Before the

Colonial Beach Town Council

Held at

COLONIAL BEACH ELEMENTARY SCHOOL AUDITORIUM

102 First Street

Saturday, November 10, 2018 at 8:00 a.m.

Town Council Work Session

AGENDA

1. **Call To Order**

2. **Roll Call of Members**

3. **Approval of the Agenda**

4. **Presentations**

5. **Old Business**

6. **New Business**

   - **Draft Ord No. 694, Amends the Zoning Ordinance of Colonial Beach, Adding the Ability to Receive an Exception from the Development Standards Required to Install Curb, Gutter, and Sidewalk *(Public Hearing to be held on November 15, 2018)* (Tab A)**

   - **Draft Res #46-18, Appoints James E. Cornwell, Jr. as Town Attorney for the Town of Colonial Beach (Tab B)**

   - **Draft Res #47-18, Amends 2018 ByLaws and Rules of Procedures, Section 2-3, Parliamentarian(Tab C)**

   - **Draft Res #48-18, Establishment of Personal Property Tax Relief Rates for Tax Year 2018 (Tab D)**

7. **Status Items**

- **Torrey Smith project**

- **Recommendation from Planning Commission re: development of a Town Dog Park at Robin Grove Park (Tab E)**

- **Request from Colonial Beach Humane Society for donation of $500 (Tab F)**

- **Request from Colonial Beach Community Foundation for Gravel for Parking Lot at Community Center (Tab G)**

8. Closed Meeting

9. Adjournment/Recess

Tab A

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT	
PROJECT NAME: Revision of Curb, Gutter, Sidewalk Requirements	**Planning Commission Meeting Date: 10-25-18** **Town Council Meeting Date: 11-15-18**
Case Number: ZOA-01-2018	**Applicant: Town**
Project Status: ☐ Preliminary Sketch Application ☐ Rezoning ☐ Preliminary Plat Use ☐ Conditional ☐ Preliminary Final Plat Plans ☐ Concept ☐ Final Plat ☒ Zoning Amendment ☐ Vacation ☐ Comp Plan Amendment	**Owner: NA** **Location: NA** **Voting District: NA** **Parcel Number: NA** **Total Site Area: NA** **Site Area Developed: NA**
Existing Structures: NA	**CBPA: NA**
Flood Hazard: NA	**Additional Site Data: NA**
Current Zoning: NA	
Action Request: Approval as presented	**Staff: A. Finchum** **Date: 11-2-2018**

Prior Actions / Case History

Rezonings: NA
Conditional Use Permit: NA
Variances: NA
Subdivisions: NA
Other Data: NA

BACKGROUND:

Developers expressed a concern with the Town ordinances requiring construction of curb, gutter, and sidewalk on all undeveloped lots and new subdivisions where existing infrastructure may not support these additions.

On August 15, 2018, Town Council motioned to move the issue to Planning Commission for a public hearing and recommendation.

DISCUSSION:

Staff reviewed and amended the development and design standards requiring curb, gutter and sidewalk to be installed by the developer on undeveloped lots and new subdivisions in the following sections:

Zoning Ordinance -

Section 4-6 (A) (6) Development Standards in the R-1 Residential Limited District

Section 6-6(A) (6) Development Standards for the R-2 General Residential District
Section 7-5 (A) (9) Development Standards for the Resort Commercial District
Section 9-5(A)(8) Development Standards in the Commercial Residential District
Subdivision Ordinance -
Section 5 Design Standards

Currently, the Town zoning and subdivision ordinances do not allow any flexibility when applying the requirement for existing undeveloped lots and new subdivisions to install curb, gutter, AND sidewalk. The amendment includes language that allows the Director of Public Works in consultation with the Planning Director to determine whether curb, gutter, and/or sidewalk is necessary on a case by case basis.

On October 25, 2018, the Planning Commission held a public hearing on this matter. There were no comments from the public. The Planning Commission offered changes to the original text and voted 6-0-1 to recommend approval as amended to Town Council. Subsequent to the public hearing, the Town Attorney reviewed and approved the changes suggested by the Planning Commission.

STAFF RECOMMENDATION:

Staff believes that supporting these amendments promotes public health and safety and creates a more navigable ordinance. Staff recommends approval of the ordinance as proposed by the Planning Commission.

PUBLIC HEARING

Please take notice that on the 15th day of November, 2018 at 6:00 p.m. at the regular monthly meeting of the Colonial Beach Town Council, at Colonial Beach Town Center in Colonial Beach, 22443, the Town Council will conduct a public hearing on the following:

ORDINANCE NO. 694
AMENDS THE ZONING ORDINANCE OF COLONIAL BEACH BY ADDING THE ABILITY TO RECEIVE AN EXCEPTION FROM THE DEVELOPMENT STANDARDS REQUIREMENT TO INSTALL CURB, GUTTER, AND SIDEWALK WHEN DEVELOPING UNDEVELOPED LOTS IN THE FOLLOWING DISTRICTS: ARTICLE 4 RESIDENTIAL LIMITED (R-1) DISTRICT SECTION 4-6(A)(6); ARTICLE 6 GENERAL RESIDENTIAL (R-2) DISTRICT SECTION 6-6(A)(6); ARTICLE 7 RESORT COMMERCIAL (RC) DISTRICT SECTION 7-5(A)(9); ARTICLE 9 COMMERCIAL RESIDENTIAL (CR) DISTRICT SECTION 9-5(A)(8); AND TO AMEND THE SUBDIVISION ORDINANCE OF COLONIAL BEACH BY ADDING THE ABILITY TO RECEIVE AN EXCEPTION FROM THE DESIGN STANDARDS REQUIREMENT THAT ALL SUBDIVISIONS SHALL CONTAIN CURB, GUTTER, AND SIDEWALK IN THE FOLLOWING: SECTION 5 DESIGN STANDARDS 5-3-3.

Copies of Ordinance No. 694 are available for review by the public at 315 Douglas Avenue, Colonial Beach, Virginia 22443. Anyone having questions may contact Town Hall at 804-224-7181, Monday through Friday, 8:30 a.m. to 4:30 p.m. All interested persons may attend and express their views. Following the public hearing, the Town Council may take action. Any person requiring assistance to participate in the public hearing is asked to contact Town Hall in advance so that appropriate arrangements may be made.

By Order of the Colonial Beach Town Council

Publish: Nov 1 and 8, 2018

DRAFT ZONING & SUBDIVISON ORDINANCE AMENDEMENT ZOA-01-2018
CURB GUTTER SIDEWALK REQUIREMENTS

Town of Colonial Beach Subdivision Ordinance

4-6 Development Standards for the R-1 District

A. R-1 Development Standards

1. The following standards apply to all new construction or redevelopment within this district. All development standards shall be shown on the approved site plan(s).
2. Surveys/site plans shall be required to be submitted and approved prior to approval of zoning/building permits. Surveys shall be consistent with the requirements of Article 14 of this ordinance.
3. Site surveys shall provide for the management of stormwater in accordance with State regulations
4. All mechanical equipment whether rooftop or ground level shall be screened from view of public rights-of-way and designed as an integral part of the structure
5. No portion of the principal building that is constructed of unadorned concrete block or corrugated and/or sheet metal shall be visible from any public right-of-way(s)
6. Curb, gutter and sidewalks
    a. shall be installed prior to Certificate of Occupancy at the developer's expense on all undeveloped lots. <u>This requirement may only be waived by the Director of Public Works in consultation with the Director of Planning if pre-existing associated infrastructure does not support the installation of curb, gutter, and/or sidewalk. An engineer report may be required at the request of the Director of Public Works.</u>
    b. If during construction/renovation of an existing site sidewalk/curb is broken the entire section of curb/sidewalk shall be replaced in accordance with Town standards at the developer's/applicant's expense.
7. Minor home occupations may have a sign which is no more than three (3) square feet in size (1.5 feet long and 1.5 feet wide). i. Sign shall not be illuminated ii. Sign shall be affixed to exterior wall of the principal structure
8. Minor home occupations may see clients on an appointment only basis
9. All principal structures shall be placed on a permanent foundation.
10. Barbed or razor wire fence is prohibited.
11. Setbacks shall be measured from exterior foundation walls.
12. Projections beyond the foundation wall may extend up to 3-feet into the setback.
13. Projections shall be incorporated into the structure so as to appear as an integral part of the building. Such features shall not be considered in determination of setbacks.
14. Accessory structures, parking areas, decks, trash collection areas and other utilitarian areas shall be located in a manner that is sensitive to adjacent structures and screened from public rights-of-way.

15. Any development or redevelopment project must have a harmonious and compatible relationship with the surrounding neighborhood.

6-6 Development Standards for the R-2 District

A. R-2 Development Standards

1. The following standards apply to all new constriction or redevelopment within this district. All development standards shall be shown on the approved site plan(s).

2. Surveys/site plans shall be required to be submitted and approved prior to approval of zoning/building permits. Surveys shall be consistent with the requirements of Article 14 of this ordinance.

3. Site surveys shall provide for the management of stormwater in accordance with State regulations

4. All mechanical equipment whether rooftop or ground level shall be screened from view of public rights-of-way and designed as an integral part of the structure

5. No portion of the principal building that is constructed of unadorned concrete block or corrugated and/or sheet metal shall be visible from any public right-of-way(s)

6. Curb, gutter and sidewalks
   a. shall be installed prior to Certificate of Occupancy at the developer's expense on all undeveloped lots. <u>This requirement may be waived by the Director of Public Works if pre-existing associated infrastructure does not support the installation of curb, gutter, and/or sidewalk.</u>
   b. If during construction/renovation of an existing site sidewalk/curb is broken the entire section of curb/sidewalk shall be replaced in accordance with Town standards at the developer's/applicant's expense.

7. Minor home occupations may have a sign which is no more than three (3) square feet in size. (1.5 feet long and 1.5 feet wide)
   i. Sign shall not be illuminated
   ii. Sign shall be affixed to exterior wall of the principal structure

8. Minor home occupations may see clients on an appointment only basis

9. All principal structures shall be placed on a permanent foundation

10. Barbed or razor wire fence is prohibited

11. Setbacks shall be measured from exterior foundation walls

12. Projections beyond the foundation wall may extend up to 3-feet into the required setback, stairs and handicapped ramps may extend to within 3-feet of the property line

13. Projections shall be incorporated into the structure so as to appear as an integral part of the building. Such architectural features shall not be considered in determination of setbacks
14. Accessory structures, parking areas, decks, trash collection areas and other utilitarian areas should be located in a manner that is sensitive to adjacent structures and screened from public rights-of-way

15. Any development or redevelopment project must have a harmonious and compatible relationship with the surrounding neighborhood

7-5 Development Standards for the Resort Commercial District

A. Development Standards

1. The following standards apply to all new construction or redevelopment within this district. All development standards shall be shown on the approved site plan(s)

2. Notwithstanding Section 18-3 of this Ordinance, and in addition to the requirements contained in Article 24 of this Ordinance, areas provided or reserved for the acceptance and collection of refuse from commercial establishments shall be screened from view by a uniformly painted solid board fence, a uniform evergreen hedge, or other appropriate screening measures. Such screening shall be six (6) feet in height

3. Areas designated for outdoor display of merchandise provided or reserved for resale or rental shall not exceed thirty (30%) percent of the floor area of the structure dedicated to the use

4. Surveys/site plans for new construction shall be required to be submitted and approved prior to approval of zoning/building permits. Surveys shall be consistent with the requirements of Article 14 of this ordinance

5. Site surveys shall provide for the management of stormwater in accordance with State regulations

6. An inspection by the Building Official is required prior to operating. This inspection will address life and safety issues and assign a maximum occupancy load to the structure

7. All mechanical equipment whether rooftop or ground level shall be screened from view of public rights-of-way and designed as an integral part of the structure

8. No portion of the principal building that is constructed of unadorned concrete block or corrugated and/or sheet metal shall be visible from any public right-of-way(s)

9. Curb, gutter and sidewalks

   a. shall be installed prior to Certificate of Occupancy at the developer's expense on all undeveloped lots. <u>This requirement may be waived by the Director of Public Works if pre-existing associated infrastructure does not support the installation of curb, gutter, and/or sidewalk.</u>

   b. If during construction/renovation of an existing site sidewalk/curb is broken the entire section of curb/sidewalk shall be replaced in accordance with Town standards at the developer's/applicant's expense.

10. All new development and re-development shall place all utilities underground including electric, cable, telephone, etc. at the developer's expense

9-5 Development Standards for the Commercial Residential District

A. The following standards apply to all new construction or redevelopment within this district. All development standards shall be shown on the approved site plan(s).

1. In addition to the requirements contained in Article 24 of this Ordinance, areas provided or reserved for the acceptance and collection of refuse from commercial establishments shall be screened from view by a uniformly painted solid board fence, a uniform evergreen hedge, or other appropriate screening measures. Such screening shall be six (6) feet in height.

2. Areas designated for outdoor display of merchandise provided or reserved for resale or rental shall not exceed thirty (30%) percent of the floor area of the structure dedicated to the use.

3. Surveys/site plans for new construction shall be required to be submitted and approved prior to approval of zoning/building permits. Surveys shall be consistent with the requirements of Article 14 of this ordinance.

4. Site surveys shall provide for the management of stormwater in accordance with State regulations.

5. An inspection by the Building Official is required prior to operating. This inspection will address life and safety issues and assign a maximum occupancy load to the structure.

6. All mechanical equipment whether rooftop or ground level shall be screened from view of public rights-of-way and designed as an integral part of the structure.

7. No portion of the principal building that is constructed of unadorned concrete block or corrugated and/or sheet metal shall be visible from any public right-of-way(s).

8. Curb, gutter and sidewalks

   a. shall be installed prior to Certificate of Occupancy at the developer's expense on all undeveloped lots. <u>This requirement may be waived by the Director of Public Works if pre-existing associated infrastructure does not support the installation of curb, gutter, and/or sidewalk.</u>

   b. If during construction/renovation of an existing site sidewalk/curb is broken the entire section of curb/sidewalk shall be replaced in accordance with Town standards at the developer's/applicant's expense.

9. All principal structures shall be placed on a permanent foundation.

10. Barbed/razor wire fence is prohibited.

11. Setbacks shall be measured from exterior foundation walls.

12. Projections beyond the foundation wall may extend up to 3-feet into the setback. Projections shall be incorporated into the structure so as to appear as an integral part of the building. Such features shall not be considered in determination of setbacks.

Town of Colonial Beach Subdivision Ordinance

SECTION 5 DESIGN STANDARDS

5-3. STREET LIGHTS, SIGNS, AND SIDEWALKS FOR MAJOR SUBDIVISIONS

5-3-1. Street Lights. All subdivisions in the Town of Colonial Beach shall have street lights installed by the subdivider. The street lights at a minimum shall be located at each intersection and at mid-block points on the backside of the sidewalk(s). At a minimum all cul-de-sac streets shall have a street light at the entrance and terminus of the street. The street lights shall be of a consistent design and color. Where applicable street lights shall be energy star compliant. Street lights shall be no taller than fifteen (15) feet above finished grade, the light source (bulb) shall be Subdivision Ordinance shielded as not to be visible from public right-of-ways and the street light shall be shielded to reflect light to the ground. All costs shall be borne by the subdivider.

5-3-2. Street identification signs. Street identification signs shall be of a design approved by the Virginia Department of Transportation and/or the Subdivision Agent. The subdivider shall be responsible for the cost to acquire and the cost of installation of street signs. Street signs may incorporate route numbers on the sign blade to prevent excessive signage at intersections. Street signs shall be located at all intersections. If the developer wishes to use a decorative street identification sign, the design shall be submitted to the Subdivision Agent for approval. Repair and maintenance of decorative street identification signs shall be the responsibility of the home/property owners association.

5-3-3. Curb, gutter and sidewalk. All subdivisions within the Town of Colonial Beach shall contain curb, gutter and sidewalk along both sides of subdivision streets in a design that meets the requirements of the Virginia Department of Transportation unless otherwise altered under the terms of the Planned Unit Development provisions in the zoning ordinance or as specified above in Section 5.2.5 of this ordinance. Subdivisions constructed with frontage along an existing state road(s) shall install such improvements for their respective frontage. <u>This requirement may be waived by the Director of Public Works if pre-existing associated infrastructure does not support the installation of curb, gutter, and/or sidewalk.</u>

5-3-4. Subdivision Entrance Signs – All new subdivisions in the Town of Colonial Beach shall have a masonry monument style sign/entry feature. Such sign/entry feature may be illuminated with shielded lighting reflecting all light to the ground. A landscaped perimeter shall be installed around the sign/entrance feature by the subdivider which shall be a maximum of sixty-four (64) square feet in area. This area shall be shown on the preliminary and record plat as common area which is to be owned and maintained by the home/property owner association.

Tab B

COUNCIL PAPER

At the meeting held on Wednesday, November , 2018 at the Colonial Beach Town Hall

RESOLUTION #46-18, Appoints James E. Cornwell, Jr. as Town Attorney for the Town of Colonial Beach

NOW THEREFORE BE IT RESOLVED the Colonial Beach Town Council at its Meeting held on November , 2018 hereby appoints James E. Cornwell, Jr. as Town Attorney for the Town of Colonial Beach.

Moved By _____ Seconded By _____

	AYE	NAY		AYE	NAY
Mayor Eddie Blunt	____	___	Steve Cirbee	___	___
Dallas Leamon	___	___	Bill Dellar	___	___
Frank Alger III	___	___	Burkett Lyburn	___	___
			Phil Rogers	___	___

Adopted _____ Tabled _____

Tab C

COUNCIL PAPER

At the meeting held on Wednesday, November , 2018 at the Colonial Beach Town Hall

RESOLUTION #47-18, Amends 2018 ByLaws and Rules of Procedures, Section 2-3, Parliamentarian

NOW THEREFORE BE IT RESOLVED the Colonial Beach Town Council at its Meeting held on November , 2018 hereby amends the 2018 ByLaws and Rules of Procedure, Section 2-3, Parliamentarian as follows:

"The Town Clerk shall act as Parliamentarian to the Council. Any questions involving the interpretation or application of Robert's Rules of Order shall be addressed to the Town Clerk.

If the Town Clerk is unavailable, the Town Manager shall serve as the Parliamentarian."

DRAFT

Moved By _____ Seconded By _____

	AYE	NAY		AYE	NAY
Mayor Eddie Blunt	____	___	Steve Cirbee	___	___
Dallas Leamon	___	___	Bill Dellar	___	___
Frank Alger III	___	___	Burkett Lyburn	___	___
			Phil Rogers	___	___

Adopted _____ Tabled _____

Section 2-3 Parliamentarian

Except as modified herein or as provided by Virginia law, the most current edition of Robert's Rules of Order shall be the parliamentary authority at all meetings of the Town Council with the following exceptions:

- Members may raise a hand instead of standing when seeking to obtain the floor, and may remain seated while making motions or speaking.
- There is no limit to the number of times a member may speak to a debatable question.
- Informal discussion of a subject is permitted while no motion is pending.
- The chairman need not rise while putting questions to a vote.
- If the chairman is a member, he may, without leaving the chair, speak in informal discussion and debate, and vote on all questions.

The Town Attorney shall act as Parliamentarian to the Council. Any questions involving the interpretation or application of Robert's Rules of Order shall be addressed to the Town Attorney.

If the Town Attorney is unavailable, the Town Manager shall serve as the Parliamentarian.

Section 3 Conduct of Business

Section 3-1 Order of business

A. At the Council's meeting, the order of business shall be generally as follows:

- Call to Order
- Roll call of members
- Additions to the Agenda
- Approval of the Agenda
- Approval of the minutes
- Council Member Announcements
- Presentations
- Unfinished business
- New Business
- Citizen Input
- Closed meeting (if necessary)
- Recess/Adjournment

Section 3-2 Agenda Details

Every ordinance or resolution which involves the expenditure of funds shall identify the budget line item number that will be used to fund the expenditure.

Tab D

COUNCIL PAPER

At the meeting held on Wednesday, November , 2018 at the Colonial Beach Town Hall

RESOLUTION #48-18, Establishment of Personal Property Tax Relief Rates for Tax Year 2018

NOW THEREFORE BE IT RESOLVED THAT, in accordance with the requirements set forth in VA. CODE ANN. §58.1-3523 et seq., as amended by Chapter 1 of the Acts of Assembly (2004 Special Session I), Chapter 879 of the Acts of Assembly (2008) and as set forth in Item 503.E. (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly, any qualifying vehicle sitused within the Town of Colonial Beach commencing January 1, 2017, shall receive personal property tax relief in the following manner:

- Personal use vehicles with assessed value of $1000 or less will be eligible for 100% tax relief;
- Personal use vehicles with assessed value of $1001 to $20,000 will be eligible for 46.7% tax relief;
- Personal use vehicles with assessed value over $20,000 will be eligible for 46.7% tax relief on the first $20,000 and shall receive 0% tax relief for the assessed value over $20,000;
- All other vehicles which do not meet the definition of "qualifying" (such as business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

DRAFT

Moved By _____ Seconded By _____

	AYE	NAY		AYE	NAY
Mayor Eddie Blunt	____	___	Steve Cirbee	___	___
Dallas Leamon	___	___	Bill Dellar	___	___
Frank Alger III	___	___	Burkett Lyburn	___	___
			Phil Rogers	___	___

Adopted _____ Tabled _____

Tab E

Tab F

Tab G

Fax-Memo

Colonial Beach Community Foundation

PO Box 375
Colonial Beach, VA 22443
cbvafoundation@aol.com

TO: **Quinn Robertson**
Town Manager

FROM: **Peter M. Fahrney**
President

Subj: **Gravel for parking lot at Community Center**

DATE: 10/29/2018 Pages __1

The BOD of the Colonial Beach Community Foundation request support and assistance from the Town in repairing the parking facility at the Community Center, 717 Marshall Avenue.

As you are well aware, this particular summer has been very wet, which has lead to some serious parking impairments for events which occur at the CC.

We request the Town purchase blue stone (or appropriate gravel) to fill and repair the parking space. This repair and improvement should not exceed $1,000.