

**ARTICLE 18  
MISCELLANEOUS**

**Statement of Intent**

The purpose of this section is to cover general limitations and guidelines not otherwise classified in this Ordinance and to provide supplementary regulations for certain uses.

**18-1 TEMPORARY USES**

Unless otherwise specified herein these temporary uses are permitted within every zoning district with an approved site plan and/or zoning permit. Signage for temporary uses shall be as provided in this ordinance.

**A. Construction Trailers**

1. A zoning permit is required to use a Construction Trailer when used in conjunction with permitted construction work taking place on a site where the lot is 7,500 square feet or greater. Construction trailers may be permitted for storage or office space only while the construction work is in progress and shall be removed within 7-days of the issuance of the certificate of occupancy for the project for which the construction trailer was used.
2. Construction trailers shall not impair visibility or impede vehicular on roadways or pedestrian traffic on sidewalks. They shall be located a minimum of 10-feet from public rights-of-way.
3. No construction trailer may be permitted on any lot or site less than 7,500 square feet.
4. Construction trailers shall be removed immediately if construction is abandoned or the building permit expires or is rendered invalid for any reason.

**B. Temporary Structure and Portable On Demand Storage (PODS)**

1. A temporary zoning permit is required for a POD
2. No temporary structure or container may be placed on any lot without obtaining a permit for a Temporary structure. Temporary structures or containers shall be located in the side or rear yards or within the front yard.
3. Such structures shall have a minimum setback of three (3) feet from side or rear property lines, and a minimum setback of ten (10) feet from the front property line or right of way, and shall not impair visibility or impede vehicular or pedestrian traffic;
  - a. No temporary structure or container shall remain on any lot or parcel for a period of more than one hundred twenty (120) days.
  - b. No more than two (2) temporary accessory structure permits may be issued to any location during any eighteen (18) month period.
  - c. Temporary structures and containers may not exceed a size of eight (8) feet wide, eight (8) feet in height and sixteen (16) feet in length.

**C. Seasonal Sales & Outdoor Display**

1. A temporary zoning permit is required for seasonal sales.
2. Sales of seasonal goods such as pumpkins, holiday trees and wreaths, and similar items may occur as a temporary use in any of the following zoning districts: Resort Commercial, Commercial Residential, General Commercial, Heavy Commercial, and Maritime Commercial.
3. Seasonal sales may occur for not more than 60-days with an approved temporary zoning permit.
4. Display of seasonal items shall be 10-feet from the public right-of-way and not impair visibility or impede vehicular on roadways or pedestrian traffic on sidewalks.
5. All trash and debris shall be removed from the property when the seasonal sales have ceased.

#### **D. Special Events**

1. Special event permits are issued through the Town Manager's office and would be subject to all applicable Temporary Use restrictions contained herein.

#### **18-2 USE LIMITATIONS ON CORNER LOTS**

- A. A corner lot in any district has two front yards and two (2) side yards and no rear yard in relation to determining setbacks. The front yards lie adjacent to the streets while the two (2) side yards lie adjacent to other properties. The front yard setback along one (1) of the street frontages may be reduced to ten (10) feet.

#### **18-3 FENCES, WALLS AND HEDGES**

- A. Fences, walls, hedges and other structures exceeding four (4) feet in height shall not be permitted in front of a house and walls, hedges and other structures may not exceed six (6) feet in height.
- B. The location or placement of a fence, wall or hedge or other structure on a lot shall not be permitted in a manner that impairs vehicular or pedestrian visibility (see **Figure 13-1C-5.1 Sight Triangle**).
- C. The rails and posts of the fence shall be on the inside of the fence facing away from

#### **18-4 STREET FRONTAGE REQUIRED**

- A. Except as provided by Article 15, no lot shall be used in whole or in part unless such lot abuts upon a street in accordance with the minimum street frontage requirements within this ordinance. No lot or parcel of land abutting a terminus of a public street shall be deemed to comply with street frontage requirements unless such lot abuts on an approved permanent cul- de-sac.

#### **18-5 ZONING OF ANNEXED AREA**

- A. Any area annexed by the Town of Colonial Beach after the effective date of this ordinance shall immediately, upon the effective date of such annexation be automatically classified on a temporary basis, into those Town zoning districts which most closely approximate the Westmoreland County zoning districts in which the property was designated immediately prior to the time the annexation became effective. The Town zoning district which most closely approximates each of the County zoning districts is set forth in the chart on the following page.

Westmoreland County Zoning District	Comparable Town of Colonial Beach Zoning District
Agricultural (A-1)	Agricultural (A-1)
Conservation District	Agricultural (A-1)
Campgrounds, Mobile Home Parks, and Travel Trailer Parks. (C-2)	Agricultural (A-1)
Residential District (R-1)	Residential District (R-1)
Residential District (R-2)	Residential District (R-2)
Residential Planned Development (R-3)	Planned Unit Development Residential District (PUD-R)
Townhouse, Condominium, and Apartment (R-4)	Residential High Density District (R-3)
Business District (B-1)	Commercial District (C-1)
Business District (B-2)	Commercial District (C-1)
Business District/Open Land (B-3)	Heavy Commercial District (C-2)
Industrial District (M-1)	Light Industrial District (M-1)
Seafood District (S-1)	Maritime Commercial District (MC)

## 18-6 Short-Term Rental Permitting and Regulations

### A. The following definitions shall apply as used in this section:

1. *Booking transaction* - Any transaction in which there is a charge to a transient by an operator for the occupancy of any dwelling, sleeping, or lodging accommodations.
2. *Guest or transient* - A person who occupies a short-term rental unit.
3. *Operator*- The proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity (Virginia Code §15.2-983).
4. *Operator designee*- A person assigned by the operator to be available 24/7 to answer emergencies associated with the short-term rental. Such designee shall be local, meaning that the designee is able to travel to the short-term rental property in a one (1) hour time frame.
5. *Short-term rental (STR)* - The provision of a room or space not in a hotel, motel, or boarding/rooming house suitable for or intended for occupancy for dwelling, sleeping, or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge of occupancy (Virginia Code §15.2-983).
6. *Residential dwelling unit*- A residence where one or more persons maintain a household.

7. *Annual Short-term rental permit*- Requires both the zoning permit and business license applications to be completed, issued, and on file with the town of Colonial Beach for the year May 1st through April 30th. Additionally, all associated fees have been paid in full to the town of Colonial Beach.

**B. Short-Term Rental (STR) Permit and Other Requirements.**

1. Short-Term Rentals may be operated in an existing, legal, residential dwelling unit in any zoning classification that permits residential dwellings subject to the provisions of this ordinance.
2. No operator shall operate a short-term rental without having applied for and obtained a STR permit from the Zoning Administrator.
3. The STR Permit application form shall include the following information:
  - a. The name, telephone number, address, and email address of the operator and operator designee.
  - b. A requirement to provide a septic tank capacity permit from the Virginia Department of Health if the short-term rental is not connected to a public or centralized sewer system.
4. The STR permit shall be valid from May 1<sup>st</sup> to April 30<sup>th</sup> of each year and shall be renewed annually by May 1<sup>st</sup> of each year. An applicant must pay the permit fee annually, in accordance with the Town's Zoning Permit Fee Schedule, as established by Town Council.
5. A record shall be maintained for all rentals and be made available for review by the Town upon request. The refusal to maintain and make available the record upon request shall be considered a violation of the STR Permit. All rental records shall be maintained for one (1) year by the operator.
6. One (1) flush mounted or suspended blade wall sign with a maximum area of three (3) square feet and a maximum height of eight (8) shall be permitted.
7. Any short-term rental in violation of zoning regulations, including operation without a STR permit, is subject to all relevant penalties as set forth by this Ordinance.
8. Parking for the STR shall be permitted on-site in designated parking areas only. The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood. On-street parking should be discouraged. The operator will identify the location and number of parking spaces on their STR permit.
9. Safety.
  - a. The short-term rental shall meet all applicable Virginia Uniform Statewide Building Codes for a rental unit and/or bedroom. The Town may inspect any short-term rental with 48-hour notice to the operator for compliance with applicable building codes.
  - b. Site address. The short-term rental will have an approved address number placed on the dwelling in a position that is plainly legible and visible from the street fronting the property. Structures obscured from street view or access roads in excess of one hundred (100) feet in length shall also post the designated address adjacent to the roadway.

10. Use regulations.

- a. No recreational vehicles, buses, tents, trailers, or alternative dwelling structures shall be used as a short-term rental.
- b. The operator shall not permit occupancy of a short-term rental for a period of less than overnight.
- c. The principal guest of a short-term rental unit shall be at least 21 years of age.
- d. The maximum number of persons in a short-term rental unit is limited to the lesser of (i) two persons per bedroom plus two additional people. For the purpose of this Section, children ages 3 and under shall not be counted as a separate individual for occupancy calculations, or (ii) the number of persons or bedrooms as indicated on the Virginia Department of Health septic permit. For the purposes of this Section, a bedroom shall be defined by what is permitted by the Virginia Uniform Statewide Building Code, which shall also be reflected on the real property assessment records.
- e. Creation of an event venue or hosting special gatherings (e.g., weddings, receptions, or other special gatherings) which would include a greater number of participants and guests than the permitted maximum occupancy of the STR is not permitted in the R-1 and R-2 Districts.

11. A STR Permit may be suspended or cancelled for the following reasons:

- a. Failure to comply with Town ordinances, including the collection and/or remission of the transient occupancy, state sales and personal property taxes and Town Business License and STR permitting fees.
- b. Three or more violations (including, but not limited to, noise, parking, and excess trash) within a rolling six-month period.
- c. Refusal to cooperate with the Town in a complaint investigation; including allowing the Zoning Administrator or their designee to enter the dwelling unit upon a minimum 48-hours advance notice.

12. Before any suspension or cancellation can be effective, the Zoning Administrator or their designee shall give written notice to the short-term rental operator. The notice of suspension or cancellation issued under the provisions of this Ordinance shall contain:

- a. A description of the violation(s) constituting the basis of the suspension or cancellation;
- b. If applicable, a statement of acts necessary to correct the violation; and,
- c. A statement that if no written response by the operator is received by the Zoning Administrator or their designee within 30 days from the date of the notice, the STR permit will be suspended or cancelled immediately.

13. The notice shall be given to the operator by delivering a copy of the notice in person. If the operator cannot be found, such notice shall be sent to the address of record by:

- a. Certified mail or e-mail to the addresses on the zoning permit; and,
- b. A copy of the notice shall be posted in a conspicuous place on the premises.

14. A copy of the notice will be provided to the Director of Finance to advise that any permit related to the short-term rental may be suspended or cancelled.

15. Any determination made by the Zoning Administrator may be appealed to the Board of Zoning Appeals in accordance with the provisions of this Ordinance.

16. Penalty.

It shall be unlawful to operate a short-term rental:

- a. Without obtaining a STR permit as required by this Article;
- b. After a STR permit has been suspended or cancelled; or,
- c. In violation of any other requirement of this Article.

17. Civil penalties shall be assessed in accordance with the Colonial Beach Municipal Code/Zoning Ordinance, as applicable.