised by citizens. The ordinance amendment is both an inclusive and exclusive document. Many of the concerns raised by citizens to include impacts have already been addressed within the amendment. Mr. Howell explained the general process in which a PUD application would come forth. Ms. Luna mentions the development of a Master Plan for the PUD area. Mr. Christiansen would like to see a Master Plan in undeveloped areas but also could be useful for the whole town. Mr. Christiansen likes the proposed ordinance amendment. Mr. Mack states the current PUD ordinance does not require all the studies such as fiscal impact and environmental like the proposed amendment does. Ms. Luna would like to see a master plan and clarification of workforce housing. Mr. Ale asks Ms. Giles about the master plan further down the road. Ms. Giles states a plan of development is required under the new proposed ordinance that must be approved by the Town Council. The master plan will be expensive and will take time. Ms. Luna has concerns about the approval of the plan of development and the impacts of the different studies. Mr. Nuckols has questions about the review process, Ms. Giles states in order to approve the Town Council must find the development is in the best interest of health, safety, and general welfare of the locality. Mr. Christiansen assures the goal has been to make a balanced community for the amended ordinance. Mr. Nuckols wants clarification on how much land is involved. Discussion arose about the density among commissioners. The next step would be forwarding the idea of a master plan to Council and see if they would like to proceed. Amendments from commission members to include 29-1 item 3 “provide workforce housing for residents. Reference Article 20.” and then to add more expansive language to the definitions of the zoning ordinance.

Resume Opening for Public Comment

Mr. Molar is most concerned about healthcare, public safety, and waste management in relation to the population increase of the proposed ordinance. He is happy to see the commission strives to improve public health, safety, convenience, and the welfare of the citizens.

Mr. Nelson thanked Mayor Schick for her explanation and clarification. He also thanked the Planning Commission for the hard work on the difficult tasks. He reminded everyone the current ordinance does not give the tools for the town to serve the community best. The proposed ordinance is a large improvement of the last one and would settle the need for the different types of housing.

Mr. Wood wanted to recommend the beginning of this conversation and continue this path. Leave it up to the Town Council to make the best decision for the Town.

Ms. Brubaker has been on the Town Council previously. She believes a master plan should be created. Would also like to know what the commission considers affordable housing. Ms. Brubaker believes public safety is a number one concern.

Public Comment Closed

**Recommendation of Zoning Ordinance Amendment Article 29: Planned Unit Development-Residential (PUD-R)**

Planning Commission discussed to amend the document as specified below.

- Workforce housing section 29-1
- Using the “alternatively” comment for 29-4.5
- Include recommending a master plan including at least the PUD areas to council
- 6 (new) requiring assessment of municipal services

Motion to amend above edits to draft PUD ordinance, moved by Mr. Mack. Seconded by Mr. Ale.

Vote:

Nathan Howell—Aye

Vicki Luna—Aye

Bob Christiansen—Aye

Steve Ale—Aye

Bryon Mack—Aye

Will Nuckols—Aye

Motion to correct any textual revisions that specifically reference the subdivision requirements to be corrected from Appendix A to Appendix B moved by Mr. Mack. Seconded by Mr. Ale.

Vote:

Nathan Howell—Aye

Vicki Luna—Aye

Bob Christiansen—Aye

Steve Ale—Aye

Bryon Mack—Aye



Will Nuckols—Aye

Motion to recommend the draft PUD ordinance to Town Council moved by Mr. Mack. Seconded by Mr. Ale.

Vote:

Nathan Howell—Aye

Vicki Luna—Nay

Bob Christiansen—Aye

Steve Ale—Aye

Bryon Mack—Aye

Will Nuckols—Aye

### **Upcoming Items**

*Article 20 Definitions:* A draft updated article 20 was provided to commissioners to review. Some updated included reformatting and state code references that have changed. Additions include workforce housing and short term rental definitions.

*Workforce Housing Overlay District:* A draft overlay district has been provided for commissioners to review.

### **Adjournment**

## ARTICLE 20 DEFINITIONS

### 20-1 Rules of Construction

For the purposes of this Zoning Ordinance, those certain words and terms set are defined as forth in Section 20-2 below shall have the meanings provided and are subject to the following rules of construction: follows:

- A. Words used in the present tense include the future tense.
- B. Words in the singular include the plural, and the plural includes the singular.
- C. "Person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- D. The singular number includes the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The word "shall" is always mandatory; the word "may" is permissive.
- F. The word "building" or "structure" includes any part thereof, and the words "building" and includes the word "structure" shall be synonymous.
- G. The termword "general development plan" (GDP) shall be synonymous with includes the termswords "zoning development plan," "zoning plat plan," and "plan of development."
- H. The words "lot," includes the words "plot," "parcel," and "tract" shall be synonymous. The termword "used" or occupied" also shall mean include the words "intended, designed, or arranged to be used or occupied".
- A. Any The figures or illustrations used in conjunction with the following definitions in Section 20-2 below are used for illustration orve purposes and for clarity and are not determinative for purposes of the definition.

I.

- J. The Director of Planning & Community Development (the "Director") or his designee, shall strictly construe the terms and definitions in this Articlesection. In the event a term is not defined in this Articlesection, the director shall refer to the Code of Virginia 1950 as amended, the Code of the Town of Colonial Beach and the most recent edition(s) of Virginia Uniform Statewide Building Code, and the Virginia Property Maintenance Code for guidance. In the eventase a term or use is not defined herein, the following texts shall be incorporated as part of this sectionArticle 20, of the Zoning Ordinance: A Glossary of Zoning, Development, and Planning Terms, 50th Anniversary Edition, The New Illustrated Book of Development Definitions, 1993 Edition, United States Building Code (USBC), International Building Code (IBC), and The American Heritage Dictionary of the English Language, 4th Edition. In determining appropriate activities of a defined use, the Director may consult the current edition of the Standard Industrial Classification Manual (SIC).

### 20-2 Definitions

**Accessory Apartment/Dwelling Unit:** A complete and separate housekeeping unit within, attached to or accessory to a Dwelling, Single-Family Detachedsingle family home. Each sSuch units have a kitchen, bathroom, sleeping facilityies, and entrances separate from, and independent of, the principal structure to which it is an accessory use.

**Accessory Structure or Accessory Building:** A subordinate structure or building customarily incidental to, detached, and located upon the same lot occupied by the main structure or building, including, but not limited to, swimming pools, sheds, and garages. Any

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~~structure~~Garages and other structures such as carports, porches, and stoops attached to the main building or within 10 feet of the main building shall be considered part of the main building and does not constitute an Accessory Structure or Accessory Building. ~~No accessory structure or building shall be used as a dwelling.~~

~~Acreage/Acre: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat. An acre is a measure of land equating to 43,560 square feet.~~

Commented [VSG1]: This is not always true.

Commented [VSG2]: This definition is not necessary. The definition of acre/acreage is not open for interpretation.

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**Adult Businesses:** any commercial establishment which features the depiction, description or display of "specified anatomical areas" or "specified sexual activities" to the degree specified in the text. Adult establishments include:

- Adult bookstores,
- Adult eating or drinking establishments
- Adult theaters,
- Other adult commercial establishments, or any combination of the above.

**Adult Bookstore:** Any establishment which has as a substantial or significant portion of its stock in trade, books, magazines or other periodicals and which excludes juveniles in accord with 18.2-391 of the Code of Virginia (1950) as amended.

**Adult Theater:** Any establishment used for exhibiting motion pictures, shows, or other presentations and which excludes juveniles in accord with Chapter 18.2-391 of the Code of Virginia (1950) as amended.

~~Affordable Housing: Housing for which the gross cost, including utilities, is not more than 30 percent of the gross income of the household where the household total gross income is at or below the area median income. Va. Code § 15.2-2305.1.~~

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**Agriculture:** ~~Activities that include t~~The tilling of the soil, the raising of crops, horticulture, forestry, and gardening.

**Agricultural Lands:** Those lands used for the tilling of the soil, planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or the raising of poultry and/or livestock.

**Alley:** A public travel way which affords secondary access to abutting property.

**Alteration:** Any change in the total floor area, use, adaptability, or structural nature of an existing building.

**Animal or Poultry Husbandry:** Any keeping, boarding, breeding, or raising of any number of horses, goats, sheep, poultry, or other customary farm animal for any purpose.

**Antennae:** ~~A device for sending and receiving radio waves:~~ a metallic piece of equipment of variable shape, used in the sending and receiving of television, radio, and/or electromagnetic signals usually used with a radio transmitter or radio receiver.

**Arcades:** An establishment in which the principle use is the operation of video, mechanical, electronic, or coin-operated games or devices for the amusement of the general public.

**Arts and Crafts Studios:** Any establishment where skilled manual labor is applied to raw material or semi-finished material to create or manufacture artistic merchandise for sale to the public, or where such items are stocked for resale. Such establishments include, but are including but not limited to, art galleries, woodworking shops, ~~ceramics,~~ metal smiths ~~shops,~~ and photography studios; such artistic merchandise includes, but is not limited to, ceramic items and pottery. Such establishments may provide rental or instructional services associated with the creation of artistic merchandisesuch products.

**Artist:** A person regularly engaged in the production of art or creative work written, composed, created, or executed for a “one of a kind, limited” production. Such use may include the fine and applied arts, including painting, traditional and fine crafts, sculpture, writing, creating film or animation, the composition of music, choreography, and the performing arts.

**Assisted Living Residences/Facilities:** Any, residential establishment, public or private, operated or maintained for the maintenance or care of four or more adults ~~living independently of each other~~ who are aged, infirm, or disabled; ~~and who~~ may have physical or mental impairments; and who require at least a moderate level of assistance with activities of daily living, ~~and who live and are cared for in a primarily residential, non-institutional setting.~~

**Athletic Facilities:** Any establishment or area where recreational, therapeutic, or athletic activities, are conducted, including instruction of such activities, ~~whether or not under instruction, which activities include, but are such as but~~ not limited to, tennis and other court games, swimming, aerobics, and weight-lifting.

**Auction House:** An establishment or location where the public sale of property is conducted by a licensed auctioneer.

Automobile Graveyard: any lot or place, exposed to the weather, upon which more than five (5) motor vehicles of any kind, incapable of being operated, are placed,

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**Automobile Service Stations:** A building used or intended to be used for the retail sale of fuels, lubricants, air, water, and other operating commodities for motor vehicles, ~~to~~ include the space and facilities for the storage, minor repair and servicing of said vehicles, but ~~not to~~ include body repair, painting, steam cleaning, rust proofing, ~~or and~~ refinishing.

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**Automobile Wrecking Yards:** An area where destroyed, abandoned, and obsolete automobiles are disassembled and where parts of said disassembled automobiles are generally sold, and where the remaining automobile bodies and their components are temporarily stored until ~~they can be~~ removed or reduced to scrap metal.

**Barrel:** unit of volume equaled to 31 gallons.

**Base Flood:** The flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the 100-year flood.

**Base Flood Elevation:** The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.

**Basement:** ~~That portion of a Building A-story having part, but not more than one-half (1/2), of its height below grade, or any area of the building having its floor sub-grade(below ground level) on all sides for purposes of floodplain protection requirements.~~ A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises; ~~Any area of the building having its floor sub-grade(below ground level) on all sides for purposes of floodplain protection requirements.~~

**Bed and Breakfast:** A building where, for compensation, lodging and meals are provided for up to fourteen (14) transient guests. A bed and breakfast is ~~to be~~ distinguished from a hotel in that it has an outside appearance of a single family dwelling.

**Beer:** an alcoholic beverage usually made from malted cereal grain (as barley), flavored with hops, and brewed by slow fermentation

**Best Management Practices (BMP):** A practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with water quality goals.

**Big Box Retail:** A single retail establishment with a gross floor area not less than eighty (80,000) thousand square feet, and which may include fast food restaurants, and other accessory retail uses with an entrance inside the primary retail establishment. ~~Additionally this uses requires a high parking to building area ratios and has a regional sales market and offers bulk sales.~~

**Boarding Houses:** ~~A building where, for compensation, lodging and possibly meals are provided for up to fourteen (14) transient guests. A boarding house is distinguished from a hotel in that it has an outside appearance of a single family dwelling. See Bed and Breakfast~~

**Board of Zoning Appeals:** The board ~~established in the Town of Colonial Beach pursuant to Va. Code § 15.2-2308, appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance~~

**Boardwalk:** ~~\_\_\_\_\_~~

**Boat House:** A covered structure built on pilings or any other method above tidal waters and used for the purpose of storing watercraft.

**Boat Pier, Private:** A dock, wharf, or other non-public berthing facility for watercraft, from which no revenue is derived and which has received approval from all necessary ~~S~~state and ~~F~~federal agencies.

**Bookstore:** Any establishment which has, as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals.

**Brew Pubs:** An establishment where ~~less than 500 barrels~~ of beer ~~are~~ made on the premises ~~in any twelve-month period~~ in conjunction with a restaurant or bar, and where 40% or more of the beer produced on site is sold on site.

**Commented [VSG3]:** It is recommended that this term be defined.

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**Commented [VSG4]:** Over what period of time?

**Buffer Area:** An area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances; ~~or to protect adjoining properties from development or activity on the subject parcel.~~

**Buildable Area:** The ~~buildable area of a lot is the~~ space remaining after the minimum yard requirements, ~~applicable setbacks, and maximum coverage requirements~~ of this ordinance have been ~~met, complied with.~~

**Building:** Any structure having a roof supported by columns or walls, ~~for the housing or enclosure of persons, animals or chattels.~~

**Building Height:** The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the ~~highest point of the roof. For buildings set back from the street line, the height shall be measured from the~~ average elevation of the ground surface along the front of the building. For the purpose of measuring building height, the following ~~are will be~~ exempt: chimneys, architectural features, ~~church steeples,~~ and mansards.

**Business Service and Supply Establishment:** Any establishment when the primary occupation is the provision of services or supplies principally to the business, commercial, industrial, or institutional community but not including retail sales to the general public.

**Caregiver:** ~~is a~~ An adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to, or the legally appointed guardian of, the mentally or physically impaired person for whom he ~~or she~~ is caring.

**Cannery:** A structure used for the processing and canning of foods.

**Canopy Building:** Any of a class of permanent, open-air ~~buildings or~~ structures consisting of a supported roof, yet lacking traditional wall structure ~~and not including. For the purpose of this chapter, a canopy building shall not be deemed to include~~ tents, or carports.

**Car Wash:** A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning ~~device,~~ or similar mechanical device.

**Cellar:** ~~That portion of a Building~~ ~~A story~~ having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.

**Cemetery:** A place where lots are sold and used for the burial of the dead.

**Certificate of Occupancy and Zoning Compliance:** A certificate issued by the ~~County of Westmoreland~~ ~~Town of Colonial Beach~~ which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of this ordinance, the Town Code and the Uniform Statewide Building Code (USBC) for the use and occupancy of the building in its several parts together with any special stipulations or conditions of zoning approval and/or the building permit. All structures shall receive such a certificate prior to occupancy or use.

**Commented [VSG5]:** Common dictionary definitions do not limit the use as a part of the definition.

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**Chesapeake Bay Preservation Area (CBPA):** Any land designated by the Town of Colonial Beach pursuant to Part III of the ~~Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 25-830-10 10-20 et seq., and Va. Code § 62.1-44.15:67 et seq. Section 10.1-2107 of the Code of Virginia.~~ A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

**Churches/Houses of Worship:** A ~~B~~building, ~~S~~structure, or group of ~~B~~buildings or ~~S~~structures that ~~by design and construction~~ are primarily ~~used/intended~~ for conducting organized religious services and associated accessory uses. ~~Such organizations are also classified as tax exempt under section 501(c)(3) of the Internal Revenue Service. Church steeples are exempt from the height requirements of this ordinance.~~

**Civic, Social, or Fraternal Facilities:** Any meeting facility which is restricted to members and guests of members of a non-profit association or corporation.

**Coastal A Zone:** Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.

**Community Facilities/Open Spaces:** Public land or a ~~public S~~structure ~~which will be~~ landscaped, lighted, and publicly maintained for sitting areas, play space, and other community-oriented features and facilities.

**Commercial Generators:** A large machine that is used to convert mechanical energy, such as provided by the combustion of fuel or by wind or water, into electricity.

**Commercial Nanobreweries:** ~~An e~~Establishments where beer is made on the premises and then sold or distributed, and which produces ~~no more than~~ 500 barrels ~~or less~~ of beer per year. Commercial Nanobreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

**Commercial Parking Lot/Structure:** Land designated or used exclusively for storage of vehicles for a fee, but within which no motor vehicles are serviced, repaired, equipped, rented, or sold.

**Commercial Recreational Establishment:** Any establishment and/or land area whose main purpose is to provide the general public with amusing or entertaining activities and where tickets are sold or fees are collected for viewing or participating in the activity. Such uses include, but are not limited to, skating rinks, water slides, miniature golf courses, arcades, bowling alleys, billiard halls, ball fields, swimming pools, playgrounds, tennis courts, basketball courts, go-cart tracks, and weight/fitness training equipment/activities/facilities.

**Commercial Vehicle:** The term "commercial vehicle" includes: (i) any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more; (ii) any heavy construction equipment whether located on a truck, trailer, or semitrailer; (iii) any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold; (iv) any vehicle licensed by the Commonwealth for use as a common or contract carrier or as a limousine.

**Commission, The:** The Planning Commission of the Town of Colonial Beach, ~~Westmoreland~~

County, Virginia.

**Communications Facility:** ~~Structures, Facilities~~ including towers, where the principle use is to provide point-to-point communication services whether by wire or radio, either aurally or visually, including radio, telephone, television broadcasting and the exchange or recording of messages.

**Conditional Zoning:** A zoning change which permits the use of a particular property subject to specified conditions. ~~not generally applicable to land similarly zoned.~~

**Condominium:** System of separate ownership of individual units in a multiple unit building. A single real property parcel with all the unit owners having a right in common to use the common elements with separate ownership confined to the individual units, which are serially designated.

**Conference Center:** A specialized hospitality center dedicated to facilitating and supporting conferences.

**Construction Footprint:** The area of all impervious surfaces including, but not limited to, buildings, roads, and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

**Construction Trailer:** A temporary building, including, but not limited to, trailers or modular buildings, located on a construction site and used as a field office or equipment storage area in conjunction with ongoing construction on such site.

**Convalescent Center:** An age restricted facility providing continuous lifelong care. Such facilities ~~provide~~include health care services, meals in common dining facilities, physical therapy, social/recreational activities, and other ancillary services.

**Convenience Stores:** – ~~A~~Retail establishments which offers for sale items such as prepackaged food products; household items; newspapers and magazines; and sandwiches and other freshly prepared foods, such as salads, for off-site consumption; and which may offer for sale fuels, air, or water for motor vehicles.

**Complete Kitchens:** Facilities in a ~~In a~~ residential setting, ~~it is~~ characterized by the presence of a stove, ~~oven,~~ and/or other equipment for the preparation and cooking ~~and preparation~~ of food.

**Curve, Outside Line:** The area abutting a curve lying along the tangent to such curve.

**Day Care Center:** Any establishment offering a child day program to two or more children under the age of thirteen in a Building~~facility~~ that is not the residence of the provider or any of the children in care.

**Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, Buildings or other Structures, temporary Structures, mining, dredging, filling, grading, paving, excavation, drilling, or other land-disturbing activities, or the permanent or temporary storage of equipment or materials.

**Development Site, Multi-Family Dwelling:** All of the land developed or intended to be developed



for multi-family dwellings and related accessory uses, structures, and facilities, when such land is contiguous and under ~~the single~~ ownership or control ~~of a single individual or entity or related~~. A development site shall include, but is not limited to, all open spaces, parking areas, driveways, recreational facilities, and community areas.

**Development Site, Single Family Attached Dwelling:** All of the land developed or intended to be developed for single family attached dwellings and related accessory uses, structures and facilities, when such land is contiguous and under single ownership or control for purposes of planning and initial development. A development site shall include the individual lots on which attached dwellings are or will be located, as well as all open spaces, parking areas, driveways, recreational facilities, community areas and other areas owned or to be owned in common by owners of individual lots within the development.

**Diameter at Breast Height (DBH):** The diameter of a tree measured outside the bark at a point 4.5 feet above ground.

~~**Director of Planning, Community Development & Property Maintenance:** The person hired and designated by the Town Manager to administer the zoning, subdivision and property maintenance codes of the Town of Colonial Beach. The Director shall be the Property Maintenance Official, Zoning Administrator, Subdivision Agent, Economic Development Director and Planner for the Town of Colonial Beach. The Director may designate others under his supervision to carry out various functions of the department.~~

Commented [VSG6]: This job description is not accurate.

**District, Zoning:** Zoning district refers to a specific geographic area that is subject to municipal land use controls. Municipalities designate these areas and establish controls over types of land uses, density, and lot requirements in each zone. A zoning district will be designated in the zoning ordinance text and delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed.

**Dripline:** A vertical projection to the ground surface from furthest lateral extent of a tree's leaf canopy.

**Duplex:** A building used or intended to be used as a residence of two families living independently of each other, located on a single lot of record, ~~including Short-term Rental of all or any portion fo the same~~. A duplex is distinguished by ~~a~~ two (2) separate and complete kitchens ~~and may have with~~ one entrance door on the front of the building. ~~\_~~

**Dwelling:** Any structure which is designed for ~~use for~~ residential purposes, ~~including Short-term Rental of all or any portion of the same, but not including except~~ hotels, motels, boarding/rooming houses, lodging houses, tourist cabins/cottages, and travel trailers (recreational vehicles).

**Dwelling, Multiple-Family:** A building used or intended to be used as a residence of three or more families living independently of each other, ~~including which includes~~ townhouses, single-family attached, apartments, and condominiums, ~~and including a Short-term Rental of all or any portion of the same~~.

**Dwelling, Single Family Attached:** A building which contains one dwelling unit located on an individual lot of record and which is attached by means of party or common walls in a series of two or more buildings each of which contains one dwelling unit and is located on a separate lot of record. A building meeting the terms of this definition and commonly known as a townhouse

unit shall be considered a single-family attached dwelling for purposes of this Ordinance ~~and shall include such units which are made available for Short-term Rental.~~

**Dwelling, Single-Family Detached:** A structure arranged or designed to be occupied by one (1) family, such structure being completely separated from any other main building and containing only one (1) dwelling unit.

**Dwelling Unit:** One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen, ~~including the Short-term rental of any such unit, but not including~~ ~~except~~ hotels, boarding houses, lodging houses, tourist cabins, automobile trailers, recreational vehicles, campers, motels, and rooming houses.

**Dump Heap (Trash Pile):** Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a ~~public thoroughfare, State highway,~~ a residence, a dairy barn, or a food handling establishment where trash, garbage, or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

~~Easement: A grant by a property owner, for the use of land for a specific purpose or purposes by the general public, a corporation, or certain person or persons.~~

**Elevated building:** A ~~non-basement~~ building ~~constructed built~~ to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

**Emergency Service Establishment:** Any establishment and the associated land area which primarily provides emergency response services, ~~including, such as~~ but not limited to, police, fire, and rescue services. Such an establishment may contain sleeping, dining, and recreational facilities for its members as well as office space for administrative functions. This establishment may also serve as an emergency shelter if designated by the Town Manager.

**Encroachment:** The advance or infringement of uses, plant growth, fills, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing construction:** ~~S~~structures for which the "start of construction" commenced ~~on or before~~ September 18, 1987. ~~Existing construction may also be referred to as existing structures and pre-FIRM.~~

**Exterior Lot, Single Family Attached Dwelling:** A lot on which a single family attached dwelling is located, or is intended to be located, when such single family attached dwelling is attached, or intended to be attached, to only one other single family attached dwellings.

**Family:** Any of the following groups living together as a single ~~nonprofit and noncommercial~~ housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

(i) one (1) person;

(ii) one (1) person, together with any number of his/her children (including biological children, stepchildren, foster children, or adopted children);

(iii) two (2) or more persons related by blood, marriage, adoption, or guardianship (to the second degree of consanguinity) together with any number of their children (including biological children, stepchildren, foster children, or adopted children): to the second degree of consanguinity

(iv) two (2) persons unrelated by blood, marriage, adoption, or guardianship (to the second degree of consanguinity) together with any number of the children of either of them (including biological children, stepchildren, foster children, or adopted children) to the second degree of consanguinity;

(v) up to four (4) persons unrelated by blood, marriage, adoption, or guardianship to the second degree of consanguinity;

(vi) not more than eight persons who are: a. residents of a residential facility as defined in § 15.2-2291, Code of Virginia, (1950) as amended, or; b. “handicapped” as defined in the Fair Housing Act, 42 U.S.C. § 3602(h). This definition does not include persons currently illegally using or addicted to a “controlled substance” as defined in the Controlled Substances Act, 21 U.S.C. § 802 (6).

The following shall not be included in the number of persons who might comprise a family: up to two persons (together with any children of either of them) who may be live-in companions to the elderly or disabled, “aupairs,” or domestic employees.

**Family Day Home:** A facility providing service for one (1) to twelve (12) children, not counting the provider’s own children or any children who reside in the home as residential occupancy. ~~There shall be at least 1 additional parking space provided for the ever sixth (6th) child (15.2-2292 Code of Virginia, 1950, as amended).~~

**Family Health Care Structure:** An accessory structure for use by a caregiver in providing care for a mentally or physically impaired person(s) on property owned or occupied by the caregiver at his/her residence. The caregiver shall be ~~either~~ related by blood, marriage or adoption or shall be the legal guardian of the mentally or physically impaired person(s) for whom he/she is providing care (15.2-2292.1 Code of Virginia, 1950, as amended).

**Farmer’s Market:** See Wayside Setand

**Fence:** A barrier, usually made of posts, wire, boards, or masonry, intended to prevent escape or intrusion or to make a boundary. Trees, shrubbery, or other foliage do not constitute a fence under this definition.

**Financial Institution/Service Establishment:** Any establishment, ~~including to include~~ an unmanned bank teller machine(s), wherein the primary occupation is concerned with such state regulated businesses as banks, savings and loans, loan companies, and investment companies.

**Fitness Center/gym:** A building where active and passive exercises and related activities are performed for the purpose of physical fitness, weight control, and muscle building.

**Flea Market, Indoor:** Any establishment -where the principal use is the sale of new and used household goods, personal effects, tools, craft- and art work, small household appliances, and similar merchandise, objects, or equipment in small quantities, in broken lots or parcels, not in

bulk, for use or consumption by the immediate purchaser. Flea markets may be on a periodic, non-continuous basis provided ~~they are~~<sup>it is</sup> inside a permanent building. This definition excludes wholesale sales, rentals, auctions, and yard sales.

**Flood or flooding:**

- A general or temporary condition of partial or complete inundation of normally dry land areas from any one or more of the following:
  - a. the overflow of inland or tidal waters; ~~or~~
  - b. the unusual and rapid accumulation or runoff of surface waters from any source; ~~or~~
  - c. mudflows which are proximately caused by flooding as defined in paragraph (1) (b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in ~~inundation as described~~ flooding as defined in paragraph 1 (a) of this definition.

**Flood Insurance Rate Map (FIRM):** an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**Flood Insurance Study (FIS):** a report by FEMA that examines, evaluates, and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

**Flood Plain or flood-prone area:** Any land area susceptible to being inundated by water from any source.

**Flood proofing:** —any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents

**Funeral Home:** Any licensed establishment used for the preparation of the deceased for funeral and the ceremonies connected therewith before burial or cremation.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.

**Freeboard:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

**Functionally dependent use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port

facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Garage, Private:** Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1-1/2) times as many automobiles as there are dwelling units.

**Golf Cart, Moped and Bicycle Sales and Rental Establishments:** A subcategory of Vehicular Sales, Service and Repair Establishments wherein only golf carts, mopeds, and/or bicycles or similar vehicles are displayed, sold, and/or rented. Such establishment may not provide major mechanical repairs to such vehicles.

**Golf Driving Range:** A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

**Governing Body:** The Town Council of [the Town of Colonial Beach](#), Westmoreland County, Virginia.

**Government Facilities:** ~~A governmental facility~~ One or more ~~or~~ land areas, with or without buildings or improvements, used exclusively for public use and benefit. Examples include, but are not limited to, water/sewer pumps, water/sewer lines, meters, streets, sidewalks, drainage structures, administrative offices, police station/office, meeting rooms, libraries, parks and playgrounds, and similar facilities.

**Green Space:** Open space in a development designed to enhance privacy and the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. The term includes, but may not be limited to, lawns, decorative planting, flowerbeds, ornamental objects such as fountains, statues and other similar natural or artificial objects, wooded areas, and watercourses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development, and neighboring areas, or designed and arranged to promote a general appearance of openness.

**Group Home(s):** A single-family dwelling in which where no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, as residential occupancy by a single family or fewer mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons (15.2-22910 Code of Virginia, 1950, as amended).

**Grouping:** When used in context of single family attached dwellings, a grouping is a series of such dwellings attached by means of party or common walls in which each dwelling is located on an individual lot of record.

**Guest Room:** A room which is intended, arranged, or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking. Dormitories are excluded.

**Habitable Space:** Any space within a building used for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas, as determined by the ~~Zoning Administrator~~ Building Official, are not considered habitable spaces.

**Highly Erodible Soils:** Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for soil is defined as the product of the formula  $RKLS/T$ , where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

**Highly Permeable Soils:** Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture National Resources Conservation Service.

**Highest adjacent grade:** the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic structure** - Any structure that **meets any one or more of the following:**

- **is** listed individually in the National Register of Historic Places (a listing maintained by the **United States** Department of **the** Interior) or preliminarily determined by the **United States** Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- **is** certified or preliminarily determined by the **United States** Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- **is** individually listed on **the a**-state inventory of historic places **in states with when the** historic preservation programs **which have has** been approved by the Secretary of the Interior; or,
- **is** individually listed on **the a** local inventory of historic places **in communities when the with** historic preservation programs **that have has** been certified either **a** by an approved state program as determined by the Secretary of the Interior; or,
- **b** directly by the Secretary of the Interior **in states without approved programs**.

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**Hydrologic and Hydraulic Engineering Analysis:** Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

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**Home Garden:** A plot of soil on a parcel where a variety of plants are grown for pleasure and/or personal consumption.

**Home Nanobreweries:** An establishment where beer is made on the premises and then sold or distributed off premises, and which produces less than 250 barrels of beer per year.

**Home Occupation:** An occupation carried on in a dwelling unit by the resident thereof provided the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes, ~~and~~ does not change the character thereof, ~~and does not include.~~ ~~There~~

~~shall not be any of the following:~~ exterior display associated with the home occupation, ~~no~~ change in the exterior appearance of the principle structure, ~~nor~~ any exterior storage of materials associated with the home occupation.

**Home Occupation, Mmajor:** An occupation or profession that is accessory to a residential use and is customarily carried out in the principle structure or an accessory structure by a member of the family residing in the dwelling unit and allowing up to 4 outside employees who do not reside in the dwelling unit, provided, ~~if~~ there ~~is~~ shall be adequate off-street parking for the outside employees.

**Home Occupation, Mminor:** An occupation or profession that is accessory to a residential use and is customarily carried out in the principle structure or an accessory structure by a member of the family residing in the dwelling unit and where no more than ~~One~~ commercial vehicle for each family member engaged in the business is may be at any time parked on the property.

**Hospital:** A facility in which the primary function is the provision of diagnostic, treatment, medical and nursing services, and/or surgical or non-surgical medical procedures, for two or more non-related individuals, and which provides inpatient beds.

**Hotel/Motels:** A building or group of attached or detached buildings containing any combination of three or more lodging or guest units, each with individual bathrooms and intended primarily for rental or lease to transients by the day or week, and provided that in at least ninety percent (90%) of such units no guest may ~~provided such guests shall not abide~~ more than 30 consecutive days in a calendar year, and provided ~~no unit is r shall such a building be~~ used for permanent housing for any such guests. ~~These facilities are distinguished from multiple family dwellings in which rentals or leases are for longer periods and occupancy is generally by residents rather than for transients. Ten percent (10%) of the units in such a project may contain kitchens and may be leased or rented for a period longer than one week.~~

**Immediate family:** For the purpose of this ordinance the immediate family shall include grandfather, grandmother, mother, father, son, daughter, granddaughter, grandson, great-granddaughter, great-grandson, brother, sister, aunt, uncle, niece, and nephew.

**Inoperable vehicle:** Any motor vehicle, trailer, or semi-trailer which is not in operating condition; or which for a period of thirty (30) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle; or on which there are displayed neither valid license plates, a valid inspection decal, nor a valid Town decal, if applicable.

**Interior Lot, Single Family Attached Dwelling:** A lot on which a single family attached dwelling is located, or intended to be located, when such single family attached dwelling is attached, or intended to be attached, to two other single family attached dwellings.

**Intermittent Stream:** A stream with a well-defined channel that contains water for only part of the year, which occurs typically during winter and spring, when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.

**Impervious Cover:** A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil, including, ~~Impervious surfaces include~~, but ~~are~~ not

limited to: roofs, buildings, floors of decks, streets, parking areas, and any concrete, asphalt, or gravel surface.

**Junk:** Any one or more of the following: scrap, dismantled, inoperable, or dilapidated vehicles, including parts; machinery; household furniture and appliances; construction equipment and materials; tanks and drums; tires; pipes; wire; wood; paper; metals; rags; glass; and any other kind of salvage or waste material.

**Junk Yard:** An establishment or place of business which is maintained, operated, or used for storing, keeping, housing, or buying junk or for the maintenance of operation of an "Automobile Graveyard," which is any lot or place, exposed to the weather, upon which more than five (5) motor vehicles of any kind, incapable of being operated, are placed.

**Kennel:** Any establishment where more than three (3) dogs, older than six (6) months of age, are kept, bred, trained, boarded, or handled for a fee.

**Kitchen, Complete:** a room within a dwelling unit containing a stove/range along with any combination of the following appliances: refrigerator, dishwasher, freezer, garbage disposal, or microwave.

**Large Scale Brewery:** An establishment where beer is made on the premises and then sold or distributed, and which produces more than 10,000 barrels of beer per year which is sold- Breweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

**Letters of Map Change (LOMC):** A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective *Flood Insurance Rate Map* or *Flood Insurance Study*. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated *special flood hazard area*. A LOMA amends the current effective *Flood Insurance Rate Map* and establishes that a Land as defined by meets and bounds or *structure* is not located in a *special flood hazard area*.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to *flood zones*, *flood elevations*, *floodplain* and *floodway* delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a *structure* or parcel of land has been elevated by fill above the *base flood elevation* and is, therefore, no longer exposed to *flooding* associated with the *base flood*. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the *community's* floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed *flood* protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of *special flood hazard areas*. A CLOMR does not revise the effective *Flood Insurance Rate Map* or *Flood Insurance Study*.

**Live/Work Units:** Single family detached dwellings or up to two attached or detached dwellings.



~~but not accessory buildings, which are located within residential and commercial districts where artists, photographers, and/or professionals occupy joint living and working quarters and where typically the first floor is reserved for the commercial enterprise with living quarters above. An accessory building cannot be used for a live work unit. The maximum number of such structures that may be attached shall not exceed two (2) units.~~

**Lot:** A parcel of vacant or improved land ~~occupied or to be occupied by a main structure and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this ordinance,~~ and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

**Lot Corner:** A lot abutting on two or more streets at their intersection. (See Lot Frontage below).

**Lot Coverage:** ~~Is t~~he impervious area of any lot or parcel including, but not limited to, buildings, drives, parking areas (paved or gravel), sidewalks, patios, or decks, ~~etc.~~ (See Impervious Cover).

**Lot, Depth Of:** The average horizontal distance between the front and rear lot lines.

**Lot Frontage:** ~~The total distance a lot or parcel of land abuts the street or streets which it adjoins. For lots adjoining one street, the front shall be considered the portion nearest the street. For lots adjacent to more than one street, all sides adjacent to public streets shall be considered frontage.~~

**Lot Interior:** Any lot other than a corner lot.

**Lot, Width Of:** The average horizontal distance between side lot lines.

**Lot, Record:** A lot which has been recorded in the Clerk's Office of the Circuit Court of Westmoreland County, Virginia.

**Lowest adjacent grade:** the lowest natural elevation of the ground surface next to the walls of a structure.

**Lowest floor:** The lowest floor of the lowest enclosed area (including basement); ~~An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR § 60.3.~~

**Low Impact Development (LID):** A term used in the United States to describe a land planning and engineering design approach to manage stormwater runoff; ~~LID emphasizes~~ conservation and use of on-site natural features to protect water quality; ~~LID reduces~~ runoff volume by infiltration, and evaporation, and reduces the cost of infrastructure and maintenance.

**Major Recreational Equipment:** ~~Major Recreational Equipment is defined as including b~~oats and/or boat trailers, travel trailers, pick-up campers on coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, ~~etc.,~~ and cars or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

**Manufacture and/or Manufacturing:** The processing and/or converting of raw, unfinished

materials; or products, or either of them, into articles or substances of different character or for use for a different purpose.

**Manufactured Home:** A structure subject ~~to~~ federal regulation, which is transportable in one or more sections; ~~is~~ is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. [Va. Code § 36-85.3](#). For purposes of Floodplain protection/requirements, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**Manufactured Home Park or Subdivision:** a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Marina:** Any establishment located on a navigable waterway which provides, for compensation, boat slips or dock space and which may include in connection therewith dry boat storage; boat and motor servicing and repairs; the sales of marine fuels and lubricants, marina supplies, and accessories; boat and motor sales or rental; and accessory restaurant or refreshment facilities and sanitary facilities.

**Mean Sea Level:** for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on the Town of Colonial Beach’s FIRM are referenced.

**Medical Clinic:** An establishment where patients are admitted for outpatient examination, diagnosis, treatment, or consultation by ~~a~~ physicians, ~~physician assistant,~~ or dentists.

**Mentally or Physically Impaired Person:** A person who is a resident of Virginia ~~that requires assistance and who requires assistance~~ with two or more activities of daily living, ~~as defined in § 63.2-2200 of the Code of Virginia, 1950, as amended, as certified in a writing provided by a physician licensed by the Commonwealth, during more than half of the year.~~ [Va. Code § 63.2-2200](#).

**Microbrewery:** An establishment where beer is made on the premises and then sold or distributed, and which produces between 501-10,000 barrels of beer per year ~~which is sold.~~ ~~Microbreweries sell~~ to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

**Mixed Residential/Commercial Use:** ~~Such use is defined as One or more a~~ buildings which provides commercial or office space together with one or more residential units.

**Manufactured/Mobile Home Park:** A lot or parcel of land on which are located, or which is arranged or equipped for the ~~location~~ accommodation of, two or more ~~M~~manufactured/~~mobile~~ ~~H~~homes occupied for living purposes.

**Modular Home:** A ~~Dwelling comprised of one or more sections that are intended to become real~~

~~property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (Va. Code § 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly; but not including mobile offices as defined in Va. Code § 58.1-2401 or Manufactured Homes. combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured homes defined in article 36-85-3 of the Code of Virginia (1950) as amended, and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered modular homes for the purpose of the zoning ordinance. Va. Code § 58.1-602.~~

**Motels:** See Hotels/Motels

**Multi-Family Dwellings:** A building used or intended to be used as a residence ~~for~~ two or more families living independently of each other, ~~including, but perhaps not limited to, (i.e. duplexes, triplexes, townhouses, apartments, and condominiums).~~

**Murals:** a commercial or non-commercial painting or other work of art attached ~~to~~ or painted ~~on~~ a wall.

**Museums:** A building, place, or institution devoted to the acquisitions, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

**Neighborhood Convenience Stores:** A retail establishment ~~comprised of~~ less than two thousand (2,000) square feet in total floor area which offers for sale items such as prepackaged food products, household items, newspapers and magazines, ~~and~~ sandwiches, and other freshly prepared foods, such as salads, ~~all~~ for off-site consumption.

**New Construction:** For the purposes of determining insurance rates, ~~one or more~~ structures for which the “start of construction” commenced on or after September 18, 1987 and including any subsequent improvements to such structures. For floodplain management purposes, ~~new construction means one or more~~ structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by ~~the Town of Colonial Beach community, and~~ including any subsequent improvements to such structures.

**Nightclub:** Any restaurant in which the floor space made available for dancing by patrons is more than one-eighth of the floor area available for dining.

**Nonconforming Lot:** An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of ~~this ordinance~~ or as a result of subsequent amendments to ~~the~~ ordinance.

**Nonconforming Structure:** An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other ~~area~~ regulations of this ordinance either at the effective date of ~~this ordinance~~ or as a result of subsequent amendments to ~~the~~ ordinance.

**Nonconforming Use:** The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of ~~this ordinance~~ or as a result of subsequent amendments to ~~the~~ ordinance.

**Nonpoint Source Pollution:** Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

**Non-tidal Wetlands:** Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act, in 33 C.F.R. 328.3b.

**Noxious Weed:** Weeds that are difficult to control effectively, such as Johnson grass, Kudzu, and multi-flora rose.

**Nursing Home:** Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more non-related individuals, including, but not limited to, facilities known by varying nomenclature or designation such as adult homes, convalescent homes, rest homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities, and nursing or nursing care facilities.

**Office:** A business that is for professional or administrative purposes.

**Off-Street Parking Area:** Space provided for vehicular or golf cart parking outside the dedicated street right of way.

Commented [VSG7]: Is there a reason to not include golf cart parking?

**One-Hundred Year Flood:** A flood that, on the average, is likely to occur no more frequently than once every one-hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

**Ordinance:** The Town of Colonial Beach Zoning Ordinance, as from time to time amended.

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**Outdoor Recreational Areas:** Land publicly or privately owned, devoted to recreational pursuits, usually an open area reserved for outdoor use including, but not limited to, ball fields, nature parks, outdoor swimming pools, playgrounds, and/or tennis courts.

**Parapet Wall:** The extension of main walls of a building above the roof level. Parapet walls often are used to shield mechanical equipment and vents, which Parapet walls and similar features are not subject to height restrictions.

**Parks/playgrounds:** A public or private non-commercial parcel of land designed to serve the recreational needs of citizens. Such facilities may include parks parcels of any size or scale (neighborhood, community, regional, or other etc.) and Example of these facilities may include, but are not limited to, piers, athletic fields, passive recreational use areas, and nature trails.

**Parking Deck:** A building which is enclosed or partially enclosed and is principally used for the parking of passenger motor vehicles and golf carts.

Commented [VSG8]: Is there any reason to not include golf cart parking?

**Parsonage/Parrish House:** The permanent place of residence of a pastor, and/or minister, or

priest of a church or house of worship, ~~and when~~—If located on the same parcel as the church or house of worship, ~~the Parrish House~~ is deemed to be an accessory use to the church or house of worship.

**Pawnshop:** Any establishment where money or other things are loaned or advanced for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidence of indebtedness or title, or where personal property or other valuable things are purchased on the condition of selling the same back to the seller at a stipulated price.

**Perennial Stream:** A body of water that flows in a natural or man-made channel year-round during a year of normal precipitation ~~and~~—This includes, but is not limited to, streams, estuaries, ~~and~~ tidal embayments, ~~and may include~~ drainage ditches or channels constructed in wetlands or from former natural drainageways, which convey perennial flow, ~~and~~ ~~l~~—Lakes and ponds, with perennial streams flowing into, out of, or through them, ~~are a part of the perennial stream~~. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow.

**Personal Service Establishments:** A building, or any part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, including, but not limited to, n establishment which principally provides the provision of frequent or recurrent needed services of a personal nature, typically services include: barber shops, beauty salons, tanning salons, nail salons, day spas, tailor shops, shoe repair shops, dry cleaners, and wig shops.

**Plan of Development (POD):** The process for site plan or subdivision plat review to ensure compliance with Section 10.1-2109 of the Code of Virginia and this Article, prior to any clearing or grading of a site or the issuance of a zoning or building permit. Also known as general development plan (GDP) or Zoning Development Plan (ZDP).

**Commented [VSG9]:** Va. Code § 10.1-2109 does not exist. What is the objective here? Where is a POD required?

**Plat:** ~~A~~The schematic representation of a piece of land illustrating the courses and distances of the different lines and which may include divided or to be divided, including easements, boundaries, rights of ways, ~~or~~ and other related information.

**Portable Sign:** Any sign not permanently attached to the ground or a building, including a sign attached to a vehicle for advertising purposes when the vehicle is ~~so~~ parked so as to attract the attention of the public.

**Post-FIRM structures:** A structure for which construction or substantial improvement occurred after September 18, 1987.

**Pre-FIRM structures:** A structure for which construction or substantial improvement occurred on or before September 18, 1987.

**Commented [VSG10]:** What if construction started prior to September 18, 1987 and was completed after September 18, 1987?

**Primary frontal dune:** ~~A~~ continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

**Public Facility:** Any improvement and the associated land area which is owned and/or controlled by the Town Council of the Town of Colonial Beach. Use of the facility is implemented under the direct authority of the Town Council of Colonial Beach. The facility is used exclusively for public use and benefit. Examples of such facilities ~~may include~~, but are not limited to, the following: water/sewer pumps, water/sewer lines, meters, streets, sidewalks, drainage structures, administrative offices, police station/office, meeting rooms, parks and playgrounds and similar facilities.

**Public Road:** A publicly owned ~~road~~roadway or thoroughfare designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation (VDOT), including regulations promulgated pursuant to ~~(4) the Virginia Erosion and Sediment Control Law (§ 10.1-603.1 et seq. of the Code of Virginia)~~. This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and ~~roadseases~~ where secondary roads are constructed and maintained, or both, by the Town of Colonial Beach in accordance with ~~VDOT~~VDOT standards ~~VDOT~~.

Commented [VSG11]: Where is this used?

**Principal Structure:** The primary or predominant structure on any lot ~~—(s)See also Structure, Main).~~

**Projections into Setbacks:** Architectural features such as eaves, roof forms, dormers, bays, chimneys, trim and details of building façades, cantilevers, belt courses, balconies, mechanical equipment, leaders, sills, stairs, steps, stoops, church steeples/spires, cupola, weather-vanes, parapet walls, and handicapped ramps, ~~all of which are -shall be effectively utilized to maintain a scale consistent with neighboring structures. These features shall be~~ exempt from setback and height regulations in this Ordinance.

**Psychic Services:** Any establishment devoted to the practice of the psychic arts including, but not limited to, fortune tellers and astrologers.

**Public Service Training Facility:** A training or educational facility for organizations dedicated to public service, including, ~~This shall include~~, but ~~is~~ not limited to, fire departments, police departments, and emergency medical response teams.

**Public Utilities:** A business or municipal facility duly authorized to furnish to the public electricity, gas, telecommunications, internet, and transportation under Federal, State or municipal regulations ~~to the public~~.

**Public Water and Sewage Disposal:** The water and sewage disposal systems owned and operated by the Town of Colonial Beach.

**Recreational/Outdoor Equipment Rentals:** A facility used for the sale and rental of minor recreational and outdoor equipment such as, but not limited to, kayaks, canoes, mopeds, and golf carts.

**Recreational vehicle:** A vehicle which is  
1. ~~built on a single chassis;~~  
2. ~~is~~ is 400 square feet or less in size when measured at the largest horizontal projection; is  
3. ~~designed to be self-propelled or permanently towable by a light duty truck; and is~~ designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

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**Re-development:** The process of removing older buildings and facilities ~~by private developers~~ in order to construct new buildings and facilities

**Repetitive Loss Structure:** A building covered by a contract for flood insurance that has incurred flood-related damages on two or more occasions in a 10-year period, in which the cost of the repair, on the average, equalled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance ~~includes~~contains increased cost of compliance coverage.

**Required Open Space:** Any space ~~required that is to remain unimproved or undeveloped~~ in any front, side, or rear yard.

**Resource Management Area (RMA):** That component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have at the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. 9VAC25-830-90.

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**Resource Protection Area (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters. 9VAC25-830-80.

**Restaurant:** Any building where food, edibles, and/or beverages are prepared and/or served for consumption on or off the premises.

**Retail Establishment:** ~~A building~~ for the display and retail sale of merchandise ~~at retail, including, but not limited to, (but specifically exclusive of wood and lumber yards);~~ a drug store, newsstand, food store, candy shop, dry goods and/or notions store, antique store, ~~and~~ gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, book store and toy store; but expressly excluding a facility exclusively for the sale of lumber.

**Right of Way:** Access over or across particular described property for a specific purpose or purposes.

**Rooming House:** A building where, for compensation, pursuant to previous arrangements but not open to the public or transients, lodging is provided, with or without meals, for three (3) or more persons, and in which provision is not made for cooking in individual rooms or suites.

**Seafood Packing Facility:** Any ~~structure~~facility, the primary purpose of which ~~for~~ the receiving, packing, or shipping of seafood or shellfish.

**Self-Storage Warehouse:** A building consisting of individual, small, self-contained units that are leased or owned for the storage of ~~personal property, business and household goods, or contractor's supplies.~~

**Setback:** The minimum distance by which any building or structure must be separated from the

property line.

**Setback, Existing:** The distance by which a structure is actually located from the property line regardless of the required setback.

**Setback, Front:** The ~~distance by which a building or structure is separated, or is to be separated, from the property line front yard setback shall be~~ on the side of the main structure which contains the entrance to the building designed as the principal entrance ~~except that, C~~ corner lots shall have 2 front setbacks, ~~and 2 side setbacks as determined by the Zoning Administrator.~~

**Service Establishment:** Any establishment wherein the primary occupation is the repair, care of, maintenance, or customizing of personal properties, ~~including, but not limited to, This term shall include~~ appliance and electronic repair, car washes, furniture refinishing, sign shops, printing and engraving establishments, photographic processing, ~~blueprinting,~~ barber shops, beauty parlors, pet grooming establishments, nail salons, tanning salons, laundering ~~facilities, dry~~ cleaning and other garment servicing establishments, tailors, dressmaking shops, ~~and~~ shoe cleaning or repair shops; ~~but not including, This term shall not include~~ automobile or other motor vehicle service stations or similar establishments.

Commented [VSG12]: What is this?

**Severe Repetitive Loss Structure:** a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

**Shallow Flooding Area:** A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is often characterized by ponding or sheet flow.

**Shopping Center:** Any group of three (3) or more commercial uses, ~~but not including uses predominately for professional offices,~~ which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under common ownership or management or are subject to reciprocal parking and ingress and egress agreements or easements; (c) are connected by party walls, partitions, canopies, or other structural members to one continuous structure, or if located in separate buildings, are interconnected by common parking areas, travels lanes, walkways, or access ways designed to facilitate customer interchange between the use on-site; (d) share common points of vehicular access; (e) are in aggregate greater than ten thousand (10,000) square feet in area; and (f) otherwise present the appearance of one (1) continuous commercial area. ~~For the purposes of this Article a grouping of predominantly office uses which meet the characteristics specified herein shall not be deemed to be a shopping center.~~

~~**Short-term Rental.** The provision of a room or space not in a hotel, motel, or boarding/rooming house suitable or intended for occupancy for dwelling, sleeping, or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. (Va. Code § 15.2-983).~~

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**Sign:** Any writing, letter work or numeral, pictorial presentation, illustration or decoration,



emblem, device, symbol or trademark, banner, ~~or permanent sculpture,~~ or any other device, figure or similar character, the purpose of which is to announce, direct attention to, identify, advertise, or otherwise make known certain information or a facility, and is visible from a public right-of-way from adjoining the property on which it is located.

**Sign Awning:** A non-illuminated Sign that is attached to, affixed to, or painted on an awning which is affixed to a building.

**Sign, Banner:** A Sign with letters, illustrations, or symbols applied to cloth, canvass, or flexible plastic or fabric of any kind for the purposes of conveying commercial or non-commercial information.

**Sign, Billboard:** A ~~free-standing sign in excess of 32 square feet of sign area, that directs attention to a business commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.~~

**Sign, Blade:** A small pedestrian-oriented sign that projects perpendicularly from a sign structure or is hung beneath a canopy.

**Sign, Canopy:** see Sign Awning.

**Sign, Flag:** see S-sign Banner.

Sign, Freestanding: Any sign supported wholly or in part by some sign structure (i.e. pole) other than the building.

**Sign, Ground:** see Sign Freestanding.

**Sign, Gas Station Canopy:** A sign applied to or attached to the gas pump canopy(s) where letters, numbers, and logos communicate a commercial message. ~~Such commercial messages are not permitted if there is already an existing, or proposed to be constructed a freestanding sign. However, corporate colored lighting strips or corporate colors may be applied to the face of the canopy provided no other messages are applied.~~

~~Sign, Freestanding: Any sign supported wholly or in part by some sign structure (i.e. pole) other than the building.~~

**Sign, Marquee:** A sign designed to have changeable copy and which serves as the principal identification sign of the establishment located on the property on which the marquee is located.

**Sign, Monument:** A free-standing sign where the base of the sign structure is on the ground, ~~The sign base is~~ constructed from masonry, and complements the architecture of the principal building located on the same property.

~~Sign, Pole: see Sign, Freestanding.~~

**Sign Structure:** Includes the supports, uprights, bracing, and framework of any structure, including, but not limited to, be it single-faced, double-faced, or v-type structures, or otherwise, exhibiting a Sign.

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**Sign, Wall:** A sign mounted flat against a wall, but not window, of a building or structure and projecting less than 14 inches, ~~from,~~ or painted on the wall, but not window, of a building or structure, when with the exposed face of the sign is on in a plane parallel to the face of the wall ~~(this does not include window signs).~~

**Silvicultural Activities:** Any fForest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation, ~~that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to §10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia. Va. Code § 10.1-1181.1.~~

**Site Plan:** The proposal for a development or a subdivision including all covenants, grants, or easements and other conditions relating to use, location, and bulk of buildings, density of development, common open space, public facilities, and such other information as required by the zoning or subdivision ordinance to which the proposed development or subdivision is subject. Va. Code § 15.2-2201. ~~A site plan is a detailed engineering drawing of proposed improvements to a given lot. A site plan "usually shows a building footprint, travel ways, parking, drainage facilities, sanitary sewer lines, water lines, trails, lighting, and landscaping. The site plan is a graphic representation of the arrangement of buildings, parking, drives, landscaping and any other structure that is part of a development project that a builder or contractor uses to make improvements to a property. Municipalities can use the site plan to verify that development codes are being met. Site plans are prepared by a design consultant who must be an engineer, architect, landscape architect or land survey licensed by the Commonwealth of Virginia.~~

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**Small Contractor:** A business engaged in construction and repair of buildings; installation and servicing of heating, cooling, and electrical equipment; flooring; painting; plumbing; roofing and tiling; landscaping; and other such uses deemed by the Zoning Administrator to be similar in terms of type, scale, and impact; ~~but not including. This shall not include~~ business operations which involve on-site manufacturing of products or materials utilized in the conduct of such business.

**Special Flood Hazard Area:** The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 21.16 of this Ordinance

**Stacked Parking Spaces:** Vehicular or golf cart parking where vehicles and/or golf carts are parked immediately in front of, behind, or adjacent to other vehicles and/or golf carts without each vehicle being adjacent to a maneuvering aisle or drive. Spaces so arranged that prevent an individual vehicle from having free entry or exit access from that space to a drive aisle leading to a public street or public alley.

**Start of Construction:** For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. - 97-348), ~~means~~ the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary

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forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Story:** That portion of a building, other than the basement included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it is a story.

**Story, Half:** A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

**Street, Road:** A public thoroughfare which affords principal means of access to abutting property.

**Street Line:** The dividing line between a street or road right of way and the contiguous property.

**Structural Alteration:** Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof or expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area (RMA).

**Structure:** Anything constructed or erected, the use of which requires a permanent location on the ground, or attachment to something having a permanent location on the ground, including water-related improvements such as piers, docks, wharves, and boathouses. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**Structure, Main:** The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot. For the purposes of this ordinance, handicap ramps, lifts and other measures designed to provide accessibility for persons with a disability, as defined in the Americans with Disabilities Act of 1990, shall not be considered part of the main structure, ~~and shall be exempt from setback requirements when added to any existing structure.~~

**Structure, Outdoor Advertising:** Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including, ~~but not limited to, also~~ outdoor advertising statuary.

**Subdivision (minor):** See subdivision ordinance

**Subdivision (major) -** See subdivision ordinance

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred; ~~or, it also means~~ flood-related

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damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.

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**Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement, but not including any one or more of the following. ~~The term does not, however, include either:~~

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- any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- any alteration of a ~~H~~historic ~~S~~structure, provided that the alteration will not preclude the structure's continued designation as a ~~H~~historic ~~S~~structure.
- ~~Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.~~

**Tele-commuting:** Work conducted remotely ~~by means of a modem and phone line~~ at home in conjunction with employment elsewhere.

**Theater:** Any establishment designed for the enactment of dramatic performances, the presentation of musical concerts, or the showing of motion pictures, but not including drive-in theaters or dinner theaters. ~~For the purpose of this Article, a dinner theater shall be deemed an eating and drinking establishment. The term shall not include a drive in theater.~~

**Tourist Home:** A building where, for compensation, overnight accommodations, without meals or cooking facilities, are provided or offered for up to fourteen (14) transient guests, said transients not to be accommodated more than fifteen (15) consecutive days. A tourist home is ~~to be~~ distinguished from a hotel in that it has an outside appearance of a single family dwelling.

Commented [VSG13]: Is there a monthly limit?

**Town House:** ~~A~~See Single Family Attached Dwelling.

**Transitory Parking:** Parking which is intended to be occupied by any single vehicle for no longer than two hours.

**Travel Trailer:** A vehicular, portable structure built on a chassis, as a temporary dwelling for travel, recreation, and vacation having body width not exceeding eight (8) feet and being of any length provided its gross weight does not exceed 4,500-pounds, or being of any weight provided its body length does not exceed 29-feet.

**Use:** The purpose or activity for which land or buildings thereon is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this ordinance.

**Vacation Cottage Complex:** A group of three (3) or more detached buildings located and operating in conjunction with each other, intended primarily for rental or lease to transients by the day or week for any determined period of time and including Short Term Rentals of the same.

**Variance:** ~~A variance is a reasonable deviation from those provisions of this Ordinance regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the Ordinance would would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the Ordinance; but not including a change in the Use, which change shall be accomplished by a rezoning or by a conditional zoning. Va. Code § 15.2-2201, relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning division or district or adjoining zoning divisions or districts.~~

**Vehicle Major Service Stations:** Buildings and premises wherein major mechanical and body work is performed on motor vehicles, including, but not limited to, mechanical repairs and part replacement, welding, the straightening of body parts, body repair, painting, and similar work; ~~but not including is performed on motor vehicles. Vehicle major service establishments shall not be deemed to include~~ automobile graveyards or junkyard.

**Vehicular Sales, Service and Repair Establishments:** Any establishment, in which automobiles, trailers, travel trailers, or similar vehicles are displayed, sold, ~~or rented, or serviced, but not including automobile graveyards or.~~ Such establishment ~~may provide routine general service to such vehicles, but shall not include establishments where~~ body work is performed, ~~or automobile graveyards.~~

**Veterinary Hospital:** A structure or series of structures used for the treatment of diseases and injuries of animals by a veterinarian licensed by the Commonwealth of Virginia.

**Violation:** the failure of a structure or other development to be fully compliant with the community's floodplain management regulations or this Ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

**Walk-in Freezer:** A large commercial refrigerated space often found in, or associated with, supermarkets and restaurants.

**Warehousing Establishment:** A building used primarily for the holding or storage of goods and merchandise.

**Wayside Stand and/or Farmers Market:** Any structure or land used for the seasonal sale at retail of agricultural or horticultural products, located~~occurring~~ in a pre-designated area, where vendors are primarily~~generally~~ individuals who primarily produced a majority of the products on

their respective farms. Agricultural and horticultural products ~~may~~ also may be taken on consignment for retail sale by ~~at~~ the vendor.

**Wholesale Trade Establishment:** Any building wherein the primary occupation is for the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial, and industrial consumers, but not including a Warehousing Establishment. ~~For the purpose of this chapter, a warehouse shall not be deemed a wholesale trade establishment.~~

**Watercourse:** A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically, and including. ~~Watercourse includes~~ specifically designated areas in which substantial flood damage may occur.

**Water-Dependent Facility:** Means a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation, including, but not limited to, ~~(i)~~ ports; ~~(ii)~~ the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; ~~(iii)~~ marinas and other boat docking structures; ~~(iv)~~ beaches and other public water-oriented recreation areas; and ~~(v)~~ fisheries or other marine resources facilities.

**Wetland:** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. ~~Tidal and non-tidal wetlands.~~

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~~**Vacation Cottage Complex:** A group of three (3) or more detached buildings located and operating in conjunction with each other, intended primarily for rental or lease to transients by the day or week, as distinguished from single family dwellings in which rentals or leases are for longer periods and occupancy is generally by residents rather than for transients. Any or all units may be leased or rented for a period longer than one week.~~

**Yard:** An open space on a lot, other than a court, which is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

**Yard, — Front:** An open, unoccupied space on the same lot as a building between the front line of the building (excluding steps) and the front line of the lot or street line and extending across the full width of the lot.

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**Yard, — Rear:** An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot or street line and extending across the full width of the lot.

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**Yard, Side:** An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot or street line and extending from the front yard line to the rear yard line.

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**Yard Sign:** Temporary signs that are typically placed in the front yard of a residence. Examples of yard signs include, but are not limited to, Real Estate and Contractor signs.

**Zoning Administrator:** The zoning administrator of the Town of Colonial Beach, Virginia.

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**Zoning Permit:** A document issued by the Town of Colonial Beach authorizing the use of a piece of property for a stated purpose and/or the construction, alteration, reconstruction, repair, and/or demolition of a structure on a piece of property. ~~A building permit is part of the zoning permit and is issued in conjunction with a zoning permit for all uses and development of property. All permits shall include both zoning and building permit fees as applicable.~~

## ARTICLE 30 WORKFORCE HOUSING DWELLING UNITS OVERLAY

### 30-1 Purpose

The purpose and intent of this Article is to promote a full range of housing choices through the establishment of Workforce Housing affordable to citizens with annual incomes falling within a prescribed range for prospective purchasers and prospective renters. Toward that purpose and intent, this Article establishes incentives for the construction of Workforce Housing in the form of density bonuses and fee reductions.

### 30-2 Findings

The Town Council of the Town of Colonial Beach hereby finds that:

- A. For a significant segment of the local workforce, the cost of purchasing a home or renting at current rates is either not achievable, or if achievable, causes an undue financial burden.
- B. Housing which is affordable is a need, not only in the Town of Colonial Beach for our professionals such as educators and law enforcement, but also for our nearby community partners, including, but not limited to, the Dahlgren Naval Surface Warfare Center.
- C. The availability of affordable workforce housing promotes economic development.
- D. Workforce housing is not housing of inferior quality or design or housing that adversely affects the value of homes in the vicinity.

### 30-3 Applicability and Design

- A. The Workforce Housing Overlay District includes all properties located in the following zoning districts: \_\_\_\_\_.
- B. Participation in the Workforce Housing Overlay District is optional and provides the successful applicant access to the incentives set forth in this Article 30.
- C. Any requirements for participation in the Workforce Housing Overlay District are in addition to use or development requirements for the underlying zoning district.
- D. All development within the Workforce Housing Overlay District, including Workforce Housing units, shall conform to the Colonial Beach Design Guidelines.

### 30-4 Application

Applications for the Workforce Housing Overlay District shall contain the following information:

- A. A survey of the existing site, including structures, trees, contours, Floodways, Special Flood Hazard Areas, waters, Wetlands, and other natural features.



- B. A narrative statement of planning objectives for the proposed development and how the development meets the purpose of the Workforce Housing Overlay District.
- C. A construction schedule, including the schedule for Workforce Housing units.
- D. A detailed Workforce Housing Plan which includes at a minimum the following:
  - a. Architectural elevations for proposed structures.
  - b. A general landscape plan and tree preservation plan.
  - c. A detailed description of the differences in size, interior layout, and construction materials among the various dwelling units.
  - d. An affordability level statement.
  - e. The total area to be included in the Workforce Housing Overlay District.
  - f. The location of residential uses and total number and type of proposed dwelling units, including the location, number, type, and projected cost of each type of unit.
  - g. Types of nonresidential uses proposed, if any, including the area and gross floor area proposed for such nonresidential development.
  - h. Gross floor area of all structures.
  - i. Location of all buildings, streets, alleys, and pedestrian walkways.
  - j. Clearly depicted height, setbacks, floor area ratio, impervious surface area and ratio, accessory structures, signs, and fences.
  - k. Number and location of parking spaces, including off-site parking.
  - l. Proposed improvements to public facilities, if any.
  - m. Open spaces and recreation areas (indoor and outdoor), if any.
  - n. Development features intended to enhance environmental quality.

### **30-5 Approval**

- A. All Workforce Housing Plans must be approved by the Town of Colonial Beach Town Council within 90 days following the date of the meeting at which first presented to the Town Council.
- B. The Town of Colonial Beach Town Council may approve a Workforce Housing Plan with a density of up to twenty (20) percent greater than the density allowed in the underlying zoning district if all of the following conditions are met.
  - a. Not less than fifteen (15) percent of the total number of dwelling units are Workforce Housing units.
  - b. Workforce Housing units will be integrated into the development to the same extent as other dwelling units and shall not be clustered in discrete locations separate from other dwelling units.
  - c. The construction of Workforce Housing units shall occur at a rate proportional to the construction of other units.
  - d. Construction of the Workforce Housing is a conditional use in the applicable zoning district and compliance with the approved Workforce Housing Plan is a condition of the approved conditional use permit.
- C. Workforce Housing units included in an approved Workforce Housing Plan shall pay the following reduced fees:
  - a. Zoning Permit?
  - b. Water Connection?
  - c. Sewer Connection?

Questions

1. How to enforce?
2. Time period for units to remain workforce housing?
3. Should both rental and sales be included or just rental?

DRAFT