

**ARTICLE 1
PURPOSE AND APPLICABILITY**

1-1 Title, Authority and Organization

- A. This ordinance may be cited as "Zoning Ordinance, Town of Colonial Beach," or as the "Colonial Beach Zoning Ordinance." The accompanying map may be cited as, "Zoning Map - Town of Colonial Beach," or as "Colonial Beach Zoning Map". This ordinance includes the regulations for zoning, protection of the Chesapeake Bay, and other sensitive environmental land areas.
- B. This ordinance has been enacted to promote and improve the health, safety and general welfare of the people of Colonial Beach in accordance with the Code of Virginia, Title 15.2, Chapter 22, and Title 10.1 (1950) as amended.
- C. General provisions and definitions for this ordinance are contained within Section 10 and 11 of this article and Article 4. This chapter outlines the organization of the ordinance and statutory authorization of the articles of the ordinance. This chapter also provides for the application, minimum requirements, and specificity of uses and interpretation of multiple standards.

1-2 Jurisdiction

This ordinance applies to all incorporated portions of the Town of Colonial Beach which have been divided and classified into districts or zones. This ordinance shall regulate the following:

- 1. the use of land, buildings, structures and other premises for agricultural, business, industrial, residential, and other specific uses ;
- 2. the size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures;
- 3. the areas and dimensions of land, water and air space to be occupied by buildings, structures and uses and of courts, yards and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used;
- 4. the excavation or mining of soil or other natural resources.

1-3 Purpose

- A. The Zoning Ordinance is drawn with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the preservation of agricultural and forestall land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality as provided by Section 15.2-2284 of the Code of Virginia.
- B. The purpose of the ordinance is to promote the health, safety, convenience and general welfare of the public in accordance with 15.2-2200 of the Code of Virginia, 1950, as

amended. The ordinance is designed to:

1. provide for adequate light, air, convenience of access, and safety from fire, flood, crime and other dangers;
2. reduce or prevent congestion in the public streets;
3. facilitate the creation of a convenient, attractive and harmonious community;
4. facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewage disposal, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
5. protect against destruction of, or encroachment upon, historic areas;
6. protect against one or more of the following; overcrowding of land, undue density of population in relation to the community facilities existing or available; obstruction of light and air, danger and congestion in travel and transportation or loss of life, health or property from fire, flood, panic, or other dangers;
7. encourage economic development activities that provide a desirable employment and enlarge the tax base and promote tourism;
8. provide for the preservation of agricultural and forestall lands and other lands of significance for the protection of the natural environment;
9. protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;
10. protect surface water and ground water as defined in Title 62.1, Chapters 24 and 25 of the Code of Virginia, 1950, as amended;
11. promote the creation and preservation of housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated.
12. Intended to implement the goals, objectives, policies, and strategies of the Comprehensive Plan in accordance with Section 15.2-2283 of the Code of Virginia.

1-4 Certain Utilities and Services Exempt

- A. Except where noted the following utility facilities and equipment shall be exempt from this Ordinance:
 1. Traffic signals, street signs, street/route number signs, fire hydrants, alarm or emergency devices, telephone booths and pedestals, mailboxes;
 2. Wires, poles, towers, pipes, meters and similar facilities which provide the primary distribution lines or mains and which are an integral and accessory part of a subdivision or development excluding any telecommunications facilities, provided that all utilities shall be placed underground as part of the development or subdivision. Ground mounted transformers and similar equipment and the covers for such equipment shall be screened from view by landscaping and the color of such the covers for such equipment shall be dark green and/or muted.
 3. Town sewage pumps and lift stations, water storage and pumping facilities, communication switching and relay facilities, and similar utilities when approved by the Director as a necessary and integral component of a public utility system provided such facilities are screened from view by landscaping.

1-5 Minimum Requirements

- A. In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements for promoting of the public safety, health, convenience, comfort, prosperity or general welfare. It is not the intent of this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or parcels than is required by other ordinances, regulations, easements, covenants or agreements, the provisions of this Ordinance shall apply, unless expressly qualified in the Articles that follow or as otherwise provided by law.

1-6 Applicability to Other Ordinances

- A. Whenever the regulations made under authority of Article 7, Chapter 22, of Title 15.2, require a greater width or size of yards, courts or other open spaces, require a lower height of building or less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of that article shall govern.
- B. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, require a lower height of building or a less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the regulations made under authority of this article, the provisions of such statute or local ordinance or regulation shall govern. For all other regulations that may be conflicting under this Ordinance, the more restrictive or stringent shall apply, unless otherwise provided under the general law.

1-7 Specificity of Uses

- A. Only those uses specified shall be permitted in the various zoning districts. Any use which is not specified in a zoning district shall be prohibited in that district. In the event that a use is not permitted in any zoning district, it may be permitted only after appropriate amendment to the text of this Ordinance.

1-8 Certified Copy

- A. A certified copy of the Colonial Beach Zoning Ordinance, as may be amended from time to time, shall be filed in the Office of the Director of Planning and Community Development of Colonial Beach and in the Office of the Town Clerk of Colonial Beach. Additional copies may be available in the public library as well as on the Colonial Beach website www.colonialbeachva.net

1-9 Divisions of the Ordinance

- A. The Zoning Ordinance of Colonial Beach is organized into, and may be cited with references to, the following divisions:
 - 1. Articles
 - 2. Sections within Articles
 - 3. Sections

- a. Each Article of the Zoning Ordinance is subdivided into Sections. Section designation numbers are the digit(s) following the hyphen.

4. Paragraphs

- a. For purposes of further organization, each Section may be subdivided into Paragraphs which are represented by the letters A, B, C, etc.; which may be further subdivided as 1, 2, 3, etc.; a, b, c, etc.; and i, ii, iii, etc.

1-10 General Rules of Construction

- A. For the purpose of this Ordinance certain terms of words used herein shall be interpreted as follows:
 1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
 2. Words used in the present tense include the past and future tenses, and the future tense includes the present.
 3. The singular number includes the plural, and the plural the singular, unless the context clearly indicates the contrary.
 4. The word "shall" is always mandatory; the word "may" is permissive.
 5. The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure".
 6. The word "lot" includes the words "plot", "parcel" or "tract".
 7. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".
 8. The term "erected" shall be deemed also to include constructed, reconstructed, altered, placed, relocated or removed.
 9. The terms "land use" and "use of land" shall be deemed also to include building use and use of building.
 10. The word "adjacent" means nearby and not necessarily abutting; the word "abutting" means touching and sharing a common point or line.
 11. The word "State" means the Commonwealth of Virginia. The word "Town" means the Town of Colonial Beach, and the term "Town boundary" means any exterior boundary of the Town.
 12. The word "jurisdiction" means the Town of Colonial Beach. The PC recommends addition of this statement
 13. The term "the Code" means the Code of the Town of Colonial Beach, Virginia.

14. The term “Director” or “Administrator” or “Zoning Administrator” means the “Director of Planning and Community Development” or the designated representative.
15. The use of the term "Council" shall always mean the Town Council and the use of the abbreviation "BZA" shall always mean the Board of Zoning Appeals.
16. The “Code of Virginia,” means the Code of Virginia, 1950, as amended.
17. Words reflecting one gender shall include the opposite gender as the context may suggest.

1-11 Abbreviations

A. The following abbreviations shall apply throughout the Ordinance:

1. ac.; Acre(s)
2. BMP; Best Management Practice
3. CBPA; Chesapeake Bay Preservation Area
4. CO; Certificate of Occupancy
5. DHCD; Virginia Department of Housing and Community Development
6. DPCD; Department of Planning and Community Development
7. DBH; Diameter at Breast Height
8. DU or du.; Dwelling Unit
9. ft.; Foot or feet
10. FIRM; Flood Insurance Rate Map
11. FAR; Floor Area Ratio
12. GFA; Gross Floor Are
13. GDP/GZP/POD; General Development Plan, General Zoning Plan and Plan of Development are synonymous
14. in.; Inch(es)
15. LID; Low impact development
16. Max.; Maximum
17. Min.; Minimum
18. PUD; Planned Unit Development

19. RMA;	Resource Management Area
20. RPA;	Resource Protection Area
21. ROW;	Right-of-way
22. sq. ft.;	Square Foot (or feet)
23. VDH;	Virginia Department of Health
24. VHDA;	Virginia Housing and Development Authority
25. VDOT;	Virginia Department of Transportation
26. USBC;	Uniform Statewide Building Code

1-12 Severability

- A. If any word, clause, sentence, section, subsection, or article of this Ordinance is held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, the court's decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held to be unconstitutional or invalid.

1-13 Permits and Certificates

- A. No development activity shall occur on any property within the jurisdiction of this Ordinance until all applicable permits, approvals and certificates have been issued and approved by the officials with the authority to approve the same pursuant to the requirements of this Ordinance.

1-14 Fees

- A. The Town Council may, by ordinance, establish administrative fees considered necessary to enforce and administer the Ordinance, including but not limited to those imposed pursuant to §15.2-107 of the Code of Virginia. Such fees shall be limited to the reasonable costs of administering and processing applications for development approval. No permit shall be deemed accepted or processed, and no permit shall be considered to be submitted, until all applicable administrative fees have been paid pursuant to this Section and any ordinance adopted hereto.

1-15 Delinquent Real Estate Taxes

- A. Prior to acceptance of an application for any permit approval authorized by the zoning regulations of this Ordinance, the applicant shall provide satisfactory evidence that any delinquent real estate taxes owed to the Town which have been properly assessed against the subject property have been paid as provided by 15.2-2200 of the Code of Virginia, 1950, as amended."