



Before the  
**Colonial Beach Town Council**

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

**Wednesday, March 6, 2024 at 06:00 PM**  
**Town Council Work Session**  
**AGENDA**

1. Call To Order
  2. Roll Call of Members
  3. Amendments to the Agenda
  4. Approval of the Agenda
  5. Consent Agenda
    - a. Approval of Minutes for January 3, 2024
  6. Council Member Liaison and Commission Reports
  7. Presentations
    - a. Rivah Autism Community, Bill May
    - b. Westmoreland County Social Services, Keri Cusick, Director
    - c. Proclamation for Procurement Month, Natasha Tucker, Interim Town Manager
  8. Public Comment
  9. Unfinished Business
  10. New Business
    - a. Resolution #13-24, Appointment of Town Manager
    - b. DRAFT, Ordinance No. 756, Zoning Text Amendment 23-08, Don Dooley, Director of Community Planning & Zoning *Public Hearing set for March 20, 2024*
    - c. DRAFT, Ordinance NO. 757, Amends Chapter 1, "General Provisions" of the Town of Colonial Beach Code of Ordinances, Powell Duggan, Town Attorney *Public Input set for March 20, 2024*
    - d. Bench Update, Natasha Tucker, Interim Town Manager
    - e. Wastewater Treatment Plant Operations
  11. Closed Meeting
    - a. Pursuant to VA code § 2.2-3711 (A)(1) for the discussion on performance of specific public appointees of the Town Council.
  12. Adjournment
-

# Tab A



# **PROCLAMATION**

## ***In Recognition of Procurement Month***

**WHEREAS**, the success of any organization depends on the procurement of goods and services; and

**WHEREAS**, to assure fairness, openness, opportunity to all, transparency, and high-quality goods and services Virginia has enacted the Virginia Public Procurement Act which establishes numerous procedures that must be followed in designated situations; and

**WHEREAS**, the Town's procurement division works diligently to obtain goods and services for the Town and to assure that the procurement laws are followed; and

**WHEREAS**, March is National Procurement Month and by this proclamation the Town wishes to proclaim March as such.

**NOW THEREFORE BE IT PROCLAIMED** that the Town Council of Colonial Beach, on behalf of its employees who procure goods and services for the Town, does hereby proclaim the month of March, 2024 as National Procurement Month.

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Robin M. Schick, Mayor

Dated this 6<sup>th</sup> day of March, 2024

# Tab B

**RESOLUTION #13-24, APPOINTMENT OF NATASHA TUCKER AS COLONIAL BEACH TOWN MANAGER**

**WHEREAS**, the Town Manager for the Town of Colonial Beach resigned on Friday, December, 29, 2023; and

**WHEREAS**, Natsha Tucker has served as the Acting and Interim Town Manager through the previous Town Manager's leave and resignation; and

**WHEREAS** the Colonial Beach Town Council is overwhelmingly pleased with the manner in which Natasha Tucker has served as the Acting and Interim Town Manager and would like her to continue as the Town Manager.

**NOW THEREFORE BE IT RESOLVED** that the Colonial Beach Town Council hereby approves the hiring of Natasha Tucker as the Colonial Beach Town Manager as well as the Employment Agreement between the Town of Colonial Beach and Natasha Tucker and the Town Council further authorizes the Mayor to sign the Agreement on behalf of the Town.

**BE IT FURTHER RESOLVED**, that the effective date of the Employment Agreement shall be March 6, 2024.

# Tab C



**TO:** Town Council  
**FROM:** Don Dooley, Director of Community Development & Zoning  
**COPY:** Natasha Tucker, Interim Town Manager  
**SUBJECT:** Zoning Text Amendment 23-08 for Article 8 (General Commercial (C-1) District)  
**DATE:** March 6, 2024

**SUMMARY:**

At the Town Council Meeting of October 18, 2023, the Council voted, unanimously, to refer Article 8 (General Commercial (C-1) District) to the Planning Commission to consider the appropriateness of the land-uses identified in the C-1 District Zone that require a Conditional Use Permit and those permitted by right.

During the regularly scheduled Planning Commission Meetings of November 9, 2023, and December 14, 2023, the Commission reviewed and proposed changes to some of the existing land-uses that are permitted by right (under Article 8-1) and those that require the approval of a Conditional Use Permit (under Article 8-2) of the Colonial Beach Zoning Ordinance.

On January 11, 2024, the Planning Commission held a duly noticed public hearing on Zoning Text Amendment 23-08. As no public comments were received, the Commission subsequently adopted Planning Commission Resolution No. 24-01 to recommend approval of their proposed changes to Article 8, as drafted, to the Town Council for its review and action.

**BACKGROUND:**

During the Town Council Meeting of October 18, 2023, the Council voted unanimously to refer Article 8 (General Commercial (C-1) District) to the Planning Commission to consider the appropriateness of the land-uses identified in the C-1 District Zone that require a Conditional Use Permit and those permitted by right. It was the Council's direction to add this matter, as a priority, to the Planning Commission's 2023-2024 Work Plan.

During Planning Commission Meetings of November 9, 2023, and December 14, 2023, the Commission identified the following list of land-uses (below) they believe should be changed from *conditional* uses to *permitted* uses in the C-1 District Zone. It was the Commission's opinion that these land-uses could be harmoniously operated in Town without any, foreseeable, adverse impacts to their surroundings or to the community. These uses include:

**Proposed Permitted Land-Uses**

- 1) Bookstores, but not adult bookstores;
- 2) Parking lots, provided they are not pay to park or valet parking lots;
- 3) Service Establishments (except car washes);
- 4) Watchman or caretakers with living quarters who are employed by the business;
- 5) Theaters when the maximum occupancy does not exceed 70 people. Occupancy over 70 people would still require a Conditional Use Permit; and,



- 6) Medical Clinics. At staff's suggestion, the Commission also added *medical clinics* as a permitted (new) land-use within the C-1 District Zone as it was identified as a desirable land-use in the Town's Comprehensive Plan. However, it is not currently listed as a permitted or conditionally permitted land-use in the C-1 District Zone.

With respect to land-uses identified in the Town's C-1 District Zone that are currently permitted by right (under Section 8-1), the Commission is recommending the following uses be recategorized (under Section 8-2) to require the approval of a Conditional Use Permit for their establishment:

### Proposed Conditional Uses

- 7) Vehicular Major Service Establishments. "*Vehicular Major Service Establishments*" are defined in the Town's Zoning Ordinance as, "*Buildings and premises wherein major mechanical and body work is performed on motor vehicles, including, but not limited to, mechanical repairs and part replacement, welding, the straightening of body parts, body repair, painting, and similar work; but not including automobile graveyards or junkyard.*" Given the potential for noise, dust, odor, toxic chemicals, aesthetics, etc. that can be associated with a "Vehicular Major Service Establishment," both staff and the Commission believe the approval of a Conditional Use Permit is appropriate for such a land-use. Particularly, when located near sensitive land-uses/users like schools, residential dwelling units, and tourist venues. In addition, there are no industrial zoning districts on the Town's Zoning Map. Typically, industrial zoning districts are where these types of land-uses are permitted to operate. So long as the existing automotive repair establishments in Town are not expanded and/or the businesses do not intensify their existing operations, with new automotive repair services, they would not be required to obtain a Conditional Use Permit for their current operation(s) with this change to the C-1 District Zone.
- 8) Car Washes. Both the Planning Commission and staff believe car washes should be changed from a *permitted* use to a *conditional use* due to common land-use impacts associated with them such as: noise, traffic, circulation, lighting, hours of operation, and other environmental considerations. In addition, the definition of a "Service Establishment" would need to be changed, under Article 20 (Definitions), in the Colonial Beach Zoning Ordinance to eliminate car washes as a defined type of "Service Establishment." The revised definition of a "Service Establishment" would read as follows:

***"Service Establishment:*** *Any establishment wherein the primary occupation is the repair, care of, maintenance, or customizing of personal properties, including, but not limited to appliance and electronic repair, ~~car washes~~, furniture refinishing, sign shops, printing and engraving establishments, photographic processing, barber shops, beauty parlors, pet grooming establishments, nail salons, tanning salons, laundering facilities, dry cleaning and other garment servicing establishments,*



*tailors, dressmaking shops, and shoe cleaning or repair shops; but not including automobile or other motor vehicle service stations or similar establishments.”*

At present, there is one car wash that would be potentially impacted in Town. It is the *Suri Car Wash* located at 405 Colonial Avenue. However, no Conditional Use Permit would be required for the property unless the existing car wash expanded or intensified its current operation on the property. Staff has spoken to the operator of the Suri Car Wash about the proposed change. However, he has not expressed any concern to staff about the re-categorization of the car wash from a *permitted* use to a *conditional* use at this time.

## **DISCUSSION**

During the regularly scheduled Planning Commission Meetings of November 9, 2023, and December 14, 2023, there were no public comments (verbal or written) made on the draft revisions to Article 8. Likewise, no public comments were received during the Planning Commission’s public hearing on Zoning Text Amendment (ZTA) 23-08 on January 11, 2024. The Commission subsequently voted 5-0-0-2 (Commissioner Christiansen and Chair Mack absent) to adopt PC Resolution No. 2024-01 to recommend approval of Zoning Text Amendment 23-08 to the Town Council.

### **Vehicular Drive-Throughs**

One land-use that staff overlooked with the Planning Commission during its review of the *permitted* and *conditionally* permitted land-uses in the C-1 District Zone was how to treat vehicular drive-throughs that are commonly associated with such businesses as fast-food restaurants, pharmacies, and banks. At present, drive-throughs are not listed as *permitted* or *conditionally* permitted uses in the C-1 District Zone.

While some businesses, like fast-food restaurants, rely on drive-throughs to increase their volume of sales and provide customer convenience, inappropriately designed drive-thru lanes and/or inadequate vehicular stacking within a drive-thru lane can create grid lock in an off-street parking lot. Specifically, it can adversely impact on-site traffic circulation and the ability to enter and exit parking stalls. In more extreme cases, an inadequately designed drive-thru lane may result in vehicles stacking into the public right-of-way and impacting the flow of traffic.

Many communities require a Conditional Use Permit to operate a vehicular drive-thru for the reasons discussed above. Staff can also attest to the appropriateness to regulate their design to prevent adverse, on-site, traffic circulation issues as well as to ensure that ordering/speaker boards, lighting, and hours of operation for a drive-thru do not adversely impact surrounding properties, particularly when abutting a residential zone.

Staff is recommending that the Town Council add “vehicular drive-throughs” as a conditional use to the list of proposed, *conditionally* permitted, uses in C-1 District Zone (under Article 8-2) in preparation for a public hearing on Zoning Text Amendment 23-08. Staff has made the Planning



Commission aware of this suggested change during their meeting of February 8, 2024. The Commission did not express any adverse comments to the suggested change.

**ISSUE:**

To consider the appropriateness of the existing land-uses identified in the C-1 District Zone that require a Conditional Use Permit and those permitted by right pursuant to Town Council direction on October 18, 2023.

**ALTERNATIVES:**

The Town Council could:

- 1) Support the attached, draft, ordinance revisions proposed by the Planning Commission for Article 8, under ZTA 23-08, and direct staff to advertise for a Town Council public hearing on Zoning Text Amendment 23-08;
- 2) Direct staff to make Council revisions to Article 8 and either return to the Council for final review or to advertise for a Town Council public hearing on ZTA 23-08;
- 3) Remand the proposed revisions to Article 8 back to the Planning Commission for further study and consideration based on Council review and feedback; or,
- 4) Retain Article 8 as currently codified, without changes.

**FISCAL IMPACT:**

There may be a nominal loss of revenue to the General Fund for applications associated with land-uses that no longer require a Conditional Use Permit, if ZTA 23-08 is approved. At present, it costs \$800 to submit a Conditional Use Permit Application for processing. However, the Community Development rarely processes Conditional Use Permit Applications. Only two such applications were received in 2023.

**RECOMMENDATION:**

Staff recommends the Town Council review the proposed revisions to Article 8, provide its feedback with any/all changes, and direct staff to advertise for a Town Council public hearing on Zoning Text Amendment 23-08.

**Attachments:**

- 1) Tract/Mark-Up Changes to Article 8, as Recommended by the Planning Commission.
- 2) Planning Commission Staff Report dated January 11, 2023, for ZTA 23-08
- 3) Planning Commission Staff Report dated December 14, 2023, for ZTA 23-08
- 4) Planning Commission Staff Report dated November 9, 2023, for ZTA 23-08

## **ORDINANCE NO. 756**

### **AN ORDINANCE TO AMEND ZONING ORDINANCE,**

**March 20, 2024**

**WHEREAS**, the Planning Commission of the Town of Colonial Beach, Virginia has considered amendments to Zoning Ordinance, Article 8 (General Commercial (C-1) District)

**WHEREAS**, the Planning Commission held a public hearing to receive public comment on the proposed amendments; and

**WHEREAS**, following the public hearing, the Planning Commission has recommended to Town Council the amendments of Zoning Ordinance, Article 8 (General Commercial (C-1) District) as attached; and

**WHEREAS**, the Town of Colonial Beach Town Council did on this date hold a public hearing to receive public comment on and to consider the proposed amendments to Zoning Ordinance, Article 8 (General Commercial (C-1) District)

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Council of the Town of Colonial Beach, Virginia, as follows:**

- a. The foregoing recitals are hereby incorporated by this reference.
- b. Upon consideration of the foregoing, and having found that the amendments of Zoning Ordinance, Article 8 (General Commercial (C-1) District) as proposed and attached.
- c. This Ordinance is effective immediately.

# Attachment 1

DRAFT  
ARTICLE 8  
GENERAL COMMERCIAL (C-1) DISTRICT

Statement of Intent

The purpose of this district is to provide sufficient space and appropriate locations for commercial activities generally serving the complete town and located along existing major thoroughfares.

### 8-1 Permitted Uses

Within the C-1 District, a Building and/or land shall be used only for the following purposes with an approved site plan:

1. Arts and Crafts Studios
2. Automobile service stations
3. Boat Pier, Private
- ~~3-4.~~ Bookstores, but not adult bookstores
- ~~4-5.~~ Brew Pubs
- ~~5.~~ Car Washes
6. Churches/Houses of worship
7. Civic, Social, or Fraternal Facilities
8. Commercial Accessory Structures
9. Commercial Nanobreweries
10. Community Facilities/Open Spaces
11. Convenience Stores
12. Day Care Centers
13. Financial Institutions/Service Establishments
14. Live/Work Units
- ~~15.~~ Marinas
- ~~15-16.~~ Medical Clinics
- ~~16-17.~~ Microbreweries
- ~~17-18.~~ Museums
- ~~18-19.~~ Outdoor storage of merchandise and outdoor display of merchandise, provided that the outdoor storage and/or display is ancillary to a use permitted by right, and provided that the requirements of Section 8-12 of the Zoning Ordinance, which is contained in Appendix A of the Colonial Beach Town Code, are met
- ~~19-20.~~ Photography studios
- ~~21.~~ Offices
- ~~22.~~ Parking lots
- ~~20-~~
- ~~21-23.~~ Public Facilities, including public piers
- ~~22-24.~~ Public Utilities
- ~~23-25.~~ Restaurants
- ~~24-26.~~ Retail Establishments not exceeding 12,000 square feet
- ~~27.~~ Self-Storage Warehouses
- ~~28.~~ Service Establishments
- ~~29.~~ Theaters with a maximum permitted occupancy of no more than 70 persons
- ~~25-~~
- ~~26-30.~~ Vehicle Major Service Establishments
- ~~31.~~ Vehicular Sales, Service and Repair
- ~~32.~~ Watchman or caretakers with living quarters who are employed by the business

**Commented [DD1]:** Clarifies that bookstores are a permitted use, except for "adult" bookstores.

**Commented [DD2]:** The Planning Commission may consider adding carwashes to a conditionally permitted use. Planning Commission authorized carwashes as a Conditional Use Permit requirement on 12.14.23

**Commented [DD3]:** Staff suggest adding "Medical Clinic" to provide medical services in Town, while retaining a "Hospital" as a Conditional Use.

**Commented [DD4]:** Staff believes parking lots should be listed as a permitted use, unless they are used for other purposes such as for paid parking or valet parking. See "Parking Lots" under Section 8-2.

**Commented [DD5]:** See Comment in Section 8-2, below.

**Commented [DD6]:** Planning Commission recommendation. The same land-use requirement for theaters already exists in the RC District Zone. An occupancy of over 70 persons would still require a CUP.

**Commented [DD7]:** Planning Commission recommendation to require a CUP for this use due to potential land-use impacts associated with noise, dust, toxic substances, etc.

**Commented [DD8]:** See comment in Section 8-2, below.

~~27.~~ ~~Establishments~~\_8-2 Conditional Uses (Conditional Use Permit Required)

Notwithstanding 8-1 of this Article, the following uses require a Conditional Use Permit with an approved site plan:

1. Auction Houses
2. Boat building establishments
3. Boat Houses
- ~~4. Bookstores~~
- ~~5.4~~ Bottling establishments

**Commented [DD9]:** Staff does not believe book stores necessitate a CUP.

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- 5. Bus and railroad stations
- 6. Carwashes
- 7. Commercial Recreational Establishments
- 8. Commercial piers
- 9. Conference Centers
- 10. Flea Market, Indoor
- 11. Funeral Homes
- 12. Go-cart tracks
- 13. Hospitals
- 14. Hotels/Motels
- 15. Kennels
- 16. Large Scale Breweries
- 17. Mobile Vending Courtyards
- 18. Nightclubs
- 19. Outdoor display/storage of merchandise that does not meet the requirements of section 8-12 of the Zoning Ordinance, which is contained in Appendix A of the Colonial Beach Town Code.
- 20. Parking Decks
- 21. Parking lots - pay to park and valet
- 22. Pawn Shops Pawn Shops
- 22. \_\_\_\_\_
- 23. Seafood Packing Facilities
- 24. Service Establishments
- 25-24. Shopping Centers
- 25. Theaters with a maximum permitted occupancy of over 70 persons
- 26. Vehicle Major Service Establishments
- 27. Veterinary Hospitals
- 28. Watchman or caretakers with living quarters who are employed by the business
- 29-28. Wayside Stands and/or Farmers

**Commented [DD10]:** PC added as a CUP, as suggestion of staff on 12.14.23

**Commented [DD11]:** Clarifies the type of parking lots. Staff does not believe parking lots serving an on-site business (except valet and private pay to park) necessitates a CUP.

**Commented [DD12]:** The Commission may wish to consider allowing Pawn Shops as a permitted use. Fundamentally, it is a form of a retail business that also offers loans.

**Commented [DD13]:** The Zoning Code definition for "Service Establishments" allow for many types of service related uses that staff does not think requires a CUP (i.e., beauty shops, pet grooming, nail salons , appliance stores, repair shops etc.). However, the Commission may wish to consider car washes.

**Commented [DD14]:** C-1 Zone permits live-work units. This is a similar use.

Markets 8-3                      Development Standards

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

- 1. Full frontage improvements required (curb, gutter & sidewalk).
- 2. No chain link or other types of wire fences may be placed on the required front yard.
- 3. Off street parking shall be to the side and rear of the Principal Structure. Parking shall be based upon the net public floor area excluding storage, halls, bathrooms, and areas of like use.
- 4. Dumpsters must be screened from view by a board on board fence or masonry enclosure (see figure 8-8.1).
- 5. Outdoor lighting shall not exceed 0.5 foot-candle at any property line and such lights shall be shielded to reflect the light downward. The light source (bulb) shall be shielded so as not to be visible from adjoining property lines or public Rights of Way.
- 6. Light standards or poles shall not exceed 15 feet in height.
- 7. Across the front of the property a "street tree" standard shall be required as specified by the Director of Community Development.
- 8. Parapet walls or other screening devices shall be used to screen roof top mechanical equipment from view.
- 9. Hotel/motel parking shall be structured and attached to or adjacent to the principal building. It shall have architecture that is consistent with the Principal Structure, and it shall not be calculated as part of the building height when located below the Principal Structure provided that the height of the parking shall not exceed 35-feet from finished grade and the first level (1) parking level is below ground.

8-4 Area Regulations

There shall be no minimum lot area required.

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#### 8-5 Front Yard Setback Regulations

For main structures, the minimum front yard setback from the street Right of Way upon which the structure fronts shall be five (5) feet and the maximum shall be thirty (30) feet.

#### 8-6 Minimum Street Frontage Regulations

For main structures, there shall be no minimum street frontage required.

#### 8-7 Lot Width Regulations

For main structures, there shall be no minimum lot width required.

#### 8-8 Side Yard Setback Regulations

1. For main structures, there shall be no minimum side yard required.
2. Notwithstanding Section 8-8(1), for main structures adjacent to the boundary line of a residential zoning district, the minimum side yard adjacent to such district shall be twenty-five (25) feet.
  - A. This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall consistent with the main structure or a board on board fence is constructed with a three (3) foot landscaped bed placed along the property line (see figure 8.8.1 for an example of an architectural wall).

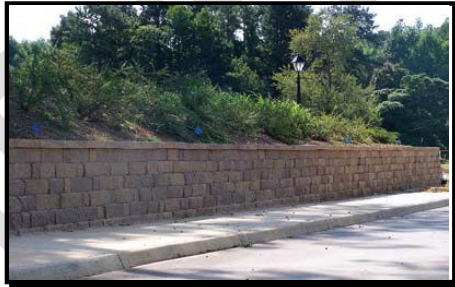


Figure 8-8.1 Example of an architectural wall

#### 8-9 Rear Yard Setback Regulations

1. For main structures, there shall be no minimum rear yard required.
2. Notwithstanding Section 8-9(1), for main structures adjacent to the boundary line of a residential zoning district, the minimum rear yard adjacent to such district shall be twenty-five (25) feet.
  - A. This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall consistent with the main structure or a board on board fence is constructed with a three (3) foot landscaped bed placed along the property line (see figure 8-8.1 for an example of an architectural wall).

#### 8-10 Height Regulations

Permitted structures may be erected up to thirty-five (35) feet from final grade with the following exceptions:

1. Church spires, monuments, water towers, chimneys, flag poles, television antennae, and radio aerials are exempt from the height calculation.
2. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

#### 8-11 Accessory Structure Regulations

1. Accessory Structures or Accessory Buildings shall have no minimum setback required.
2. Notwithstanding Section 8-11(1), an Accessory Structure or Accessory Building shall be located no closer than twenty-five (25) feet from any property line which is adjacent to the boundary line of a residential district.
  - A. This may be reduced to ten (10) feet provided an eight (8) foot tall, masonry architectural wall consistent with the main structure or a board on board fence is constructed with a three (3) foot landscaped bed is placed along the property line (see figure 8-8.1 above).
3. All Accessory Structures or Accessory Buildings shall be less than the main building in height.

#### 8-12 Screening Regulations

1. Notwithstanding the requirements contained in Article 24 of the Zoning Ordinance, the following uses shall be screened from view by a uniformly painted solid board fence or a masonry wall constructed consistent with the Principal Structure. Such screening shall be (6) feet in height and shall not extend past the front corners of the main Structure.
  - A. Areas provided or reserved for open air storage or for loading/unloading of material, merchandise, or equipment.
  - B. Areas provided or reserved for the open air storage of damaged or inoperable boats and watercraft, provided, however, that this shall not include those awaiting general repair or maintenance.
  - C. Areas provided or reserved for the acceptance and collection of refuse.
2. Notwithstanding section 5-14 (a) of the Zoning Ordinance, outdoor display of merchandise provided or reserved for resale shall not require screening if the area designated for such display does not exceed thirty percent (30%) of the floor area of the Structure dedicated to the use.
3. Such screening shall not obstruct the view of motorists using any street, private driveway, parking aisles, or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety. Such screening shall be maintained in perpetuity by the property owner(s) in good condition as determined by the Director of Community Development. Whenever the enforcement of the provisions of this Section would result in a traffic hazard, the Director of Community Development may waive or modify such requirements.

#### 8-13 Additional Requirements

All Large Scale Breweries, Microbreweries, Commercial Nanobreweries, Home Nanobreweries, and Brew Pubs shall be licensed and/or permitted by the proper national and state agencies concerning breweries.



**TO:** Town of Colonial Beach Planning Commission  
**FROM:** Don Dooley, Director of Community Development and Zoning  
**SUBJECT:** Zoning Text Amendment 23-08 for Article 8 (General Commercial (C-1) District) and Article 20 (Definitions)  
**DATE:** January 11, 2024

## SUMMARY

At the Town Council Meeting of October 18, 2023, the Council voted unanimously to refer Article 8 (General Commercial (C-1) District) to the Planning Commission to consider the appropriateness of the land-uses identified in the C-1 District Zone that require a Conditional Use Permit.

During the Planning Commission Meetings of November 9, 2023, and December 14, 2023, the Commission directed various changes to Section 8-1 (Permitted Uses) and Section 8-2 (Conditional Uses – Conditional Use Permit Required), of Article 8 (General Commercial (C-1) District) of the Colonial Beach Zoning Ordinance. During the December 14, 2023, meeting, the Commission also authorized Zoning Text Amendment 23-08 to be advertised for a public hearing to formally consider and act on the proposed changes to Article 8, after considering all public input on the matter.

## BACKGROUND

At the Town Council Meeting of October 18, 2023, the Council voted unanimously to refer Article 8 (General Commercial (C-1) District) to the Planning Commission to consider the appropriateness of the land-uses identified in the C-1 District Zone that require a Conditional Use Permit and those that are permitted by right. It was the Council's direction to add this matter to the Planning Commission's Work Plan for 2023-2024 as a priority item.

At the regularly scheduled Planning Commission Meeting of November 9, 2023, staff identified several land-uses in the General Commercial (C-1) District Zone that it believes could be re-categorized from a "conditional use" (under Section 8-2) to a "permitted use" (under Sections 8-1) in Article 8 without creating potential, adverse, impacts to the community, if established. Specifically, these land-uses include:

- 1) Bookstores, but not adult bookstores;
- 2) Parking lots, provided they are not pay to park or valet parking lots;
- 3) Service Establishments; and,
- 4) Watchman or caretakers with living quarters who are employed by the business.

Staff also suggested that "Medical Clinics" be added as a new "permitted use" in the C-1 District Zone, as the Town's Comprehensive Plan identifies emergency care as a priority need in the Town.

Additionally, it was staff's opinion that car washes should be changed from a "permitted use" to a "conditional use" due to common land-use impacts associated with them such as: noise, traffic, circulation, lighting, hours of operation, and other environmental considerations. In addition, the definition of a "Service Establishment" would need to be changed, under Article 20 (Definitions),



Section 20-02 (Definitions), of the Colonial Beach Zoning Ordinance, to eliminate car washes as a defined type of “Service Establishment.” The revised definition of a “Service Establishment” would read:

***“Service Establishment:*** *Any establishment wherein the primary occupation is the repair, care of, maintenance, or customizing of personal properties, including, but not limited to appliance and electronic repair, ~~car washes~~, furniture refinishing, sign shops, printing and engraving establishments, photographic processing, barber shops, beauty parlors, pet grooming establishments, nail salons, tanning salons, laundering facilities, dry cleaning and other garment servicing establishments, tailors, dressmaking shops, and shoe cleaning or repair shops; but not including automobile or other motor vehicle service stations or similar establishments.”*

In addition to staff’s suggested changes, the Commission also recommended the following revisions:

- 1) Change “Theaters” from a “conditional use” to a “permitted use,” if the maximum occupancy of a theater does not exceed 70 persons. This is consistent with how theaters are treated in the land-use table in the Resort Commercial (RC) District Zone. Theaters in-excess of 70 persons would still require a Condition Use Permit.
- 2) Change “Vehicular Major Service Establishments” from a “permitted use” to a “conditional use” in Article 8. “Vehicular Major Service Stations” [Establishments] are defined in the Town’s Zoning Ordinance as, *“Buildings and premises wherein major mechanical and body work is performed on motor vehicles, including, but not limited to, mechanical repairs and part replacement, welding, the straightening of body parts, body repair, painting, and similar work; but not including automobile graveyards or junkyard.”* Given the potential for noise, dust, odor, toxic chemicals, aesthetics, etc. that can be associated with a “Vehicular Major Service Station/Establishment,” the review of such a use, through a Conditional Use Permit, is justified particularly when located near sensitive uses/users like schools and residential dwelling units.

During the Commission meeting of December 14, 2023, the Commission expressed support for the changes noted above and authorized staff to advertise a public hearing on Zoning Text Amendment 23-08 for the Planning Commission Meeting of January 11, 2023.

## DISCUSSION

Based on the Commission’s feedback at the December 14, 2023, Planning Commission Meeting, staff has modified the draft revisions to the “permitted” and “conditionally permitted” land-uses within Sections 8-1 and 8-2 of Article 8 (General Commercial (C-1) District as well as the definition of a “Service Establishment” within Article 20 (Definitions) to eliminate “car washes” as a type of service establishment. Additionally, staff has advertised Zoning Text Amendment 23-08 for a public hearing tonight on this matter.



## **RECOMMENDATION**

That the Planning Commission adopt the attached, draft, resolution, recommending to the Town Council approval of Zoning Text Amendment 23-08, as drafted.

## **Attachments**

- 1) Draft Planning Commission Resolution No. 2023-06 for Zoning Text Amendment 23-08.
- 2) Exhibit No. 1 of Draft Planning Commission Resolution No. 2023-06 (Recommended, Draft, Revisions to Sections 8-1 and 8-2 of Article 8 (General Commercial (C-1) District Zone).
- 3) Exhibit No. 2 of Draft Planning Commission Resolution No. 2023-06 (Recommended, Draft, Revision to the Definition of “Service Establishment” as Contained in Article 20 (Definitions).
- 4) Clean Version of Planning Commission, Draft, Revisions to Article 8, Sections 8-1 and 8-2.
- 5) Planning Commission Staff Report Dated December 14, 2023.
- 6) Planning Commission Staff Report Dated November 9, 2023.



**TO:** Town of Colonial Beach Planning Commission  
**FROM:** Don Dooley, Director of Community Development and Zoning  
**SUBJECT:** **Zoning Text Amendment 23-08 Article 8 (General Commercial (C-1) District)**  
**DATE:** December 14, 2023

## **SUMMARY**

At the Town Council Meeting of October 18, 2023, the Council voted to refer Article 8 (General Commercial (C-1) District) to the Planning Commission to consider the appropriateness of the land-uses identified in the C-1 Zoning District that require a Conditional Use Permit. It was the Council's direction to add this matter to the Planning Commission's Work Plan as a priority matter.

At the regularly scheduled Planning Commission Meeting of November 9, 2023, staff presented proposed revisions to the "permitted" and "conditionally permitted" land-uses identified under Sections 8-1 (Permitted Uses) and 8-2 (Conditional Uses (Conditional Use Permit Required)) in Article 8 of the Colonial Beach Zoning Ordinance. The Commission provided its feedback to staff's suggestions in addition to other changes. Staff is returning to the Commission with the additional revisions/changes to Article 8.

## **BACKGROUND**

During the October 18, 2023, Town Council Meeting, the Council expressed concern that there are certain land-uses identified in the C-1 District Zone that may not warrant the need for a Conditional Use Permit such as, bookstores. The Council's referral of Article 8 to the Planning Commission was limited to address this singular issue. The Commission's recommendations would then be forwarded back to the Town Council, under Zoning Text Amendment 23-08.

At the regularly scheduled Planning Commission Meeting of November 9, 2023, staff identified several land-uses in the General Commercial (C-1) District Zone that it believes could be re-categorized from a "conditional use" (under Section 8-2) to a "permitted use" (under Sections 8-1) in Article 8 without creating potential, adverse, impacts to the community, if established. Specifically, these uses include:

- 1) Bookstores, but not adult bookstores;
- 2) Parking lots, provided they are not pay to park or valet parking lots;
- 3) Service Establishments; and,
- 4) Watchman or caretakers with living quarters who are employed by the business.

Staff also suggested that "Medical Clinics" be added as a new "permitted use" in the C-1 District Zone, as the Town's Comprehensive Plan identifies emergency care as a priority need in the Town.

Staff also suggested that car washes be changed from a "permitted use" to a "conditional use" due to common land-use impacts associated with them such as: noise, traffic, circulation, lighting, hours of operation, etc. If supported by the Commission, the definition of a "Service Establishment" would need to be changed, under Article 20 (Definitions), Section 20-02 (Definitions), of the Colonial Beach



Zoning Ordinance, to eliminate car washes as a defined type of “Service Establishment.” The revised definition of a “Service Establishment” would read:

***“Service Establishment:*** *Any establishment wherein the primary occupation is the repair, care of, maintenance, or customizing of personal properties, including, but not limited to appliance and electronic repair, ~~car washes~~, furniture refinishing, sign shops, printing and engraving establishments, photographic processing, barber shops, beauty parlors, pet grooming establishments, nail salons, tanning salons, laundering facilities, dry cleaning and other garment servicing establishments, tailors, dressmaking shops, and shoe cleaning or repair shops; but not including automobile or other motor vehicle service stations or similar establishments.”*

At present, there is one car wash that would be impacted in the Town. It is the *Suri Car Wash* located at 405 Colonial Avenue. However, no conditional use permit would be required for the property unless the existing car wash expanded its operation on the property.

In addition to staff’s suggested changes, the Commission also recommended the following revisions:

- 1) Change “Theaters” from a “conditional use” to a “permitted use,” if the maximum occupancy of a theater does not exceed 70 persons. This is consistent with how theaters are treated in the land-use table in the Resort Commercial District (RC) District Zone. Theaters in-excess of 70 persons would still require a Condition Use Permit.
- 2) Change “Vehicular Major Service Establishments” from a “permitted use” to a “conditional use” within Article 8. “Vehicular Major Service Stations” [Establishments] are defined in the Town’s Zoning Ordinance as, *“Buildings and premises wherein major mechanical and body work is performed on motor vehicles, including, but not limited to, mechanical repairs and part replacement, welding, the straightening of body parts, body repair, painting, and similar work; but not including automobile graveyards or junkyard.”* Given the potential for noise, dust, odor, toxic chemicals, aesthetics, etc. that can be associated with a” Vehicular Major Service Station/Establishment,” the review of such a use, through a Conditional Use Permit, is justified particularly when located near sensitive uses/users like schools and residential dwelling units.

The Commission subsequently continued Zoning Text Amendment 23-08 to its regularly scheduled meeting of December 14, 2023, to further review the permitted and conditionally permitted uses in Article 8 (General Commercial (C-1) District) to determine if any additional changes are warranted.

## DISCUSSION

Based on the Commission’s feedback, staff has modified the draft revisions to the “permitted” and “conditionally permitted” land-uses within Sections 8-1 and 8-2 of Article 8 (General Commercial (C-1) District). If the Commission has any additional feedback, subsequent changes can be made to finalize the revisions and prepare Zoning Text Amendment 23-08 for a public hearing.



## **RECOMMENDATION**

That the Planning Commission provide its feedback to the subsequent revisions made to Sections 8-1 and 8-2 in Article 8. If satisfactory, staff recommends the Planning Commission authorize staff to advertise for a public hearing on the proposed revisions to Article 8, under Zoning Text Amendment 23-08, for the next regularly scheduled Planning Commission meeting of January 14, 2023.

## **Attachments**

- 1) Revised (Proposed) Draft Revisions to Sections 8-1 and 8-2 of Article 8 (General Commercial (C-1) District Zone.
- 2) Planning Commission Staff Report for November 9, 2023.



**TO:** Town of Colonial Beach Planning Commission  
**FROM:** Don Dooley, Director of Community Development and Zoning  
**SUBJECT:** **Zoning Text Amendment 23-08 Article 8 (General Commercial (C-1) District)**  
**DATE:** November 9, 2023

### SUMMARY

At the Town Council Meeting of October 18, 2023, the Council voted to refer Article 8 (General Commercial (C-1) District) to the Planning Commission to consider the appropriateness of the land-uses identified in the C-1 Zoning District that require a Conditional Use Permit. It was the Council's direction to add this matter to the Planning Commission's Work Plan as a priority matter.

### BACKGROUND

During the October 18, 2023, Town Council Meeting, the Council expressed concern that there are certain land-uses identified in the C-1 Zoning District that may not warrant the need for a Conditional Use Permit such as, bookstores. The Council's referral of Article 8 to the Planning Commission was limited to address this singular issue. The Commission's recommendations would then be forwarded back to the Town Council, under Zoning Text Amendment 23-08.

### DISCUSSION

After reviewing Article 8, staff suggests the following land-uses be moved from Section 8-2 (Conditional Uses) to Section 8-1 (Permitted Uses):

- 1) Bookstores. Although staff does not believe there is a need to require a Conditional Use Permit for bookstores, staff recommends that a clarification be added to the term (under "Permitted Uses") to specify that it does not include "adult" bookstores, as defined in Article 20 (Definitions). Adult bookstores are a form of an "adult business" that is specifically listed in Article 20 of the Town's land-use definitions. Adult businesses are not permitted in the C-1 Zoning District.
- 2) Service Establishments. – A "Service Establishment" is defined in Article 20 (Definitions) as:

*"Any establishment wherein the primary occupation is the repair, care of, maintenance, or customizing of personal properties, including, but not limited to appliance and electronic repair, car washes, furniture refinishing, sign shops, printing and engraving establishments, photographic processing, barber shops, beauty parlors, pet grooming establishments, nail salons, tanning salons, laundering facilities, dry cleaning and other garment servicing establishments, tailors, dressmaking shops, and shoe cleaning or repair shops; but not including automobile or other motor vehicle service stations or similar establishments."*

As the definition encompasses numerous types of ubiquitous land-uses that are unlikely to create adverse impacts upon the community, staff believes "Service Establishments" should be a permitted use in the C-1 Zoning District. However, the Commission may wish to consider requiring car wash establishments to obtain a Conditional Use Permit given the potential noise, traffic, and lighting that may result from this land-use type. If so, the above definition from



Article 20 will need to be modified to exclude carwashes from the definition and added to the list of conditionally permitted uses under Section 8-2. At present, car wash establishments are codified as a permitted use under Section 8-1.

- 3) Watchman or caretakers with living quarters who are employed by the business. Staff believes this land-use is ostensibly the same as a live-work unit, which is permitted in the C-1 Zoning District. Staff does not foresee any land-use impacts for a caretaker's unit that warrant the
- 4) Parking Lots. Although "Parking Lots" are listed in Section 8-2 as a conditionally permitted use, staff does not believe the intent of the ordinance is to require all parking lots in Town to obtain a Conditional Use Permit to serve businesses. Instead, staff believes it may only be appropriate to require a Conditional Use Permit when a parking lot is associated with paid and/or valet parking to ensure it is operated in an appropriate manner. Otherwise, staff would suggest listing "Parking Lots" as a permitted use.

### **Other Considerations**

- A) Medical Clinics. Although staff concurs that hospitals are appropriately listed as requiring a Conditional Use Permit, under Section 8-2, staff believes it would be helpful to list "Medical Clinics" as a permitted land-use in the C-1 Zoning District to aide the medical needs of the community and promote their development. As identified on Page 24 of the Town's Comprehensive Plan, "*Residents have emphasized the need for emergency care.*" This is an important consideration identified in the Comprehensive Plan. Under Article 20, (Definitions) a Medical Clinic is defined as,

*"An establishment where patients are admitted for outpatient examination, diagnosis, treatment, or consultation by a physician, physician assistant, or dentist."*

Staff believes a medical clinic can be successfully developed without creating any significant, adverse, impacts upon the community to warrant the review and approval of a Conditional Use Permit. Therefore, staff has identified "Medical Clinics" as a proposed, permitted, use in the C-1 Zoning District for the Commission's consideration.

- B) Pawn Shops. Staff has not identified any compelling land-use issues necessitating a Conditional Use Permit for a pawn shop. This land-use is essentially a type of retail establishment that also offers loans as part of their business model. Pawn shops could offer the opportunity for some residents to not only buy and sell items, but to obtain personal loans if they do not qualify for a loan through a commercial banking institution. If the Commission supports permitting Pawn Stores in the C-1 Zoning District, the land-use table in Section 8-1 must be modified. Otherwise, Pawn Stores will remain in Section 8-2 as a conditionally permitted use.

Should the Commission desire to add, delete or modify the land-uses shown as "permitted" or "conditionally permitted" in the C-1 Zoning District, the Commission should provide



appropriate direction to staff for further revision(s) to Article 8. In the future, staff believes it would be appropriate to consider reviewing all the land-uses in the Town's Zoning Code as part of a Commission Work Plan initiative. However, given the Council's immediate direction and priorities, this task should be deferred to a future date to enable staff and the Commission to prepare for this effort and to retain its focus on current Work Plan items that have already been agendaized.

**RECOMMENDATION:**

That the Commission provide feedback on the proposed revisions to Sections 8-1 and 8-2 in Article 8. Staff also recommends the Planning Commission authorize staff to advertise for a public hearing on the proposed revisions to Article 8, under Zoning Text Amendment 23-08, for the regularly scheduled Commission meeting of December 14, 2023.

Attachment No. 1 – Proposed Draft Revisions to Article 8 (General Commercial (C-1) District.

# Tab D



**TO:** Mayor and Town Council  
**FROM:** Powell Duggan, Town Attorney  
**SUBJECT:** Proposed Revisions to Chapter 1 of Town Code  
**DATE:** May 6, 2024

**SUMMARY:**

I am proposing changes to Chapter 1 of the Town Code.

**BACKGROUND:**

The Council has been updating the Town Code. I chose Chapter 1 as the next Chapter for review partially because Section 10 included a provision deeming any misdemeanor not classified in the Town Code a Class 1 misdemeanor.

**ISSUE/GOAL:**

The goal is to clean up ordinances, eliminate unnecessary provisions, where possible, and make sure they are consistent with current Virginia Code provisions.

**ALTERNATIVES:**

The following are alternatives for Council:

- 1) Make no changes to Chapter 1.
- 2) Adopt the changes as presented.
- 3) Propose other changes.

**NEXT STEP:**

If the Council wishes to proceed with changes, an updated version including any additional or revised changes, will be put in the form of an ordinance and advertised for action at the regular Council meeting.

**FISCAL IMPACT:**

There is no anticipated fiscal impact.

**RECOMMENDATION:**

My recommendation is that Council consider the proposed changes.

## Chapter 1 GENERAL PROVISIONS<sup>1</sup>

### Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Colonial Beach, Virginia" and may be so cited. Such ordinances may also be cited as the "Colonial Beach Town Code."

(Ord. 734, § b(Att.))

State law reference(s)—Authority of town to codify and recodify its ordinances, Code of Virginia, § 15.2-1433.

### Sec. 1-2. Definitions and rules of construction.

In the interpretation and construction of this Code and of all ordinances of the town, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the council or the context clearly requires otherwise:

*And, or.* "And" may be read "or" and "or" may be read "and," if the sense requires it.

*Bond.* When a bond is required, an undertaking in writing shall be sufficient.

*Charter* shall mean the Charter of the town, as it now exists or as it may be amended in the future.

*Code.* Whenever the term "Code" or "this Code" is referred to, without further qualification, it shall mean the Code of Ordinances, Town of Colonial Beach, Virginia, as designated in section 1-1.

*Computation of time* means when a notice is required to be given or any other act to be done a certain time before any proceeding, there must be that time, exclusive of the day for such proceeding, but the day on which such notice is given or such act is done may be counted as part of the time. When a notice is required to be given or any other act to be done within a certain time after any event, that time shall be allowed, in addition to the day on which the event occurred.

*Council or town council* shall mean the Town Council of the Town of Colonial Beach, Virginia.

*County* shall mean the County of Westmoreland in the Commonwealth of Virginia.

*Following*, when used by way of reference to any section or sections in the Code, shall be construed to mean next following that in which such reference is made.

*Gender.* A word importing the masculine gender only may extend and be applied to ~~persons, females and to~~ firms, partnerships, and corporations, ~~as well as to males.~~

*In the town or within the town* shall mean any territory, jurisdiction of which, for the exercise of its regulatory power, has been conferred on the town by public or private law.

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<sup>1</sup>Editor's note(s)—Ord. No. 734, b(Att.), adopted Oct. 19, 2022, repealed the former Ch. 1, §§ 1-1—1-11, and enacted a new Ch. 1 as set out herein. The former Ch. 1 pertained to similar subject matter and derived from Code of 1981; Ord. No. 91A; and Ord. No. 381.

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*Joint authority.* Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise expressly stated.

*Month.* Unless otherwise expressed, the word "month" shall be construed to mean a calendar month.

*Number.* A word importing the singular number only may extend and be applied to several persons or things, as well as to one (1) person or thing, and a word importing the plural number only may extend and be applied to one (1) person or thing, as well as to several persons or things.

*Oath* shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath.

*Occupant,* applied to a building or land, shall mean any person who holds a written or oral lease of or actually occupies the whole or a part of such building or land, either alone or with others.

*Officers, boards, etc.* Whenever reference is made to a particular officer, department, board, commission, or other agency, without further qualification, such reference shall be construed as if followed by the words "of the Town of Colonial Beach, Virginia." A reference to a specific officer shall include that officer's duly authorized deputies and agents.

*Official time standard.* Whenever particular hours are referred to, the time applicable shall be official standard time or daylight saving time, whichever may be in current use in the town.

*Owner,* applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or a part of such building or land.

*Person* shall include a firm, partnership, association of persons, corporation, organization, or any other group acting as a unit.

*Preceding,* when used by way of reference to any section or sections in this Code, shall be construed to mean next preceding that in which such reference is made.

*Property* shall mean real, personal, or mixed property.

*Section numbers.* Whenever reference is made to a section by number only (e.g. "section 1-1"), without further qualification, it shall be construed as referring to that section of this Code.

*Shall* is at all times mandatory.

*Sidewalk* shall mean any portion of a street between the curblin, or the lateral lines of a roadway where there is no curb, and the adjacent property line which is intended for the use of pedestrians.

*State or commonwealth* shall be construed as if followed by the words "of Virginia."

*State code.* References to the "State Code" or the "Code of Virginia" shall mean the Code of Virginia, 1950, as amended.

*Street* shall include avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto, and all other public thoroughfares in the town, and shall mean the entire width thereof between abutting property lines. It shall also be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the council.

*Swear or sworn* shall be equivalent to the word "affirm" or the word "affirmed" in all cases in which, by law, an affirmation may be substituted for an oath.

*Town, the town, or this town* shall mean the Town of Colonial Beach, in the County of Westmoreland and Commonwealth of Virginia.

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*Written and in writing* shall include typewriting, printing on paper, and any other mode of representing words, letters, or figures.

*Year* shall mean a calendar year.

(Ord. 734, § b(Att.))

State law reference(s)—Similar definitions and rules of construction applicable to state law, Code of Virginia, § 1-202g et seq.

### **Sec. 1-3. Headlines of sections.**

The catchlines of the sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of any section, nor, unless expressly so provided, shall they be so deemed when any section, including its catchline, is amended or reenacted.

(Ord. 734, § b(Att.))

State law reference(s)—Similar provisions as to sections of state code, Code of Virginia, § 1-217.

### **Sec. 1-4. Provisions of Code considered as continuations of existing ordinances.**

The provisions appearing in this Code, so far as they are the same as those of the previously existing ordinances of the town, shall be considered as continuations thereof and not as new enactments.

(Ord. 734, § b(Att.))

### **Sec. 1-5. Miscellaneous ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall affect:

- (1) Any ordinance promising or guaranteeing the payment of money by or for the town or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness or any contract or obligation assumed by the town;
  - (2) Any ordinance granting any franchise or right;
  - (3) Any ordinance appropriating funds, levying, or imposing taxes or relating to an annual budget;
  - (4) Any ordinance annexing territory to the town;
  - (5) Any ordinance authorizing, providing for, or otherwise relating to any public improvement or assessments therefor;
  - (6) The zoning ordinance adopted April 23, 1981, or any amendment thereto, including amendments to the zoning map and ordinances zoning or rezoning specific property;
  - (7) The subdivision ordinance adopted April 13, 1972, and set out in appendix B of this Code, or any amendment thereto;
  - (8) Any ordinance adopted for purposes which have been consummated; or
  - (9) Any ordinance which is temporary, although general in effect, or special, although permanent in effect;
- and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

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(Ord. 734, § b(Att.))

Cross reference(s)—Taxation, Ch. 20; Zoning ordinance, App. A.

**Sec. 1-6. Code does not affect prior offenses, proceedings, or rights.**

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, or any prosecution, suit or proceeding pending or any judgment rendered, on or before the effective date of this Code.

(Ord. 734, § b(Att.))

**Sec. 1-7. Effect of repeal of ordinance which repealed another.**

When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived, without express words to that effect.

(Ord. 734, § b(Att.))

**Sec. 1-8. Supplementation of Code.**

- (a) By contract or by municipal personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the town council. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been replaced shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency, or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
  - (1) Organize the ordinance material into appropriate subdivisions;
  - (2) Provide appropriate catchlines, headings, and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings, and titles;
  - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
  - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," as appropriate, or to "sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
  - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

(Ord. 734, § b(Att.))

State law reference(s)—Authority to supplement Code, Code of Virginia, § 15.1-37.3.

### Sec. 1-9. Copies of Code and supplements to be available for public inspection.

At least ~~one (1) copy~~ ~~three (3) copies~~ of this Code and every supplement thereto shall be kept in the office of the town clerk and shall there be available for public inspection, during normal business hours.

**Commented [PD1]:** Virginia Code only requires one copy.

(Ord. 734, § b(Att.))

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-1433.

### Sec. 1-10. Classification of and penalties for violations; continuing violations.

(a) Whenever in this Code or any other ordinance of the town or any rule or regulation promulgated by any officer or agency of the town, under authority duly vested in such officer or agency, it is provided that a violation of any provision thereof shall constitute a Class 1, 2, 3 or 4 misdemeanor, the Virginia Code punishment provisions applicable to the particular type of misdemeanor shall apply, such violation shall be punished as follows:

**Commented [PD2]:** Although the penalties rarely change, the Town Code should automatically follow the provisions in the Virginia Code.

~~(1) Class 1 misdemeanor: By a fine of not more than two thousand five hundred dollars (\$2,500.00), or by confinement in jail for not more than twelve (12) months, or by both such fine and confinement.~~

~~(2) Class 2 misdemeanor: By a fine of not more than one thousand dollars (\$1,000.00), or by confinement in jail for not more than six (6) months, or by both such fine and confinement.~~

~~(3) Class 3 misdemeanor: By a fine of not more than five hundred dollars (\$500.00).~~

~~(4) Class 4 misdemeanor: By a fine of not more than two hundred fifty dollars (\$250.00).~~

(b) Wherever in ~~any provision of~~ this Code or ~~in~~ any other ordinance of the town or any rule or regulation promulgated by an officer or agency of the town, under authority duly vested in such officer or agency, it is provided that a violation of any provision thereof shall constitute a misdemeanor and no penalty or fine is provided for such misdemeanor, such violation shall be punished as a Class 3 misdemeanor, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a Class 1 misdemeanor and be punished as prescribed in subsection (a)(1) above.

**Commented [PD3]:** Unless the Town Code is specific that the punishment should be as a Class 1 or Class 2 misdemeanor, the default treatment should not include jail time.

(c) Notwithstanding any other provision of this section or any other section of this Code, no penalty for a violation of this Code or other ordinance, rule or regulation of the town shall exceed that prescribed by general law for a like offense.

(d) Each day any violation of this Code or any other ordinance, rule or regulation referred to in this section shall continue shall constitute a separate offense, except where otherwise provided.

(Ord. 734, § b(Att.))

### Sec. 1-11. Severability of parts of Code.

If any part, section, subsection, sentence, clause, or phrase of this Code is, for any reason, declared to be unconstitutional or invalid, such decision shall not affect the validity of the remainder of this Code.

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(Ord. 734, § b(Att.))

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(Supp. No. 91)

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