



Before the  
**Colonial Beach Town Council**  
Colonial Beach Community Center,  
Held at

**717 Marshall Avenue, Colonial Beach, VA 22443**

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Wednesday, September 20, 2023, at 6:00 PM

Town Council Regular Meeting

**AGENDA**

1. Call to Order
2. Moment of Silence & Pledge of Allegiance
3. Roll Call of Members
4. Additions to the Agenda
5. Approval of the Agenda
6. Approval of Consent Agenda
  - a. Minutes for February 1, 2023
  - b. Resolution #36-23, Amends and Appropriates FY 23-24 Budget, Sewer Fund
  - c. Resolution #37-23, Amends and Appropriates FY 23-24 Budget for repairs at Town Center
7. Council Member Announcements
8. Town Manager Update
  - a. Voluntary Existing Residential Toters
9. Referrals to the Planning Commission
10. Presentations
  - a. Proclamation, Hispanic Heritage Month
  - b. Westmoreland County Board of Supervisors, Mr. Trivett, District V Supervisor
  - c. Colonial Beach Public Schools, Dr. Mitchell, Superintendent
11. Public Comment
12. Old Business
  - a. **PUBLIC HEARING**

**Ordinance No. 748, Short Term Rental Ordinance**, Don Dooley, Director of Community Development & Zoning

- **Public Comment**
- **Council Action**

**b. PUBLIC HEARING**

**Ordinance No. 749, Town Code of Ordinances, Section 20-69, Exemptions of seniors and persons permanently/totally disabled**, Powell Duggan, Town Attorney

- **Public Comment**
- **Council Action**

**c. PUBLIC HEARING**

**Disposition of Town-Owned Property, a portion of Madison Street Extension adjacent to Westmoreland County parcel numbers 3A2 2 69 1 and 3A2 2 60 A**, J.C. LaRiviere, Grants Manager

- **Public Comment**
- **Council Action**

**d. Designated Outdoor Refreshment Area License Renewal**, J.C. LaRiviere, Grants Manager

**13. New Business**

- a. Short Term Rental Zoning Permit Fee**, Don Dooley, Director of Community Development

**14. Closed Meeting**

- a.** Pursuant to VA Code § 2.2-3711 (A)(3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

**15. Adjournment**

# Tab A

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**RESOLUTION # 36-23, Amends and Appropriates Fiscal Year 2023-2024 Budget, Sewer Fund**

**WHEREAS**, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2023-2024 Sewer Fund budget.

**WHEREAS**, the Wastewater Treatment Plant is in need of various critical repairs and upgrades, and;

**WHEREAS**, At the Town Council regular meeting on September 20, 2023, Town council approved the use of the WWTP Settlement funds to begin making these necessary repairs and upgrades.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council at its regular meeting held on Wednesday, September 20, 2023 hereby adopts and appropriates an amendment to the Fiscal Year 2023-2024 Sewer Fund budget as follows:

|            | FY 2023-2024<br>Amended | FY 2023-2024<br>Revised | Change        |
|------------|-------------------------|-------------------------|---------------|
| Sewer Fund | \$2,738,523.38          | \$3,257,817.78          | +\$519,294.40 |

Breakdown of revenue and expenditure allocations:

Sewer Fund

|   |              |
|---|--------------|
| DB 501-046000-8101 – Capital Improvements       | \$519,294.40 |
| CR 501-016080-1000 – Carry-over From Prior Year | \$519,294.40 |



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**RESOLUTION # 37-23, Amends and Appropriates Fiscal Year 2023-2024 Budget, General Fund**

**WHEREAS**, the Colonial Beach Town Council finds it necessary to make the following amendments to the Fiscal Year 2023-2024 budget.

**WHEREAS**, on September 6, 2023, Diane Beyer, Director of Public Works, presented estimates on the HVAC and roof repairs needed at Town Center, and;

**WHEREAS**, the Town Council has approved the use of funds from the Capital Improvement Fund to make the necessary repairs to Town Center, and;

**NOW THEREFORE BE IT RESOLVED**, that the Town Council at its regular meeting held on Wednesday, September 20, 2023 hereby adopts and appropriates an amendment to the Fiscal Year 2023-2024 budget as follows:

|                          | FY 2023-24 Amended | FY 2023-24 Revised | Change       |
|--------------------------|--------------------|--------------------|--------------|
| General Fund             | \$9,531,855.82     | \$9,599,780.82     | +\$67,925.00 |
| Capital Improvement Fund | \$0.00             | \$67,925.00        | +\$67,925.00 |

Breakdown of revenue and expenditure allocations:

General Fund

DB 100-043100-8212 – Capital Projects \$67,925.00  
CR 100-090000-0007 – Transfer from Capital Improvement Fund \$67,925.00

Capital Improvement Fund

DB 330-099999-0100 – Transfer to General Fund \$67,925.00  
CR 330-099999-1000 – Carry-Over From Prior Years \$67,925.00

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# Tab B



**TO:** Town Council  
**FROM:** Darla Odom, Zoning Administrator  
**COPY:** Natasha Tucker, Acting Town Manager; Don Dooley, Director of Community Development and Zoning  
**SUBJECT:** **PUBLIC HEARING: ZONING TEXT AMENDMENT 23-04 – SHORT-TERM RENTAL ORDINANCE**  
**DATE:** September 20, 2023

**SUMMARY:**

A public hearing has been duly advertised for the Council’s September 20, 2023 meeting for consideration of Zoning Text Amendment 23-04 which is an amendment to Article 18 (Miscellaneous) of the Zoning Ordinance to add Short-term rental (STR) permit requirements and use regulations. A clean version of the draft ordinance is provided as Attachment 1.

**BACKGROUND:**

At their April 5, 2023 meeting, Council directed the Commission to review staff’s draft short-term rental (STR) ordinance and seek input from an ad-hoc STR subcommittee for their consideration by June 2023. Staff informed the Planning Commission at their April 13, 2023 meeting. Following the April Planning Commission meeting, Chairman Mack appointed six (6) members to the STR Subcommittee to review staff’s draft ordinance. The STR Subcommittee included two members from the Planning Commission (Chair Mack and Commissioner Luna), two members from the Economic Development Committee (Lorrie Gore and Cathy Bokman) and two members at-large with STR experience (Jackie Steward and Eric Nelson).

The STR subcommittee met on April 27, May 9 and 25, and June 15, 2023. The STR subcommittee reached a consensus on their recommended changes to staff’s draft ordinance. Staff’s draft and the subcommittee’s suggested modifications were provided to the Planning Commission for their consideration. The Planning Commission conducted a public hearing on this text amendment at their meeting on July 13, 2023. Following public comments, the Commission deferred action on the matter to a special called meeting on July 18, 2023 where the Commission methodically reviewed recommendations of the STR subcommittee, staff and public comments received on July 13<sup>th</sup>.

**ISSUE:**

The Code of Virginia § 15.2-983 defines a short-term rental as “the provision of a room or space that is 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.” Last fall, the Town’s Zoning Ordinance was amended to define short-term rental use in Article 20 (Definitions) using this state code definition, but the ordinance does not currently include permitting requirements and use regulations.

There are approximately 130 known short-term rentals in the Town based on reports from web-based rental engines received by the Town this Spring. While the Code of Virginia does not provide any specific regulation for performance standards for short-term rentals, it does provide localities with tools that help in understanding the numbers of these units in the locality and reducing negative impacts of the use through adoption of zoning regulations. Staff provided a draft amendment to the Zoning Ordinance to the Council, Planning Commission and an ad-hoc STR subcommittee which was based on other ordinances adopted within Virginia. Based on this draft ordinance, STR operators within the locality must obtain a zoning permit each



Zoning Text Amendment 23-04 – Short-term Rentals

year for their STR units, providing property addresses, and meeting use standards such as for parking and maximum occupancy. Most of the STRs are located within single family residential neighborhoods. The proposed permitting and use regulations allows the Town to establish standards for STR operators to meet and creates the ability to enforce violations to those regulations, including suspension of an approved permit for continued violations.

**PLANNING COMMISSION RECOMMENDATION:**

At their called meeting on July 18, 2023, the Planning Commission voted 5-0 (Commissioners Kuhrtz and Thompson were absent) to recommend approval of Zoning Text Amendment 23-04 to Council. The Commission modified the draft ordinance after consideration of public input, the STR subcommittee's input and staff's recommended draft. The Commission's changes to the subcommittee's input and staff's draft ordinance are noted with blue font as underline and strike-thru notations in Attachment 2.

(Staff Note: There are three changes recommended by staff to the Commission's draft for clarity in the regulations that are identified in red font in Attachment 2. These two changes are relative to providing the operator's designee's contact information, signage, and zoning ordinance reference. These staff recommended changes have been incorporated in the clean ordinance draft provided as Attachment 1 as well.)

**ALTERNATIVES:**

A public hearing for this Zoning Text Amendment has been advertised for the Council's meeting on September 20, 2023. Following the public hearing, Council may act on the proposed amendment or defer action to a date certain should Council feel additional time is needed for their review of the draft ordinance prior to taking action.

**FISCAL IMPACT:**

Without requirements for permitting STRs, the Town is not receiving revenue for zoning permits and likely business license fees and taxes for STRs, especially those not using standard web-based engines for marketing/rentals, such as Airbnb and Vrbo.

**STAFF DISCUSSION AND RECOMMENDATION:**

The Planning Commission and staff greatly appreciate the input from the STR subcommittee and their dedication to participate in several meetings to provide their knowledge and input. Largely, the subcommittee's input aligned with staff's draft ordinance except in certain areas such as not charging an annual permit fee, requiring an occupancy record, emergency contacts, calculating occupancy, and other minor language changes needed for clarity and enforceability.

Staff supports the Commission's draft ordinance with the three changes noted relative to signs, zoning ordinance reference, and the Town needing the operator's designee's contact information. Staff will provide further explanations of these differences at Council's meeting and answer any questions.



**PROPOSED ORDINANCE AMENDMENT TO ARTICLE 18  
(MISCELLANEOUS) TO ADD SHORT-TERM RENTAL PERMITS AND  
USE REGULATIONS**

**ARTICLE 18**

**MISCELLANEOUS**

**18-6 Short-Term Rental Permitting and Regulations**

**A. The following definitions shall apply as used in this section:**

1. *Booking transaction* - Any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.
2. *Guest or transient* - A person who occupies a short-term rental unit.
3. *Operator*- The proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity (Virginia Code §15.2-983).
4. *Operator designee*- A person assigned by the host to be available 24/7 to answer emergencies associated with the short-term rental.
5. *Short-term rental (STR)* - The provision of a room or space not in a hotel, motel, or boarding/rooming house suitable for or intended for occupancy for dwelling, sleeping, or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge of occupancy (Virginia Code §15.2-983).
6. *Residential dwelling unit*- A residence where one or more persons maintain a household.
7. *Annual Short-term rental permit*- Requires both the zoning permit and business license applications to be completed, issued, and on file with the town of Colonial Beach for the year May 1st through April 30th. Additionally, all associated fees have been paid in full to the town of Colonial Beach.

**B. Short-Term Rental (STR) Permit and Other Requirements.**

1. Short-Term Rentals may be operated in an existing, legal, residential dwelling unit in any zoning classification that permits residential dwellings subject to the provisions of this ordinance.

2. No operator shall operate a short-term rental without having applied for and obtained a STR permit from the Zoning Administrator.
3. The STR Permit application form shall include the following information:
  - a. The name, telephone number, address, and email address of the operator and operator designee.
  - b. A requirement to provide a septic tank capacity permit from the Virginia Department of Health if the short-term rental is not connected to a public or centralized sewer system.
4. The STR permit shall be valid from May 1<sup>st</sup> to April 30<sup>th</sup> of each year and shall be renewed annually by May 1<sup>st</sup> of each year. An applicant must pay the permit fee annually, as established by Town Council.
5. A record shall be maintained for all rentals and be made available for review by the Town upon request. The refusal to maintain and make available the record upon request shall be considered a violation of the STR Permit. All rental records shall be maintained for one (1) year by the operator.
6. One (1) flush mounted wall sign with a maximum area of three (3) square feet and a maximum height of eight (8) shall be permitted.
7. If more than two (2) substantiated complaints are received within a rolling six (6) month period, the STR permit for that individual property may be suspended or cancelled by the zoning administrator.
8. Any short-term rental in violation of zoning regulations, including operation without a STR permit, is subject to all relevant penalties as set forth by this Ordinance.
9. Parking for the STR shall be permitted on-site in designated parking areas only. The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood. On-street parking should be discouraged. The operator will identify the location and number of parking spaces on their STR permit.
10. Safety.
  - a. The short-term rental shall meet all applicable Virginia Uniform Statewide Building Codes for a rental unit and/or bedroom. The Town may inspect any short-term rental with 24-hour notice to the operator for compliance with applicable building codes.

- b. Site address. The short-term rental will have an approved address number placed on the dwelling in a position that is plainly legible and visible from the street fronting the property. Structures obscured from street view or access roads in excess of one hundred (100) feet in length shall also post the designated address adjacent to the roadway.

11. Use regulations.

- a. No recreational vehicles, buses, tents, trailers, or alternative dwelling structures shall be used as a short-term rental.
- b. The operator shall not permit occupancy of a short-term rental for a period of less than overnight.
- c. The principal guest of a short-term rental unit shall be at least 21 years of age.
- d. The maximum number of persons in a short-term rental unit is limited to the lesser of (i) two persons per bedroom plus two additional people. For the purpose of this Section, children ages 3 and under shall not be counted as a separate individual for occupancy calculations, or (ii) the number of persons or bedrooms as indicated on the Virginia Department of Health septic permit. For the purposes of this Section, a bedroom shall be defined by what is permitted by the Virginia Uniform Statewide Building Code, which shall also be reflected on the real property assessment records.
- e. Creation of an event venue or gatherings which would be a special event shall comply with the permit requirements for Special Events, as outlined in the Town of Colonial Beach Code.

12. A STR Permit may be suspended or cancelled for the following reasons:

- a. Failure to comply with Town ordinances, including the collection and/or remission of the transient occupancy, state sales and personal property taxes and Town Business License and STR permitting fees.
- b. Two or more substantiated complaints (including, but not limited to, noise, parking, and excess trash) within a rolling twelve-month period.
- c. Refusal to cooperate with the Town in a complaint investigation; including allowing the Zoning Administrator or their designee to enter the dwelling unit upon a minimum 24-hours advance notice.

13. STR Permit suspension or cancellation. For the purposes of this section, suspension shall mean the cease of short-term rental operations for the period set forth. Unless otherwise determined by the Zoning Administrator, the 1<sup>st</sup>

violation shall be given a written warning. The second violation shall be for 90 consecutive days. A third violation in a rolling year shall result in a cancellation of the STR Permit for the balance of the current year and the following 24-months. Suspensions or cancellations shall begin 30 days after the date of the Notice of Suspension or Cancellation. During the suspension or cancellation, the Town will not be held responsible for the loss of income resulting from suspension.

14. Before any suspension or cancellation can be effective, the Zoning Administrator or their designee shall give written notice to the short-term rental operator. The notice of suspension or cancellation issued under the provisions of this Ordinance shall contain:
  - a. A description of the violation(s) constituting the basis of the suspension or cancellation;
  - b. If applicable, a statement of acts necessary to correct the violation; and,
  - c. A statement that if no written response by the host is received by the Zoning Administrator or their designee within 30 days from the date of the notice, the STR permit will be suspended or cancelled immediately.
15. The notice shall be given to the host operator by delivering a copy of the notice in person. If the host cannot be found, such notice shall be sent to the address of record by:
  - a. Certified mail or e-mail to the addresses on the zoning permit; and,
  - b. A copy of the notice shall be posted in a conspicuous place on the premises.
16. A copy of the notice will be provided to the Director of Finance to advise that any permit related to the short-term rental may be suspended or cancelled.
17. Any determination made by the Zoning Administrator may be appealed to the Board of Zoning Appeals in accordance with the provisions of this Ordinance.
18. Penalty.

It shall be unlawful to operate a short-term rental:

- a. Without obtaining a STR permit as required by this Article;
- b. After a STR permit has been suspended or cancelled; or,
- c. In violation of any other requirement of this Article.

19. Civil penalties shall be assessed in accordance with the Colonial Beach Municipal Code/Zoning Ordinance, as applicable.

-END-

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**PROPOSED ORDINANCE AMENDMENT TO ARTICLE 18  
(MISCELLANEOUS) TO ADD SHORT-TERM RENTAL PERMITS AND  
USE REGULATIONS**

**ARTICLE 18**

**MISCELLANEOUS**

**18-6 Short-Term Rental Permitting and Regulations**

**A. The following definitions shall apply as used in this section:**

1. *Booking transaction* - Any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.
2. *Guest or transient* - A person who occupies a short-term rental unit.
3. ~~*Host Operator*~~ - The proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity (Virginia Code §15.2-983).  
~~*(Staff/Committee)* - The owner/managing agent of a short-term rental unit, or lessee of the short-term rental unit with a lease agreement that is one year or greater in length.~~
4. *Host Operator designee* - A person assigned by the host to be available 24/7 to answer ~~(Staff and Committee) problems~~ emergencies associated with the short-term rental.
5. *Short-term rental (STR)* - The provision of a room or space not in a hotel, motel, or boarding/rooming house suitable for or intended for occupancy for dwelling, sleeping, or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge of occupancy (Virginia Code §15.2-983).
6. *Residential dwelling unit* - A residence where one or more persons maintain a household.
7. Annual Short-term rental registration permit - Requires both the zoning permit and business license applications to be completed, issued, and on file with the town of Colonial Beach for the calendar year ~~((Staff) January 1 through~~

~~December 31<sup>st</sup>~~ (Committee) May 1st through April 30th). Additionally, all associated fees have been paid in full to the town of Colonial Beach.

**B. Short-Term Rental (STR) Permit and Other Requirements.**

1. Short-Term Rentals may be operated in an existing, legal, residential dwelling unit in any zoning classification that permits residential dwellings subject to the provisions of this ordinance.

2. (Staff) No host operator shall operate a short-term rental without having applied for and obtained a STR permit from the Zoning Administrator.

~~(Committee) No host shall operate a short-term rental without having registered the STR with the Town's Commissioner of Revenue in conjunction with business registration and obtaining and maintaining an active/current business license.~~

~~3. (Staff) The Zoning Administrator or their designee will report all STR permits issued to hosts to the Commissioner of the Revenue Director of Finance for business registration and collection of the business license fee.~~

~~(Committee) The Director of Finance or their designee will report all STR registrations issued to hosts to the Zoning Administrator.~~

3.4. The STR (Staff) Permit ~~(Committee) Registration~~ application form shall include the following information:

a. The name, telephone number, address, and email address of the host operator ~~(Staff) and operator designee~~.

~~b. (Staff) A reminder about the importance of having appropriate levels of insurance that covers the short-term rental, the host, and the guests with signature by the host acknowledging they understand and have appropriate insurance. (Committee) recommended no signature by host required.~~

~~b.e. (Staff) A requirement to provide a septic tank capacity permit from the Virginia Department of Health if the short-term rental is not connected to a public or centralized sewer system. (Committee recommended deleting this item.)~~

~~d. (Committee) A reminder that all sales, use, personal property, lodging and real estate taxes must be paid as required by law.~~

4 5. The STR permit shall be valid from ~~(Staff) January 1 through December 31~~ May 1<sup>st</sup> to April 30<sup>th</sup> of each ~~calendar~~ year and shall be renewed annually by ~~January 1<sup>st</sup> May 1<sup>st</sup>~~ May 1<sup>st</sup> of each year. (Staff) An applicant must pay the permit fee annually, as established by Town Council.

~~(Committee) The STR registration and business license shall be valid May 1st (or from whatever date the registration first occurs) through April 30th of the current or following calendar year and shall be renewed and/or updated annually by May 1<sup>st</sup> of each year. The applicant will pay a one-time registration fee, as established by Town County with no proration of the registration fee if registration occurs for units for a partial year.~~

5. ~~6-~~(Staff) A logbook record shall be maintained for all rentals and be made available for review by the Town upon request. The refusal to maintain and make available the logbook record upon request shall be considered a violation of the STR Permit. All rental records shall be maintained for one (1) year by the operator. ~~(Committee recommended deleting this item.)~~

6.7. ~~(Staff) No signage advertising a short-term rental shall be allowed~~ One wall sign up to a maximum of three-square feet shall be permitted.

Staff Note: Staff continues to recommend no signs be permitted to identify the STR; however, should Council determine it appropriate to permit one (1) wall sign as recommended by the Planning Commission and noted above, staff would recommend that the language be modified for clarity to read: “One (1) flush mounted wall sign with a maximum area of three (3) square feet and a maximum height of eight (8) feet shall be permitted.”

~~(Committee) One (1) yard sign shall be permitted. The sign shall not exceed four square feet in area and a height of four feet. All signs shall be setback a minimum of three feet from the front property line.~~

7.8. If more than two (2) substantiated complaints are received within a rolling six (6) month period, the STR permit for that individual property may be suspended or cancelled by the zoning administrator.

8.9. Any short-term rental in violation of zoning regulations, including operation without a STR ~~(Staff) permit (Committee) registration~~, is subject to all relevant penalties as set forth by ~~the Town~~ this Ordinance.

9.10. ~~Parking for the STR shall be permitted on-site in designated parking areas only. The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood. On-street parking should be discouraged. (Staff and Committee) and shall not be permitted in unauthorized areas or in a manner that would be~~



~~detrimental to the surrounding properties or areas generally.~~ The host operator will identify the location and number of parking spaces on their STR permit.

~~10.41.~~Safety.

- a. The short-term rental shall meet all applicable Virginia Uniform Statewide Building Codes for a rental unit and/or bedroom. The Town may inspect any short-term rental with 24-hour notice to the operator anytime for compliance with applicable building codes. ~~(Staff) ; and conduct spot inspections regarding STR permit regulations.~~
- b. Site address. The short-term rental will have an approved address number placed on the dwelling in a position that is plainly legible and visible from the street fronting the property. Structures obscured from street view or access roads in excess of one hundred (100) feet in length shall also post the designated address adjacent to the roadway (S

~~11.42.~~Use regulations.

- a. No recreational vehicles, buses, tents, trailers, or alternative dwelling structures ~~(Staff and Committee) (tiny homes, containers, yurts, or other small structures)~~ shall be used ~~in conjunction with the short-term rental use to increase the occupancy of the short-term rental.~~ as a short-term rental.
- b. The host operator shall not permit occupancy of a short-term rental for a period of less than overnight.

~~c.(Staff) The name and telephone number of the host or the host's designee shall be conspicuously posted within the short-term rental. The host or the host designee shall answer calls 24 hours a day, seven days a week for the duration of each short-term rental to address any problems associated with the short-term rental unit.—(Committee recommended deleting this item.)~~

~~c.d.~~The principal guest of a short-term rental unit shall be at least 21 years of age.

~~d.e.(Staff)~~ The maximum number of persons in a short-term rental unit is limited to the lesser of (i) two persons per bedroom plus two additional people. For the purpose of this Section, children ages 3 and under shall not be counted as a “person” separate individual for occupancy calculations, or (ii) the number of persons or bedrooms as indicated on the Virginia Department of Health septic permit. For the purposes of this Section, a bedroom shall be defined by what is permitted by the Virginia Uniform Statewide Building Code (Sec. 36.422(k)(1)), which ~~shall~~ also be reflected on the real property assessment records. ~~Space used for eating,~~

~~cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered bedrooms. Space used or intended for general everyday use, and not sleeping, such as a living room, den, sitting room, attic, basement, or similar space shall not be considered a bedroom.~~

~~(Committee) The host shall be responsible for ensuring that the occupancy of the STR does not exceed occupancy limitations in compliance with all applicable building and fire codes.~~

e.f. Creation of an event venue or gatherings which would be a special event shall comply with the permit requirements for Special Events, as outlined in the Town of Colonial Beach Code.

~~12.13.~~ A STR Permit may be suspended or cancelled for the following reasons:

- a. Failure to comply with Town ordinances, including the collection and/or remission of the transient occupancy, state sales and personal property taxes and Town Business License and STR permitting fees.
- b. Two or more substantiated complaints (including, but not limited to, noise, parking, and excess trash) within a rolling twelve-month period.
- c. Refusal to cooperate with the Town in a complaint investigation; including allowing the Zoning Administrator or their designee to enter the dwelling unit upon ~~(Staff and Committee)~~ reasonable a minimum 24-hours advance notice.

~~13.14.~~ STR Permit suspension or cancellation. For the purposes of this section, suspension shall mean the cease of short-term rental operations for the period set forth. Unless otherwise determined by the zoning administrator, the 1<sup>st</sup> violation shall be given a written warning. The second violation shall be for 90 consecutive days. A third violation in a rolling year shall result in a cancellation of the STR Permit for the balance of the current year and the following ~~(Staff and Committee)~~ two (2) calendar years 24-months. Suspensions or cancellations shall begin 30 days after the date of the Notice of Suspension or Cancellation. During the suspension or cancellation, the Town will not be held responsible for the loss of income resulting from suspension.

~~14.15.~~ Before any suspension or cancellation can be effective, the Zoning Administrator or their designee shall give written notice to the short-term rental host operator. The notice of suspension or cancellation issued under the provisions of this Ordinance shall contain:

- a. A description of the violation(s) constituting the basis of the suspension or cancellation;

- b. If applicable, a statement of acts necessary to correct the violation; and,
  - c. A statement that if no written response by the host is received by the Zoning Administrator or their designee within 30 days from the date of the notice, the STR permit will be suspended or cancelled immediately.
15. The notice shall be given to the host operator by delivering a copy of the notice in person. If the host cannot be found, such notice shall be sent to the address of record by:
- a. Certified mail or e-mail to the addresses on the zoning permit ~~(Staff) application (Committee) STR registration~~; and,
  - b. A copy of the notice shall be posted in a conspicuous place on the premises.
16. A copy of the notice will be provided to the Director of Finance to advise that any permit related to the short-term rental may be suspended or cancelled.
17. Any determination made by the Zoning Administrator may be appealed to the Board of Zoning Appeals in accordance with the provisions of this Ordinance.
18. Penalty.
- It shall be unlawful to operate a short-term rental:
- a. Without obtaining a ~~(Staff) STR permit (Committee) registering the STR~~ as required by this Article;
  - b. After a STR ~~(Staff) permit (Committee) registration~~ has been suspended or cancelled; or,
  - c. In violation of any other requirement of this Article.
19. Civil penalties shall be assessed in accordance with the Colonial Beach Municipal Code/Zoning Ordinance, as applicable.

-END-

# Tab C



**To:** Mayor and members of Council  
**From:** Powell Duggan  
**Subject:** Changes to Ordinance Numbers 540 and 651, Town Code Section 20-69, to establish a basis for eligibility tied to HUD Very Low-Income Limits  
**Date:** September 20, 2023

**BACKGROUND:**

At the Council meeting on August 16, 2023, the Council approved changes to Town Ordinance Section 21-88.1 (discount exemption from water and sewer charges for senior and disabled citizens). The changes tied the income criteria to the HUD Very Low-Income Limits.

The question was raised as to whether the HUD Very Low-Income Limits should also apply to the exemption for real estate taxes as set out in Town Code Section 20-69. Historically, the Town has used the same application for both.

**LEGAL ISSUE:**

Does the Council have the authority to make this change?

**ANSWER:**

Yes. Virginia Code Section 58.1-3210 provides that the governing body may by ordinance, provide for the exemption from, deferral of, or a combination program of exemptions from and deferrals of taxation of real estate and manufactured homes, or any portion thereof, and upon such conditions and in such amount as the ordinance may prescribe. Virginia Code Section 58.1-3212 provides that the governing body may establish by ordinance net financial worth or annual income limitations as a condition of eligibility for any exemption or deferral of tax.

**ALTERNATIVES:**

- 1) No change.
- 2) Adopt proposed ordinance as drafted with HUD criteria and increase the award amounts.
- 3) Make other changes to the proposed ordinance.

**FISCAL IMPACT:**

According to the Town's intern, Brennan Dillard, based upon the current maximum award of \$600 remaining unchanged, the fiscal impact would be an increase from \$20,400 to \$24,000.

**RECOMMENDATION:**

This is a matter of policy and legislation for Council, but my understanding from staff is having the same income criteria apply to water/sewer and real estate would be helpful.

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**ORDINANCE NO 749 AMENDS CHAPTER 20, "TAXATION", ARTICLE V, "TAX DEFERRAL FOR THE ELDERLY", BY MODIFYING SECTION 20-69, "EXEMPTION FOR PERSONS SIXTY-FIVE YEARS OF AGE AND PERSONS PERMANENTLY AND TOTALLY DISABLED." ORDINANCE NO 749 CHANGES THE GROSS APPLICANT INCOME FROM \$22,500.00 FOR SINGLE APPLICANTS AND \$32,000.00 FOR MARRIED APPLICANTS TO THE THEN CURRENT VERY LOW-INCOME LIMITS FOR WESTMORELAND COUNTY AS DETERMINED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. ORDINANCE NO 749 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VA. CODE SECTIONS 58.1-3210 AND 58.1-3212.**

BE IT ORDAINED that the Colonial Beach Town Code, Chapter 20, "Taxation", Article V, "Tax Relief for the Elderly and Disabled", shall be amended and restated as follows:

**Sec. 20-69. Exemption for persons sixty-five years of age and persons permanently and totally disabled.**

*Definitions.* The following words and phrases when used in this section shall, for the purpose of this section, have the following respective meanings, except where the context clearly indicates a different meaning:

*Affidavit* means the real estate tax exemption affidavit.

*Dwelling* means the fulltime residence of the person or persons claiming exemption.

*Exemption* means exemption from the real estate tax of the county according to the provisions of this section.

*Income* means income from whatever source derived, including but not limited to social security payments, inheritance, gifts, gains from the sale or exchange of assets, proceeds of insurance, welfare receipts and benefits under the Virginia Supplemental Retirement System.

*Net combined financial worth* means the fair market value of all assets, tangible or intangible, legal or equitable, of the owner or owners, and the spouse of any owner, less the liabilities of such person or persons, but excluding the value of the dwelling and the land, as provided in subsection (c)(2) of this section. Such terms includes, but is not limited to, the cash surrender value of any life insurance policy owned by such person or persons.

*Permanently and totally disabled* means unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life, and any person who applies under the terms of this definition who is under sixty-five (65) years of age must meet the requirements of the Code of Virginia, § 58.1-3506.5(D).

*Property* means real property, and shall include manufactured homes.

Real estate, or any portion thereof, owned by, and occupied as the sole dwelling of anyone at least sixty-five (65) years of age, or anyone found to be permanently and totally disabled as defined in section 20-68 shall be exempt from real estate taxes in the amount not to exceed six hundred dollars (\$600.00) annually and shall be exempted in two (2) equal amounts, the first half to be applied toward the December billing and the second half to

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be applied toward the June billing. A dwelling jointly held by a husband and wife may qualify if either spouse is sixty-five (65) or over, or is permanently and totally disabled and meets the qualifications of this section.

- (a) *Eligibility requirements.* In order to obtain an award the applicant must meet the following qualifications:
- (1) The applicant(s) must be at least sixty-five (65) years old or become disabled as defined herein.
  - (2) The annual gross income of the applicant must be less than or equal to the then current Very Low-Income Limits for Westmoreland County as determined by the U. S. Department of Housing and Urban Development..
  - (3) The combined value of the applicant's assets, including but not limited to real estate, cars, stocks, and bonds must not exceed one hundred thousand dollars (\$100,000.00) excluding the value of the dwelling and land, not exceeding one (1) acre upon which it is situated of the primary residence.
  - (4) The applicant must be a full-time resident of the Town of Colonial Beach.
  - (5) The applicant must regularly reside in the house for which the relief is being sought.
  - (6) Applicants applying for disabled status must supply a sworn affidavit by two (2) medical doctors licensed to practice medicine in the Commonwealth of Virginia to the effect that this person is permanently and totally disabled. The affidavit of at least one (1) of such doctors shall be based upon a physical examination of that person by such doctor.
  - (7) The fact that persons who are otherwise qualified for tax relief by ordinance promulgated pursuant to this section are residing in hospitals, nursing homes, convalescent homes or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax relief is sought does not continue to be the sole dwelling of such persons during the time such real estate is not used by, or leased to, others for consideration.
- (b) *Application process.*
- (1) Applications shall be made annually on forms supplied by the Town of Colonial Beach by a town officer designated by the governing body. Applicants may provide a copy of their most recent federal tax return as income verification. The applicant must promptly provide to the town any and all additional information throughout the year that indicates an increase in income.
  - (2) All applications shall be filed with the town by May 1 for the June tax bill, and by October 1 for the December tax bill for each year in which an exemption is sought.
  - (3) The designated town officer may require the applicants to provide for review any documentation reasonably necessary to verify the applicant's eligibility for the award. Such documentation may include, but is not limited to driver's license, birth certificate, or state tax returns. Any documents so reviewed shall not be retained by the town.
  - (4) Changes with respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the application is filed and having the effect of exceeding or violating the limitations and conditions provided herein shall nullify any exemption for the then-current taxable year and the taxable year immediately following provided that a change in ownership to a spouse who is less than sixty-five (65) years of age or is not permanently and totally disabled when such change resulted solely from the death of his or her qualified spouse, shall result in a prorated relief for the then current taxable year. In the event that such changes occur, the applicant shall have an affirmative duty to promptly provide this information to the town.

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(c) *Award process.*

- (1) After the close of the application period, the designated officer shall review the applications to determine which applicants met the eligibility requirements set forth above. The designated officer shall then make an award to all eligible applicants.
- (2) The award granted to each applicant shall be in the form of a credit which shall be applied to the applicant's real estate tax bill.
- (3) The amount of the award shall be no more than six hundred dollars (\$600.00) per tax year.
- (4) Any person or persons claiming such exemption shall file annually with the designated officer on forms supplied by the Town of Colonial Beach.
- (5) It is prohibited for any person to make a false or fraudulent application for tax relief under this section.
- (6) Any applicant making a false statement to obtain tax relief under this section shall be prosecuted to the fullest extent of the law.

(Ord. No. 540; Ord. No. 651)

**Secs. 20-70—20-74. Reserved.**



# Tab D



**TO:** The Honorable Mayor and Town Council  
**FROM:** J.C. LaRiviere, Grants Manager  
**COPY:** Natasha Tucker, Acting Town Manager; Powell Duggan, Town Attorney  
**SUBJECT:** Offer to Purchase Town-owned Property- Madison Street Extension  
**DATE:** September 20<sup>th</sup>, 2023

**SUMMARY:**

The purpose of this memorandum is to bring forth an offer to purchase Town-owned real property for the Council's consideration. Staff recommends that Council accept the offer after completion of the public hearing required by Virginia Code § 15.2-1800(b). This sale would benefit the Town through alleviating maintenance obligations, the sale price, and enabling the parcel to be taxed. The subject property is the end of Madison Street that abuts Monroe Bay.

**BACKGROUND:**

On March 7<sup>th</sup>, 2023, the Town received an offer from Mr. Charles Woodruff to purchase a portion of the Madison Street extension that touches Monroe Bay. The subject parcel is a gravel road extension that provides access to and parking for two business operations, including a brewery and a marina. The parcel also provides public water access and contains a small concrete ramp that appears to be a kayak/canoe launch. The proposed purchase price is the full appraised value of \$11,575 and the offeror has agreed to the Town's retention of easements needed as determined by Public Works in the staff investigation.

**ISSUE:**

The issue before Council is whether to accept or reject the offer.

**ALTERNATIVES:**

Council could determine to keep the parcel. This is less advantageous as the Town would continue expending maintenance funds on this property, the property would not generate tax revenue, and the Town would not receive the sale price. This sale would also contribute to the growth of multiple business operations on adjacent parcels, all owned and operated by the offeror.

**FISCAL IMPACT:**

Fiscal impact for the Town would include: the sale price, future tax revenue, and reduced maintenance costs in purchasing and laying gravel.

**RECOMMENDATION:**

Staff recommends that Town Council accept the offer and authorize the Mayor to execute the necessary documents.

# Tab E



Town of Colonial Beach

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**TO:** The Honorable Mayor and Town Council  
**FROM:** J.C. LaRiviere, Grant Writer/Coordinator  
**COPY:** Natasha Tucker, Acting Town Manager; Sally Adams, Director of Parks, Recreation, & Events  
**SUBJECT:** Designated Outdoor Refreshment Area ABC License Renewal  
**DATE:** September 20<sup>th</sup>, 2023

**SUMMARY:**

The purpose of this memo and accompanying presentation is to notify Council of the expiry of the Town's Designated Outdoor Refreshment Area (DORA) license and request Council authorization for renewal.

**BACKGROUND:**

Last year, the Council authorized the municipal government to obtain a DORA license as a pilot program. Due to the DORA zone being located in the downtown core with the goal of increasing business activity in the zone, the Town partnered with Downtown Colonial Beach (DCB) to execute the events in accordance with their mission. The SipN'Stroll events were executed successfully and safely thanks to the great work of Downtown Colonial Beach and their dedicated volunteers in collaboration with the Colonial Beach Police Department and the Public Works Department.

**ISSUE:**

The issue before Council is whether to renew the DORA license for another year.

**ALTERNATIVES:**

Council could decide not to renew the license. This is less advantageous than renewal due to the positive impact on local businesses.

**FISCAL IMPACT:**

The cost of the license is \$300. The accompanying presentation will highlight the positive impact of DORA in the downtown core.

**RECOMMENDATION:**

Staff recommends that Council vote to authorize the municipal government to renew the ABC DORA license.

# Tab F



**TO:** Town Council  
**FROM:** Don Dooley, Director of Community Development and Zoning  
**COPY:** Natasha Tucker, Acting Town Manager; Darla Odom, Zoning Administrator  
**SUBJECT:** **SHORT-TERM RENTAL ZONING PERMIT – FEE ADOPTION**  
**DATE:** September 20, 2023

**SUMMARY:**

A duly noticed public hearing was advertised in the Free Lance Star for the Town Council’s September 20, 2023, meeting to consider Zoning Text Amendment 23-04. The Amendment would revise Article 18 (Miscellaneous) of the Colonial Beach Zoning Ordinance to add regulations for establishing Short-Term Rentals (STR) in Town. If approved, as recommended by the Planning Commission and Staff, every STR would need to obtain an annual zoning permit to continue operation. An administrative fee is needed for processing STR Zoning Permits to assist in covering the cost of reviewing each permit application. Staff is recommending the annual permit fee be established at \$50. Staff also recommends the Council authorize a public hearing notice for the Town Council Meeting of October 18, 2023, to consider amending the Colonial Beach Fee Schedule to include an STR Zoning Permit Fee.

**BACKGROUND:**

The Town Council must approve any fee levied on STR Zoning Permits. The Code of Virginia allows a locality to charge fees for zoning permit approvals designed to assist in covering the administrative cost(s) of the locality’s review of permits.

At their regularly scheduled meeting on July 18, 2023, the Planning Commission voted 5-0 (Commissioners Kuhrtz and Thompson were absent) to recommend approval of Zoning Text Amendment 23-04 to the Town Council. Both the Planning Commission and the STR Subcommittee also discussed an administrative fee of \$50 to process each STR Zoning Permit. The proposed fee is based on staff’s knowledge of other localities setting their annual STR Zoning Permit Fee at \$50. The Commission did not specifically make a recommendation for establishing a fee since it is within the purview of the Town Council.

**ISSUE:**

There are approximately 130 (known) short-term rentals in the Town based on reports from web-based rental engines received by the Town in the Spring 2023. The proposed STR Ordinance would require every STR to obtain an annual zoning permit to operate by May 1st of each year. The permit fee should be set at a dollar amount equal to the administrative cost(s) to review and issue a STR Zoning Permit.

**ALTERNATIVES:**

The Town Council could consider:

- 1) Deferring this item for additional input or study based on Council feedback;
- 2) Do not establish an STR Zoning Permit Fee; or
- 3) Increase or decrease the proposed STR Zoning Permit Fee of \$50.



**FISCAL IMPACT:**

Failure to establish an STR Zoning Permit Fee will result in the yearly loss of approximately \$6,500 (130 STR rentals in Town x \$50 = \$6,500) in Town revenue. Therefore, the Town's administrative processing costs will not be recouped, resulting in an indirect cost to the Town of \$6,500 in labor for processing STR Zoning Permits.

The cost to advertise for a public hearing to consider establishing an STR Zoning Permit Fee is estimated to be \$500 to \$700.

**STAFF DISCUSSION AND RECOMMENDATION:**

Staff recommends the Council direct staff to advertise a Town Council public hearing for October 18, 2023, to consider establishing a \$50 STR Zoning Permit Fee.