



Before the
Colonial Beach Town Council

Held at
Colonial Beach Town Center
22 Washington Avenue, Colonial Beach, VA 22443

Wednesday, March 4, 2020 6:00 p.m.
Town Council Work Session
AGENDA

1. Call To Order
2. Roll Call of Members
3. Approval of the Agenda
4. Approval of the Minutes for the January 16, 2019 Regular Meeting
5. Presentations
 - FY 2019 Audit Presentation, Aaron B. Hawkins, Robinson, Farmer, Cox Associates
 - Castlewood Park playground equipment move to Eleanor Mobile Home Park
6. Old Business
7. New Business
 - Resolution #11-20, FY 2021 Budget Timeline *(Tab A)*
 - DRAFT Conditional Use Permit Request – Gunsmith, Marshall Avenue
(Public Hearing Scheduled for March 18, 2020) (Tab B)
 - DRAFT Establishes Parks and Recreation Advisory Committee, Proposed Changes to Town Code *(Public Hearing Scheduled for March 18, 2020) (Tab C)*
 - DRAFT Code Enforcement, Proposed Changes to Town Code
(Public Hearing Scheduled for March 18, 2020) (Tab D)

- **DRAFT Sign Ordinance, Proposed Changes to Zoning Ordinance**
(Public Hearing Scheduled for March 18, 2020) (Tab E)

- **DRAFT Landscaping Articles, Proposed Changes to Zoning Ordinance**
(Public Hearing Scheduled for March 18, 2020) (Tab F)

8. Status Items

- **Memorials Advisory Commission**

9. Citizen Input

10. Closed Meeting (if necessary)

11. Adjournment/Recess

Tab A

COUNCIL PAPER

At the meeting held on March 4, 2020 at the Colonial Beach Town Center

RESOLUTION #11-20, FY 2021 Budget Timeline

WHEREAS Virginia Code Section 22.1-93 requires that the Town Council approve the budget for the Colonial Beach School Board by May 15, 2020; and

WHEREAS state law also prescribes the deadlines for the setting of tax rate(s) by the Colonial Beach Town Council as well as the adoption of the FY 2021 budget.

NOW THEREFORE BE IT RESOLVED by the Colonial Beach Town Council at its monthly work session on March 4, 2020 that the FY 2021 budget shall be developed/approved in accordance with the following timelines:

February 18, 2020

CFO began to prepare FY21 Budget template files and presentation

February 25, 2020

Town Manager and CFO to Meet with Department Heads to Discuss FY21 Budget Process

March 4, 2020 Town Council Work Session

FY 21 Budget Timeline Resolution presented to Town Council

March 10, 2020

FY21 Budget Requests from Department Heads due to CFO/Town Manager

April 1, 2020 Town Council Work Session

CFO and Town Manager provide update to Town Council on status of FY21 Budget

April 15, 2020 Town Council Regular Meeting

CFO and Town Manager Present FY21 Budget to Town Council; request Public Hearing on May 6, 2020

May 6, 2020 Town Council Work Session

Public Hearing for FY21 Budget. Note: School Board FY21 Budget must be approved by May 15, 2020.

May 20, 2020

FY21 Budget Approval & Appropriation

COUNCIL PAPER

At the meeting held on March 4, 2020 at the Colonial Beach Town Center

Moved By _____ Seconded By _____

	AYE	NAY		AYE	NAY
Mayor Eddie Blunt	_____	_____	Dallas Leamon	_____	_____
Frank Alger	_____	_____	Vicki Roberson	_____	_____
Steve Cirbee	_____	_____	Robin Schick	_____	_____
Pat Ey	_____	_____			

Adopted _____ Tabled _____

Tab B

TOWN OF COLONIAL BEACH PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT—CONDITIONAL USE PERMIT APPLICATION

SUBJECT: Conditional Use Permit Application—Major Home Occupation (Gunsmith)—111 Marshall Avenue

DATE: February 19, 2020

BACKGROUND:

On February 10th, James Jett III applied for a conditional use permit for a major home occupation (custom gunsmith) for his residence at 111 Marshall Avenue. Upon review of the application and payment of application fees, staff completed the required advertising (on-property posting, adjacent property owner notification, public hearing notice advertisement in newspaper). 0.14 acres in size and 63 percent impervious cover, this property is zoned R-2 and is located between Jefferson Street and Madison Street, with driveway access to Monroe Bay Avenue. Major home occupations are considered a conditional use, and not a permitted use, in the R-2 zoning district, and are subject to the conditional use review and approval process.

Article 26 of the Town Zoning Ordinance specifies guidelines for home occupations and distinguishes between major and minor home occupations. Home occupations must be incidental to the residential use of a property and not exceed 25 percent of the floor area of the residence; cannot cause noise, odor or other impacts to adjacent property; are restricted to three square feet of signage; cannot include on-premises sale of merchandise. As a comparison, minor home occupations include generally less impactful uses such as single-chair beauty shops, professional offices, mail order businesses, and small contractors, and are approved administratively. Only members of the family who reside at the premises may work in the minor home occupation business, and customer contact is on an appointment only basis.

In addition to custom gunsmiths, major home occupations listed in the Town Zoning Ordinance are minor home occupations where outside employees are utilized; arts and crafts studios; cabinet making/woodshops; home nanobreweries; locksmiths; pet grooming/sitting; personal service establishments; small contractors; tutoring/music/voice lessons; and other similar activities as determined by the Zoning Administrator. In addition to meeting the overall home occupation guidelines in Section 26-3 of the Town Zoning Ordinance, major home occupations may have up to four employees who are not family members and do not reside at the premises, there must be adequate off-street parking for employees, and customer contact is permitted.

While the Town Zoning Ordinance does not provide a definition of a gunsmith, it is generally considered to be a person who, as a trade, repairs, modifies, designs, or builds guns. A gunsmith must obtain a federal firearms license through the US Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Mr. Jett has indicated that he is applying for license type 1 (dealer in firearms other than destructive devices) and type 7 (manufacturer of firearms other than destructive devices).

Just as is the case with other zoning-related applications, a conditional use permit application is considered by the Planning Commission after holding a public hearing, and a recommendation is

forwarded to the Town Council. The Town Council in turn holds a public hearing before considering the approval or disapproval of an application. As specified in Section 16-5 of the Town Zoning Ordinance, a conditional use permit may be issued provided that the governing body finds that the use will not: 1) affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use; 2) be detrimental to the public welfare or injurious to property or improvements in the neighborhood; 3) be in conflict with the purposes of the Town's comprehensive plan. Upon completion of the public hearings and recommendation of the Planning Commission, the Town Council may: 1) approve the conditional use, with or without conditions; 2) disapprove the conditional use if the proposed use does not comply with the standards of Section 16-5 of the Town Zoning Ordinance; or 3) refer the application back to the Planning Commission for further study and review.

STAFF RECOMMENDATION:

Staff recommends approval of the conditional use permit, with the following minimum conditions:

- Must obtain all federal and state firearms permits and limited to operations under ATF license type 1 and 7
- The applicant may sell and distribute guns by mail order only (mail order is an allowed minor home occupation)
- Due to lot size, parking limitations, and the applicant's stated intent to operate under the minor home occupation guidelines, the resident cannot employ anyone from outside the residence, and can interact with customers only on an appointment basis
- No testing of firearms on site
- No on-street parking for customers
- Must comply with all other home occupation guidelines

PLANNING COMMISSION RECOMMENDATION:

At its February 27th regular meeting, the Planning Commission held a public hearing and voted 4-2 to recommend the approval of the conditional use permit for 111 Marshall Avenue, with all conditions recommended by staff noted above, and the addition of a condition of no business signage on the property.

Tab C

**ORDINANCE NO. _____, ENACTMENT OF CHAPTER 2, ARTICLE XI –
COLONIAL BEACH PARKS AND RECREATION ADVISORY
COMMISSION**

WHEREAS, the Colonial Beach Town Council desires to establish an advisory commission of Parks and Recreation, which shall be known as Colonial Beach Parks and Recreation Advisory Commission, to advise and recommend development, funding and programs to serve the recreational needs and enrichment of the citizens.

NOW, THEREFORE, BE IT ORDAINED, that the Town Council, meeting in regular session on Wednesday February 19, 2020, hereby amends the Colonial Beach Code of Ordinances with the addition of Chapter 2, Article XI-COLONIAL BEACH PARKS AND RECREATION ADVISORY COMMISSION, in accordance with the attached draft of such article

ARTICLE XI- COLONIAL BEACH PARKS AND RECREATION ADVISORY COMMISSION

Section 2-130 Establishment of the Colonial Beach Parks and Recreation Advisory Commission: purpose

The Colonial Beach Parks and Recreation Advisory Commission is hereby established to advise and recommend development, funding and programs to serve the recreational needs and enrichment of the citizens.

Section 2-131 Membership

The Commission shall be composed of ten (10) members, appointed by the Town Council. All members shall serve without monetary compensation. The commission shall remove any member that has missed numerous meetings. Town Council has the consent of the committee to remove any member for misconduct or neglect of duty.

Section 2-132 Terms of Office

The first five (5) members of the commission shall be appointed for an initial two (2) year term. The remaining five (5) members of the commission shall be appointed for an initial one (1) year term. After the expiration of the initial terms, all members shall be appointed for two (2) year terms. The Town Council shall fill any vacancies through appointment. Any person appointed to fill a vacancy shall hold office for the remainder of the un-expired term.

Section 2-133 Officers

Officers shall be a Chairperson, Secretary and such other officers as the Commission may deem appropriate. All officers shall serve a one (1) year term.

Section 2-134 Meetings, Quorum and Minutes

Meetings shall be held as determined by the majority or quorum of members. Meetings may be conducted in accordance with Robert's Rules of Order. Special meetings may be called by the Chairman, or by written request of two (2) members of the Commission. No action of the Commission shall be valid unless authorized by the vote of the majority of members present.

Minutes shall be kept, and the Commission shall adhere to all requirements of the Virginia Freedom of Information Act, § 2.2-3700, et seq. of the Virginia Code (1950) as amended. Copies of all minutes shall be signed by the Chairperson and the person designated by the Commission to take minutes and forwarded to the Town Clerk within twenty (20) days following each meeting.

Section 2-135 Authority over Contributions

The Commission shall have authority, on behalf of the Town, to solicit and accept private contributions, gifts, bequests and other donations of property into a Colonial Beach Parks and Recreation fund to carry out the purpose of this Commission. All funds and other donations accepted by the Commission shall be deposited with the Town CFO to the credit of the Town for the exclusive use and at the direction of the Commission. The Commission shall submit an annual report which includes all receipts and expenditures from such fund.

Section 2-136 Advisors

The Commission may seek experts to serve as pro bono advisors to the Commission in particular areas of consideration concerning a nominee.

Section 2-137 Amending the Bylaws

These Bylaws may be amended from the affirmative vote of a majority of the Commission voting on the question at the meeting where a quorum is present. Proposed amendments to the Bylaws shall be provided to the Town Council prior to approval.

Section 2-138 Annual Meeting

An annual organizational meeting shall be held each (pick month) to elect officers for the coming year.

Chairperson

Date

COUNCIL PAPER

At the meeting held on March 18, 2020 at the Colonial Beach Town Hall

Resolution # [redacted]-20, Appointments to the Colonial Beach Parks and Recreation Advisory Commission

WHEREAS, the Town Council has created a Colonial Beach Parks and Recreation Advisory Commission to advise and recommend development, funding and programs to serve the recreational needs and enrichment of the citizens.

WHEREAS, the Colonial Beach Parks and Recreation Advisory Commission has asked for volunteers to participate on this committee.

NOW THEREFORE BE IT RESOLVED, that the Town Council in regular session, Wednesday February 19, 2020 hereby appoints the following individuals to the Colonial Beach Parks and Recreation Advisory Commission, effective [redacted]

<u>Commission Member</u>	<u>Term</u>
Patrick Ey	2 years
Karen Griesevich	2 years
Tara Seeber	2years
Melinda Godreau	2 years
Eric Nelson	2 years
Steve Kennedy	1 year
Cody Christensen	1 year
Steve Swope	1 year
Bobbie Adamson	1 year
Paula VanAlstine	1 year

Moved By _____ Seconded By _____

	AYE	NAY		AYE	NAY
Mayor Eddie Blunt	___	___	Dallas Leamon	___	___
Frank Alger	___	___	Robin Schick	___	___
Steve Cirbee	___	___	Vicki Roberson	___	___
Pat Ey	___	___			

Adopted _____ Tabled _____



QUESTIONNAIRE FOR APPOINTMENT BY TOWN COUNCIL TO THE COLONIAL BEACH PARKS AND RECREATION ADVISORY COMMISSION

1. NAME _____ DATE OF BIRTH (MM/DD/YYYY) _____

2. ADDRESS _____

3. TELEPHONE NO: _____ EMAIL ADDRESS: _____

4. EMPLOYER/OCCUPATION: _____

5. # YEARS RESIDED IN COLONIAL BEACH: _____ RESIDE IN TOWN LIMITS: _____

6. OCCUPATIONAL HISTORY AND SPECIFIC EXPERIENCE THAT WOULD PREPARE YOU FOR SERVICE AS AN ADVISOR TO TOWN COUNCIL (*MAY ATTACH PROFESSIONAL RESUME*)

7. EDUCATION:

HIGH SCHOOL DIPLOMA/GED

BACHLEOR'S DEGREE

TECHNICAL COLLEGE

MASTER'S DEGREE

ASSOCIATE'S DEGREE

DOCTORATE

8. VOLUNTEER EXPERIENCE AND/OR SPECIAL SKILLS

9. **MEMBERSHIP ON BOARDS AND COMMISSIONS OFTEN ENTAILS SEVERAL EVENING MEETINGS THROUGHOUT THE YEAR, USUALLY AT LEAST ONCE A MONTH, WITH AN OCCASIONAL EXTRA MEETING PER MONTH.**

a) CAN YOU EXPECT TO BE AVAILABLE FOR THESE MEETINGS?

b) IS THERE ANY PARTICULAR EVENING(S) PER MONTH ON WHICH YOU WOULD NORMALLY BE UNAVAILABLE?

10. HAVE YOU SERVED, OR DO YOU CURRENTLY SERVE, ON ANY BOARDS OR COMMISSIONS?

IF YES, PLEASE EXPLAIN: _____

11. ARE YOU ACTIVE IN ANY CIVIC OR SERVICE ORGANIZATIONS?

12. WOULD YOUR MEMBERSHIP IN SUCH ORGANIZATIONS OR YOUR PROFESSIONAL ASSOCIATION(S) OR BUSINESS ACTIVITY POSE ANY POTENTIAL CONFLICT OF INTEREST OR INAPPROPRIATE ASSOCIATION AS A MEMBER OF A TOWN BOARD OR COMMISSION?

13. IN A FEW WORDS, PLEASE DESCRIBE YOUR INTERESTS IN LOCAL GOVERNMENT AND INDICATE HOW YOUR APPOINTMENT TO A BOARD OR COMMISSION WOULD CONTRIBUTE TO THE OVER-ALL QUALITY OF LOCAL GOVERNMENT IN COLONIAL BEACH:

14. WHY DOES THIS COMMISSION INTEREST YOU MOST?

Tab D

TOWN OF COLONIAL BEACH PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

SUBJECT: Proposed ordinance amendments related to tall grass/vegetation and outdoor storage

DATE: February 26, 2020

BACKGROUND:

Tall Grass/Vegetation--

Section 15-2 of the Town Code of Ordinances addresses vegetation and tall grass, prohibiting in excess of 12 inches in height. Staff completed a review of this section as it prepares for the spring and summer months and recommends some changes that should assist in code enforcement efforts. Presently, a property owner is notified each time a tall grass violation is identified, which can be several times during the spring/summer months and consumes staff time and expense (approximately ten properties are considered to be chronic violators). A second concern is that the current ordinance does not discourage repeat violations, and the town and its contractor become a "lawncare service" for these properties.

Outdoor Storage—

The outdoor storage of abandoned/discarded items on residential properties continues to be a code enforcement issue. Staff has reviewed outdoor storage ordinances of other communities and discussed how to address this issue with the Town Attorney. While Section 15-1 of the Town Code of Ordinances addresses trash/garbage, it does not specifically address abandoned/discarded items, such as furniture, tires, and appliances that may not necessarily be considered trash/garbage but create blight and a public health and safety issue. Second, the storage of building materials on residential properties for long periods of time without an active building permit has been a concern and is not addressed in ordinance. Third, the use of carports, porches, and vehicles/trailers for outdoor storage has been an issue and not addressed in ordinance.

STAFF RECOMMENDATION:

Tall Grass/Vegetation--

Staff recommends amending Section 15-2 of the Town Code of Ordinances to revise the abatement and penalty process related to tall grass/vegetation. The first recommended change would allow staff to send one notice per property per growing season, eliminating the need for staff to send multiple notifications each growing season. The recommended change is to add Section 15-2 (b) (4) as follows:

One notice per growing season is hereby deemed reasonable notice to owners of property to authorize the Town to remove or contract for the removal of any excessive growth of weeds for the entire growing season, from April 1 until November 1 of the same year in which the notice was sent.

The second recommended change is intended to discourage multiple violations during one growing season and reliance on the Town and its contractor as a regular mowing service, by implementing an

escalating civil penalty for repeat violations. Staff recommends modifying Section 15-2 (b) (2) (the proposed additional language is in italics) as follows:

If such grass, weeds, brush or other uncontrolled vegetation as prohibited by paragraph (a) are not cut within the required time, the town manager or his designee shall cause them to be cut and the costs and expenses thereof, which shall include an administrative fee of one hundred dollars (\$100.00), shall be billed to the property owner and, if not paid, shall be added to and collected in the same manner as taxes are collected. *In the event that a property is mowed a second time during the same growing season, a civil penalty of one hundred dollars (\$100.00) shall be assessed to the owner of the property, in addition to the one hundred dollar (\$100.00) administrative fee and the actual mowing expenses. All additional mowing during the same growing season will result in increases of the civil penalty in one hundred dollar increments, in addition to the one hundred dollar administrative fee and actual mowing expenses.*

A third related change is to delete Section 15-2 (b) (3) related to class 4 misdemeanors, using the proposed civil penalty process instead:

~~Any owner who violates this section shall be guilty of a class 4 misdemeanor.~~

Outdoor Storage—

In order to provide additional clarification and increase staff's ability to address the outdoor storage of abandoned/discarded items on residential properties that may affect public health and safety, staff recommends amending Section 15-1 of the Town Code of Ordinances. Specifically, staff recommends adding provisions for outdoor storage of abandoned/discarded items, the storage of building materials, and the storage of discarded items or items not intended for household use in carports, porches, or open beds of vehicles/trailers. The recommended changes are as follows:

Add Section 15-1 (c):

The outside storage on a residential property of abandoned, discarded, or unused objects or equipment, including but not limited to tires, household furniture, appliances, lawn equipment, tools, motor vehicle parts, mattresses, wood or lumber not neatly stacked or piled, that cause a blighting problem; constitute a fire hazard; provides harborage for rats, mice, snakes, and other vermin; or adversely affect the public health or safety, is prohibited.

Add Section 15-1 (d):

The outside storage on a residential property for more than 60 consecutive days of more than five yards of any used or unused building materials which are visible from an adjacent property or road is prohibited, except when done in conjunction with a construction project for which a building permit has been issued and which, in the opinion of the Town, is being pursued diligently to completion or, when the proposed construction does not require a building permit, the construction, in the opinion of the Town, is being diligently pursued to completion.

Add Section 15-1 (e):

Garbage and refuse, abandoned or discarded items, or items not intended for exterior use shall not be stored in a carport, on a porch, or in the open bed of a vehicle or trailer.

Tab E

TOWN OF COLONIAL BEACH PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

SUBJECT: Amended sign ordinance and recommendations

DATE: November 20, 2019

BACKGROUND:

Recently the Town Council requested that the Planning Commission review the current sign ordinance (Article 12 of the zoning ordinance) and submit its recommendation for Council's consideration. Planning Commission had previously reviewed and updated the sign ordinance in 2016/2017 (in addition to holding a public hearing), but the recommended ordinance was not adopted by Council. These changes to the sign ordinance primarily addressed murals, temporary signs, yard signs, and miscellaneous changes based on legal requirements. Planning Commission members have been provided a redline and regular version of the January 2017 revisions, and staff and the Town Attorney have reviewed the document. Related recommendations #1, #2 and #3 are provided below.

Also, the Riverboat on the Potomac has requested a permit to replace its freestanding sign with changeable text on Washington Avenue (the existing sign is grandfathered and it is proposed to replace with a LED message sign). However, due to the current restriction of total signage not exceeding 75 square feet (Sections 12-10 and 12-11) and the length/size of the wall signage on the Riverboat on the Potomac building, this business is not permitted to replace its Washington Avenue sign. While the sign ordinance is being reviewed, the Planning Commission may wish to consider eliminating the 75 square foot cap, while maintaining a total sign limit of one square foot for every foot of building frontage. This change would affect a minimal number of commercial properties but would allow some of the town's larger businesses to meet their signage needs.

STAFF RECOMMENDATION:

- 1) The Town Attorney has reviewed the proposed amended sign ordinance (January 2017 version) and has not recommended any additional changes based on legal requirements, etc. Assuming no other substantive changes, the Town Attorney has indicated that a public hearing conducted by the Planning Commission is not necessary, and a recommended ordinance amendment can be forwarded to the Town Council for a public hearing and possible adoption. After further discussion, the Town Attorney recommended that the Planning Commission hold a public hearing prior to Council consideration.
- 2) In a review of the document, staff noticed that one provision for murals was not included in the January 2017 revised copy, but was in the redline version, so the intention of this item should be clarified: "Mural size shall not exceed 50% of the wall on which it is designed." Planning Commission recommended that this provision be deleted from the ordinance.

- 3) In a review of the document, staff noticed the “nonilluminated” provision of yard sign requirements was not included in the January 2017 revised copy, and should be clarified whether this was excluded intentionally. Staff recommends that the “nonilluminated” provision remain in the ordinance. *Planning Commission agrees with this recommendation.*

 - 4) Staff recommends amending Section 12-10 and 12-11 to eliminate the cap on total sign square footage, while maintaining a total sign limit of one square foot for every foot of building frontage. *Planning Commission agrees with this recommendation.*
-

UPDATE: A public hearing was held at the February 27th regular meeting of the Planning Commission, with no public comment provided. At the conclusion of the public hearing, the Planning Commission voted unanimously in support of the amended sign ordinance with the recommended changes noted above. The amended sign ordinance is attached for review.

Further Amendments with Planning Commission Changes

ARTICLE 12 SIGNS

Statement of Intent

The purpose of this article is to regulate the size, location, height and construction of all signs; to protect the public health, safety, convenience and general welfare; to facilitate the creation of a convenient, attractive, and harmonious community; to protect property values; and to further the goals, objectives and policies of the Comprehensive Plan. This article is intended to promote signs that are:

- 1) Compatible with the landscape/streetscape and architecture of surrounding buildings, and promote a favorable aesthetic quality of the Town **and its unique character**;
- 2) Properly designed, constructed, installed and maintained, in order to limit driver and pedestrian distraction and otherwise to promote general public safety;
- 3) Legible, relevant and appropriate to the activity to which they pertain;
- 4) Limited in size, placement and frequency, so as to provide a fair avenue for advertisement while maintaining the general value of property.

12-1 Administration

- A. The application and enforcement of the provisions herein shall be the responsibility of the Department of Planning & Community Development. The Planning Director shall reserve the authority to designate an agent to perform these responsibilities on his/her behalf, if and where needed.
- B. The Planning Director shall have the authority to cause the immediate removal of any signs which are not constructed and maintained in accordance with the provisions of this Article or in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code (USBC).
- C. Signs deemed unsafe shall be regulated by the following provisions, as prescribed in § 15.2-906 of the Code of Virginia, as amended :
 1. Whenever, in the opinion of the Planning Director, a sign becomes structurally unsafe or endangers the public safety, such sign shall be ordered to be made safe and to comply with this ordinance or removed, as the case may be. The order shall be sent by certified mail and shall be complied with within thirty (30) days from the date of receipt. Failure to comply with the order shall constitute grounds for the Director to have the sign removed, the cost of which shall be paid by the property owner.
 2. Whenever, in the opinion of the Planning Director, an unsafe sign poses an imminent threat of serious injury to person or property, and it is impracticable to give notice as required by subparagraph (1), the Director may cause the sign to be immediately made safe or removed, and the cost thereof shall be paid by the property owner.
- D. In the event that special site conditions exist, such as those related to topography, building size, location, or orientation, etc., the Planning Director shall reserve the authority to grant approval for signage so long as the subject signage meets the intent of the ordinance.

12-2 General Provisions

- A. *Definitions.* Definitions of various items pertaining to this Article are set forth in the *Definitions* section of this Zoning Ordinance.

- B. *Applicability.* The standards, procedures, exemptions and other requirements of this article shall apply to all signs constructed, erected, moved, enlarged, illuminated, or substantially altered within the municipal limits of the Town.
- C. *Construction.* In addition to the standards set forth in this article, all signs and their structures shall conform to all applicable provisions of the USBC and all amendments thereto.
- D. *Maintenance.* All signs, and their structural and/or electrical components, shall be kept in a generally maintained state at all times.
- E. *Comprehensive Plan.* This article shall be in accordance with the Goals and Objectives of the Comprehensive Plan, notably the objective to “Improve the Town’s aesthetic quality to make a positive and lasting impression on visitors to the community and enhance the quality of life for residents.”
- F. *Conflict.* In the case of conflicting regulations, the most restrictive standard shall apply.

12-3 Permit Required for Signs

- A. Except for signs exempted from regulation, every sign shall be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a sign permit issued by the Planning Director.
- B. Prior to the issuance of any sign permit, an application for a sign permit shall be submitted to the Department of Planning and Community Development for review. The application shall be accompanied by a rendering, or “cut sheets,” of the sign face, and a scaled drawing or survey which shows the following information:
 1. All dimensions of the sign and its structure, if applicable;
 2. The area of the actual sign face;
 3. The proposed location of the sign in reference to property lines, existing structures and other site characteristics;
 4. Proposed manner of illumination, if applicable;
 5. Method of construction, if applicable, to meet the requirements of the USBC.
- C. A sign permit shall become null and void if the sign is not erected within six (6) months after the date of issuance. Upon written request and for good cause shown, one (1) six-month extension may be granted, pursuant to any required permit renewal fee.

12-4 Signs Excluded from Regulation

The following signs are excluded from regulation under this article, ~~but shall conform to the provisions set forth in Article 12-7:~~

- A. Signs of a duly constituted governmental body, such as, but not limited to, traffic, warning, directional, street, regulatory signs, Red Cross (as prescribed in § 33.1-355 of the Code of Virginia, as amended), or governmental signs which are directly related to the health, safety, convenience or welfare of the community.
- B. Signs with a total area of four (4) ft² or less, ~~provided the signs conform to the provisions set forth in section 12-7 and~~ provided that multiples of such signs are not installed in a manner which resembles a larger sign.
- C. ~~Murals and various applied wall art which are purely noncommercial in nature.~~

- D. Bulletin boards, such as those commonly found at community centers, churches, and the like, as well as menu/daily special signs for eating establishments, provided they are no more than twelve (12) ft² in total area, are affixed to a building façade, are not illuminated, and only one is erected per property.
- E. Flags of the Town of Colonial Beach, Commonwealth of Virginia, United States of America, and any other flag of a government entity flown for noncommercial purposes, or a single flag displaying only a corporate logo, and any other horizontally-oriented flags which are purely ornamental and do not promote a commercial activity.
- F. Seasonal displays or decorations which do not advertise products or services. ~~Such signs shall be removed within seven (7) days following the holiday.~~
- G. Signs not visible from a public right-of-way.
- H. Signs on a currently licensed truck, bus or other vehicle while in the normal course of business and provided that such is not parked for display purposes.
- I. ~~Campaign or other political signs.~~
- J. ~~Parking lot entrance, exit, and wayfinding signs, provided that such signs do not exceed 6 (six) ft² in area per sign.~~
- K. Window signs taking up no more than 30% of the total window area.
- L. ~~Signs advertising garage sales, estate sales, and the like, provided they are removed immediately following completion of the event.~~

12-5 **Directional** Off-Premise Signs

- A. **Directional** off-premise signs which only contain the business name and a directional arrow shall be permitted.
- B. The **directional** off-premise sign shall ~~be up to not exceed~~ four (4) ft² in area and shall not be more than four (4) feet in height.
- C. The sign shall be located at least five (5) feet from the public right-of-way(s) and shall not interfere with any required sight triangles for property entrance(s) or adjacent roadways.
- D. A zoning permit is required for such signs.
- E. A notarized letter from the property owner(s) is to accompany the permit application indicating the property owner's permission to erect the directional sign on their property.

12-6 **Real Estate, Contractor, & Financing Signs** **Temporary Yard Signs**

- A. ~~Real estate and contractor signs~~ **Temporary Yard Signs** are exempt from permitting requirements and are regulated as follows:
 1. One (1) **yard sign real estate sign and one (1) developer/contractor sign for each street frontage advertising residential real estate for sale, lease or an open house** provided that such sign is located on the premises, is non-illuminated, and does not exceed six (6) ft² in area. Maximum sign area of the sum of all such signs shall not exceed thirty (30) ft² in total area. ~~Such signs must be removed within seven (7) days of the sale, lease or completion of the improvement.~~ **Yard signs shall not exceed (6) ft² in area. No more than 5 yard signs shall be permitted on any property at one time.**
 2. ~~Two (2) general real estate, contractor, and/or financing signs (non-residential projects).~~
 - a. ~~Such signs may advertise commercial real estate for sale or lease, contractor(s) performing the work, and source of financing.~~
 - b. ~~Maximum sign area all such signs shall not exceed fifty (50) ft² in total area.~~
 - c. ~~All such signs must be removed prior upon issuance of a Certificate of Occupancy or within seven (7) days of completion of the improvement or construction.~~
 3. Signs shall be setback a minimum of three (3) feet from any property line(s) and shall not interfere with any required sight triangles for property entrance(s) or adjacent roadways.
 4. Signs shall not exceed eight (8) feet in height.
 5. **Temporary yard signs must be temporary in nature.**

6. Temporary yard signs must be removed within seven (7) days of the activity in which the sign is advertising.

12-7 Temporary Signs

- A. In addition to the provisions set forth in Articles 12-4 and 12-7, temporary signs and banners are permitted provided such signs conform to the following provisions:
 1. Temporary signs and banners are subject to a zoning permit fee, as prescribed in the adopted Town Fee Schedule.
 2. Not more than one (1) such sign shall be located on any lot, except when such lot contains multiple establishments or uses, one (1) temporary sign or banner shall be permitted for each separately identifiable establishment or use located thereon.
 3. In cases where there are multiple businesses there shall not be more than 1 temporary sign per 25-feet of road frontage with a maximum number of six (6) temporary signs
 4. No single temporary sign shall exceed ~~eighteen (18) ft²~~ 32 ft² in total area nor shall the sum of all temporary signs exceed ~~fifty~~ 75 ft².
 5. Permitted temporary signs or banners may be erected for a period of no more than thirty (30) consecutive days, and no establishment or use may erect six (6) temporary signs or banners in a calendar year.
 6. The temporary sign shall not be illuminated.
 7. The minimum setback distance shall be ten (10) feet from the right-of-way of any state primary route; this distance shall be a minimum of three (3) feet from the right-of-way of all other roadways.
 8. Temporary signs shall be maintained in a neat, clean and orderly fashion. Tattered and torn temporary signs shall not be permitted.
 9. The sign meets all other applicable provisions of this article.
- ~~B. Temporary signs/banners advertising a grand opening, soon to open business, new management, going out of business sale, and the like, are not subject to a zoning permit fee and shall be no larger than thirty two (32) ft². Such signs shall be erected for no longer than thirty (30) days.~~
- C. Temporary signs shall not be included in the computation of permitted sign area.

12-8 Signs Prohibited

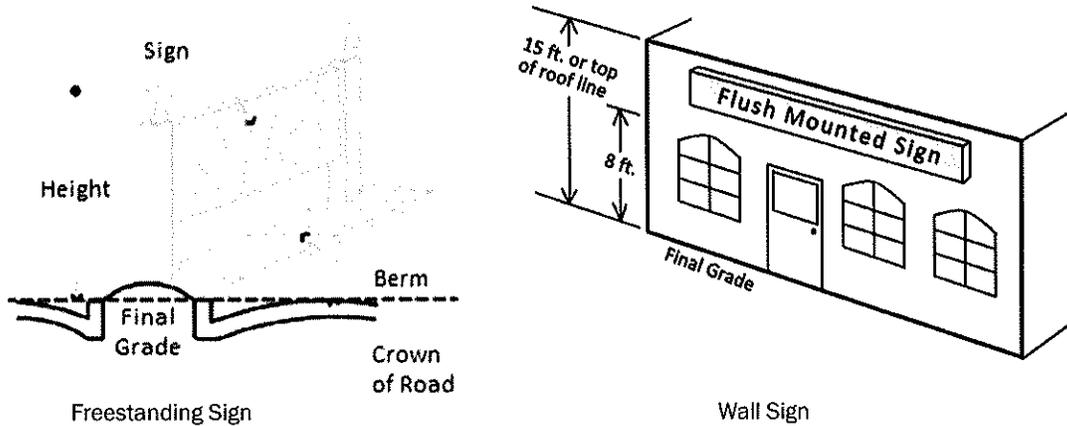
Notwithstanding any other provision of this article, the following signs are prohibited and subject to immediate removal by the Town:

- A. Signs that flutter, rotate, or otherwise move for the purpose of attracting attention, or those which produce sound, odor, liquid or visible matter such as smoke or vapor.
- ~~B. Off-premises advertising signs including billboards.~~
- C. Signs that imitate or obscure those of a duly constituted governmental body.
- D. Any sign that is displayed on a stationary motor vehicle or trailer when the vehicle or trailer is used primarily for the purpose of, and serving the function of, a portable sign
- E. Signs which advertise illegal activities under federal, state or local laws or regulations.
- F. **Temporary** signs located in any public right-of-way or attached to any utility pole or structure.
- G. Signs which are placed or located so as to impede vision or contravene other requirements of applicable traffic ordinances or statutes.
- H. Signs, not being an integral part of the building design, which are fastened to, supported by, or on the roof of a building.
- I. Signs that extend over or above the roof line or parapet wall of a building.
- J. All other signs not expressly permitted in this ordinance.

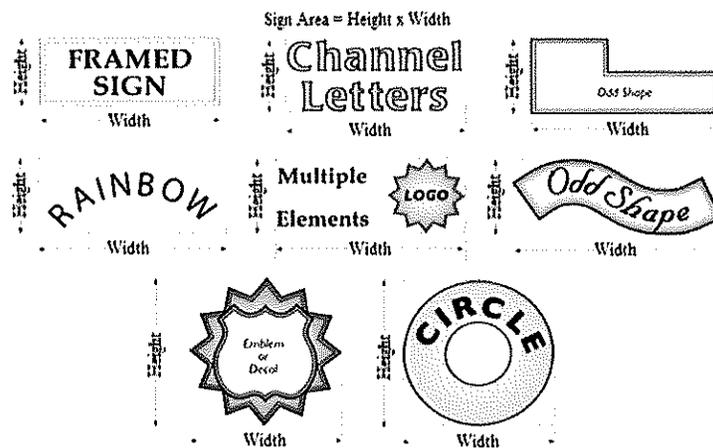
12-9 Calculation of Sign Dimensions

A. General Dimensional Standards:

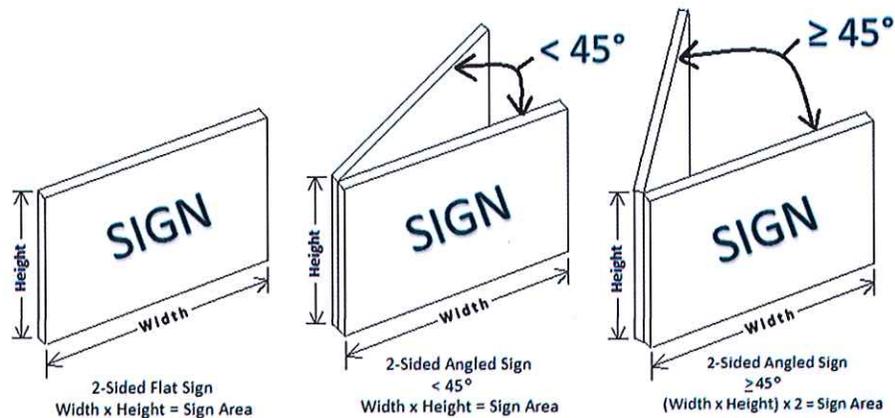
1. *Height.* The height of a sign shall be measured from the final grade around the sign to the highest physical point of the sign excluding supporting structure, framework, base, or bracing.



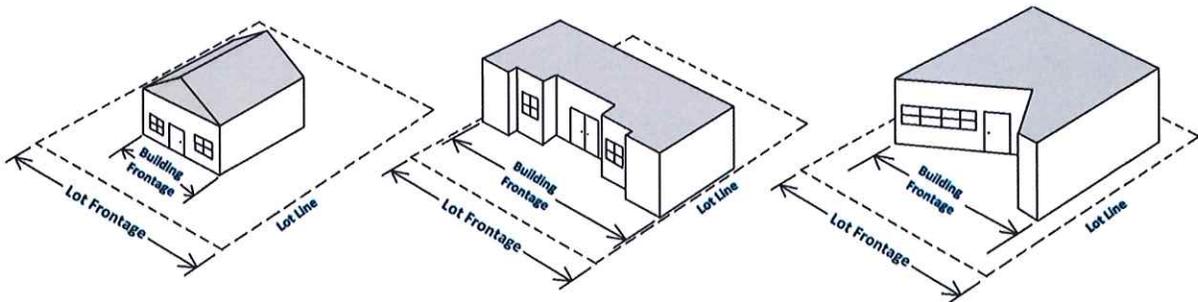
2. *Area.* The area of a sign face shall be established by determining the square footage of all text, representations, colors, emblems, and other displays contained in a sign. The area shall not include any supporting structure, framework, base, or bracing.



3. *Faces.* Where the sign faces of a double-faced sign are parallel, or the interior angle formed by the faces is less than 45°, only one (1) display face shall be used to compute the sign area. If the angle is greater than or equal to 45°, the area of both sign faces shall be used to compute the sign area. If the two (2) faces of a double faced sign unequal in area, the area of the larger face shall be used.



4. *Building/Lot Frontage.* A building's frontage is the horizontal length of a building on the side containing the primary entrance. If the wall is straight, then the frontage shall be the length of the wall. If the wall is not straight, the frontage shall be measured as a straight line from corner to corner of the front building face. The lot frontage is the linear distance between points where the side property lines meet the street right-of-way.



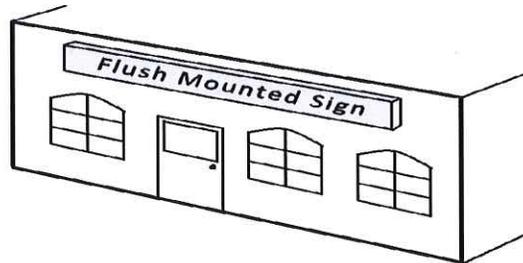
12-10 Sign Types

- A. *Wall Signs.* Permitted variations of wall signs include: flush mounted, suspended, marquee, canopy/awning.
1. *General Standards.*
 - a. Such signs are permitted on the wall(s) of the building frontage which are visible from a public right-of-way.
 - b. The area of wall sign allowed shall be one (1) square foot for every one (1) linear foot of building frontage.
 - c. A building frontage may have up to two (2) of the permitted wall sign types, so long as the total aggregate sign area per frontage does not exceed seventy-five (75) ft² one (1) square foot for every one (1) linear foot of building frontage per establishment.
 - d. On a multi-occupancy building, each occupant with a separate outside entrance to the general public may be permitted to have one (1) separate wall sign above said entrance provided the total sign area does not exceed 75 ft². one (1) square foot for every one (1) linear foot of building frontage.
 - e. Roofing elements within 30° of vertical, e.g. a "mansard" roof, may be considered a wall for the purposes of this ordinance.
 - f. A wall sign and/or its supporting structure may project into or above a public right-of-way no more than three (3) feet, but shall not project into or over any roadway.
 - g. Such signs shall be constructed of materials and in a manner that represents a finished appearance, e.g. no unfinished raw materials, exposed fasteners, unpainted

surfaces or those otherwise unprotected from the elements, or any other aspect that may signify incomplete construction.

2. *Flush Mounted Wall Signs.* General standards for flush mounted wall signs are as follows:

- a. The area of an individual flush mounted wall sign shall be one (1) ft² for every one (1) linear foot on building frontage, up to a maximum of seventy five (75) ft².
- b. No such sign may project outward more than one (1) foot from the building façade on which it is attached.



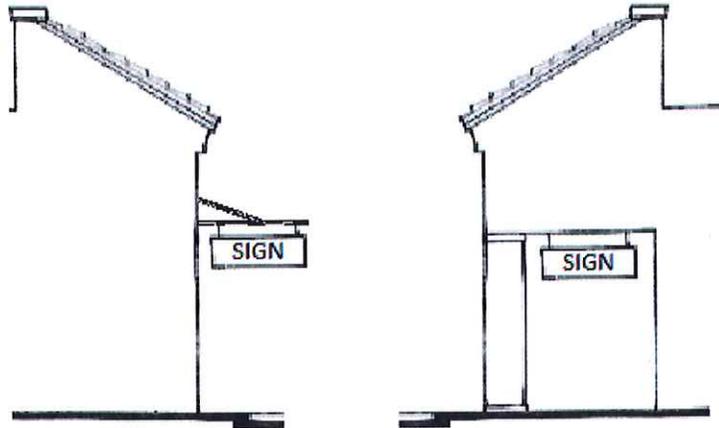
Zoning / Land Use	Flush Mounted Wall Signs			
	Permitted?	Maximum Sign area	Minimum Height	Maximum Height
R-1, R-2, R-2A, R-3, R-4*	✓	3 ft ²	4 ft.	8 ft.
CR	✓	1:1** 75 ft ²	8 ft.	15 ft.
RC	✓	1:1** 75 ft ²	8 ft.	15 ft.
C-1, C-2	✓	1:1** 75 ft ²	8 ft.	15 ft.
MC	✓	1:1** 75 ft ²	8 ft.	15 ft.

* Single-family homes are permitted one (1) wall sign only in accordance with an approved home occupation permit.

** One (1) square foot for every one (1) linear foot of building footage.

3. *Projecting Wall Signs.* General standards for projecting signs are as follows:

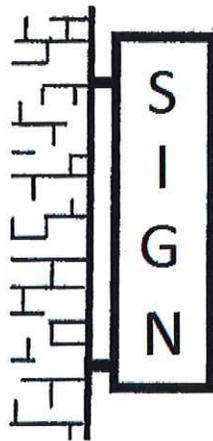
- a. No part of any projecting sign shall be lower than eight (8) feet from final grade.
- b. No part of any projecting sign shall project farther than three (3) feet from the building façade on which it is attached.
 - i. *Suspended Signs.*
 - a) All suspended blade signs shall be installed 90° from the building façade on which they are attached.



Zoning / Land Use	Suspended Signs			
	Permitted?	Maximum Sign area	Minimum Height	Maximum Height
CR	✓	15 ft ²	8 ft.	15 ft.
RC	✓	15 ft ²	8 ft.	15 ft.
C-1, C-2	✓	15 ft ²	8 ft.	15 ft.
MC	✓	15 ft ²	8 ft.	15 ft.

ii. Marquee Signs.

- a) All vertical marquee signs shall be installed 90° from the building façade on which it is attached.



Vertical Marquee Sign



Horizontal Marquee Sign

Zoning / Land Use	Vertical Marquee Signs				Horizontal Marquee Signs			
	Permitted?	Maximum Sign area	Minimum Height	Maximum Height	Permitted?	Maximum Sign area	Minimum Height	Maximum Height
RC	✓	15 ft ²	8 ft.	15 ft.	✓	75 ft ²	8 ft.	15 ft.
C-1, C-2	✓	15 ft ²	8 ft.	15 ft.	✓	75 ft ²	8 ft.	15 ft.

iii. *Canopy/Awning Signs.*

- a) Any lettering and/or images comprising the sign area on an awning or canopy shall be located on the face of the awning or canopy, parallel to the building.
- b) Internal illumination is not permitted on canopy/awning signs.

4. Murals (Commercial and Non-Commercial). General standards for murals are as follows:

- a. Murals shall be restricted that, by their content, threaten the public health, safety and general welfare of the residents of Colonial Beach.
- b. Murals shall be maintained in good repair, free from peeling paint or damage due to age.
- c. Murals that are primarily non-commercial in nature are not subject to any size restrictions relative to the surface on which they are painted or adhered.
- d. Murals that are primarily commercial in nature are subject to the same size restrictions as other commercial signage contained herein.



Zoning / Land Use	Canopy/Awning Signs			
	Permitted?	Maximum Sign area	Minimum Height	Maximum Height
CR	✓	15 ft ²	8 ft.	15 ft.
RC	✓	15 ft ²	8 ft.	15 ft.
C-1, C-2	✓	15 ft ²	8 ft.	15 ft.
MC	✓	15 ft ²	8 ft.	15 ft.

B. *Freestanding Signs.* Permitted variations of primary freestanding signs include: double pole, hanging blade and monument. Permitted variations of secondary freestanding signs include: “a-frame” and “h-frame” as well as vertical flag signs.

1. *General Standards.*

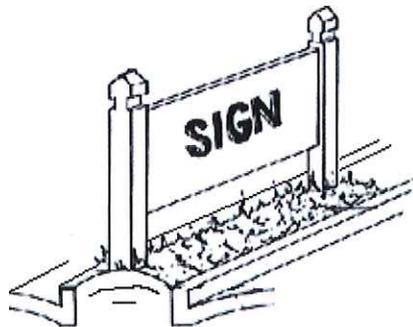
- a. Such signs may be double-sided, but the sides shall be identical.

- b. The setback distance shall be a minimum of three (3) feet from the property line, except along a state primary route for which the minimum shall be five (5) ten feet, and adequate to clear sight triangles for the property entrance(s).
- c. No part of any freestanding sign or its supporting structure may project into or above any public right-of-way.
- d. Such signs shall be constructed of materials and in a manner that represents a finished appearance, e.g. no unfinished raw materials, exposed fasteners, unpainted surfaces or those otherwise unprotected from the elements, or any other aspect that may signify incomplete construction.

2. *Primary Freestanding Signs.*

- a. No property shall be permitted more than one (1) primary freestanding sign, except if the property has a secondary entrance on a separate public road. Such a property may have one (1) additional primary freestanding sign for the secondary entrance, provided that the secondary lot frontage is at least as long as the primary lot frontage.
- b. All primary freestanding signs shall be located in a mulched and landscaped bed, exclusive of any landscaping required in Article 24 of this Ordinance.
- c. Outparcels located in shopping centers shall not have a primary freestanding sign.

i. *Double Pole Signs.*



Zoning / Land Use	Double Pole Signs		
	Permitted?	Maximum Sign area	Maximum Height
Multi-Family Use*	✓	24 ft ²	6 feet
Church / Institutional	✓	32 ft ²	12 feet
CR	✓	32 ft ²	12 feet
RC	✓	32 ft ²	12 feet
C-1, C-2	✓	32 ft ²	12 feet
MC	✓	32 ft ²	12 feet
A-1, M-1	✓	32 ft ²	12 feet

* Such signs shall only be permitted to identify the business

ii. *Hanging Blade Signs.*

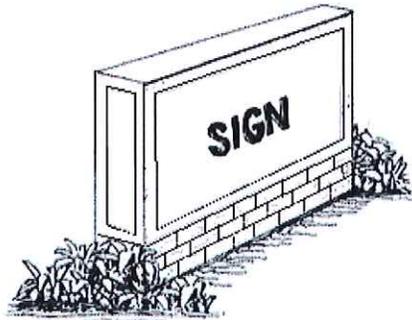


Zoning / Land Use	Hanging Blade Signs		
	Permitted?	Maximum Sign area	Maximum Height
Multi-Family Use*	✓	24 ft ²	6 feet
Church / Institutional	✓	24 ft ²	8 feet
CR	✓	24 ft ²	8 feet
RC	✓	24 ft ²	8 feet
C-1, C-2	✓	24 ft ²	8 feet
MC	✓	24 ft ²	8 feet
A-1, M-1	✓	24 ft ²	8 feet

* Such signs shall only be permitted to identify the business

iii. *Monument Signs.*

- a) Such signs shall be constructed with a masonry base and/or supporting structure. The materials used shall reflect the architecture of the principal structure(s) on the property.



Zoning / Land Use	Monument Signs		
	Permitted?	Maximum Sign area	Maximum Height
Multi-Family Use	✓	32 ft ²	8 feet

Major Subdivision	✓	32 ft ²	8 feet
Church / Institutional	✓	32 ft ²	8 feet
PUD-R	✓	64 ft ²	8 feet
CR	✓	32 ft ²	8 feet
RC	✓	32 ft ²	8 feet
C-1, C-2*	✓	32 ft ²	8 feet
MC	✓	32 ft ²	8 feet
A-1, M-1	✓	32 ft ²	8 feet

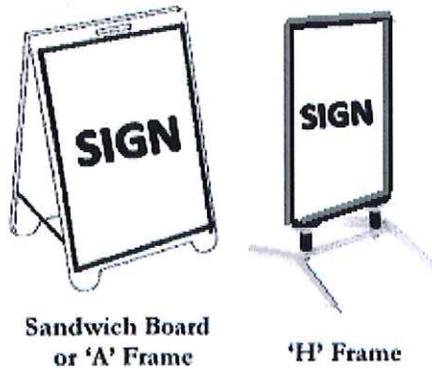
* Shopping centers in these districts may have a monument sign with a max. height of 12 feet and a max sign area of 60 ft².

3. **Secondary Freestanding Signs.** General standards for all secondary freestanding signs are as follows:

- a. An individual property may be permitted one (1) secondary freestanding sign in addition to any primary freestanding sign as specified in part d –i below.
- b. Such signs shall be exempt from permit requirements, but shall conform to all other applicable provisions in this article.
- c. Such signs shall not be illuminated.
- d. Such signs shall be removed at the end of each business day.

i. **A-Frame & H-Frame Signs.**

- a) Each tenant within a shopping center may erect one (1) A-Frame or H-Frame sign, provided the sign is located in front of the business, does not occupy any required parking space and provides at least thirty-six (36) inches of clearance for pedestrians.

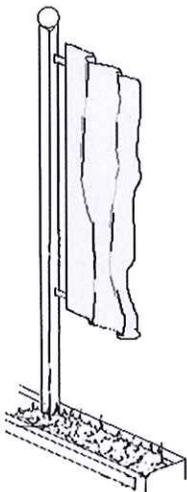


Zoning / Land Use	A-Frame & H-Frame Signs		
	Permitted?	Maximum Sign area	Maximum Height
Multi-Family Use	✓	8 ft ²	4 feet
Major Subdivision	✓	8 ft ²	4 feet
Church /	✓	8 ft ²	4 feet

Institutional			
CR	✓	8 ft ²	4 feet
RC	✓	8 ft ²	4 feet
C-1, C-2	✓	8 ft ²	4 feet
MC	✓	8 ft ²	4 feet

ii. *Vertical Flag Signs.*

a) Shopping centers are permitted as provided in Section 12-7 of this article



Zoning / Land Use	Vertical Flag Signs		
	Permitted?	Maximum Sign area	Maximum Height
CR	✓	24 ft ²	12 feet
RC	✓	24 ft ²	12 feet
C-1, C-2	✓	24 ft ²	12 feet
MC	✓	24 ft ²	12 feet

12-11 Maximum Aggregate Sign Area

- A. The maximum aggregate sign area of all permitted sign types on a single property shall be seventy five (75) ft², except as provided for in Section 12-12. For multi-occupancy buildings and shopping centers, this maximum area shall be per business or occupant, exclusive of any respective sign area on a shared sign structure.

12-12 Changeable Copy Signs

- A. Any primary freestanding sign may have up to an additional fifty (50) percent of its sign area as traditional changeable copy.
- B. Any secondary freestanding sign(s) are not permitted except as provided in Section 12-10 Section B-3, d, i & ii.
- C. Digital changeable copy or digital billboard type signs shall be incorporated into a monument sign as specified in section 12-10, Section B-2-c-iii.

12-13 Sign Illumination

- A. No flashing or intermittent illumination shall be used on any sign or structure. Scrolling text may be permitted on a digital sign in accordance with Article 12-12 above.
- B. Any sign permitted by this Article may be internally or externally illuminated, provided the illumination is installed in such a manner as to prevent the undiffused light rays from being cast upon adjacent properties, upon any public right-of-way or the night sky.
- C. Illuminated signs shall require an electrical permit in addition to a standard zoning permit.

12-14 Removal of Vegetation Around Signs

- A. No person shall destroy or remove or trim any trees, shrubs or other vegetation for the purpose of increasing or enhancing the visibility of any sign if the subject vegetation is:
 - 1. Within any public right-of-way, unless the work is done by an agency having jurisdiction over such area;
 - 2. On property that is not under the ownership or control of the person responsible for such work, unless authorization is provided by the property owner where the subject vegetation is located;
 - 3. Required landscaping, as prescribed in the *Landscaping* article of this Zoning Ordinance;
 - 4. Regulated or otherwise protected under the provisions of the *Chesapeake Bay Preservation Area Overlay District* article of this Zoning Ordinance.
- D. Limbs on the underside of any tree may be pruned, i.e. "up-limbed", to a maximum height of twelve (12) feet in order to enhance visibility of any sign.
- E. No tree may be "topped," i.e. have its upper limbs removed, in order to enhance visibility of any sign.

12-15 Nonconforming Signs

- A. Any sign lawfully in existence on the date of enactment of this ordinance may be maintained as nonconforming until the related building occupant or use ceases operations in the space.
- B. No nonconforming sign may be enlarged or altered in such a manner as to expand the nonconformity, nor may illumination be added to any nonconforming sign.
- C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.
- D. A nonconforming sign destroyed by any cause may not be repaired, reconstructed or replaced except in conformity with this article. For the purposes of this section, a nonconforming sign is destroyed if damaged to an extent that the cost of repairing the sign to its former condition or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
- E. The message of a nonconforming sign may be changed so long as this does not create any new non-conformity.

12-16 Abandoned/Obsolete Signs

- A. Signs advertising a business or use that have been discontinued for a period of at least two (2) years shall be deemed abandoned/obsolete. Such signs shall be brought into conformity with

this Article, or removed in their entirety, as prescribed in § 15.2-2307 of the Code of Virginia, as amended.

To Be Added to Article 20 Definitions:

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

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

Tab F

TOWN OF COLONIAL BEACH PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

SUBJECT: Review of landscaping sections of zoning ordinance

DATE: January 30, 2020

BACKGROUND:

In Fall 2019 the Town Council requested the Planning Commission review the current landscaping and tree-related sections of the zoning ordinance, to include tree species requirements and tree replanting ratios. The applicable sections are the Chesapeake Bay Preservation Area Overlay District (Article 22), Landscaping (Article 24), Parking (Article 13), and Definitions (Article 20). These sections were reviewed previously by the Planning Commission but no amendments were approved by the Town Council. The attached documents contain those proposed changes; in addition, staff comments are provided on other suggested changes.

STAFF RECOMMENDATION:

Landscaping (Article 24):

- 1) Remove Table 24.9 (Native Species for Landscaping) and reference only “Native Plants for Conservation, Restoration and Landscaping for the Virginia Coastal Plain”
- 2) Encourage but not mandate that all required street frontage trees and parking area landscaping be listed in “Native Plants” pamphlet (and allow for non-native species such as crape myrtles), by deleting Section 24.2 A. and B. , and replacing with the following: “All new plantings to meet street frontage and parking area planting requirements are encouraged but not required to be native species as specified in “Native Plants for Conservation, Restoration and Landscaping for the Virginia Coastal Plain” from the Virginia Department of Conservation and Recreation (DCR) and available at the town’s planning department. All new plantings to meet replacement requirements for dead or diseased trees, as specified in Article 22, must be native species listed in the DCR native plants pamphlet, unless otherwise provided for in this ordinance.” Planning Commission added to this amendment “excluding invasive species identified by DCR.”
- 3) Move Section 24.6 (landscaping- parking lots) to Article 13 (Parking)
- 4) Add Section 24.8 (buffer yard and transitional screening)
- 5) Add definitions to Article 20 (Definitions) for bioretention and bioretention swale

Parking (Article 13):

- 1) Landscaping parking lot requirements now located in section 13-5 (Improvement of Parking Areas)
- 2) Other changes proposed in 2016 primarily related to space and dimensional requirements— suggest proposed changes that are not landscaping-related be considered at a future date

Chesapeake Bay Preservation Area Overlay District (Article 22):

- 1) Clarify “construction footprint”:
 - A) Amend Section 22-9 B.1.b. (Performance Standards): “The construction footprint shall be the minimum necessary for development of the property and in no case shall mean clearing of all vegetation.”
 - B) Amend Section 22-11 C.1.a. (Plan of Development Process—Landscaping Plan—Contents of a Plan) to add “...and shall be the minimum necessary for development of the property and in no case shall mean clearing of all vegetation.”
 - C) Amend the definition of construction footprint in Article 20 (Definitions): “The area of all impervious surfaces including, but not limited to, buildings, roads and drives, parking areas, an sidewalks, and the minimum area necessary for construction of such improvements.”
- 2) Amend Section 22-9 B.2.b.i.1 and Section 22-9 B.2.c.i.1 to remove reference to the Table 24.9, so that only the DCR “Native Plants” pamphlet is referenced for replacement of dead or diseased trees
- 3) Maintain existing tree replanting ratios of 2:1 for Resource Management Area and 3:1 for Resource Protection Area
- 4) Amend Section 22-9 B.2.c.ii (Performance Standards—Woodlot Management Permit Required) to provide flexibility for planting replacement trees on property other than where a tree has been removed, by adding the following: “4. In the determination of the Zoning Administrator that a lot where a tree is removed is not large enough or conditions prevent the planting of the replacement trees, these trees may be replanted on other property, either private or public, with the written consent of that property owner. In the event that a tree is removed on a property within the RPA, then replacement trees must be replanted on other properties within the RPA.” *Planning Commission voted against this recommendation, citing tracking and tree maintenance concerns.*

UPDATE: A public hearing was held at the February 27th regular meeting of the Planning Commission, with no public comment provided. At the conclusion of the public hearing, the Planning Commission voted unanimously in support of the amended landscape ordinances (Articles 13, 22, and 24 of the zoning ordinance), with staff recommendations as noted above (with the exception of Article 22 recommendation #4).