

**ARTICLE 2  
ADMINISTRATION & ENFORCEMENT**

**Statement of Intent**

The purpose of this Article is to identify the government bodies, departments and individuals involved in the administration and enforcement of this Ordinance, their responsibilities, as well as the administrative procedures and requirements. The requirements contained herein are declared to be the minimum requirements for the promotion of the health, safety, and the general welfare of the inhabitants of the Town of Colonial Beach, and shall be liberally construed to achieve the purposes for which this Ordinance is adopted. The procedures and requirements outlined in this section are applicable to all portions of the Ordinance.

**2-1 Department of Planning & Community Development**

- A. The Department of Planning & Community Development shall perform the planning functions for the Town and shall provide technical support and guidance for action on all plan and ordinance amendments and on applications for development approval and shall perform such other functions as may be requested by the Town Manager or authorized by this Ordinance. The Director of the Department of Planning & Community Development (the "Director") is hereby established and shall be responsible for administering the permitting functions of this Ordinance. Additionally the Director is responsible for administering and enforcing the Ordinance
  
- B. Administration and Enforcement Generally
  - 1. This Ordinance shall be administered and enforced by the Director or designee who is hired and appointed by and serves under the direction of the Town Manager.
  - 2. The Director shall have the powers and duties granted by the Code of Virginia, as well enforcement of this Ordinance:
    - (a) Overall responsibility for administering and enforcing this Ordinance.
    - (b) Receiving, processing and maintaining files and records for the following applications required by this ordinance and other ordinances:
      - i. Applications for Zoning Ordinance Text and Zoning Map amendments.
      - ii. Applications for Comprehensive Plan Amendments.
  - 3. Providing technical assistance as may be required by the Town Council, Board of Zoning Appeals and Planning Commission or other commissions or committees as created by the Town Council.
  - 4. The Director when acting as the Zoning Administrator shall have the powers and duties granted by the Code of Virginia, as well as the following specific duties and responsibilities in the administration and enforcement of this Ordinance:
    - (a) Receiving, processing and maintaining files and records for the following applications required by the Ordinance:
      - i. Appeals from a decision or interpretation of the Zoning Administrator or other administrative officers.
      - ii. Applications for a Variance.
      - iii. Applications for Zoning Permits.

- iv. Applications for Use Permits.
  - v. Applications for Major Subdivision Approval.
  - vi. Application for Site Plan Approval.
  - vii. Application for Comprehensive Plan Amendments
- (b) Upon receipt of a complaint to inspecting buildings, structures and uses of land to ensure compliance with the provisions of this Ordinance and the Property Maintenance Ordinance.
  - (c) Assigning physical street addresses for all new residential, commercial, industrial, or institutional uses.
  - (d) Making interpretations of proffers accepted by the Town pursuant to the provisions of this Ordinance.
  - (e) Making interpretations concerning the applicability of submission requirements contained in this Ordinance.
  - (f) Any other duties required by the provisions of this Ordinance or assigned by the Town Manager.

C. Administration and Interpretations

- 1. The Director shall administer and interpret the Zoning Ordinance. An appeal of a decision of the Director may be taken to the Board of Zoning Appeals in accordance with the Code of Virginia, 1950 as amended and as provided in this ordinance.

D. Violations and Penalties

1. General Standards

- (a) Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Article, or permits any violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building or land in violation of the provisions of this Ordinance shall be subject to the enforcement provisions of this Article.
- (b) Any building erected or improvements constructed contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance or contrary to any detailed statement or plan approved under the provisions of this Ordinance shall be unlawful.

2. Complaints Regarding Violations

- (a) Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint, fully stating causes and basis thereof, with the Director. The Director shall record the complaint, immediately investigate, and take appropriate action as provided by the Ordinance.

3. Remedies

- (a) Upon becoming aware of any violation of any provision of this Ordinance, the Director or any designated assistant shall serve notice of the violation on the person committing or

permitting the violation. If such violation has not ceased within a reasonable time as the Director has specified in the notice, the Director shall institute action as may be necessary to terminate the violation. The Director may also revoke any zoning approval(s) to terminate the violation.

- (b) The Director is hereby authorized to initiate injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any structure, or use in violation of any provision of this Ordinance.
- (c) The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

#### 4. Penalties

- (a) Any violation of the provisions of this Ordinance, including failure to comply with a violation notice and correction order, shall be a misdemeanor and upon conviction thereof, the penalty for such violation shall be a fine of not less than ten dollars nor more than one thousand dollars. Each day that a violation continues to exist shall constitute a separate and punishable offense. An owner of property and/or the tenant shall be responsible for, and subject to prosecution and conviction for, any violation of this Ordinance found to exist on the property.

### 2-2 Town Council

- A. The Town Council shall have the following duties in the administration of this Ordinance:
  - 1. To appoint officers and bodies required by this Ordinance and the Code of Virginia;
  - 2. To decide upon use permits in accordance with the provisions of this Ordinance.
  - 3. To decide upon zoning text amendments and zoning map amendments (rezonings).
  - 4. To decide upon Comprehensive Plan Amendments.

### 2-3 Planning Commission

- A. Authority and Establishment
  - 1. The Planning Commission was established pursuant to the provisions of Title 15.2 of the Code of Virginia. The official title shall be the "Colonial Beach Planning Commission".
- B. Purpose
  - 1. The Planning Commission shall advise the Town Council on matters related to the development of the Town of Colonial Beach.
  - 2. Specifically, the Planning Commission shall:
    - (a) Prepare and adopt by-laws for the Commission's organizational and procedural functions.
    - (b) Prepare and recommend a Comprehensive Plan for physical development of the Town and review the plan at least once every five (5) years.

- (c) Prepare and recommend amendments to the Zoning Ordinance.
- (d) Prepare and recommend amendments to the Subdivision Ordinance.
- (e) Prepare and recommend amendments to the Capital Improvements Program (CIP).
- (f) Prepare and recommend amendments to an Official Map.
- (g) Review and make recommendations on applications for Zoning Map amendments.
- (h) Review and make recommendations on applications for conditional use permits.
- (i) Approve or disapprove the general location of public facilities, public utilities and roads for conformance with the adopted Comprehensive Plan.
- (j) Review and approve subdivisions as required by this Ordinance and the Subdivision provisions of this ordinance.

#### C. Membership

1. The Planning Commission shall consist of seven (7) members, appointed by the Town Council, all of whom shall be residents of the Town, qualified by knowledge and experience to make decisions on questions of community growth and development.
2. Members shall be appointed for four (4) years and terms of appointment shall be staggered.
3. Members of the Planning Commission may receive such compensation as may be authorized by the Town Council.
4. The Clerk of the Planning Commission shall notify the Town Council at least thirty (30) days in advance of the expiration of any term of office and shall notify the Town Council promptly of any vacancy. Appointments to fill such vacancies shall be only for the expired portion of the term. Members may be reappointed to succeed themselves.
5. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

#### D. Records

1. The Planning Commission shall keep written records and minutes of all its proceedings, showing evidence presented, the names of all witnesses giving testimony, findings of fact by the Planning Commission, and the vote of each member upon each question, or if absent or failing to vote, such fact. These minutes shall be a public record.

#### E. Duties

1. The Planning Commission shall have all powers and duties as allowed for by this Ordinance and the Code of Virginia, 1950, as amended.

## 2.4 General Procedures and Requirements

### A. Zoning Permit Required

1. Except as otherwise provided by this Ordinance, no building, structure or land shall be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered, unless it conforms with the provisions of this Ordinance and a zoning permit has been first obtained. Such a permit shall state that the building or the proposed use of land complies with the provisions of this ordinance.

### B. Zoning Permit Applications

1. Applications for a zoning permit may be made by any property owner or an authorized agent of the property owner and shall be submitted to the Director Administrator on forms provided by the Director.
2. Applications shall be accompanied by a site plan submitted in accordance with Article 14 of this Ordinance. One (1) copy of the site plan drawing shall be returned to the applicant with the zoning permit if such is approved and issued.
3. Applications shall be accompanied by the appropriate fee and all fees as designated in this Ordinance.

### C. Zoning Permit Fees

1. The fee for a zoning permit shall be as proscribed by the Town Council on the official fee schedule for the Town of Colonial Beach.

### D. Water and Sewer Required

1. The Director shall be authorized to grant zoning permits for the erection of habitable buildings only on such real estate presently served by water and sewer in accordance with the requirements of the Town Code.

### E. Payment of Delinquent Real Estate Taxes Required

1. Prior to the initiation of an application for a conditional use permit, special use permit, variance, rezoning, home occupation permit or any other land use permit the applicant shall produce satisfactory evidence that any delinquent real estate taxes owed to the Town of Colonial Beach which have been properly assessed against the subject property have been paid. No such land use permit shall be issued unless all delinquent real estate taxes owed to the Town of Colonial Beach which have been properly assessed against the subject property have been paid.

### F. Issuance of Zoning Permit

1. If the proposed building, structure and use are in conformity with the provisions of this ordinance, a permit shall be issued to the applicant by the Director. If the building, structure and use are not in conformity with the Town Code and/or this ordinance, the Director shall deny the permit applicant and shall inform the applicant of such fact along with the reasons for such denial. The activity authorized in any zoning permit shall commence within one (1)

year from the date of issuance. In the event that such activity does not commence within one (1) year from the date of issuance, the permit shall expire, and the permit holder shall be responsible for applying for a new permit.

2. In cases where buildings are constructed crossing lot lines, or proposed to cross such lot lines or accessory structures are proposed to be located on vacant lots, such lots must be consolidated into a single parcel of land prior to the issuance of the zoning permit.

#### G. Permitted Uses

1. Uses that are designated as a permitted use and are considered appropriate within a given zoning district. Only those uses which are expressly listed as permitted uses under each district shall be treated as such.

#### H. Uses Not Provided For

1. In the event that an application is received for a use in any district which is not provided for in that district, then that particular use is not permitted. The applicant shall be informed of their right to petition or request the Governing Body to initiate a text amendment pursuant to section 19-36 of the Ordinance.

#### I. Lot Requirements

1. Every building, or structure erected, constructed, reconstructed, moved, enlarged, or structurally altered shall be located on a single lot. In the event that a property owner desires to employ multiple contiguous lots together in order to meet any of the requirements of this Ordinance, the lot lines separating such lots must be formally vacated in accordance with the Subdivision Ordinance of the Town of Colonial Beach.

#### J. Effective Date

1. The effective date of this ordinance shall be from and after its passage and legal application, and its provisions shall be in force thereafter until repealed.

#### K. Severability

1. If any court of competent jurisdiction adjudges any provision of this ordinance to be invalid, then such judgment shall not affect the validity and continued enforcement of any other provision of this ordinance. If any court of competent jurisdiction adjudges the application of any provision of this ordinance to be invalid, then such judgment shall not affect the application of that provision to any other building, structure or use not specifically included in that judgment.

#### L. Conflicting Ordinances

1. All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.

#### M. Special Event Permit

1. Requests for temporary special events or uses shall be referred to the Town Manager for a Special Event Permit pursuant to the Code of the Town of Colonial Beach, and shall not be

exempt from this ordinance. Notwithstanding the provisions of this ordinance, any vendor authorized to operate in the Resort Commercial Zoning District under the Town's Boardwalk Vendor Program shall comply with all other provisions and requirements of this ordinance and the Town Code be not exempt from this Ordinance.

