

**ARTICLE 3
DISTRICTS AND ZONING MAP DESCRIPTION**

3-1 Districts

The zoning districts established in this section and the regulations for the districts represent an effort to balance private property rights with the health, safety and general welfare of all town citizens. The establishment of the zoning districts and regulations is also designed to implement the Town of Colonial Beach Comprehensive Plan and the land use designations contained in the plan. Furthermore, For the purpose of this ordinance, the area within the incorporated Town of Colonial Beach, Westmoreland County, Virginia, is hereby divided into fifteen classes of districts, which are established as follows:

A. Preservation Districts

Agricultural, A-1 District
Flood Plain District Overlay, (FPOD) District
Chesapeake Bay Preservation Overlay (CBPOD) District

B. Residential Districts

Residential Limited, R-1 District
Residential General, R-2 District
Residential General, R-2A District
Residential, R-3 District
Residential High Density, R-4 District

C. Commercial Districts

Commercial Residential, CR District
Commercial General, C-1 District
Heavy Commercial, C-2 District
Maritime Commercial, M-C District
Resort Commercial, RC District

D. Industrial District

Light Industrial, I-1 District

E. Planned Development District

Planned Unit Development (PUD)

3-2 Zoning Map Description

- A. The location and boundaries of Districts established in the Town of Colonial Beach shall be shown on a map entitled "Zoning Map, Town of Colonial Beach, and Westmoreland County, Virginia." The same map may be amended subsequent to the adoption thereof. The Official Zoning Map, together with all notations, dimensions, designations, references, and other data shown thereon, are made a part of these regulations to the same extent as if the information set forth on said

maps were fully described and incorporated herein. A certified copy of the Official Zoning Map with all map amendments indicated thereon shall be on file in the Department of Planning and Community Development and the office of the Town Clerk.

- B. The Official Zoning Map shall be identified by the signature of the Mayor of the Town of Colonial Beach, as attested by the Clerk of the Town Council, together with the date of adoption of this ordinance.

3-3 Boundaries of District

Where uncertainty exists as to the boundaries of the Districts established in Article 3-1 as shown on the Zoning Map, the following rules shall apply:

- 3-3.a In the case where a boundary line is located within a street or alley, or a navigable or non-navigable stream, it shall be deemed to be in the center of the street or alley right of way or the stream.
- 3-3.b In the case where a boundary line approximately follows a lot line or the Town limit line, and is not more than ten (10) feet in distance there from, such lot lines or Town limit line shall be the boundaries.
- 3-3.c In the case of un-subdivided property or where a boundary line divides a lot, the location of any such boundary shall be controlled by dimension stated on said map.

3-4 Zoning of Town Right of Ways

- 3-4. a All right of ways owned by the Town shall have the same zoning designation as the contiguous and adjoining parcels of land. In the event that the contiguous and adjoining parcels have different zoning designations on either side of the right of way, the right of way shall have the same zoning as the contiguous and adjacent parcel to the centerline of the right of way.
- 3-4. b In the event that the Town Council shall properly advertise and formally vote to vacate and/or abandon any Town right of way, the parcel of land formerly consisting of the right of way shall be zoned in accordance with this section until rezoned to another zoning designation. This ordinance shall be retroactive to January 01, 2009.

3-5 Description/Intent of Zoning Districts

A. A-1, Agricultural:

This district is composed of land used primarily for farming and other land intensive activities and is established to protect existing and future agricultural pursuits, while providing for low density residential development in a rural setting.

B. FHOD, Flood Plain Overlay District:

This district is intended to prevent the loss of life and property, health and safety hazards, the disruption of commerce and government services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base caused by flooding, by:

1. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will unacceptable increases in flood heights, velocities and frequencies;
2. Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding;
3. Requiring all those uses, activities and development that do occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage;
4. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

C. CBPOD, Chesapeake Bay Preservation Overlay District:

This ordinance is enacted to implement the requirements of Section 10.1 2100 et seq. of the Code of Virginia (The Chesapeake Bay Preservation Act (CBPA)). The intent of the Colonial Beach CBPOD purpose is to:

1. Protect existing high quality state waters;
2. Restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;
3. Safeguard the clean waters of the Commonwealth from pollution;
4. Prevent any increase in pollution;
5. Reduce existing pollution;
6. Promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Colonial Beach.

This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. Unless otherwise stated in the Overlay District, the review and approval procedures provided for in the Colonial Beach Zoning Ordinance, and the Erosion and Sediment Control Ordinance shall be followed in reviewing and approving development, redevelopment, and uses governed by this Ordinance.

D. Residential Limited, R-1 District:

The general intent of this district is to promote single-family dwelling units and open areas. The district is established to protect and enhance the essential characteristics of residential communities and to promote a suitable environment for family life. The housing pattern is a typical suburban style with a density of 2 to 4 units per acre. Single-family residential properties of various types and sizes are contributing to a collaborative and harmonious community.

E. Residential General, R-2 District:

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

F. Residential General, R-2A District:

This district is designed for certain medium to high concentrations of residential uses with a variety of housing types of a non-transient nature, and composed of certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. Certain non-residential uses which are necessary to provide for the recreational, educational and public service needs of a residential community are allowed with a conditional use permit. The residential density shall be 6 to 10 dwelling units per acre with a FAR of 0.7 for non-residential development.

G. Residential General, R-3 District:

This district is composed of certain high concentrations of single family residential uses, plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life, and to permit certain commercial uses which will not cause a general concentration of traffic or crowds of customers. Retail activity is sharply limited. Institutions and commercial structures conforming to the pattern of the district are permitted. However, it is basically residential in character, and should not be spotted with commercial uses. The residential density shall be 10 to 12 dwelling units per acre with a FAR of 0.8 for non-residential development.

H. Residential High Density, R-4 District:

This district is designed to accommodate and foster high density forms of residential development. Non-residential uses which exist primarily to serve the needs of the district are permitted subject to the restrictions and safeguards of the conditional use process. Due to the primarily residential nature of this district, general commercial uses of a greater impact are discouraged. Provisions are made within this district for the mixed development of uses of both residential and non-residential nature within a single development site. The residential density shall be 12 to 14 dwelling units per acre with a FAR of 0.9 for non-residential development.

I. Residential Manufactured Home Park, MHP:

The purpose of this district is to provide for the use of manufactured homes as a source of housing for the residents of the Town. This district shall be located in areas where there are adequate utility and transportation services. The district regulations are designed to provide a suitable environment for family life, adequate community facilities, accessibility to commercial and employment centers. The maximum density for this district shall be five (5) to eight (8) dwelling units per acre with a FAR of 0.5.

J. Commercial Residential, CR District:

The purpose of this district is to provide for a transitional mixture of uses. Although commercial uses are emphasized, mixed commercial and residential uses may be continued, developed, and

redeveloped. Residential and commercial ventures may be allowed in the same structure. The FAR in this district is 0.75.

K. Commercial General, C-1 District:

The purpose of this district is to provide sufficient space and appropriate locations for commercial activities generally serving the complete town and located along existing major thoroughfares. The building foot print(s) of a C-1 district shall not exceed 12,000 gross square feet of commercial area with a maximum FAR of 0.75.

L. Heavy Commercial, C-2 District:

The purpose of the Heavy Commercial (C-2) district is to implement the highway commercial land use designation of the Comprehensive Plan. It is designed for primarily commercial uses that are automobile oriented. It is also the intent of this district to promote employment opportunities and enhance the tax base. The building footprint(s) of the C-2 district area of usage shall exceed 100,000 gross square feet. Medium to large shopping centers, commercial centers and business parks are envisioned uses within this district. This district shall be permitted where public utilities are adequate and on roads designated as major collectors or higher in the Comprehensive Plan. The FAR should not exceed 0.8 with a minimum of 25% open, permeable land coverage.

M. Maritime Commercial, M-C District:

The Maritime Commercial (MC) District encompasses the areas located south of Boundary Street to the southern town limits. The purpose of this district is to provide sufficient space in appropriate locations for a variety of commercial activities related to water oriented uses.

N. Resort Commercial, RC District:

That portion of Colonial Beach referred to as the downtown beach front provides a resort area for tourists. Land use in this district shall orient itself to the development of an attractive, viable resort area. This district should be permitted where public utilities and transportation systems are adequate. Land uses which go against this concept or adversely affect the operation thereof shall be excluded from the district. The FAR is 0.75.

O. Light Industrial, I-1 District:

The purpose of the I-1 District is to establish areas of the Town as may be designated by the Comprehensive Plan to provide for certain types of business and industrial uses characterized by light manufacturing, fabrication, warehousing and wholesale distribution, which are relatively free from offensive activities and which, with proper performance standards, will not detract from residential desirability of adjacent properties. It is intended that the I-1 District encourage the development of parks for the location of these uses. This district should only be established where adequate public utilities and transportation systems are available.

P. Planned Unit Development District:

The planned unit development district (PUD) is established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential and other selected secondary uses. This district is intended

to be applied to lands that have diverse development potential but also may be subject to environmental constraints. PUDs are intended to provide flexibility in the development of large tracts of land through the waiver of certain lot, setback, and use restrictions. PUDs should provide for increased amenities, safety and conveniences, reduced public and private costs, and other public and private benefits. The PUD development plan shall not supplement or replace the requirements of the subdivision ordinance.

In the case of planned unit developments, the Planning Commission may recommend and the Town Council may authorize specific uses not permitted in the ordinance, provided that together such uses do not occupy more than thirty (30) percent of the gross acreage of the total project and that the Town Council considers the following in making their determination:

- i. The uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development;
- ii. The uses permitted by such exception are not of such a nature or located so as to exercise a detrimental influence on the surrounding neighborhood.

3-6 Relationship to the Comprehensive Plan

The zoning districts described herein shall be literally construed so as to implement the 2009-2029 Comprehensive Plan (as amended) as proscribed in Section 15.2-2232 of the Code of Virginia, 1950, as amended.”