



Before the
Colonial Beach Town Council

Held at
Colonial Beach Town Center
22 Washington Avenue, Colonial Beach, VA 22443
Saturday, June 13, 2020 at 10:00 A.M.

**Town Council Regular Meeting
AGENDA**

1. **Call to Order**
2. **Moment of Silence/Pledge of Allegiance**
3. **Roll Call of Members**
4. **Additions to the Agenda**
5. **Approval of the Agenda**
6. **Approval of Minutes for the following:**

March 15, 2017 Regular Meeting, June 8, 2017 Special Meeting, June 14, 2017 Special Meeting, June 21, 2017 Regular Meeting, July 19, 2017 Special Meeting, September 9, 2017 Work Session, July 17, 2019 Regular Meeting (Lack of Quorum), August 7, 2019 Work Session, August 21, 2019 Regular Meeting, September 4, 2019 Work Session, October 2, 2019 Work Session, October 16, 2019 Regular Meeting, November 6, 2019 Work Session, November 20, 2019 Regular Meeting, December 18, 2019 Regular Meeting, January 2, 2020 Special Meeting, January 25, 2020 Work Session, January 29, 2020 Regular Meeting, February 5, 2020 Work Session, February 19, 2020 Regular Meeting, March 4, 2020 Work Session and April 8, 2020 Special Meeting

7. **Council Member Announcements**
8. **Presentations**
 - **20 years of Service Award for Danny Smith, Public Works Department**
 - **CARES Act Discussion, Quinn Robertson and Jim Cornwell**

9. Unfinished Business

- Resolution #18-20, Adoption and Appropriation of Fiscal Year 2021 Budget and Adoption and Appropriation of the FY 2021 Budget for the Colonial Beach School Board (*Public Hearing held on June 5, 2020*) (*Tab A*)

10. New Business

- Resolution #19-20, Acceptance of Retirement of Town Clerk, Kathy Flanagan (*Tab B*)
- Resolution #20-20, Appointment of Heather Oliver as Colonial Beach Town Clerk (*Tab C*)
- Resolution #21-20, Approval to Resume Previously Established Schedule of Work Session Meetings (*Tab D*)
- Resolution #22-20, Approval to Resume Previously Established Schedule of Regular Town Council Meetings (*Tab E*)

Public Hearing

- ORDINANCE NO. 704, Sign Ordinance, Proposed Changes to Zoning Ordinance (*Tab F*)
 - i) Public Input
 - ii) Council Action

Public Hearing

- ORDINANCE NO. 705, Landscaping Articles, Proposed Changes to Zoning Ordinance (*Tab G*)
 - i) Public Input
 - ii) Council Action

Public Hearing

- ORDINANCE NO. 706, Code Enforcement, Proposed Changes to Tall Grass/Vegetation Notification and Fees (*Tab H*)
 - i) Public Input
 - ii) Council Action

Public Hearing

- **ORDINANCE NO. 707, Conditional Use Permit Request – Gunsmith, 111 Marshall Avenue *(Tab I)***
 - i) **Public Input**
 - ii) **Council Action**

Public Hearing

- **ORDINANCE NO. 708, Amends Chapter 5, “BEACHES, WATERWAYS, BOARDWALK, PARK, RECREATIONAL AREAS AND FACILITIES” ARTICLE I “IN GENERAL”, SECTION 5-9 “ACTIVITIES PROHIBITED ON PUBLIC BEACHES, PARKS, RECREATION AND PARKING AREAS, OR OTHER PUBLIC AREA WITHIN IN THE TOWN” *(Tab J)***
 - i) **Public Input**
 - ii) **Council Action**

11. **Status Items**
 - **Update on Coronavirus**
12. **Citizen Input**
13. **Closed Meeting (if necessary)**
14. **Adjournment/Recess**

Tab A

COUNCIL PAPER

At the meeting held on Saturday, June 13, 2020 at the Colonial Beach Town Hall

**RESOLUTION #18-20, ADOPTION AND APPROPRIATION
OF FISCAL YEAR 2021 BUDGET AND ADOPTION AND
APPROPRIATION OF THE FY 2021 BUDGET FOR THE
COLONIAL BEACH SCHOOL BOARD**

BE IT RESOLVED that the Town Council, meeting in a Regular Meeting, Saturday, June 13, 2020 hereby adopts and appropriates the Fiscal Year 2021 budget as follows:

PROPOSED FISCAL YEAR 2021 BUDGET

	FY 2020 Tax Rate	FY 2021 Tax Rate
Real Estate	.80	.80
Personal Property	3.20	3.20
Mobile Home	.58	.58
Farm Machinery	2.60	2.60
Public Utilities	.70	.70
Boat Tax	.01	.01

All rates listed above are per \$100 of assessed value

PROPOSED FISCAL YEAR 2021 BUDGET

	FY 2020	FY 2021
General Fund Town Government	\$7,291,783	\$6,930,942
Transfer to School Operating Fund	\$2,299,916	\$1,745,765
Sewer & WWTP Fund 501	\$2,295,526	\$2,488,934
Water Fund 503	\$1,109,535	\$1,193,440

SECTION 1

The following amounts are approved for the Colonial Beach School Board, subject to the conditions set forth in this Resolution, for the fiscal year beginning July 1, 2020 and ending June 30, 2021, as follows:

Local Government Funding	\$1,745,765
Total School Budget (including local funding)	\$7,807,769

Funds appropriated in FY 2021 for Capital Improvements, including construction in progress, will not lapse at the end of the year, but shall remain appropriated for the life of the project(s) until completion or until the Town Council eliminates the appropriation.

- *The Town shall reserve the right to review the financial records of agencies who request funding from the Town as a condition of requesting funding and who do not obtain independent annual audits. Said agencies shall provide a financial statement to the Town annually; and,*

- *The Town shall reserve the right to review the financial records of agencies who request funding from the Town as a condition of requesting funding and who do obtain independent annual audits. Said agencies shall provide a financial statement to the Town annually; and,*

- *The Town shall reserve the right to review the Charter, Mission Statement or other defining document of agencies who request funding from the Town as a condition of requesting funding.*

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 _____

Tab B

COUNCIL PAPER

At the meeting held on Saturday, June 13, 2020 at the Colonial Beach Town Hall

RESOLUTION #19-20, Acceptance of Retirement of Town Clerk

WHEREAS, Kathleen "Kathy" Flanagan, was appointed as Town Clerk effective October 31, 2011; and

WHEREAS, due to COVID19 and under Executive Order from the Governor of Virginia, Colonial Beach Town Council has been unable to meet since March 4, 2020; and

WHEREAS, the Mayor, Town Manager, Council Members have been aware and made preparations for the retirement of Ms. Flanagan since October, 2019.

BE IT RESOLVED, that the Town Council meeting in regular session, Saturday, June 13, 2020, hereby accepts the request by the Town Clerk, Kathleen "Kathy" Flanagan, to retire from the Town of Colonial Beach effective June 15, 2020.

Moved By _____ Seconded By _____

AYE

NAY

AYE

NAY

Mayor Eddie Blunt
Frank Alger
Steve Cirbee
Pat Ey

Dallas Leamon
Robin Schick
Vicki Roberson

Adopted _____

Tabled _____

Tab C

COUNCIL PAPER

At the meeting held on Saturday, June 13, 2020 at the Colonial Beach Town Hall

RESOLUTION #20-20, Appoints Heather Oliver as Colonial Beach Town Clerk

WHEREAS, the Town Clerk for the Town of Colonial Beach, Kathleen “Kathy” Flanagan, has retired from her position effective June 15th, 2020; and

WHEREAS, the Town Council has selected a highly qualified individual, Heather Oliver, to serve as the Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby appoints Heather Oliver as Town Clerk for the Town of Colonial Beach effective June 16th, 2020.

Moved By _____ Seconded By _____

AYE

NAY

AYE

NAY

Mayor Eddie Blunt
Frank Alger
Steve Cirbee
Pat Ey

Dallas Leamon
Robin Schick
Vicki Roberson

Adopted _____

Tabled _____

Tab D

COUNCIL PAPER

At the meeting held on June 13th, 2020 at the Colonial Beach Town Hall

Resolution #21-20, Approval to Resume Previously Established Schedule of Work Session Meetings, Established in Resolution #04-20

WHEREAS, Section 15.2-1416 of the Code of Virginia requires that the Town Council establish its regular meeting schedule by resolution.

WHEREAS, that during the local state of emergency the Town Council has not held the scheduled meetings.

NOW THEREFORE BE IT RESOLVED, Town Council shall resume adhering to the following dates that have been previously established for the Town Council Work Sessions:

Table with 3 columns: Day, Date, Time. Rows include Wednesday July 1, 2020 (6:00 p.m.) through Tuesday January 6, 2021 (6:00 p.m.).

BE IT FURTHER RESOLVED, that, unless otherwise determined, all meetings shall be held in the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

Moved By _____ Seconded By _____

Table for voting with columns AYE and NAY. Rows include Mayor Eddie Blunt, Frank Alger, Steve Cirbee, Pat Ey, Dallas Leamon, Robin Schick, and Vicki Roberson.

Adopted _____ Tabled _____

Tab E

COUNCIL PAPER

At the meeting held on June 13th, 2020 at the Colonial Beach Town Hall

Resolution #22-20, Approval to Resume Previously Established Schedule of Regular Town Council Meetings, Established in Resolution #03-20

WHEREAS, Section 15.2-1416 of the Code of Virginia requires that the Town Council establish its regular meeting schedule by resolution.

WHEREAS, that during the local state of emergency the Town Council has not held the scheduled meetings.

NOW THEREFORE BE IT RESOLVED, Town Council shall resume adhering to the following dates that have been previously established for the Town Council Regular Meetings:

Table with 3 columns: Day (Wednesday), Date (July 15, 2020 to January 20, 2021), and Time (6:00 p.m.)

BE IT FURTHER RESOLVED, that, unless otherwise determined, all meetings shall be held in the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

Moved By _____ Seconded By _____

Table for voting with columns: Name, AYE, NAY, Name, AYE, NAY. Includes Mayor Eddie Blunt, Frank Alger, Steve Cirbee, Pat Ey, Dallas Leamon, Robin Schick, Vicki Roberson.

Adopted _____ Tabled _____

Tab F

COUNCIL PAPER

At the meeting held on June 13th, 2020 at the Colonial Beach Town Hall

ORDINANCE NO. 704, amends the Town of Colonial Beach Zoning Ordinance, Article 12 (Signs), to provide changes to the Town's signage requirements, and amends Article 20 (Definitions) to provide definitions for murals and yard sign.

NOW, THEREFORE, BE IT ORDAINED by the Colonial Beach Town Council at its regular monthly meeting on the 13th of June, 2020, that the Town Zoning Ordinance, Article 12 (Signs), be replaced in its entirety with the following:

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:

- 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. 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.
- D. 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.
- E. Seasonal displays or decorations which do not advertise products or services.
- F. Signs not visible from a public right-of-way.
- G. 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.
- H. Window signs taking up no more than 30% of the total window area.

12-5 Off-Premise Signs

- A. Off-premise signs which only contain the business name and a directional arrow shall be permitted.
- B. The off-premise sign shall 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 Yard Signs

- A. Yard Signs are exempt from permitting requirements and are regulated as follows:
 - 1. No more than two (2) yard signs shall be permitted on any property at one time. Each sign shall not exceed six (6) square feet in area. Signs must be located on the premises and cannot be illuminated.
 - 2. 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.
 - 3. Signs shall not exceed eight (8) feet in height.
 - 4. Temporary yard signs must be temporary in nature.
 - 5. 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-foot of road frontage with a maximum number of six (6) temporary signs
 4. No single temporary sign shall exceed 32 ft² in total area nor shall the sum of all temporary signs exceed 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 shall not be included in the computation of permitted sign area.

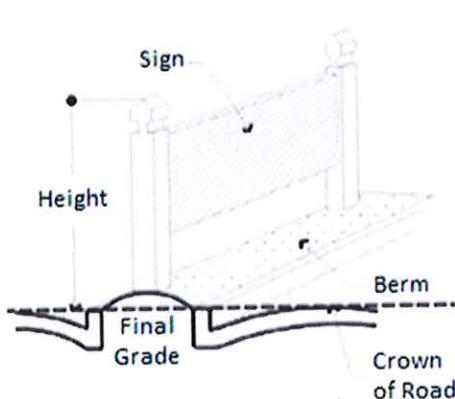
12-8 Signs Prohibited

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

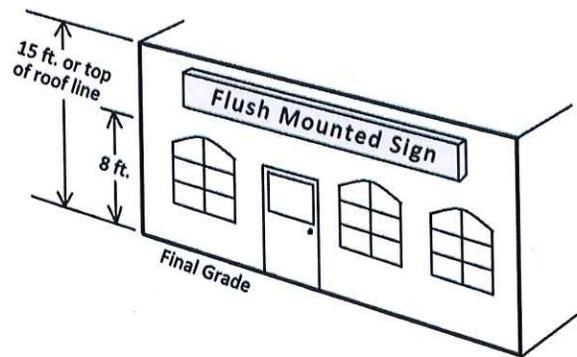
- A. Signs that flutter, rotate, or otherwise move for the purpose of attracting attention, or those which produce sound, odor, liquid or visible matter such as smoke or vapor.
- B. Signs that imitate or obscure those of a duly constituted governmental body.
- C. Any sign that is displayed on a stationary motor vehicle or trailer when the vehicle or trailer is used primarily for the purpose of, and serving the function of, a portable sign
- D. Signs which advertise illegal activities under federal, state or local laws or regulations.
- E. 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.

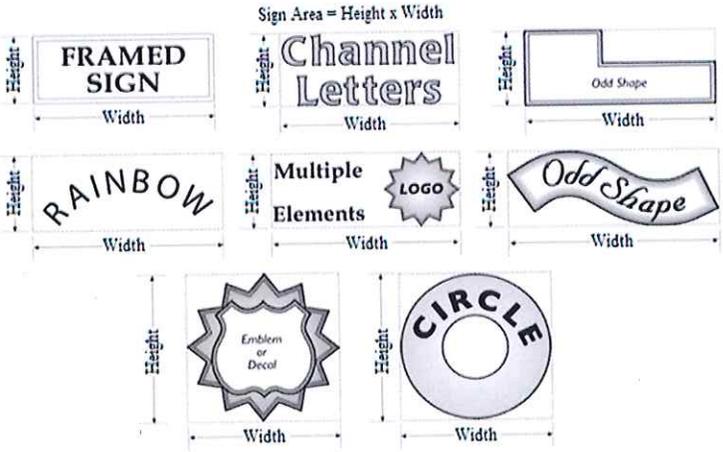


Freestanding Sign

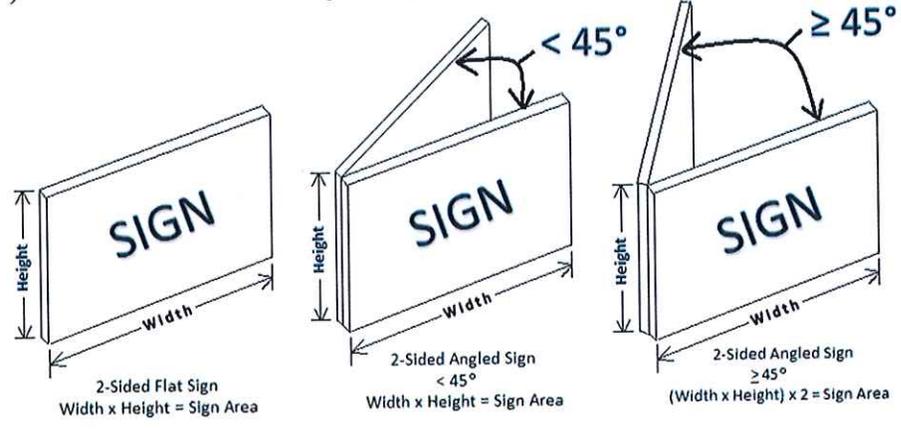


Wall Sign

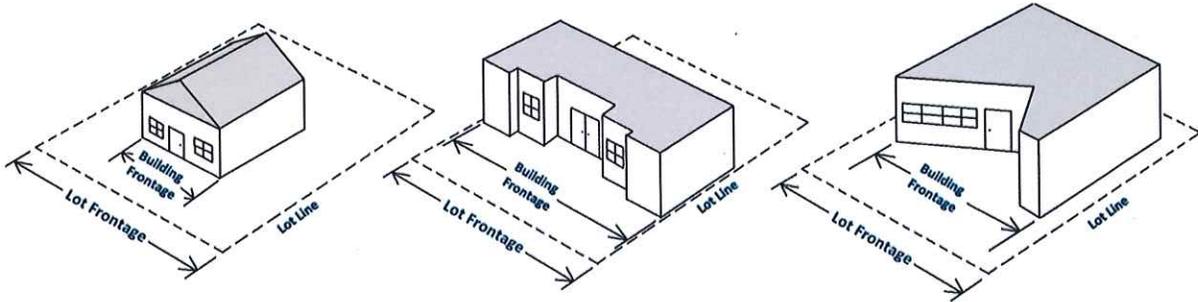
2. *Area.* The area of a sign face shall be established by determining the square footage of all text, representations, colors, emblems, and other displays contained in a sign. The area shall not include any supporting structure, framework, base, or bracing.



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.

- Such signs are permitted on the wall(s) of the building frontage which are visible from a public right-of-way.
- The area of wall sign allowed shall be one (1) square foot for every one (1) linear foot of building frontage.
- 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 one (1) square foot for every one (1) linear foot of building footage per establishment.
- 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 one (1) square foot for every one (1) linear foot of building frontage.
- Roofing elements within 30° of vertical, e.g. a "mansard" roof, may be considered a wall for the purposes of this ordinance.
- 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.
- 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:

- 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**	8 ft.	15 ft.
RC	✓	1:1**	8 ft.	15 ft.
C-1, C-2	✓	1:1**	8 ft.	15 ft.
MC	✓	1:1**	8 ft.	15 ft.

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

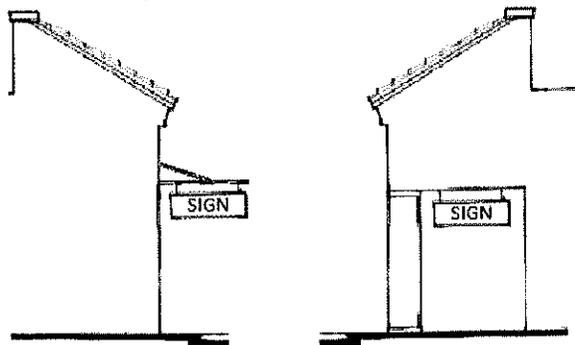
** One (1) square foot for every one (1) linear foot of building footage.

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.

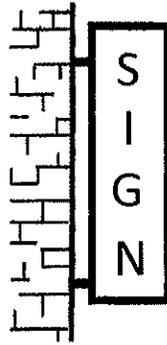


Zoning / Land Use	Suspended Signs			
	Permitted ?	Maximum Sign area	Minimum Height	Maximum Height
CR	✓	15 ft ²	8 ft.	15 ft.
RC	✓	15 ft ²	8 ft.	15 ft.
C-1, C-2	✓	15 ft ²	8 ft.	15 ft.

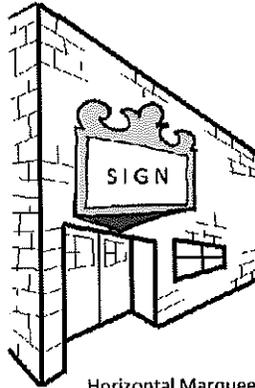
MC	✓	15 ft ²	8 ft.	15 ft.
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ii. *Marquee Signs.*

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



Vertical Marquee Sign

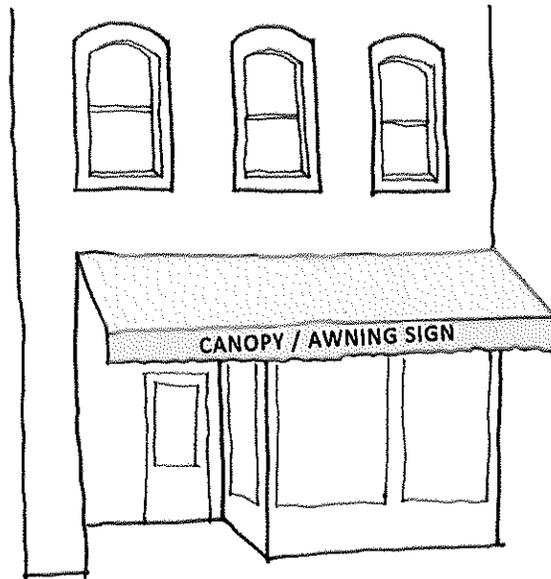


Horizontal Marquee Sign

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.



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.

4. *Murals (Commercial and Non-Commercial)*. General standards for murals are as follows:
- Murals shall be restricted that, by their content, threaten the public health, safety and general welfare of the residents of Colonial Beach.
 - Murals shall be maintained in good repair, free from peeling paint or damage due to age.
 - 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.
 - Murals that are primarily commercial in nature are subject to the same size restrictions as other commercial signage contained herein.

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.

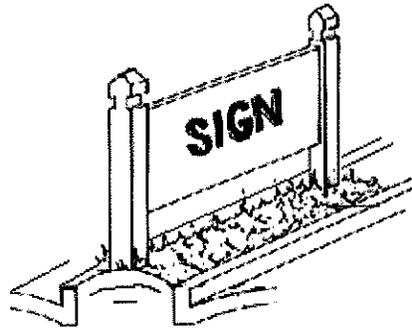
1. *General Standards.*

- 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.*

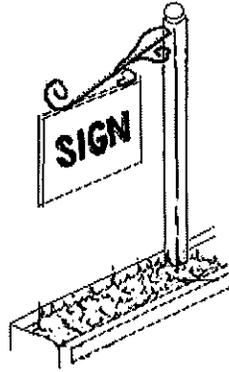


Zoning / Land Use	Double Pole Signs		
	Permitted?	Maximum Sign area	Maximum Height
Multi-Family Use*	✓	24 ft ²	6 feet
Church / Institutional	✓	32 ft ²	12 feet
CR	✓	32 ft ²	12 feet
RC	✓	32 ft ²	12 feet
C-1, C-2	✓	32 ft ²	12 feet
MC	✓	32 ft ²	12 feet

A-1, M-1	✓	32 ft ²	12 feet
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* Such signs shall only be permitted to identify the business

ii. *Hanging Blade Signs.*

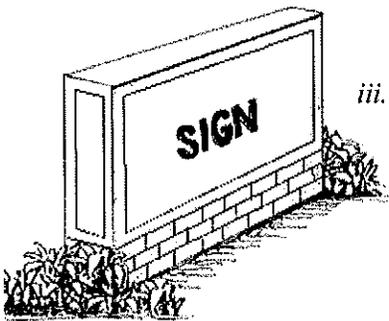


Zoning / Land Use	Hanging Blade Signs		
	Permitted?	Maximum Sign area	Maximum Height
Multi-Family Use*	✓	24 ft ²	6 feet
Church / Institutional	✓	24 ft ²	8 feet
CR	✓	24 ft ²	8 feet
RC	✓	24 ft ²	8 feet
C-1, C-2	✓	24 ft ²	8 feet
MC	✓	24 ft ²	8 feet
A-1, M-1	✓	24 ft ²	8 feet

* 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:

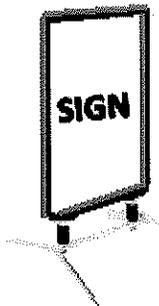
- a. An individual property may be permitted one (1) secondary freestanding sign in addition to any primary freestanding sign as specified in part d –i below.
- b. Such signs shall be exempt from permit requirements, but shall conform to all other applicable provisions in this article.
- c. Such signs 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.



Sandwich Board or 'A' Frame



'H' Frame

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 / Institutional	✓	8 ft ²	4 feet
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. 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.
- B. 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.
- C. 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.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Colonial Beach Town Council that the Town Zoning Ordinance, Section 20-2 (Definitions) be amended to include the following:

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.

Moved By _____ Seconded By _____

AYE

NAY

AYE

NAY

Mayor Eddie Blunt _____
 Frank Alger _____
 Steve Cirbee _____
 Pat Ey _____

Dallas Leamon _____
 Robin Schick _____
 Vicki Roberson _____

Adopted _____

Tabled _____

Tab G

COUNCIL PAPER

At the meeting held on June 13th, 2020 at the Colonial Beach Town Hall

ORDINANCE NO. 705, amends the Town of Colonial Beach Zoning Ordinance, Article 13 (Parking), to provide changes to parking area landscaping requirements; Article 22 (Chesapeake Bay Preservation Area Overlay District) to clarify the definition of construction footprint and specify tree planting requirements; Article 24 (Landscaping) to specify tree planting requirements; and Article 20 (Definitions).

NOW, THEREFORE, BE IT ORDAINED by the Colonial Beach Town Council at its regular monthly meeting on the 13th of June 2020, that the Town Zoning Ordinance, Article 13 (Parking), Section 13-5 (d), be replaced in its entirety with the following:

(d) Parking lots shall have landscaping.

1. The perimeter of all parking lots shall be landscaped using a combination of trees and shrubs as shown on figure 13-1C.1.
2. For parking lots with less than 10 spaces, a minimum of at least 5% of the interior portions of a parking lot shall be landscaped for the purpose of providing shade trees.
3. Such interior landscaped areas shall be provided on bio-swale islands and in continuous swale strips extending along the length of the parking bay
4. Within the parking lot, swale islands and landscaped areas should be used to delineate traffic and pedestrian circulation patterns.
5. For parking lots with less than 10 spaces there shall be one (1) low shrub planted for every five (5) spaces or portion thereof.
6. Parking lots shall have two (2) medium shade trees where ten (10) or fewer spaces are required.
7. Parking lots shall have two (2) medium shade trees for every 10-parking spaces or fraction of 10-spaces.
8. Trees shall be planted within bio-swale islands which are no smaller than 10-feet by 5-feet, a total of 50-square feet. Trees may be up-limbed to 12 feet above grade to provide visibility.
9. Shrubs shall be a minimum of one and a half (1.5) feet in height at time of planting and be maintained at a maximum height of three (3) feet.
10. There shall be a minimum of one (1) shrub for every five (5) feet or portion thereof along the boundaries of the parking lot.
11. Trees (deciduous) shall have a minimum caliper of 2.5 inches at time of planting and a maximum canopy of 30-feet when mature. Evergreen trees shall be no less than 6-feet tall at time of planting. The minimum distance between plantings shall be 10 feet.
12. Trees may be up-limbed (trimmed) up to 12-feet from the final grade. Topping of trees (unless damaged by storm) is prohibited.

13. Design Flexibility - If an applicant can demonstrate that alternative landscaping can meet the intent of this section through the submittal of such an alternative landscape plan, the Zoning Administrator can then accept that plan or modify the alternative plan and design so as to comply with the intent of this section and its provisions. Additionally, the requirements of this section may be lowered by the Director.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Colonial Beach Town Council that the Town Zoning Ordinance, Article 22 (Chesapeake Bay Preservation Area Overlay District) be amended as follows:

- A. Replace Section 22-9 (B) (1) (b) with the following:

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) by adding the following text (in italics):

The landscaping plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site six (6) inches or greater DBH shall be shown on the landscaping plan. Where there are groups of trees, stands may be outlined instead. The specific numbers of trees six (6) inches or greater DBH to be preserved shall be indicated on the plan. Trees and other woody vegetation proposed to be removed to create a desired construction footprint shall be clearly delineated on the landscaping plan *and shall be the minimum necessary for development of the property and in no case shall mean clearing of all vegetation.*

- C. Replace Section 22-9 (B) (2) (b) (i) (1) with the following:

All replacement plantings shall be a native species as identified in the Virginia Department of Conservation and Recreation's pamphlet entitled "Native Plants for Conservation, Restoration and Landscaping for the Virginia Coastal Plain."

- D. Replace Section 22-9 (B) (2) (c) (i) (1) with the following:

All replacement plantings shall be a native species as identified in the Virginia Department of Conservation and Recreation's pamphlet entitled "Native Plants for Conservation, Restoration and Landscaping for the Virginia Coastal Plain."

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Colonial Beach Town Council that the Town Zoning Ordinance, Article 24 (Landscaping) be amended as follows:

- A. Delete Table 24.9 (Native Species for Landscaping in Colonial Beach, Virginia in its entirety).
- B. Replace Section 24-2 (Native Species) 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; however, invasive species identified by DCR cannot be considered.

- C. Delete Section 24.6 (Required Landscaping—Parking Lots) in its entirety.
- D. Add Section 24.7 (Buffer Yards and Transitional Screening) as follows:

A. Buffer Yards

- 1. Table 24-2A.1 (below) shows the buffer yard footage recommended between differing zoning districts.

Zoning Districts	R-1 & R-2	R-3	C-R	R-C	M-C	C-1	C-2	PUD	AG
R-1 & R-2	0	25	35	50	75	100	100	50	100
R-3	25	0	35	50	75	75	35	50	100
C-R	35	35	0	25	50	25	25	50	100
R-C	50	50	25	0	0	0	0	50	100
M-C	75	75	50	0	0	0	0	50	100
C-1	100	75	25	0	0	0	0	50	100
C-2	100	35	25	0	0	0	0	50	100
PUD	50	50	50	50	50	50	50	0	100
Ag	100	100	100	100	100	100	100	100	0

- 2. The Table above illustrates the recommended buffer yards based upon adjoining zoning districts. When a development application is submitted, one of other the buffer yards shown below must be shown on the General Development Plan (GDP) and the site plan. The buffer shall be located upon the proposed development site and not the pre-existing development on the adjacent site.
- 3. The content of the buffer yard shall be as follows:
 - a. Buffer Vegetation for 100-foot Buffer:
 - I. Five (5) large deciduous trees for every fifty (50) linear feet
 - II. Four (4) small deciduous trees for every twenty-five (25) linear feet
 - III. Four (4) evergreen trees for every twenty (20) linear feet
 - IV. Four (4) medium shrubs for every fifteen (15) linear feet
 - V. Swale(s)
 - b. Buffer Vegetation for 75-foot Buffer:
 - I. Three (3) large deciduous trees for every fifty (50) feet;
 - II. Three (3) small deciduous trees for every twenty-five (25) feet;
 - III. Three (3) evergreen trees for every twenty (20) feet;
 - IV. Six (6) medium shrubs for every fifteen (15) feet;

- V. Swale(s)
- c. Buffer Vegetation for 50-foot Buffer:
- I. Two (2) large deciduous trees for every fifty (50) feet
 - II. Two (2) small deciduous trees for every twenty-five (25) feet
 - III. Two (2) evergreen trees for every twenty (20) feet;
 - IV. Six (6) medium shrubs for every fifteen (15) feet;
 - V. Swale(s)
- d. Buffer Vegetation of 35-foot Buffer:
- I. One (1) large deciduous tree for every fifty (50) feet;
 - II. Two (2) small deciduous trees for every twenty-five (25) feet;
 - III. One (1) evergreen tree for every twenty (20) feet;
 - IV. Ten (10) medium shrubs for every fifteen (15) feet;
 - V. Swale(s)
- e. Buffer Vegetation of 25-foot Buffer:
- I. One (1) large deciduous trees for every fifty (50) feet;
 - II. One (1) small deciduous trees for every twenty-five (25) feet;
 - III. One (1) evergreen tree for every twenty (20) feet;
 - IV. Ten (10) medium shrubs for every fifteen (15) feet.
 - V. Swale(s)
- f. The ratio of the Swale and vegetated area shall be 1/3 swale area with a maximum slope of 3:1 and 2/3 vegetated area. The Swale(s) shall be built in a manner to undulate parallel to property lines. If it can be shown that the purposes of the Swale(s) are already being served on the property by the existing topography or by the use of walls and fencing, then the use of Swales may be mitigated or lessened as determined by the Planning Director.

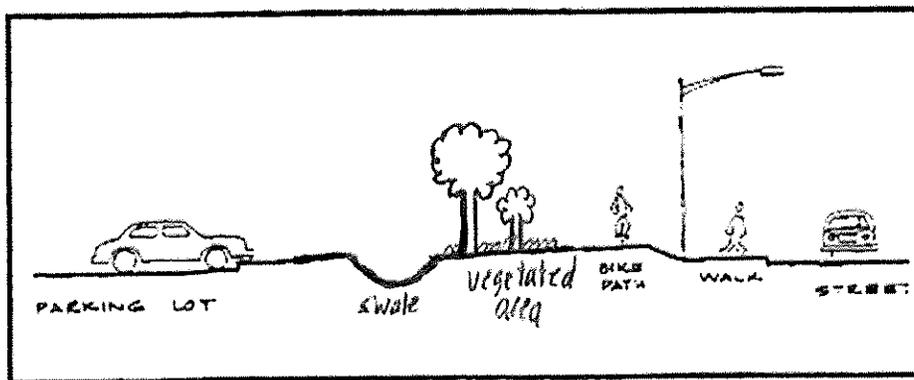


Figure 24-2A.1f Typical Design/Use of a Swale & Buffer

- g. Buffer Reduction – A recommended buffer yard and associated landscaping may be reduced by 50% if a minimum of a 6-foot tall masonry wall is erected with the required landscaping placed on the exterior of the wall.

- h. Maintenance of the Swale and landscaping is the responsibility of the land owner and there shall be developer's agreement executed and recorded for this purpose.
- i. For the purpose of this Section any undeveloped lot or parcel within any zoning district which allows residential uses by right shall be treated as if a residential use exists on that lot or parcel.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Colonial Beach Town Council that the Town Zoning Ordinance, Article 20 (Definitions) be amended by adding the following:

Bio-retention: Bio-retention utilizes soils and both woody and herbaceous plants to remove pollutants from storm water runoff.

Bio-retention Swale: A depression or trench that receives rainwater runoff and has vegetation (such as grasses, flowering herbs, and shrubs) and organic matter (such as mulch) to slow water infiltration and filter out pollutants.

Construction Footprint: The area of all impervious surfaces including, but not limited to, buildings, roads and drives, parking areas, and sidewalks, and the minimum area necessary for construction of such improvements.

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 _____

Tab H

COUNCIL PAPER

At the meeting held on June 13th, 2020 at the Colonial Beach Town Hall

ORDINANCE NO. 706, amends the Town Code, Chapter 15 (Nuisances), Article I (Trash, Garbage, Weeds, Grass), Section 15-2, to provide for one notice per growing season for tall grass violations and provide for an escalating civil penalty; and Section 15-1, to define and restrict outdoor storage.

NOW, THEREFORE, BE IT ORDAINED by the Colonial Beach Town Council at its regular monthly meeting on the 13th of June, 2020, that the Town Code, Chapter 15 (Nuisances), Article I (Trash, Garbage, Weeds, Grass), Section 15-2, be amended as follows:

- A. Add Section 15-2 (b) (4) as follows (additional text in italics):

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.

- B. Amend Section 15-2 (b) (2) as follows (additional text in italics):

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 fifty dollars (\$50.00) 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 a \$200 civil penalty per event, in addition to the one hundred dollar administrative fee and actual mowing expenses.*

- C. Delete Section 15-2 (b) (3) as follows:

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

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Colonial Beach Town Council that that the Town Code, Chapter 15 (Nuisances), Article I (Trash, Garbage, Weeds, Grass), Section 15-1, be amended as follows:

- A. Add Section 15-1 (c) (additional text in italics):

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.

B. Add Section 15-1 (d) (additional text in italics):

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.

C. Add Section 15-1 (e) (additional text in italics):

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.

Moved By _____ Seconded By _____

AYE

NAY

AYE

NAY

Mayor Eddie Blunt
Frank Alger
Steve Cirbee
Pat Ey

Dallas Leamon
Robin Schick
Vicki Roberson

Adopted _____ Tabled _____

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 fifty dollars (\$50.00) 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 a \$200 civil penalty per event, 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 I

COUNCIL PAPER

At the meeting held on June 13th, 2020 at the Colonial Beach Town Hall

ORDINANCE NO. 707
Conditional Use Permit
111 Marshall Avenue

WHEREAS, James Jett III, the owner of 111 Marshall Avenue, has applied for a Conditional Use Permit (CUP) to operate a major home occupation—gun smith at his residence; and

WHEREAS a public hearing before the Colonial Beach Planning Commission and the Colonial Beach Town Council was properly advertised and conducted.

NOW THEREFORE BE IT ORDAINED by the Colonial Beach Town Council, on Saturday, June 13th, 2020, that a Conditional Use Permit to operate a major home occupation—gun smith is approved, subject to the following conditions:

- 1. The applicant must obtain all federal and state firearms permits and limited to operations under ATF license type 1 and 7
2. The applicant may sell and distribute guns by mail order only (mail order is an allowed minor home occupation)
3. Due to lot size, parking limitations, and the applicant's stated intent to operate under the minor home occupation guidelines, the applicant cannot employ anyone from outside the residence, and can interact with customers only on an appointment basis
4. Testing of firearms is not permitted on site
5. On-street parking is not permitted for customers
6. On site business signage is not permitted
7. The applicant must comply with all other home occupation guidelines in the Town Zoning Ordinance

Moved By _____ Seconded By _____

Table with 5 columns: Name, AYE, NAY, Name, AYE, NAY. Rows include Mayor Eddie Blunt, Frank Alger, Steve Cirbee, Pat Ey, Dallas Leamon, Robin Schick, Vicki Roberson.

Adopted _____ Tabled _____

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 J

COUNCIL PAPER

At the meeting held on June 13th, 2020 at the Colonial Beach Town Hall

**ORDINANCE NO. 708 AMENDS COLONIAL BEACH TOWN CODE, CHAPTER 5
“BEACHES, WATERWAYS, BOARDWALK, PARK, RECREATIONAL AREAS AND
FACILITIES,” ARTICLE I, “IN GENERAL”, SECTION 5-9 “ACTIVITIES
PROHIBITED ON PUBLIC BEACHES, PARKS, RECREATION AND PARKING
AREAS, OR OTHER PUBLIC AREA WITHIN IN THE TOWN”**

BE IT ORDAINED BY THE COLONIAL BEACH TOWN COUNCIL THAT the Colonial Beach Town Code, Chapter 5, CHAPTER 5 “BEACHES, WATERWAYS, BOARDWALK, PARK, RECREATIONAL AREAS AND FACILITIES” ARTICLE I “IN GENERAL”, SECTION 5-9 “ACTIVITIES PROHIBITED ON PUBLIC BEACHES, PARKS, RECREATION AND PARKING AREAS, OR OTHER PUBLIC AREA WITHIN IN THE TOWN” be amended to read in its entirety as follows:

CHAPTER 5 – BEACHES, WATERWAYS, BOARDWALK, PARKS, RECREATION AREAS AND FACILITIES

ARTICLE 1. IN GENERAL

“Sec. 5-9. Activities prohibited on public beaches, parks, recreation and parking areas, or other public area within the town.

- (a) The following activities are prohibited on the public beaches, parks, recreation and parking areas or any other public area within the town, any person in violation of this section shall be subject up to a Class 4 misdemeanor;
- (1) No person shall be permitted to carry, place, use or possess any type of device used for cooking, including but not limited to fires or any other device or grill that is gas, wood, or coal fired. The town manager may grant a permit for a fire to civic organizations in connection with one-time events.
 - (2) No person shall litter. All litter shall be placed in appropriate refuse receptacles.
 - ~~(b) Any person violating this section shall be guilty of a Class I misdemeanor.~~
 - (3) No person shall be permitted to carry, place, use or possess tents, unless permitted by the town manager or his/her designee. Canopies, umbrellas, or shades that provide unrestricted view of occupants and clear view of ground are permitted on the beach.
 - (4) No person shall be permitted to carry, place, use or possess alcoholic beverages of any type, unless otherwise allowed by Special Event Permit.

- (5) No person shall be permitted to carry, place, use or possess glass containers.
- (6) No person shall cause, either directly or indirectly the obstruction of any sidewalk, walkway, or stairway so as to impede the ingress or egress of any public beach, recreation area, park or adjacent area is prohibited.
- (7) It shall be unlawful for any person to fish from the sand beaches or swimming areas except for between the hours of 6:00 a.m. to 10:00 a.m. and 6:00 p.m. to 10:00 p.m. The town pier shall remain open for fishing.
- (8) No person, group or organization shall hold, organize or sponsor any assemblage or gathering in any town beaches, parks and recreational facilities that will be attended by 25 or more people without first obtaining a permit from the town manager or his/her designee. Applications for permits must be received by the town manager at least 48 hours prior to any such event.
- (9) Fishing shall be prohibited by all persons on the rock shoreline public easement on Irving Avenue.

(10) Town parks are open daily to the public from dawn to dusk.

(11) Bicycles, skateboards, roller skates and rollerblades are prohibited from use on blacktops and/or tennis courts in town parks.”

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 _____