

Harbor Area Review Board

Regular Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

March 2, 2022 6:30 P.M.

1. Call to Order
 - a. Roll call and establish a quorum
2. Invocation and Pledge of Allegiance
3. Organization of Board
 - a. Election of Chairman, Vice-Chairman and Secretary
 - b. Setting of Regular Monthly Meeting date and time
4. Public Comments
5. Consent Agenda
 - a. Approval of agenda format
 - b. Approval of minutes - NONE
6. Unfinished Business: None
7. New Business
 - A. Review of Governing Documents for the HARB
 - Cape Charles Zoning Ordinance Article IX Historic Harbor Area Overlay District
 - Cape Charles Zoning Ordinance Article III, Section 3.9 – District Regulations for Harbor District
 - Town of Cape Charles Harbor Area Conceptual Master Plan + Design Guidelines, dated August 4, 2006
 - Cape Charles Harbor Area Design Standards 2010-06-06
 - Article VII Chesapeake Bay Preservation Area Overlay District
 - Chesapeake Bay Preservation Area Maps – 1) early 1990s and 2) 2007
 - 2016 Comprehensive Plan Excerpts re: Harbor
 - HARB Index of Approved Certificates of Appropriateness from 2011 - 2021
8. Other Business
 - a. Interim Zoning Administrator
 - Report on Administrative Approval of Site Plan for 6 Mason Avenue
 - Open meeting Law/Public Records/Conflict of Interest/Town policies on Citizen Participation
9. Announcements
 - Tuesday, March 22, 2022 @ 6:00 p.m.: Joint meeting with Town Council and Planning Commission to discuss the harbor area for the comprehensive plan update
10. Adjourn

Town of Cape Charles

Article IX

Historic Harbor Area Overlay District

Section 9.1 Statement of Intent

The Cape Charles Harbor is a vital part Cape Charles' history, and will continue to play an important role in the Town's future. Water transportation provides one of the Town's primary means of access, along with roadway transportation. The intent of the Historic Harbor Area Overlay District is to encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the Cape Charles Harbor area, as well as in the neighboring area within the adjacent Historic District Overlay. Much of the Cape Charles Harbor Area's historic significance is derived from the harbor's role in the Town's formation. In addition to ensuring architectural styles are compatible with the area's heritage, the Historic Harbor Area Overlay District is intended to preserve the harbor area's historic sense of place. This overlay district is also intended to implement the general concepts found in the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines, which support development and redevelopment that is visually compatible with the heritage of the Cape Charles Harbor Area.

Section 9.2 Specific Purpose of the District

The purpose of this district is to provide for protection against destruction or encroachment upon historic areas, buildings, monuments, or other features, or buildings and structures of recognized architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic, or architectural heritage of the Town of Cape Charles and the Commonwealth of Virginia. It is the purpose of the district to preserve the designated historic areas and historic landmarks and other historic or architectural features, and their surroundings within a reasonable distance, from destruction, damage, defacement, and obvious incongruous development or uses of land and to ensure that buildings, structures, streets, walkways, or signs shall be erected, reconstructed, altered, or restored so as to be kept architecturally compatible with the character of the general area in which they are located and with the historic buildings or structures within the district.

Section 9.3 Criteria for Establishing Historic Districts--General Character

The boundaries of the Historic Harbor Area Overlay District shall in general be drawn to include areas near the Cape Charles Harbor containing buildings or places in which

historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. The district may include either individual buildings or places of such character, and a reasonable distance beyond, or it may include areas or groupings of structures which have significance relative to their patterns of development or social and economic or architectural interrelationships even though some structures in the area might not possess significant merit when considered alone.

Section 9.4. Application of the District; Relation to Other Zoning Districts

To enable the district to operate in harmony with the plan for land use and population density embodied in these regulations, the Historic Harbor Area Overlay District is created as a special district to be superimposed on other districts contained in these regulations and is to be so designated by a special symbol for its boundaries on the Zoning District Map. The uses, housing types, minimum lot requirements, minimum yard requirements, maximum height, and accessory uses and accessory signs shall be determined by the regulations applicable to the other districts over which the Historic Harbor Area Overlay District is superimposed except as these other district regulations may be modified by application of the regulations in the Historic Harbor Area Overlay District.

Section 9.5 Permitted Uses

A building or land shall be used only for the following purposes

1. Any use or accessory use permitted in the zoning district in which the premises are located.
2. Any use for which a conditional use permit has been issued, subject in all cases to review and report by the Harbor Area Review Board.
3. Any variance or special exception authorized by the Board of Zoning Appeals, subject in all cases to review and report by the Harbor Area Review Board.

Section 9.6 Harbor Area Review Board; Creation

For the general purposes of this Article as herein stated and specifically to preserve and protect historic places and areas in the Town through the control of demolition of such places and through the regulation of architectural design and uses of structures in such areas, there is created a board known as the Harbor Area Review Board.

Section 9.7 Harbor Area Review Board; Membership

The members of said Harbor Area Review Board will be appointed by the Town Council. The Membership shall consist of seven citizens. One member shall also be a member of

the Town Council, two members shall also be members of the Planning Commission, and one member shall also be a member of the Historic District Review Board.

All former members of the Harbor Area Review Board are eligible to be alternates to present Harbor Area Review Board Members. An alternate, upon written request of a Harbor Area Review Board member, may serve as a member of the Harbor Area Review Board for the meeting(s) for which the alternate has been requested to serve. Alternates shall have all rights, responsibilities, and duties as a present Harbor Area Review Board member during the meeting(s) during which the alternate(s) shall serve.

Section 9.8 Harbor Area Review Board; Terms

Except for members who also serve on the Town Council, Planning Commission, or Historic District Review Board, members shall be appointed for a term of five years except that original appointments shall be made for such terms that the term of at least one member shall expire each year. Appointees who also serve on the Town Council, Planning Commission, or Historic District Review Board shall be appointed to a term coinciding with their term on the Town Council, Planning Commission, or Historic District Review Board, as appropriate. Appointments to fill vacancies shall be only for the unexpired term. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until a successor is appointed and qualifies.

Section 9.9 Harbor Area Review Board; Qualifications

Members of the Harbor Area Review Board shall have demonstrated interest and knowledge in the historical and architectural development of the Town and when possible be a licensed architect or engineer, planning commission member, or licensed building contractor.

Section 9.10 Harbor Area Review Board; Organization

The Harbor Area Review Board shall elect from its own membership a chairman and vice chairman who shall serve annual terms and may succeed themselves. The chairman shall preside over all meetings in addition to having the duties and responsibilities of other members of the Board. The vice chairman shall preside over meetings of the Board in the absence of the chairman. The Harbor Area Review Board may appoint a secretary and keep written minutes of its meetings.

Section 9.11 Harbor Area Review Board; Rules

The Board shall meet in regular session at least once a month whenever an application has been filed requiring their consideration. Special meetings of the Board may be called by the chairman or a majority of the members after twenty-four hours' written notice to each member served personally or left at his usual place of business or residence. Such notice shall be publicly posted and will state the time and place of a meeting and the purpose thereof.

Section 9.12 Harbor Area Review Board; Meetings; Hearings

Written notice of a special meeting is not required if the time of special meeting has been fixed at a regular meeting or if all members are present at a special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all voting members of the Board. The Board may make, alter, or rescind rules and forms for its procedures, consistent with the ordinances of the Town and the general laws of the Commonwealth of Virginia.

Section 9.13 Harbor Area Review Board; Procedures

The Board shall establish procedures for all matters coming before it for review and all meetings shall be open to the public.

Section 9.14 Harbor Area Review Board; Powers and Duties

The Harbor Area Review Board shall have the power and authority for issuing or denying Certificates of Appropriateness for construction, reconstruction, substantial exterior alteration, razing, or relocation within the Historic Harbor Area Overlay District. In addition, the Board shall have the following duties:

1. To assist and advise the Town Council, the Planning Commission, and other Town departments, agencies, and property owners in matters involving historically significant sites at buildings or other properties in historic districts such as, but not limited to, appropriate land usage, parking facilities, fencing, and signs.
2. To continuously evaluate conditions and advise owners of historic landmarks or contributing structures or other properties in historic districts on problems of preservation.
3. To conduct studies deemed necessary by the Town Council or Planning Commission concerning location of historic districts and means of preservation, utilization, improvement, and maintenance of historic assets in the Town.
4. To propose additional historic districts or additions or deletions to districts.
5. To adopt standards for review to supplement the standards set forth in this Ordinance.
6. To formulate recommendations to the Town Council concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.

7. To cooperate with and enlist assistance from the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties both public and private in its efforts to preserve, restore, and conserve historic landmarks, buildings, sites, or areas within the Town.

Section 9.15 Summary of Administration Review Procedures

In general it is the purpose of this ordinance to establish review procedures for actions affecting properties in the Historic Harbor Area Overlay District which will be relatively simple with minimum delay for those actions which will have little if any permanent effect on the character of the district or on a significant structure. A more thorough review for actions which may have a substantial effect on the character of the district or on a significant structure is required. To this end, some actions are exempted from special historic and architectural review altogether, except as normal review may be necessary for issuance of a building permit. Other actions, depending on the possible consequences thereof, may be reviewed by the Zoning Administrator or by the Harbor Area Review Board acting with original jurisdiction, or, in the most serious cases, action by the Town Council following action by the Harbor Area Review Board. In all cases the decisions of the Zoning Administrator may be appealed to the Harbor Area Review Board, the decisions of the Harbor Area Review Board may be appealed to the Town Council, and the final decisions of the Town Council may be appealed to the Circuit Court of Northampton County.

Section 9.16 Certain Minor Actions Exempted from Review by the Harbor Area Review Board

Within the Historic Harbor Area Overlay District certain minor actions which are deemed not to have permanent effects upon the character of the district are exempted from review for architectural compatibility by the Harbor Area Review Board. Such actions shall include the following and any similar actions which in the opinion of the Zoning Administrator will have no more effect on the character of the district than those listed:

1. Repainting the structure in the same color or a very similar color or painting the structure with those colors specified in the design guidelines. (Original painting of masonry surfaces is not exempted from review.)
2. Replacement of missing or broken window panes, roofing slates, tiles, porch floor, posts, rails, shingles, window frames, or shutters where no substantial change in design or material is proposed.
3. Addition or deletion of storm doors or storm windows, window gardens, or similar appurtenances and portable air conditioners located in existing windows, doors, or other existing wall openings (if no building permit is required for such addition or deletion).
4. Addition or deletion of television and radio antennas or skylights and solar collectors in locations not visible from a public street or a waterway.

5. Landscaping involving minor grading, walks, low retaining walls, temporary fencing, small fountains, ponds and the like, which will not substantially affect the character of the property and its surroundings.
6. If consistent with the design guidelines, erection of any sign permitted in a residential district and any permitted non-illuminated flat or wall sign not exceeding three inches from a wall and not exceeding four square feet in area in a commercial or industrial district.
7. Construction of off-street loading areas and off-street parking areas containing five spaces or less in a commercial or industrial district.
8. Creation of outside storage having a structure footprint of less than forty-one (41) square feet in a commercial or industrial district which does not require structural changes or major grading and is not visible from a public street or waterway.

Section 9.17 Certain Actions Recommended in Design Guidelines Exempted from Review by the Harbor Area Review Board; Delegation of Authority

- A. The Harbor Area Review Board and the Zoning Administrator shall have authority to order that work be stopped and that an appropriate application be filed for review by the Harbor Area Review Board in any case where the action may have an adverse effect on the Historic Harbor Area Overlay District or may produce arresting and spectacular effects, violent contrasts of materials or colors, and intense and lurid colors or patterns, or details clearly inconsistent with the character of the present structures or with the prevailing character of the surroundings and the district.
- B. The authority to perform any action under this section not granted to the Zoning Administrator shall remain with the Harbor Area Review Board.

Section 9.18 Approval of Harbor Area Review Board Required

- A. Except as herein otherwise provided in this article, no building or structure, including signs, shall be erected, reconstructed, restored, or substantially altered in exterior appearance and no buildings or structures shall be razed or demolished within a historic district and no permit authorizing same shall be granted unless and until the same is approved by the Harbor Area Review Board and a Certificate of Appropriateness has been issued by that body, with right of direct appeal to the Town Council as hereinafter provided, as being architecturally compatible with the historical, cultural, and/or architectural aspects of the structure and its surroundings.

1. Exemptions

- a. Railroad activities in this district are subject to federal preemption to the extent that the activities are an integral part of the railroad's interstate operations. 49 U.S.C. 10501 (b). Therefore, "state and local permitting or pre-clearance requirements [such as building permits, zoning clearances, and site plan requirements] which, by their nature, interfere with interstate commerce by giving the [Town of Cape Charles] the ability to delay or deny the [railroad's] right to construct facilities or conduct operations are preempted." *Borough of Riverdale v. New York Susquehanna & Western Railway Corporation*, Surface Transportation Board, Docket No. FD - 33466 - 0, September 9, 1999.

However, environmental and other public health and safety issues and "activities and facilities not integrally related to the provision of rail service are not subject to [Surface Transportation Board] jurisdiction or subject to federal preemption." *Id.* Also, "interstate railroads ... are not exempt from certain local fire, health, safety and construction regulations and inspections." *Id.*

- b. Activities requiring a Harbor Development Certificate, as described in Section 3.9, are exempt from requiring a Certificate of Appropriateness.

B. "Substantial alterations" shall be defined as any and all work done on buildings, structures, or sites other than those specifically exempted herein:

1. General examples of "non-substantial" alterations:
 - a. Work done to prevent deterioration or to replace parts of a structure with similar materials in order to correct any deterioration, decay of, or damage to any structure or on any part thereof, or
 - b. To restore same as nearly as practical to its condition prior to such deterioration, decay, or damage.
2. Examples of work not constituting "substantial alteration" include those minor actions exempted from review by §9.16 of this article.
3. General examples of work constituting "substantial alterations" include:
 - a. Construction of a new building at any location or a new accessory building on a landmark or contributing property or on a site within the Historic Harbor Area Overlay District

- b. Any addition to or alteration of a building which increases the square footage of the building or otherwise alters substantially its size, height, contour, or outline.
 - c. Any change or alteration of the exterior architectural style of a structure, including removal or rebuilding of porches, openings, dormers, window sashes, chimneys, columns, structural elements, stairways, terraces, and the like.
 - d. Any change or alteration of the exterior color scheme of the structure or any of its significant elements, including porches, openings, dormers, window sashes, awnings, canopies, chimneys, columns, stairways, terraces, or any other structural elements. This also applies to all structures on the site.
 - e. Addition to or removal of one or more stories or alteration of a roof line.
 - f. Landscaping which involves major changes of grade or walls and fences more than three-and-one-half feet in height.
 - g. Any other major actions not specifically covered by the terms of this section but which would have a substantial effect on the character of the historic district.
- C. In any case in which there might be some question as to whether a project may be exempted from review may constitute a minor action or may constitute "substantial alteration," the Zoning Administrator shall be contacted for an interpretation prior to commencement of work.

Section 9.19. Harbor Development Certificate

Evidence of the approval required under the terms of the Historic Harbor Area Overlay District shall be a certificate of appropriateness issued by the Harbor Area Review Board, or the Zoning Administrator as the case may require, stating that the demolition, moving, or changes in the exterior architectural appearance of the proposed construction, reconstruction, alteration, or restoration for which application has been made are approved by the Harbor Area Review Board or the Administrator as the case may require. The Harbor Area Review Board, or the Administrator in a case within his authority, may permit modifications of original proposals if such modifications are formally acknowledged, clearly described, and recorded in the records of the case. A certificate of appropriateness shall be in addition to any other permits required. Any action by applicants following issuance of a permit-requiring certificate of appropriateness shall be in accord with the application and material approved and any conditions appended thereto.

Section 9.20 Design Guidelines; Standards for Review

- A. In order to achieve the purposes of the Historic Harbor Area Overlay District, the Harbor Area Review Board shall be guided in its decisions by the design guidelines as authorized in subsection B of this section
- B. It shall be the duty of the Harbor Area Review Board to prepare and recommend to Planning Commission, specific design guidelines for adoption by Town Council, illustrated as necessary, for buildings, structures, and sites in the historic district
- C. The Town Council shall adopt an initial set of design guidelines after receiving a recommendation from the Planning Commission and after conducting at least one public hearing pursuant to Section 15.2204 Code of Virginia. Prior to issuing a recommendation, the Planning Commission shall conduct at least one public hearing pursuant to Section 15.2204 Code of Virginia.
- D. The Town Council may amend adopted design guidelines after receiving a recommendation from the Planning Commission and after conducting at least one public hearing pursuant to Section 15.2204 Code of Virginia. Prior to issuing a recommendation, the Planning Commission shall conduct at least one public hearing pursuant to Section 15.2204 Code of Virginia.

Section 9.21 Demolition; Alternate Procedure: Offer to Sell

- A. Prior to approval of any application for demolition, modification, moving, or removal of a contributing structure within the Cape Charles Historic Harbor Area Overlay District; the Zoning Administrator, the Harbor Area Review Board, or the Town Council, as applicable, shall review the application for its compatibility with each of the following guidelines.
 - 1. Whether or not the contributing structure is of such architectural or historic interest that its removal would be to the detriment of the character and integrity of the Historic Harbor Area Overlay District.
 - 2. Whether or not the contributing structure is of such interest or significance that it would qualify as a National, State, or local historic landmark.
 - 3. Whether or not retention of the contributing structure would help to preserve and protect a historic place or area of historic interest in the Town.
 - 4. Whether or not plans for future use of the site after demolition are appropriate, compatible, sympathetic, and complimentary to the character and integrity of the Historic Harbor Area Overlay District.

No subsequent application under Section 9.21 A. regarding the contributing structure may be made until more than one year after a final denial by the Town Council.

- B. In addition to the right of appeal herein elsewhere set forth, the owner of a contributing structure in the Cape Charles Historic Harbor Area Overlay District shall as a matter of right be entitled to move, remove, modify, raze or demolish all or part of such contributing structure provided that:
1. The owner has applied to the Town Council for such right.
 2. The owner has for the applicable period of time set forth in the time schedule in Section 9.21 B. 4., and at a price reasonably related to the fair market value of the contributing structure and the land, other improvements and appurtenances pertaining thereto (assuming the buyer will be required to preserve and restore the contributing structure in place on the property) as determined by the average of two (2) real estate appraisals from two (2) different appraisers, made a bona fide, public offer (pursuant to the requirements of this Section 9.21 B.) to sell such contributing structure, and the land, other improvements and appurtenances pertaining thereto (collectively, the "Property"), to the Town and any other person, firm, corporation, government or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the contributing structure in place. If the two (2) required real estate appraisals submitted by the Owner differ by more than ten percent (10%), the owner must have the Property appraised a third time at his own expense by a third real estate appraiser selected by the Town. The bona fide offer to sell must be at a price not more than the average of the two such appraisals that are closest to one another.
 3. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such Property thereto, prior to the expiration of the applicable time period set forth in the time schedule in Section 9.21 B. 4. Any appeal which may be taken to the court from the decision of the Town Council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above.
 4. The time schedule for offers to sell shall be as follows:
 - a. Three (3) consecutive months when the offering price is less than twenty-five thousand dollars.
 - b. Four (4) consecutive months when the offering price is twenty-five thousand or more but less than forty thousand dollars.

- c. Five (5) consecutive months when the offering price is forty thousand or more but less than fifty-five thousand dollars.
 - d. Six (6) consecutive months when the offering price is fifty-five thousand dollars or more but less than seventy-five thousand dollars.
 - e. Seven (7) consecutive months when the offering price is seventy-five thousand dollars or more but less than ninety thousand dollars.
 - f. Twelve (12) consecutive months when the offering price is ninety thousand dollars or more.
5. Before making a bona fide offer to sell, the owner shall first file a statement with the Zoning Administrator along with the appraisals required by Section 9.21 B. 2. The statement shall identify the Property, state the offering price, the date the offer of sale is to begin, the names and addresses of adjacent property owners, and the names and addresses of listing real estate agents, if any. The owner shall be required to maintain the Property in at least its current condition during the term of the public offer. No time period set forth in the time schedule contained in Section 9.21 B. 4. shall begin to run until the statement has been filed. Within five (5) days after receipt of a statement, copies of the statement shall be delivered by the Zoning Administrator to the Town Manager, the Town Council, and the Harbor Area Review Board. Within thirty (30) days after the receipt of a statement, the Zoning Administrator: (a) shall place notice of the statement once a week for two successive weeks in a newspaper having general circulation in the Town, (b) post a notice of the statement prominently on the Property, and (c) send notice of the offer, accompanied by the statement, to the adjacent property owners by certified or registered mail.
6. During the time period for the offer to sell, the Town may take steps as it deems necessary to preserve the contributing structure in accordance with the purposes of this article. Such steps may include, but are not limited to, consultation with civic groups, public agencies, and interested citizens, recommendations for acquisition of the Property by public or private bodies or agencies, and exploration of the possibility of moving structures or other features on the Property.
7. The fact that an offer to sell a Property is made at a price reasonably related to fair market value as described previously may be questioned by any party who files with the Zoning Administrator, on or before sixty (60) days after the offer for sale has begun, a petition in writing signed by at least twenty-five (25) persons owning real estate within Cape Charles, questioning such valuation. Upon receipt of such a petition, one (1) disinterested real estate appraiser shall be appointed by the petitioners, and the cost of the appraisal shall be borne by the petitioners. Said

appraiser shall forthwith make an appraisal of the Property on the same basis as described in B.2. above, and the Town shall use the average of the lower two appraisals to establish fair market value under Section 9.21 B. In the event such valuation indicates that the price at which the applicant offered to sell the Property was at a price that is higher than the Property's fair market value, the offer to sell shall be void and of no force and effect for purposes of satisfying the requirements set forth in this Section 9.21 B.

Section 9.22 Hazardous Buildings or Structures

Nothing in this Article shall prevent the razing or demolition of any building or structure without consideration of the Harbor Area Review Board which is in such an unsafe condition that it would endanger life or property, and protection from such condition is provided for in the Building Code and/or other applicable Town ordinances. However, such razing or demolition shall not be commenced without written approval of the Town Administrator verifying the conditions necessitating such action.

Section 9.23 Maintenance and Repair Required

- A. The purpose of this section is solely to stop demolition by neglect, whereby owners of property in the Historic Harbor Area Overlay District jeopardize the future prosperity and well-being of the town by allowing historic assets to decay so as to allow the structure, or historic attributes of the structure, to become a hazardous building or structure.
- B. All buildings and structures in the Historic Harbor Area Overlay District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration, or defects may, in the opinion of the Harbor Area Review Board and Town Council, result in the irreparable deterioration of any exterior appurtenance or architectural feature or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself, including but not limited to:
 - 1. The deterioration of exterior walls or other vertical supports, including broken doors and window panes;
 - 2. The deterioration of roofs or horizontal members;
 - 3. The deterioration of exterior chimneys;
 - 4. The deterioration or crumbling of exterior plaster, wood, or mortar;
 - 5. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
- C. After notice by the Harbor Area Review Board by certified mail of specific instances of failure to maintain or repair and of an opportunity to appear before

the Harbor Area Review Board, the owner or person in charge of said structure shall have 90 days to remedy such violation. Thereafter, each day during which there exists any violation of this section shall constitute a separate offense and shall be punishable as provided in this ordinance. In the alternative, if the owner fails to act, the Harbor Area Review Board may recommend to the Town Council that the Town Administrator, after due notice to the owner, enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure and the reasonable costs thereof shall be placed as a lien against the property or, in a proper hardship case as determined by the Town Council, paid by the Town from a fund established for such purposes.

Section 9.24 File of Actions to be Maintained

In order to provide guidance for application of standards and guidelines, for the improvement of standards and guidelines, and for assistance to future applicants and the promotion of consistent policies in guiding applicants toward better standards of design, the Administrator and the Harbor Area Review Board shall maintain a file containing a record of all applications brought before them, including drawings and photographs pertaining thereto and the decision of the Administrator or the Harbor Area Review Board in each case. The file documents shall remain the property of the Town but shall be held available for public review.

Section 9.25 Administration; Zoning Administrator

Except as authorized herein the Zoning Administrator shall not authorize a permit for any erection, reconstruction, integral exterior facade change, demolition, or razing of a building or structure in the Historic Harbor Area Overlay District until the same has been approved by the Harbor Area Review Board as set forth in the following procedures.

Section 9.26 Receipt of Application

Upon receipt of an application by the Zoning Administrator for each permit in the district, the Zoning Administrator shall:

1. Forthwith forward to the Harbor Area Review Board a copy of the application, together with a copy of the site plan and the building plans and specifications filed by the applicant if such application requires the Harbor Area Review Board to meet and render a decision;
2. Maintain in his office a record of all such applications and of his handling and final disposition of the same;
3. Require applicants to submit three (3) copies of material required to permit compliance with the foregoing.

Section 9.27 Material to be Submitted for Review

By general rule, or by specific request in a particular case, the Harbor Area Review Board may require submission of any or all of the following in connection with the application: architectural plans, site plans, landscaping plans, construction methods, proposed signs with appropriate detail as to character, proposed exterior lighting arrangements, elevations of all portions of structures with important relationships to public view (with indications as to visual construction materials, design of doors and windows, colors, and relationships to adjoining structures), and such other exhibits and reports as are necessary for its determinations. Requests for approval of activities proposed in the Historic Harbor Area Overlay District shall be accepted only from the record owner of the land involved in such proposal, or his agent.

Section 9.28 Other Approvals Required

In any case in which an applicant's proposal also requires the approval of the Board of Zoning Appeals, final action by the Board of Zoning Appeals shall precede final action by the Harbor Area Review Board. The Board of Zoning Appeals may, however, table a proposal in order to request the comments of the Harbor Area Review Board. Other development applications may be submitted concurrently with an application for a Certificate of Appropriateness. Final action by the Harbor Area Review Board shall be taken prior to consideration of proposals requiring site plan approval.

Section 9.29 Action by the Harbor Area Review Board; Issuance of Certificates of Appropriateness

The Harbor Area Review Board shall render a decision upon any request or application for a Certificate of Appropriateness within 60 days after the filing of an application accepted as complete. Failure of the Harbor Area Review Board to render such a decision within said 60-day period, unless such period be extended with the concurrence of the applicant, shall entitle the applicant to proceed as if the Harbor Area Review Board had granted the Certificate of Appropriateness applied for prior to denying the Certificate of Appropriateness. The Harbor Area Review Board, on the basis of the review of information received, shall, upon request, indicate to the applicant the changes in plans and specifications, if any, which in the opinion of the Harbor Area Review Board, would protect and/or preserve the historical aspects of the landmark, building, structure, or district. If the applicant determines that he will make the suggested changes and does so in writing, the Harbor Area Review Board may issue the Certificate of Appropriateness.

Section 9.30 Expiration of Certificates of Appropriateness and Permits to Raze

Any certificate issued pursuant to this article and any permit to raze a building issued pursuant to this article shall expire of its own limitation twelve months from the date of issuance if the work authorized thereby is not commenced by the end of such twelve-month period; and further, any such certificate and permit shall also expire and become null and void if such authorized work is suspended or abandoned for a period of twelve

months after being commenced. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this article shall be excluded from the computation of the twelve months.

Section 9.31 Inspection by Administrator After Approval

When a Certificate of Appropriateness has been issued, the Administrator or Town Building Official shall from time to time inspect the alteration or construction approved by such certificate and shall give prompt notice to the applicant of any work not in accordance with such certificate or violating any ordinances of the Town. The Administrator or Town Building Official may revoke the certificate or the building permit if violations are not corrected by the applicant in a timely manner.

Section 9.32 Delay of Approval

In the case of a proposal other than for demolition or moving but involving a designated landmark where the Harbor Area Review Board or, on appeal, the Town Council cannot reach a satisfactory agreement with the owner and where the Harbor Area Review Board or, on appeal, the Town Council decides such action to be in the public interest and not in conflict with any provision of law, it may delay the effective date of an approval for a period of three months from the date of application or appeal to enable negotiations to be undertaken and completed for acquisition of the property for preservation or public use. Failure of negotiations within this period shall be the equivalent of a denial of the application by the Harbor Area Review Board or, on appeal, by the Town Council.

Section 9.33 Conditions Imposed by the Harbor Area Review Board

In approval of any proposal under this section, the Harbor Area Review Board or, on appeal, the Town Council may limit such approval by such reasonable conditions as the case may require, including but not limited to, the specifications enumerated for conditional uses and for the Town Council.

Section 9.34 Appeals; Decisions of the Harbor Area Review Board

An appeal from a decision of the Harbor Area Review Board may be taken to the Town Council by the owner of the property in question or by any party aggrieved by said decision, which shall be taken within thirty (30) days after the decision appealed from by filing with the Administrator a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Town Council all the papers constituting the record upon which the action appealed from was taken. The Town Council shall fix a reasonable time for the hearing, give public notice thereof and decide the same within 60 days. At the hearing the appealing party may appear in person or by agent. In exercising its powers, the Town Council may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Harbor Area Review Board.

Section 9.35 Appeals; Decisions of the Zoning Administrator

An appeal from a decision of the Zoning Administrator may be taken to the Harbor Area Review Board by the owner of the property in question or by any party aggrieved by said decision, which shall be taken within thirty (30) days after the decision appealed from by filing with the Administrator a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Harbor Area Review Board all the papers constituting the record upon which the action appealed from was taken. The Harbor Area Review Board shall fix a reasonable time for the meeting, give public notice thereof as required pursuant to §15.2-2204, Code of Virginia, and decide the same within 60 days. At the meeting the party may appear in person or by agent. In exercising its powers, the Harbor Area Review Board may reverse or affirm, wholly or partly, or may modify, any order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made.

Section 9.36 Appeal to the Circuit Court from a Decision of the Town Council

An appeal from a final decision of the Town Council may be filed with the Circuit Court within 30 days after said decision in the manner prescribed by law by the owner of the property in question or by the Harbor Area Review Board or by any party aggrieved by said decision or by any party who recorded an appearance at the hearing before the Town Council. The filing of an appeal shall stay the decision of the Town Council pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the Town Council if such decision denies the right to raze or demolish a designated landmark, building, or structure. The court may reverse or modify the decision of the Town Council, in whole or part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Town Council.

Section 9.37 Violations and Penalties

Any violation of this Article and the penalties for all such violations shall be as set forth in §2.43 of the Zoning Ordinance.

Section 9.38 Definitions

For the purpose of this article, certain terms and words pertaining to the Historic Harbor Area Overlay District are hereby defined. The general rules of construction contained in Article II of this Ordinance are applicable to these definitions.

ALTERATION is any change, modification, or addition to a part or all of the exterior of any building or structure.

BUILDING is any enclosed or open structure which is a combination of materials to form a construction for occupancy or use.

ADMINISTRATOR, THE ZONING ADMINISTRATOR, is that person appointed by the Town Council as the individual who issues the permit for the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or part of any building.

BUILDING PERMIT is an approval statement signed by the Building Permit Office authorizing the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building.

CERTIFICATE OF APPROPRIATENESS is a certificate or other statement indicating approval by the Administrator or the Harbor Area Review Board as the case may require of plans for construction alteration, reconstruction, repair, restoration, relocation, demolition, or razing of a building or structure or part thereof in a historic district.

CONTRIBUTING PROPERTIES are those properties constructed fifty (50) years or more ago.

DEMOLITION is the dismantling or tearing down of all or part of any building and all operations incidental thereto.

DESIGN GUIDELINES are those set of guidelines, standards, and regulations adopted pursuant to §9.20 of this Code.

HISTORIC DISTRICT means an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.

HISTORIC LANDMARK is defined as any building or place listed on the National Register of Historic Places or on the Register of the Virginia Historic Landmarks Commission-

RECONSTRUCTION is any or all work needed to remake or rebuild all or part of any building to a sound condition, but not necessarily of original materials.

REPAIRS are any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.

RESTORATION is any or all work connected with the returning to or restoring of a building or a part of any building to its original condition through the use of original or nearly original materials.

- A. **Statement of Intent.** The intent of this zoning district is to recognize this existing linear commercial zone which flanks Route 184 entering into Cape Charles. This area is divided into smaller lots. The zone shall require a uniform requirement for setbacks as this is recognized as the gateway road into Cape Charles.

The specific intent of this district is (1) to allow development of individual or grouped lots, (2) to encourage uses to service the community, and (3) to encourage quality construction and design recognizing the importance of the district's impact on drivers entering Cape Charles.

- B. **Permitted Uses.** The following uses are permitted by right:
1. All uses as allowed in C-1 and C-2
 2. Any other commercial or professional use which is compatible in nature with the allowed uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.
- C. **Area Requirements.** The following area regulations shall apply as minimums for new development in this district:
1. Lot width at setback line 40
 2. Side yard 5 and 10 feet
 3. Rear yard 10 feet
 4. Front setback 80 feet from center of right of way or 40 percent $\pm$ of the lot depth, whichever is less
- D. **Height Regulations.** Buildings may be erected up to a height of 35 feet from the adjacent ground elevation.
- E. **Development standard.** All new development shall conform to the commercial design and construction standards required for commercial development within the Town's historic district overlay.
- F. **Materials and design** shall follow site plan ordinance requirements and be considered and approved by a review body named by Town Council.
- G. **Sign design** shall relate to the architectural character of the building and, if ground mounted, shall be appropriately landscaped.

Section 3.9 Harbor District (revised 11-21-19)

- A. *Statement of Intent.* The intent of this zoning district is to encourage a vibrant working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout

the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.

B. Mainstreet Mixed-use Area.

1. The area of the Harbor District along the south side of Mason Avenue, beginning at the western edge of Parcel 83A3-A-5, and projecting eastward to Nectarine Street, and southward a distance of 120 feet from the south side of Mason Avenue, is defined as the "Mainstreet Mixed-Use Area." All buildings in the Mainstreet Mixed-use Area shall meet the following requirements:
 - a. Each building shall be a minimum of two stories and shall have only residential uses above the first floor.
 - i. Residential portions of the building shall have at least two entrances/exit ways to the ground floor that are separate from the entrances/exit ways used by occupants of nonresidential portions of the building.
 - ii. The primary entrance for the residential portion of the building shall be clearly visible from Mason Avenue and shall face Mason Avenue.
 - b. Ground floor uses shall be limited to non-motor vehicle related uses, including restaurants, sales and rental of goods, merchandise or equipment establishments, banks and financial institutions, or offices.
 - c. Drive-through facilities are prohibited.
 - d. The primary façade shall face Mason Avenue. On a corner lot, each side adjacent to a street shall be considered a primary façade.
 - e. All blocks shall align with and be equal in frontage length to the blocks on the north side of Mason Avenue so that existing viewsheds to the harbor are maintained.
 - f. No building or structure shall exceed 40 feet in height.
 - g. The front setback shall be the prevailing setback of adjacent properties along the south side of Mason Avenue.
 - h. Development design standards in this area shall be subject to both the Historic District Review Board and the Harbor Area Review Board.
 - i. Whenever the provisions of subsection 3.9.B.1 impose standards that are more restrictive than are required in or under any other statute, ordinance or resolution, these standards shall prevail, unless otherwise specified in this Zoning Ordinance.
- C. The maximum FAR for the Harbor District shall be 1.75 by right and up to 2.0 with a Conditional Use Permit. Nothing in this paragraph shall modify or waive the open space requirement set forth in subsection F of this Article III.
- D. *Permitted Uses.* The following uses are permitted by right:

1. Accessory uses customarily associated and clearly incidental and subordinate to a principal use.
2. Food service-related uses of the following types:
 - a. Bakeries, confectionaries, delicatessens, and catering services
 - b. Cafes and coffee shops
 - c. Delicatessens
 - d. Eating and drinking establishments
 - e. Ice cream parlors
 - f. Restaurants
3. Marine-related uses of the following types:
 - a. Bait and tackle shops
 - b. Boat rentals
 - c. Marinas, docks and wharves if contiguous to harbor
 - d. Sail and canvas making and repair
 - e. Ship stores and chandleries
4. Office and institutional uses of the following types:
 - a. Business studios
 - b. Civic and government facilities
 - c. Educational facilities
 - d. Financial institutions
 - e. Medical clinics
 - f. Medical, dental and other laboratories
 - g. Offices
 - h. Office supply stores
 - i. Real estate sales and rentals
5. Recreational, cultural, and entertainment uses of the following types:
 - a. Art galleries and art studios
 - b. Athletic clubs
 - c. Conference centers
 - d. Health and fitness facilities
 - e. Libraries and galleries
 - f. Museums and cultural centers
 - g. Outdoor recreational uses
 - h. Parks
6. Retail goods establishments of the following types with 2,500 square feet or less of gross floor area:
 - a. Antique shops
 - b. Bookstores, new and used
 - c. Camera shops
 - d. Candy stores
 - e. Clothing stores
 - f. Dry goods stores
 - g. Florists, gift shops, card shops, and stationery shops
 - h. Grocery stores
 - i. Music stores
 - j. Newsstands
 - k. Tobacco stores
 - l. Upholstering shops and fabric stores

- m. Video stores
 - n. Watch and jewelry stores
 - 7. Retail service establishments of the following types with 2,500 square feet or less of gross floor area:
 - a. Beauty and barbershops
 - b. Bicycle, moped, and street legal golf cart sales and rentals
 - c. Blueprinting shops
 - d. Dressmaking, tailoring, millinery, dry cleaning
 - 8. Public Utility Facility
- E. *Conditional Uses.* The following uses may also be permitted, subject to securing a conditional use permit as provided for in this ordinance:
- 1. Marine-related uses of the following types:
 - a. Boat and marine engine repair shops
 - b. Boatels
 - c. Marine and sports equipment consignment stores
 - 2. Markets of the following types:
 - a. Crafts markets
 - b. Farmers' markets
 - c. Watermen's markets
 - 3. Recreational, cultural, and entertainment uses of the following types:
 - a. Assembly halls
 - b. Auditoriums
 - c. Commercial recreational uses
 - d. Entertainment establishments
 - e. Theaters
 - 4. Retail goods establishments of the following types with more than 2,500 square feet of gross floor area:
 - a. Antique shops
 - b. Bookstores, new and used
 - c. Camera shops
 - d. Candy stores
 - e. Clothing stores
 - f. Dry goods stores
 - g. Florists, gift shops, card shops, and stationery shops
 - h. Grocery stores
 - i. Music stores
 - j. Newsstands
 - k. Tobacco stores
 - l. Upholstering shops and fabric stores
 - m. Video stores
 - n. Watch and jewelry stores
 - 5. Retail service establishments of the following types with more than 2,500 square feet of gross floor area:
 - a. Beauty and barbershops
 - b. Bicycle moped, and golf cart sales and rentals
 - c. Blueprinting shops
 - d. Dressmaking, tailoring, millinery, dry cleaning

6. Single-family and multi-family dwellings provided the following requirements are met:
 - a. All dwelling units shall have direct access to the street level. Means of access may be shared with other dwelling units, but not commercial uses. Access through a commercial establishment on the first level is not permitted.
 - b. Dwelling units shall occupy no more than 50 percent of the first floor of any building.
 - c. The first floor of all building facades adjacent to a public street shall have a commercial appearance and shall not have a residential appearance.
 7. Other miscellaneous uses of the following types:
 - a. Bed and breakfasts and tourist homes, provided the following requirements are met:
 - (1.) The owner and family must occupy the residence. The owner and his/her appointed agent are responsible for supervising guests.
 - (2.) The single-family dwelling appearance must be maintained.
 - (3.) Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Section 4.8.E.2 (Table of Parking Standards) using both on and off-street parking areas.
 - (4.) A sign no larger than four square feet shall be permitted.
 - (5.) The number of room accommodations shall be subject to recommendation by the Planning Commission and approved by the Town Council.
 - (6.) The dwelling must meet all of the requirements of Section 3.9.D.6.
 - b. Childcare and childcare education centers
 - c. Hotels and motels
 - d. Laundromats
 - e. Liquor and package stores
 - f. Off-site parking
 8. Any other use which is compatible in nature with the foregoing permitted and conditional uses and which the Zoning Administrator determines to be compatible with the intent of the District and is concurred with by the Planning Commission.
- F. *Lot and Height Requirements.* Within the Harbor District, the following standards shall apply:
1. *Minimum lot requirements.*

lot area	11,200 square feet
lot frontage	80 feet
lot depth	140 feet
 2. *Height.*
 - a. *Measurement criteria.* For the purpose of the Harbor District, height means the vertical distance measured from the crown of the nearest street to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. When the

crown of the nearest street has an elevation greater than three feet above the adjacent ground elevation of the building, the adjacent ground elevation shall be used in place of the crown of the nearest street when measuring height. Note: Mechanical equipment, chimneys, air conditioning units, elevator penthouses, church spires and steeples, water towers, and similar appurtenances are exempted from height restrictions. However, these exclusive items may not exceed the height limit by more than fifteen feet.

- b. *Maximum permitted height.* No building shall have the same continuous elevation for a distance of more than 80 linear feet. Building heights greater than 40 feet and equal to or less than 55 feet may also be permitted in other parts of the Harbor District, subject to securing a conditional use permit as provided for in this ordinance. When reviewing a conditional use permit application for the height of a building in the Harbor District, the following criteria shall be met:

- (1.) On each block, the average height of all buildings greater than 40 feet and equal to or less than 55 feet in height shall not exceed 45 feet. For the purpose of this section, a block is defined as the property fronting on one side of a right-of-way or waterway, and lying between two intersecting rights-of-way or otherwise limited by a waterway or other physical barrier of such nature as to interrupt the continuity of development.
- (2.) The application shall adhere to policies established in the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines, the Comprehensive Plan, and other officially adopted plans of the Town.

3. *Setback Regulations.*

- a. Waterfront setback requirement. No building or structure shall be located within 30 feet of the Cape Charles Harbor or within 30 feet of a Resource Protection Area not part of an Intensely Developed Area (IDA), or within 30 feet of Marina Road, Bayshore Road, or Parcel 83A3-A-10. This requirement shall not preclude any other applicable regulations, including but not limited to those associated Chesapeake Bay Preservation Areas. The following shall be exempt from the waterfront setback requirement when permitted by all other applicable regulations:

- (1.) Water-dependent facilities as defined by Zoning Ordinance Section 7.3.
- (2.) Walkways, promenades, decks, gazebos, permitted signs, and similar structures intended to accommodate or provide amenities for pedestrians.

- G. *Required open space.* Open space shall be provided equivalent to twenty-five (25) percent of lot area. For the purpose of this section, the term open space shall be construed to consist of open space amenities and spacing between buildings. Open space amenities include plazas, esplanades, landscaped areas, walkways, public recreational facilities, and the like designed and maintained for use by pedestrians and open to the public. Such open space amenities shall not be open to vehicular uses except for public safety purposes, and shall be directly

accessible from street level. Where feasible, open space shall be designed to serve as part of a coordinated pedestrian circulation system.

- H. *Utilities.* All utilities shall be installed underground.
- I. *Harbor Development Certificate required.* No zoning clearance shall be issued for location, construction, or enlargement of any building or structure within the Harbor District until a Harbor Development Certificate has been issued. Submission of a Harbor Development Certificate Application and approval by the Town Council shall be required to obtain a Harbor Development Certificate.
 - 1. *Content of Harbor Development Certificate Application.* The Harbor Development Certificate Application shall consist of the General Application and the Detailed Application.
 - a. *General Application.* The General Application shall include the following items:
 - (1.) An application on forms provided by the Zoning Administrator.
 - (2.) A fee established by the Town Council.
 - (3.) A letter of application stating in general terms the proposed use of the property, the effect of the changes on the surrounding area, and the reason for the request.
 - (4.) A plot plan in accordance with the Site Plan Ordinance.
 - b. *Detailed Application.* The contents of the Detailed Application may be delineated on the plot plan required for the General Application, or provided in separate maps, elevations, or written document as appropriate. The Detailed Application shall indicate the following:
 - (1.) Location, amount, character and continuity of open space.
 - (2.) A delineation of those general areas that have scenic assets or natural features deserving protection and preservation, including elevations demonstrating protection of views from existing streets, and a statement of how such will be accomplished.
 - (3.) Convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian congestion on public streets.
 - (4.) Separation of pedestrian and vehicular traffic.
 - (5.) Landscape plans delineating dimensions and distances and the location, type, size, and description of all existing and proposed plant materials.
 - (6.) Location and dimensions of on-site signage.
 - (7.) Conceptual renderings of building exteriors.
 - (8.) Such other matters as are appropriate to determinations in the specific case. Other information may be requested by the Zoning Administrator, the Harbor Area Review Board, or Town Council.
 - 2. *Review procedure.*
 - a. *Pre-application meeting.* Prior to application submission, the applicant shall meet with the Zoning Administrator and the Harbor Area Review Board in a pre-application meeting. The purpose of the meeting shall be to discuss the general goals of the project and application procedures.

- b. *General Application.* Following the pre-application meeting, the applicant shall submit a General Application. The contents of the General Application are detailed in Section 3.9.I.1.a.
- c. *Post-application meeting.* Within thirty (30) days of receipt of the complete General Application, the Zoning Administrator and the Harbor Area Review Board shall meet in a post-application meeting. The purpose of the meeting shall be to discuss the content of the General Application and to formulate recommendations for the applicant.
- d. *First review meeting.* Within thirty (30) days of the post application meeting, the applicant shall meet with the Zoning Administrator and the Harbor Area Review Board in a first review meeting. The purpose of the meeting shall be to provide the applicant with the Harbor Area Review Board's recommendations and to provide notice to proceed with the Detailed Application.
- e. *Town Council summary.* Following the first review meeting, the Harbor Area Review Board will present the Town Council with the General Application and a general description of discussion held at the first review meeting. The Town Council summary will be provided at a Town Council regular session or a Town Council work session for informational purposes.
- f. *Detailed Application.* Following the first review meeting, the applicant shall submit a Detailed Application. The contents of the Detailed Application are provided in Section 3.9.H.1.b.
- g. *Zoning Administrator action.* Following the Zoning Administrator's receipt of the Detailed Application and his determination that it is complete pursuant to Section 3.9.H.1.b, the Zoning Administrator shall prepare a thorough review and analysis of the Harbor Development Certificate Application and a written staff report. The Zoning Administrator's written report shall be forwarded to the Harbor Area Review Board within 45 days of receipt of the Detailed Application.
- h. *Second review meeting.* After receipt of the Detailed Application, the applicant shall meet with the Zoning Administrator and the Harbor Area Review Board in a second review meeting. The purpose of the meeting shall be to review the Harbor Development Certificate Application, consisting of the General Application and the Detailed Application, and provide the applicant with any necessary recommendations. Follow up meetings may be scheduled to further review the application or to review modifications to the application.
- i. *Harbor Area Review Board action.* After the second review meeting, the Harbor Area Review Board shall forward its recommendation to approve, deny, or approve subject to modification, to the Town Council along with written findings of fact supporting its recommendation.
- j. *Town Council action.* After receipt of the Harbor Area Review Board's recommendations and findings, the Town Council shall decide to approve, deny, or approve subject to modification.
- k. *Concurrent review permitted.* Other development applications, including application for any necessary Certificate of Appropriateness, may be

submitted concurrently with an application for a Harbor Development Certificate.

3. *Criteria for review.* In reviewing the Harbor Development Certificate Application, the Zoning Administrator, the Harbor Area Review Board, and the Town Council shall consider the following criteria:
 - a. Use characteristics of the proposed development.
 - b. Preservation of historic structures; preservation of significant features of existing buildings when such buildings are to be renovated; relation to nearby historic structures or districts including a need for height limits.
 - c. Location and adequacy of off-street parking and loading provisions, including the desirability of bicycle parking.
 - d. Vehicular circulation within the development and its relation to other existing and proposed transportation facilities.
 - e. Inclusion of alleys to enhance vehicular transportation within the development.
 - f. Provision of concealed commercial loading and unloading areas adjacent to alleys to prevent loading, unloading, and trash collection along public rights of way.
 - g. Traffic generation characteristics of the proposed development in relation to street capacity.
 - h. Provision of open space to meet the requirements of the district; the location, design, landscaping and other significant characteristics of this public open space, and its relation to existing and planned public and private open space.
 - i. Multi-modal transportation facilities within the proposed development and their relation to public open space and pedestrian circulation patterns.
 - j. Architectural relationships, both formal and functional, of the proposed development to surrounding buildings, including building siting, massing, proportion, and scale.
 - k. Use of architectural details, storefront design, window openings, roof shapes, porches, and columns to balance the proportions of facades into pleasant and cohesive compositions.
 - l. Microclimate effects of proposed development, including effects on wind velocities, sun reflectance, and sun access to streets and/or existing buildings and/or public open space.
 - m. Protection of significant views and view corridors, particularly views of the Cape Charles Harbor from existing road intersections.
 - n. Relationship of on-site lighting and landscaping to other surrounding lighting and landscaping designs both public and private.
 - o. Relationship of on-site signage to architectural elements of the proposed development and relationships to nearby development.
 - p. Adherence to policies included in the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines, the Comprehensive Plan, and other officially adopted plans of the Town.
 - q. Adherence to the intent and requirements of the Harbor District.

4. Other requirements. Issuance of a Harbor Development Certificate shall not exempt a property owner from obtaining other necessary zoning clearances and building permits as required.

J. *Exemption.*

Railroad activities in this district are subject to federal preemption to the extent that the activities are an integral part of the railroad's interstate operations. 49 U.S.C. 10501 (b). Therefore, "state and local permitting or pre-clearance requirements [such as building permits, zoning clearances, and site plan requirements] which, by their nature, interfere with interstate commerce by giving the [Town of Cape Charles] the ability to delay or deny the [railroad's] right to construct facilities or conduct operations are preempted." *Borough of Riverdale v. New York Susquehanna & Western Railway Corporation*, Surface Transportation Board, Docket No. FD 33466 0, September 9, 1999.

However, environmental and other public health and safety issues and "activities and facilities not integrally related to the provision of rail service are not subject to [Surface Transportation Board] jurisdiction or subject to federal preemption." *Id.* Also, "interstate railroads ... are not exempt from certain local fire, health, safety and construction regulations and inspections." *Id.*

- K. Modifications may be allowed that do not change the wall to window area ratio, and do not add to or reduce the number and type of porches\balconies. Modification is solely at the discretion of the zoning administrator, the building official, and the town manager upon approval of a Harbor Development Certificate.
- L. Modifications may be allowed to balconies and building architectural projections, and there is no change to street\sidewalk access or percentage of open space upon approval of a Harbor Development Certificate. Modification is solely at the discretion of the zoning administrator, the building official, and the town manager.
- M. Modification may be allowed if the required percentage of open space, required landscape, buffering, and Dark Sky compliance are met upon approval of a Harbor development Certificate. Modification is solely at the discretion of the zoning administrator, the building official, and the town manager.

Section 3.10 General Business/Light Industrial GBI

- A. Statement of Intent. The intent of this basic zoning district is to accommodate and develop a district for business, office, light industrial, and specific public purpose and to encourage the formation and continuance of a quiet, compatible, and uncontested environment for business, professional, and light industrial firms and to discourage any uses capable of adversely affecting the specialized commercial and housing character of the Town.

HARBOR AREA CONCEPTUAL MASTER PLAN + DESIGN GUIDELINES

Town of Cape Charles, Virginia



RENAISSANCE PLANNING GROUP

August 4, 2006

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PURPOSE + INTENT



This report brings together general goals and objectives for the future development of the Cape Charles Harbor Area. It comprises both a Conceptual Master Plan that describes general land use and development objectives, along with a set of Design Guidelines for new development or redevelopment in the area.

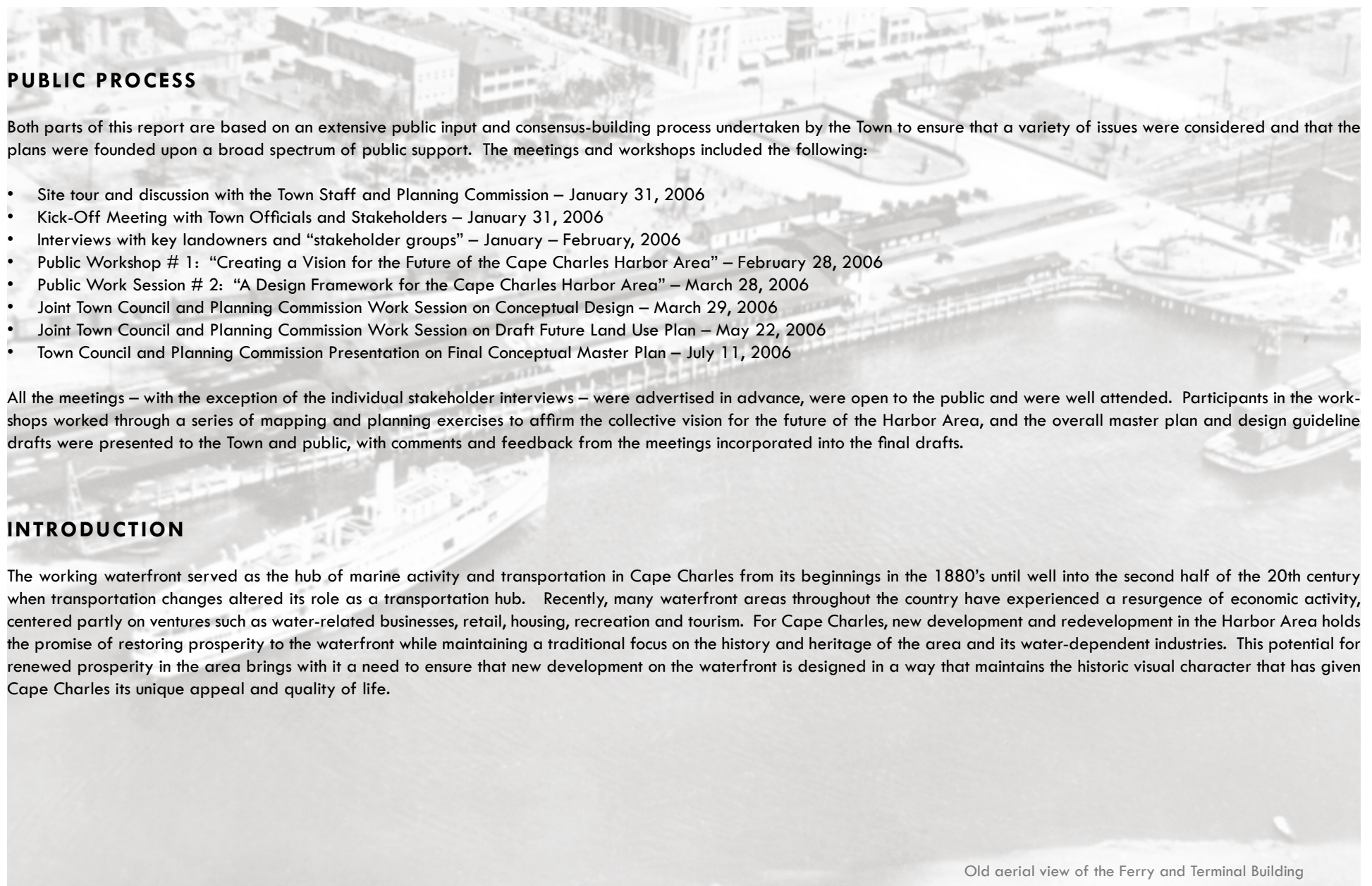
The report is organized into two components. The first part – the Conceptual Master Plan – sets out an overall vision and land use and design concept for the area. It is described in terms of an overall Framework Plan and a set of detailed illustrative site plans. The second part – the Design Guidelines – lists a set of design criteria for the form and character of new development in the area. Together, these two components are intended to guide the direction of public and private investments in the area so that they contribute to improving the overall economic vitality, visual character and quality of life in the area. The ideas laid out in this document represent a long term vision for the Harbor Area, one dependent upon market conditions as well as critical public investment.

IMPLEMENTATION

The Conceptual Master Plan and Design Guidelines serve as a tool for use by the Town Council and Planning Commission in guiding the future character of the harbor area. Implementation of the ideas and recommendations of this document can be accomplished through a variety of different options, including:

- Comprehensive Plan – This document could be adopted as an addendum to the comprehensive plan, as a more detailed area plan for the harbor and surroundings. Once adopted as an addendum to the comprehensive plan, it can serve as guide for development proposals as they are received.
- Historic Harbor Overlay District – The Harbor Area may be incorporated within a new historic district overlay by the Town.
- Amendments to Existing Zoning Districts – Existing zoning districts may be amended to reflect the guidelines and recommendations of this document.

These options represent different means of implementing the intent of the Conceptual Master Plan and Design Guidelines in such a manner that would be most effective for ensuring their relevance and continued use into the future. Ultimately, the Town – through review by the Town Council and Planning Commission – will decide on the specific methods for implementing the recommendations in this document. However, any change in the Town's current statutes intended to implement this plan must still go through the full public process as required by State code before it can be put into place.

An aerial photograph of the Cape Charles Harbor Area, showing a mix of urban buildings, a large waterfront area with a pier, and a large ship docked. The image is faded and serves as a background for the text.

PUBLIC PROCESS

Both parts of this report are based on an extensive public input and consensus-building process undertaken by the Town to ensure that a variety of issues were considered and that the plans were founded upon a broad spectrum of public support. The meetings and workshops included the following:

- Site tour and discussion with the Town Staff and Planning Commission – January 31, 2006
- Kick-Off Meeting with Town Officials and Stakeholders – January 31, 2006
- Interviews with key landowners and “stakeholder groups” – January – February, 2006
- Public Workshop # 1: “Creating a Vision for the Future of the Cape Charles Harbor Area” – February 28, 2006
- Public Work Session # 2: “A Design Framework for the Cape Charles Harbor Area” – March 28, 2006
- Joint Town Council and Planning Commission Work Session on Conceptual Design – March 29, 2006
- Joint Town Council and Planning Commission Work Session on Draft Future Land Use Plan – May 22, 2006
- Town Council and Planning Commission Presentation on Final Conceptual Master Plan – July 11, 2006

All the meetings – with the exception of the individual stakeholder interviews – were advertised in advance, were open to the public and were well attended. Participants in the workshops worked through a series of mapping and planning exercises to affirm the collective vision for the future of the Harbor Area, and the overall master plan and design guideline drafts were presented to the Town and public, with comments and feedback from the meetings incorporated into the final drafts.

INTRODUCTION

The working waterfront served as the hub of marine activity and transportation in Cape Charles from its beginnings in the 1880's until well into the second half of the 20th century when transportation changes altered its role as a transportation hub. Recently, many waterfront areas throughout the country have experienced a resurgence of economic activity, centered partly on ventures such as water-related businesses, retail, housing, recreation and tourism. For Cape Charles, new development and redevelopment in the Harbor Area holds the promise of restoring prosperity to the waterfront while maintaining a traditional focus on the history and heritage of the area and its water-dependent industries. This potential for renewed prosperity in the area brings with it a need to ensure that new development on the waterfront is designed in a way that maintains the historic visual character that has given Cape Charles its unique appeal and quality of life.

Old aerial view of the Ferry and Terminal Building

THE HARBOR

Currently, the Town has a working harbor and railroad infrastructure that are valuable economic assets for Cape Charles. Industrial activities at the harbor include Bayshore Concrete Products Corporation and the Bay Coast Railroad. Local watermen also make use of the harbor, and recreational use of the harbor is heavy, especially during summer months. The harbor's economic benefits to the Town include both its current industrial and recreational use, as well as its strong potential to attract future industrial activity and tourists to Cape Charles.

Originally used to serve as an unloading and transshipment point for the railroad, the harbor continues to serve this function today. The harbor has a predominantly "hard edge" on the water side, with extensive bulkhead as well as commercial docking facilities. The Town owns a portion of the harbor and leases 51 boat slips to recreational boaters and commercial watermen. Two public boat launching ramps are also located at the harbor. The harbor is dredged to 18-19 feet, except for a portion at the northeast end, which is dredged to seven feet. The main channel into the harbor is approximately 18 feet deep and 500 feet wide, extending 2.7 miles from the harbor entrance. The channel is well-marked and provides good access to the harbor. Dredging of the harbor is performed periodically by the U.S. Army Corps of Engineers, with spoils deposited at a nearby spoils site.

THE RAILROAD

The Bay Coast Railroad is headquartered in Cape Charles, which serves as the facility and equipment maintenance center for the Railroad. The Railroad runs approximately 3,500 cars per year, and has the capacity for approximately 13,000 loaded cars per year. The Railroad is linked to Norfolk by way of daily ferry operations, with barge capacity for 25 railroad cars. From the Norfolk terminal, the Railroad connects with CSX Transportation and Norfolk Southern rail service. From its terminus in Maryland, the Railroad also connects with Norfolk Southern rail service. Rail and shipping connections from Cape Charles could potentially offer links to more than 250 ports and 60 shipping lines around the world.

THE HISTORIC DISTRICT

The Town of Cape Charles has one of the most unique collections of historic buildings of any town on the Virginia Eastern Shore. The historic core of the Town was designated a National Register Historic District in 1989, in recognition of its large concentration of historic nineteenth and early-twentieth-century residential and commercial architecture. The majority of the original structures built in the community are still standing, with few alterations. A 1980s survey revealed that of 568 buildings, fewer than 40 were less than 50 years old. Many houses in the historic district have been bought and renovated to serve as summer or retirement homes or Bed and Breakfasts. The commercial area on Mason Avenue has experienced renovation and adaptive reuse, as shops, restaurants and hotels are being built to serve the increasing number of tourists who visit Cape Charles and the Shore. The historic district is both a source of pride and a key component of quality of life that can translate into economic development support for the undeveloped areas of the Town, such as the Harbor Area. As the Harbor Area builds out, it is important that new development is sensitive to, and supportive of the rich architectural tradition and small town quality of life in the historic district.



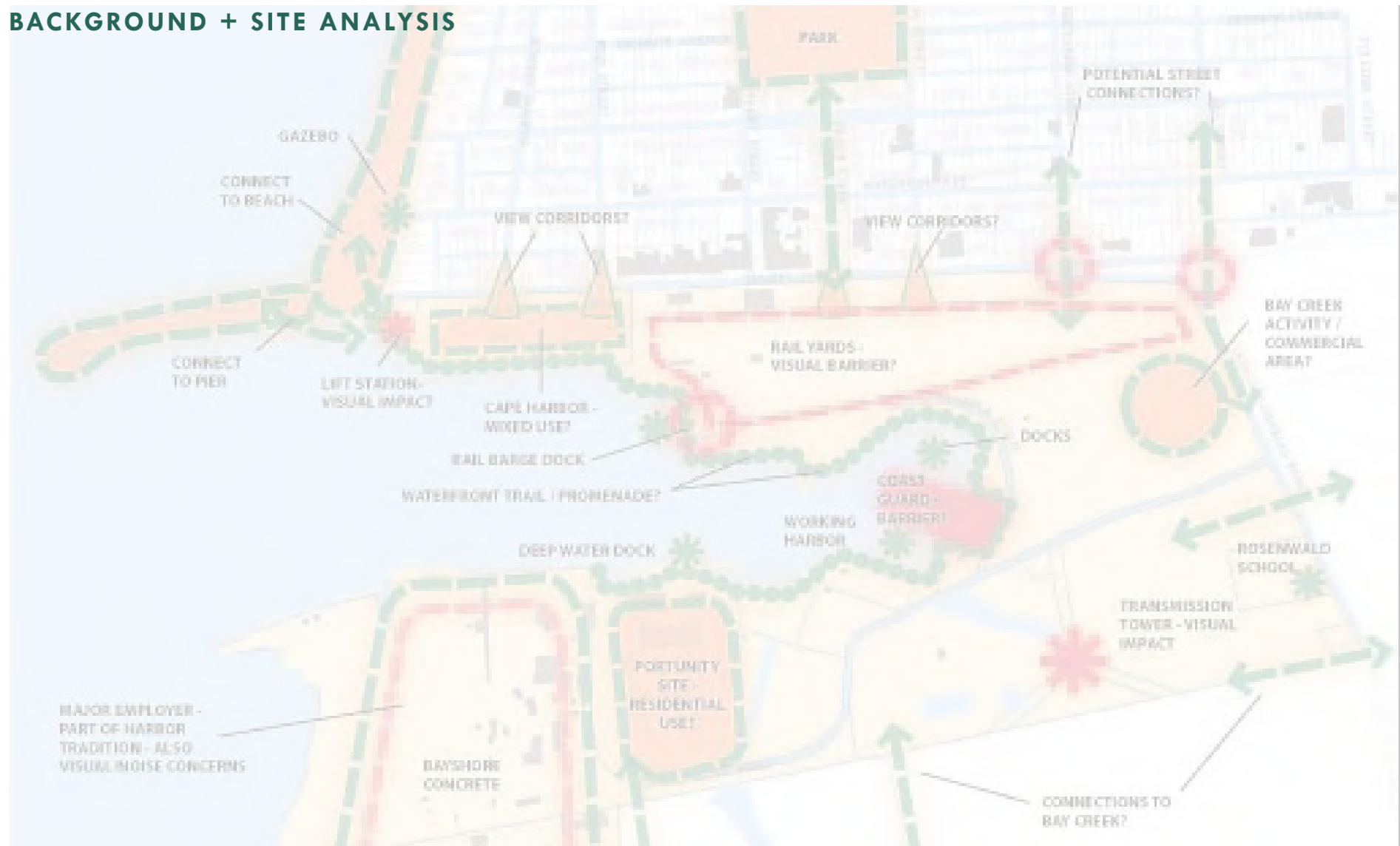
VISION

The vision of the Cape Charles Harbor Area is to provide a vibrant working waterfront that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. The vision for future development and revitalization in the Harbor Area is that it is architecturally and visually compatible with the Town's historic built fabric and design character, while still reflecting the best contemporary design and development practices.

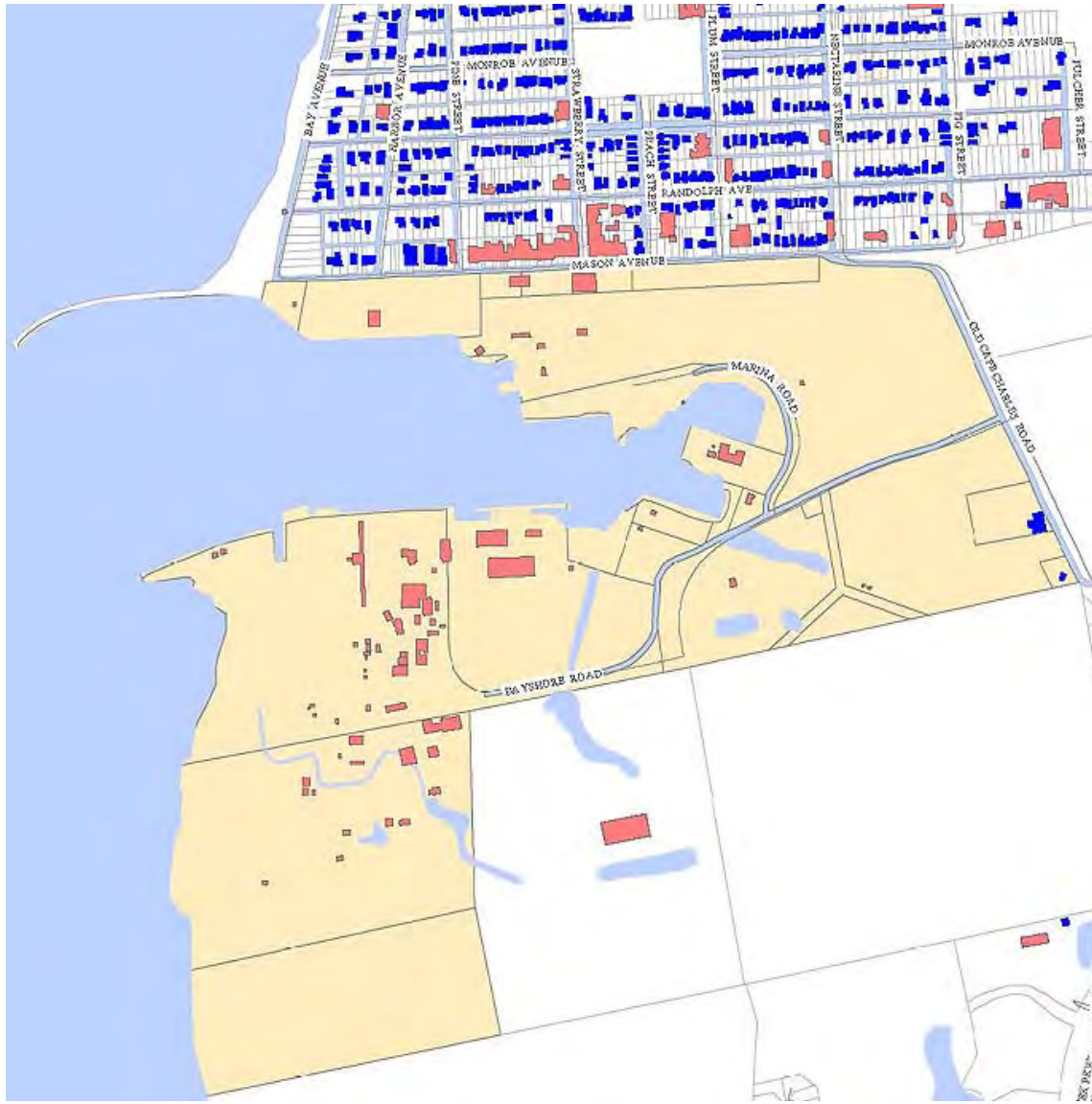


I. CONCEPTUAL MASTER PLAN

BACKGROUND + SITE ANALYSIS

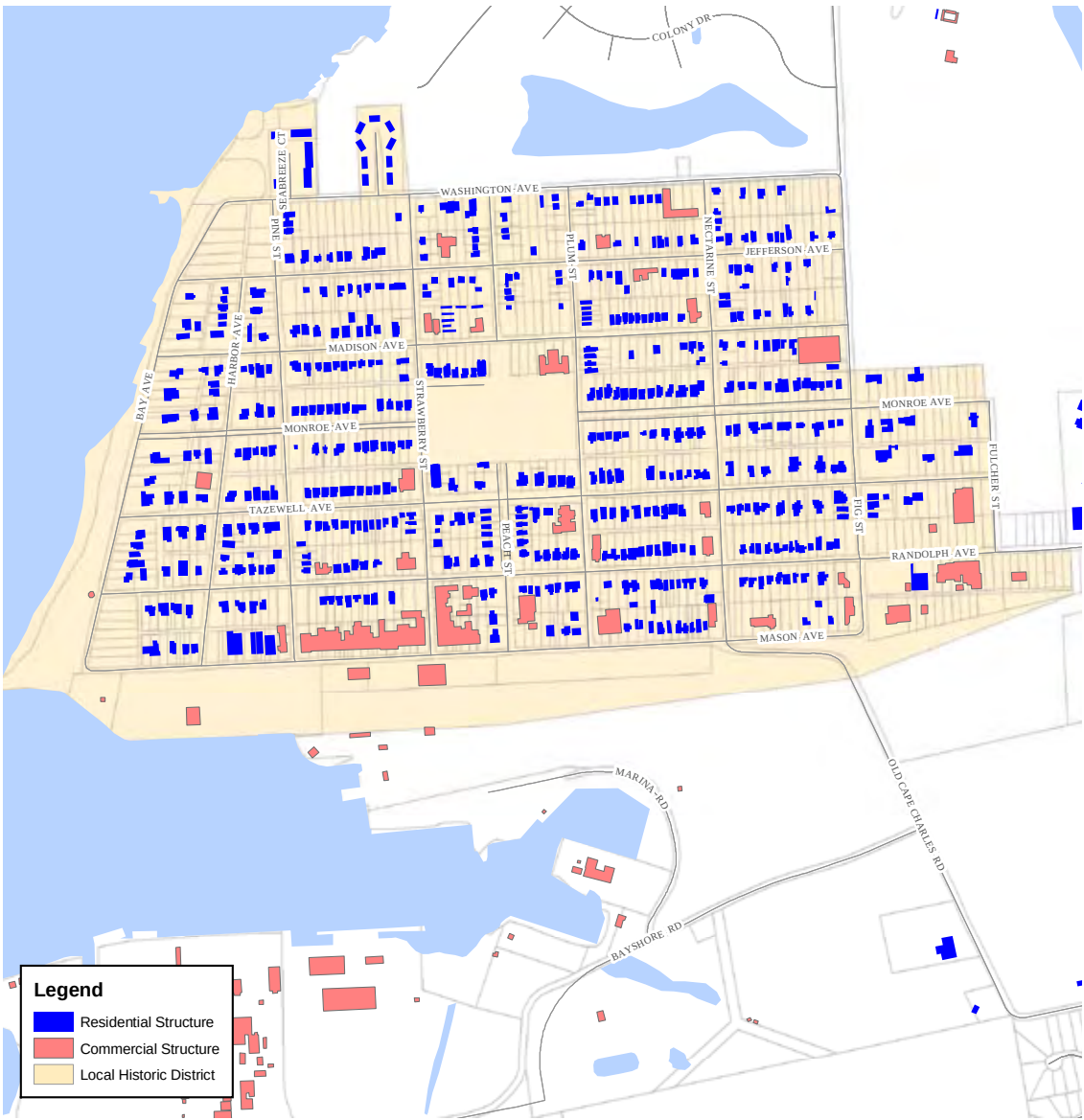


STUDY AREA



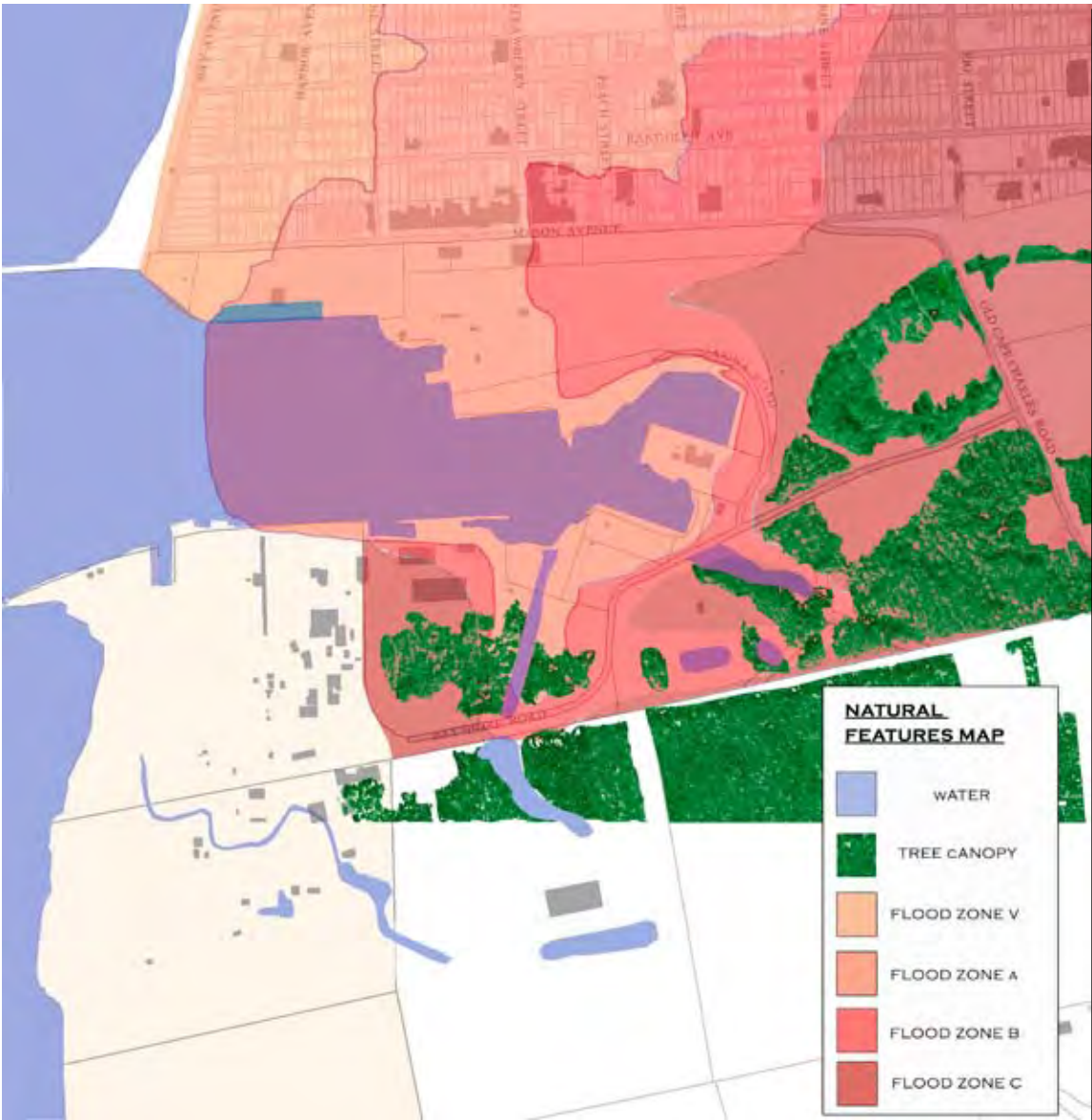
The project study area encompasses the entire harbor area, and stretches from the Town beach, on the north, to the Bay Creek development on the south and east. It also includes the south side of Mason Avenue, the rail yards, and the Coastal Dune Preservation Area.

EXISTING HISTORIC DISTRICT



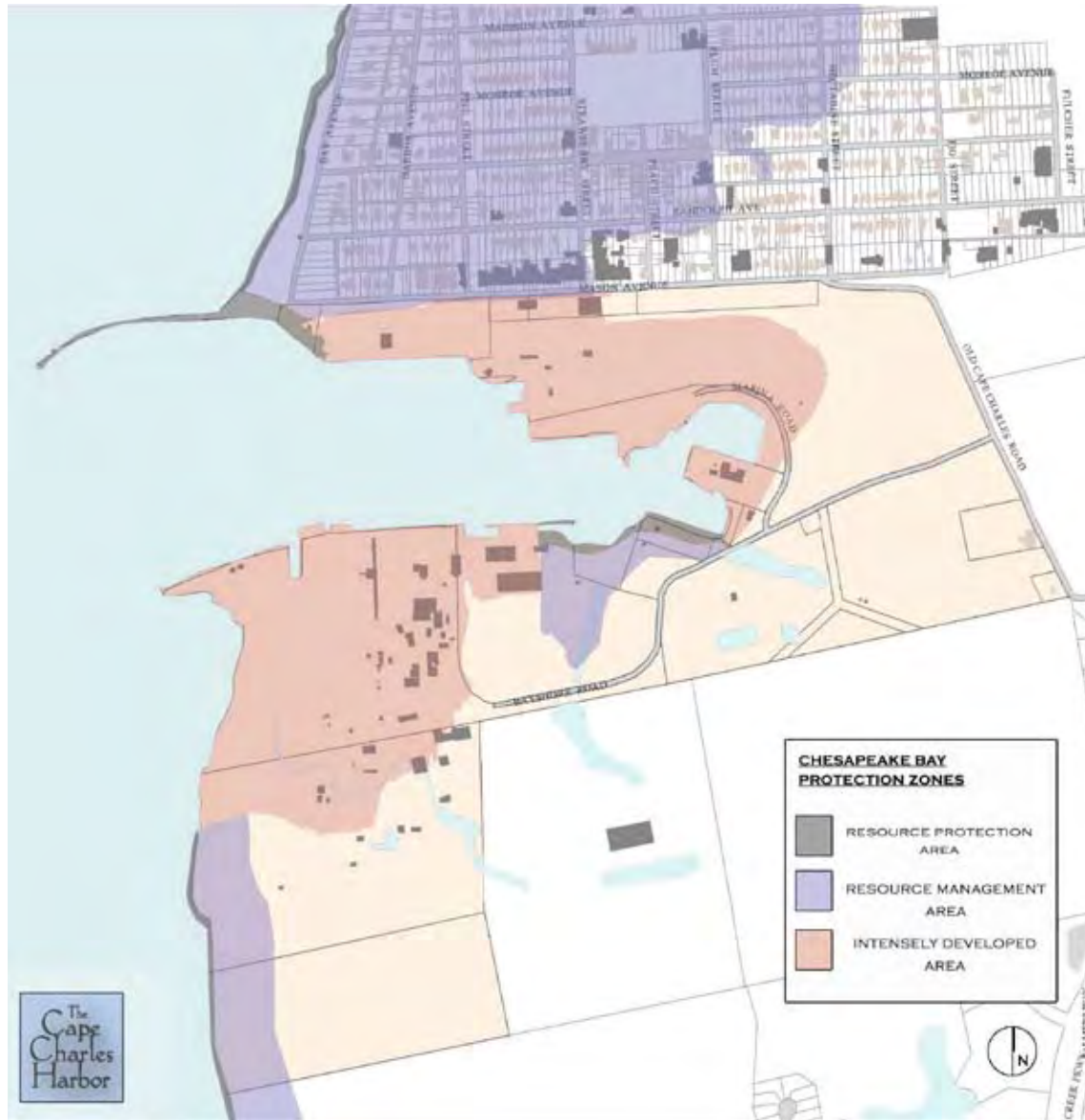
The existing Town Historic District is generally north of the project study area, with the exception that the south side of Mason Avenue is both in the study area and in the existing Historic District.

NATURAL FEATURES



The study area is outside of the “V” or “Velocity” flood zone, although the major portion of the site is within the 100-year flood zone “A” or “B” and measures will need to be taken to ensure that new development has habitable areas raised outside the flood zone. The study area is also partially wooded, primarily in the south and east end, as shown on the Natural Features map.

CHESAPEAKE BAY PROTECTION ZONES



A relatively small portion of the study area is in the most restrictive of the Chesapeake Bay Protection districts – the RPA or “Resource Protection Area”. This includes a portion of the shoreline in the south harbor area. Also around this RPA district is a larger area within the RMA or “Resource Management Area”. By contrast, significant portions of the site are in the IDA or “Intensely Developed Area” zone, which entails reduced or more flexible requirements for development and redevelopment of sites.

TRANSPORTATION



The existing transportation system in the study area is inadequate to serve a significant increase in development on the site. There is only one single vehicular connection between the historic town and the harbor area – the overpass known locally as the “hump.” There is also only one road that serves the majority of the south harbor area and is the primary access to the Bayshore Concrete site as well. There are excellent rail and water connections in the area, but vehicular and pedestrian/non-vehicular connections need to be considerably upgraded.

PROPERTY OWNERSHIP



As shown on the Property Ownership map, the Town has significant landholdings in the study area. The Town-owned properties around the Harbor and in the southeast end of the study area will be particularly important in serving as a potential catalyst for adjacent development and setting the overall tone and character of improvements in the harbor area. The remainder of the study area is primarily owned or controlled by relatively few property owners, which will allow more opportunities for a coordinated and compatible development approach for the entire district.

SUMMARY OF OPPORTUNITIES AND CONSTRAINTS



The project study area, taken as a whole, has a number of clear opportunities and constraints that were highlighted especially by the participants in the work sessions. The following list and summary map reflect a few of the major opportunities and constraints that have been identified by Town officials, citizens and stakeholders in the process:

ASSETS:

- History/Heritage: marine, rail, crater, resort, E. Shore, Rosenwald, etc.
- Maritime: Industrial, commercial, pleasure, fishing, tourism, nature, etc.
- Community: Historic architecture, beach, dark skies, museum, etc.
- Commercial: Exist. Businesses, shopping, resort, tourism, harbor, marina

PROBLEMS

- Visual attractiveness
- Rail yard as barrier
- Parking, taxes
- Need for "economic engine"

VISION IDEAS:

- Transportation: cruise line, water taxi, rail trolley, pedestrian/bike/golf cart walkways, etc.
- Marine Enhancements: breakwaters, boat slips, boater services, harbormaster house, etc.
- Public Amenities: park/plaza, waterfront promenade, observation tower, museum, playground, recreational amenities, parking
- New Development: waterfront market, shops, waterfront residential, new employment uses

CONCEPTUAL MASTER PLAN

The following plan elements are derived from the previous analysis of the issues and conditions in the project study area, as well as the overall input from town officials, property owners and citizens on the future vision for the Harbor area.



CIRCULATION PLAN



The design concept for circulation within the Harbor area incorporates three basic principles:

1. The continuation of the historic “grid” pattern of streets and blocks into the Harbor area as a basic organizing element for circulation.
2. Maximizing connectivity between the Harbor area, the historic portion of town and adjacent areas in the Town.
3. Integrating multiple modes of transportation in the area, including auto, rail, water, pedestrian and bicycle/recreational vehicles.

The following diagram shows the basic intent of creating an integrated grid of transportation that retains the basic structure and scale of the historic street grid on which the Town was originally founded.

OPEN SPACE NETWORK



A primary organizing element for the master plan for the Harbor area is the overall concept of a “network” of open and public spaces. The basic principles for public and open spaces in the Harbor area are:

1. Connecting the waterfront with a public walkway or “promenade” that allows pedestrians to circulate freely at, or immediately adjacent to, the water’s edge and enjoy the views, activity and vitality of the waterfront experience.
2. Connecting the Harbor’s open space network with the historic Town’s primary open spaces and open space networks, including the Town Park and Town Beach and Pier.
3. Using the existing drainage ways in the southern portion of the Harbor area as connectors to the existing Coastal Dune Preservation Area, and a new potential civic open space in the Town-owned land at the southeast corner of the study area. These drainage ways can be enhanced in a number of ways, ranging from a naturalistic restoration of the original habitat, to a more urban canal or water feature/amenity.

The following diagram shows the basic concept of an interconnected public open space network to link the primary open spaces in and around the Harbor area.

LAND USE PLAN



The Land Use Plan is overlaid on top of the basic circulation and open space networks developed above. The general locations and types of land uses reflect the vision for the area as a mixed-use district that incorporates residential, employment, industrial and transportation uses, with a working waterfront and public amenities.

The diagram below shows the general disposition of land uses in the area. The location of land use elements also took into account the pattern of ownership in the area, as well as the discussions with property owners in the area for development intentions on their properties.

The primary uses anticipated in the Harbor area include:

- Main Street Mixed Use
- Rail Yard
- Employment Mixed Use
- Residential Mixed Use
- Employment
- Industrial
- Civic
- Working Waterfront
- Public Utilities
- Nature Area

This is not intended to be an exhaustive list or a definitive prescription of permitted uses in the area, as would be found in a zoning ordinance. Moreover, the uses are not described definitively in this document. The intent is to provide a general guide, with ultimate flexibility to respond to opportunities for new development in the area that are consistent with the overall design concept and vision, and compatible with the design guidelines described in this document.

COMBINED FRAMEWORK PLAN AND CONCEPTUAL MASTER PLAN



The following "Framework Plan" is a combination of the circulation, open space and land use elements into an overall design concept or framework for the study area. This plan is a summary of the primary design and land use ideas for the Harbor area.

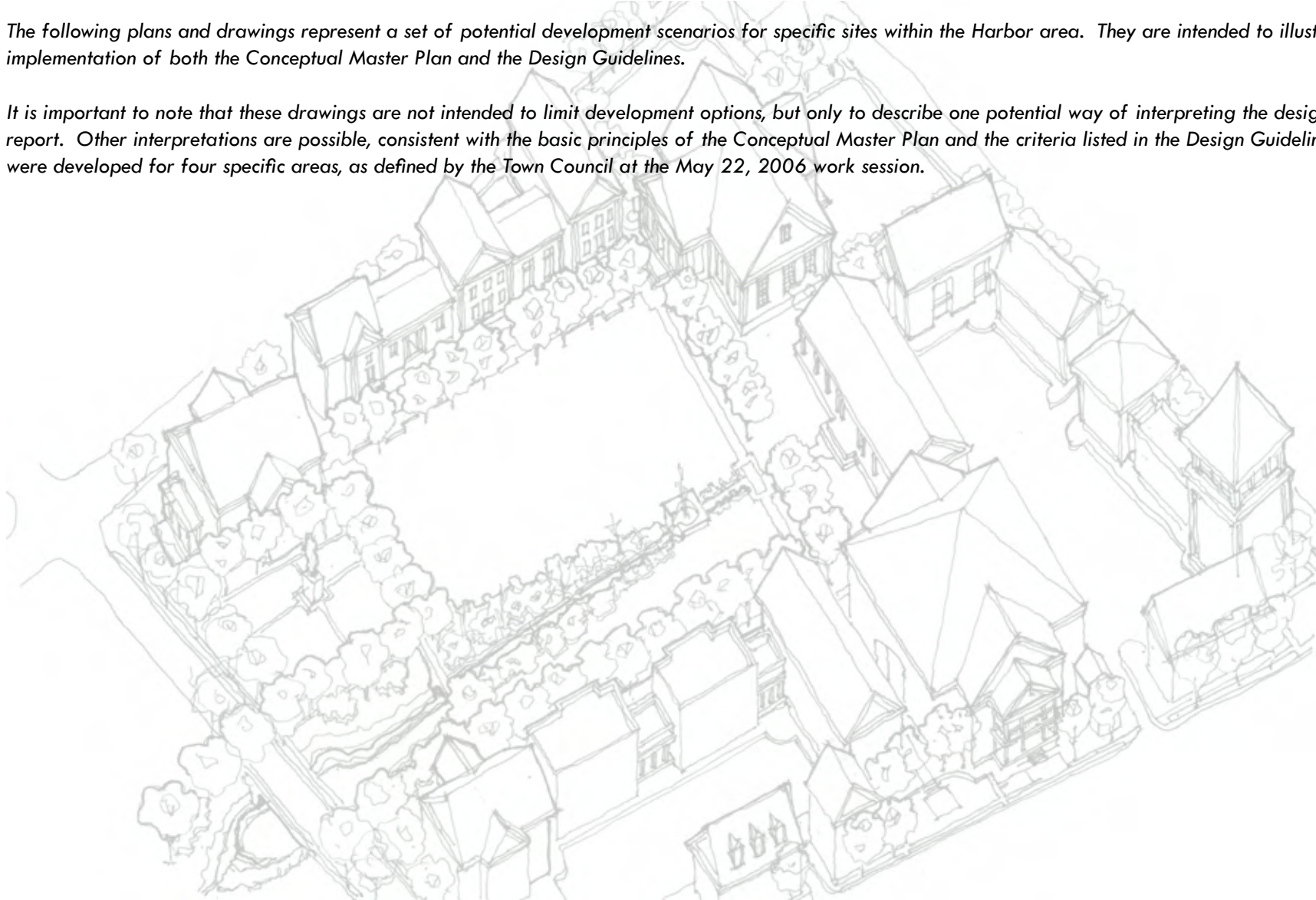
Also, it is the basis for the Conceptual Master Plan, also shown below. The Conceptual Master Plan is more specific and detailed in nature. It shows potential road alignments and improvements in various portions of the study area. However, it should be emphasized that this plan is still conceptual in nature and the ultimate disposition of improvements in any given site may vary somewhat from what is shown on the Master Plan. The reason for showing both the Framework Plan and Conceptual Master Plan is to underscore the basic design principles – for circulation, open space and land use – that are the foundation for the overall master plan described in this report. The plans should be taken together as a more general and more specific (but flexible) expression of the vision for the Harbor area.



ILLUSTRATIVE SITE PLANS

The following plans and drawings represent a set of potential development scenarios for specific sites within the Harbor area. They are intended to illustrate possible implementation of both the Conceptual Master Plan and the Design Guidelines.

It is important to note that these drawings are not intended to limit development options, but only to describe one potential way of interpreting the design principles in this report. Other interpretations are possible, consistent with the basic principles of the Conceptual Master Plan and the criteria listed in the Design Guidelines. The site plans were developed for four specific areas, as defined by the Town Council at the May 22, 2006 work session.

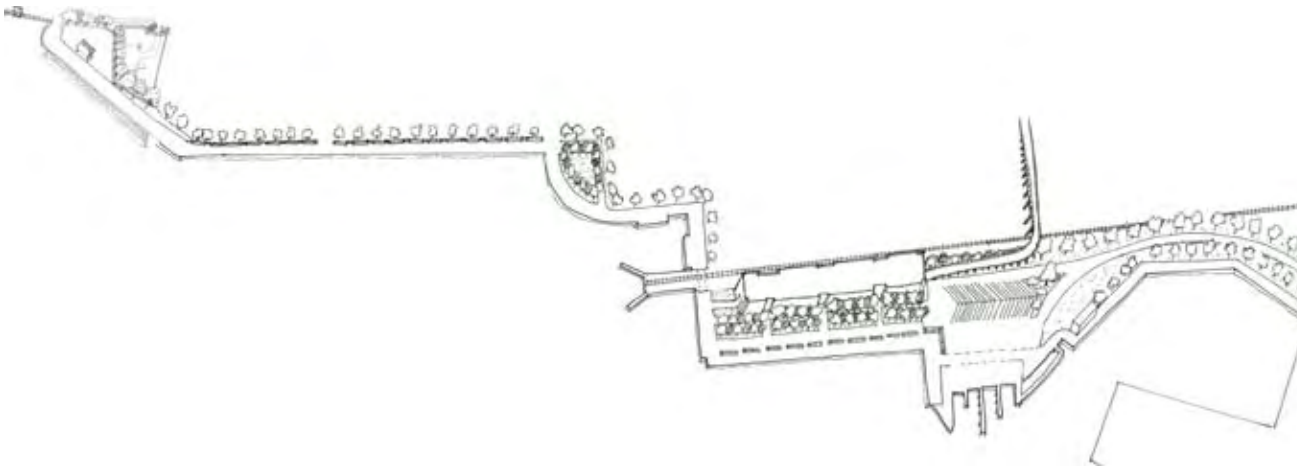


NORTH HARBOR AREA - Illustrative Site Plan



The illustrative site plan for the North Harbor Area shows a number of features that illustrate the design principles embodied in the Conceptual Master Plan, including:

1. A continuous walkway around the Harbor to the Town beach and pier
2. A large open public plaza at the north end of the waterfront, on Town-owned land, that serves as a public gathering area and focus for amenities such as water taxis, cruise boat docking and waterfront events and celebrations
3. A multi-purpose market building that could house stores, workshops, bait & tackle, bathrooms and boater amenity uses
4. A public park/playground
5. A small outdoor amphitheater at the west end of the walkway with a covered pavilion for musical and other events
6. Potential future connections across the rail yards – including a potential overpass walkway – in the event that the rail yards site changes its function over time



NORTH HARBOR AREA - Lift Station Conceptual Plan



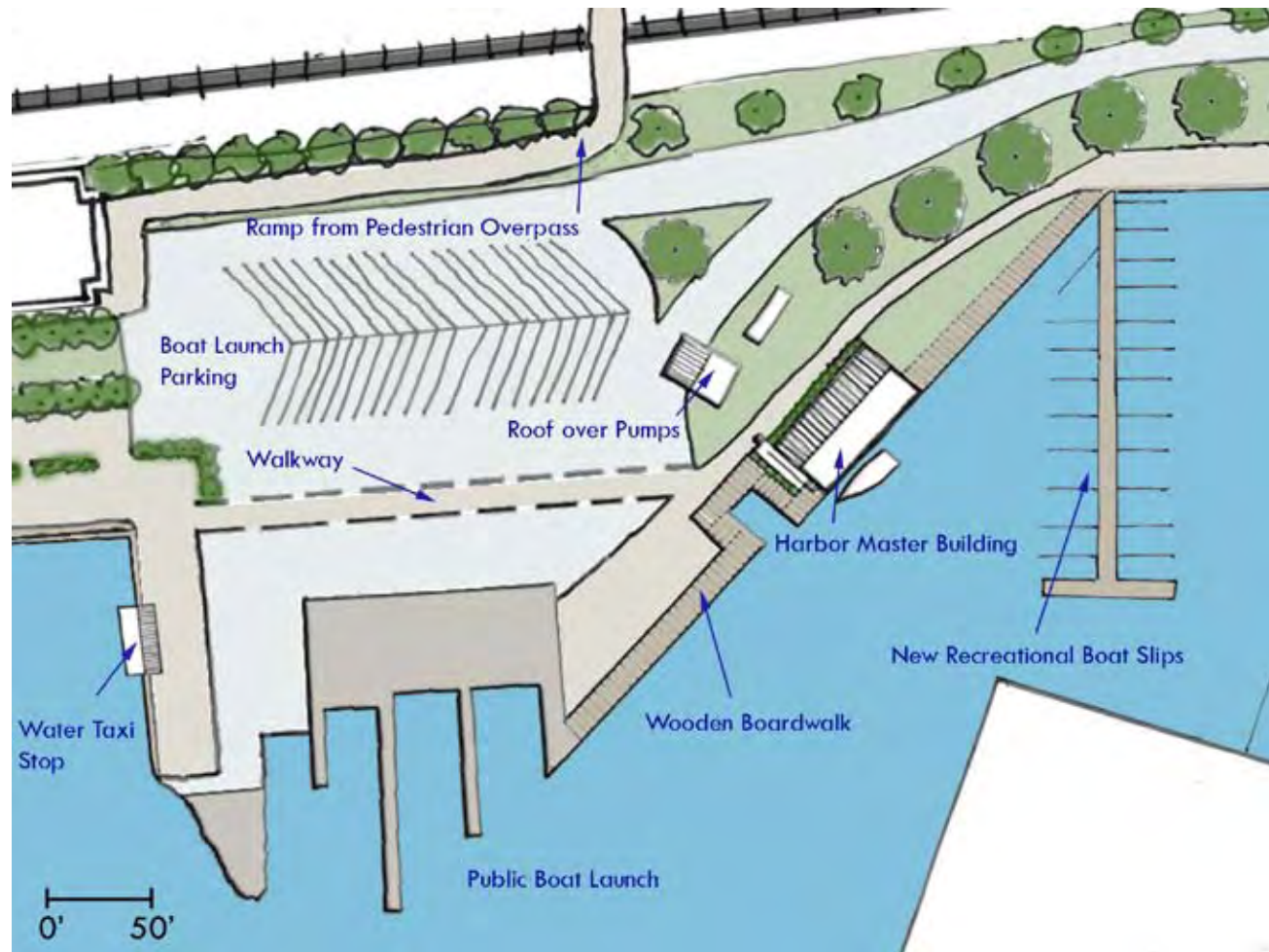
Corner of Mason and Bay - Existing



Lift Station axon



Corner of Mason and Bay - Enhanced

NORTH HARBOR AREA - Harbor Master Area Conceptual Plan

SOUTH HARBOR AREA - Illustrative Site Plan



The illustrative site plan for the South Harbor area includes a potential design concept for a portion of the working waterfront and commercial docks at the south end of the harbor. It also includes a portion of the adjacent private development site, and suggests one potential way of developing this site in accord with the design principles for the whole district.

The site plan for this area includes a number of specific design features that could potentially be incorporated into new development of the area:

1. A public working waterfront and plaza that combines a multitude of uses and amenities at the water's edge.
2. A multi-purpose building that could house uses such as fish market, boater amenities, bathrooms, supplies and fuel for commercial boatmen.
3. A site for a waterfront restaurant or other commercial use with adjacent parking.
4. Sites for water-related artifacts or public art to be displayed on the waterfront.
5. A public promenade along the entire water's edge.
6. A plaza and mixed residential development on the private development site that incorporates a naturalized waterfront with a hardscaped urban waterfront – also shown are conversion of the existing drainage way into an urban canal and water feature, and the continuation of the historic street grid from the historic Town to the north.

NEW CIVIC AREA - Illustrative Site Plan



The final illustrative site plan shows a potential new civic complex and related commercial development at the southeast end of the project area. This area is centered on the existing historic Rosenwald School – the former Cape Charles Elementary School. It incorporates the existing school building into a new civic complex that could include a core of public uses such as public library or offices. Outside this core, new private development is shown to create a campus-style setting of compatibly designed buildings that could provide a focus for major new office and related uses in the Town.

This site plan includes key design features such as,

1. Restoration of the Rosenwald school and adaptive reuse into a civic use such as community center, library, etc.
2. Development of other civic or related public buildings, such as town or County office uses
3. Preservation of a campus “green” as an organizing element on the site and an opportunity for public use and enjoyment of open space on the site.
4. Small scale employment-use buildings, such as attorney’s offices, office services and small retail uses to complement the civic functions on-site
5. Architectural design that combines all the buildings into generally compatible scales and forms, with a design expression that is also compatible with the historic portion of Cape Charles.



II. DESIGN GUIDELINES

The first section includes a general Vision for the Harbor Area and “Overall Design Principles.” These are some basic guiding standards that should be reflected in all new development activity in the Harbor area. Following this are specific guidelines for the various design elements of typical new development and redevelopment. The standards are illustrated with diagrams that show “typical” development” – variations from the typical situation are inevitable and should be interpreted within the overall spirit of these guidelines.



DESIGN PRINCIPLES

VISION

The vision of the Cape Charles Harbor Area is to provide a vibrant working waterfront that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. The vision for future development and revitalization in the Harbor Area is that it is architecturally and visually compatible with the Town's historic built fabric and design character, while still reflecting the best contemporary design and development practices.

OVERALL DESIGN PRINCIPLES

The Cape Charles Harbor Area should provide an opportunity for revitalization into a mixed-use environment that recognizes its maritime and rail economic importance, its unique situation adjacent to the historic core of Cape Charles and its adjacent residential, business, recreational and open space uses.

The purpose of this revitalization should be to:

- Support the existing harbor and railroad uses and weave them into a mixed working waterfront district with compatible new development and redevelopment that provides economic benefit to the Town.
- Encourage mixed-use development, including resort and tourism-related retail, waterfront industrial and employment, and associated residences; at a design character and scale that is compatible with existing surrounding uses and Cape Charles' architectural heritage.
- Establish strong visual and physical (vehicular and pedestrian) connections to the historic core of Cape



Diversity of architectural styles in the historic core

Charles and the surrounding areas such as the Mason Avenue commercial corridor.

- Provide vehicular and pedestrian circulation that ties the district together internally and with surrounding areas and recognizes the unique historic and waterfront environment of the site.
- Encourage public access and views to the waterfront for the citizens of Cape Charles.
- Provide opportunities that encourage visitors and tourists to experience the Harbor Area in particular - and Cape Charles as a whole - as a unique recreational, cultural and historic environment.
- Ensure orderly development in the Harbor Area that will enhance the revitalization of the town as a whole and augment the economic well being of the Town and its citizens.
- Conserve any remaining valuable natural elements in the area through a strategy of protection, conservation and appropriate land management.
- Create a positive image for the Harbor Area that will stimulate private and public investment within the area.
- Incorporate comprehensive approaches to resource conservation, wise use of renewable resources, and ecologically-based design in the development of the Harbor Area.

DESIGN + DEVELOPMENT STANDARDS

CIRCULATION



1. Roadway networks shall be designed in a rectilinear or "grid" system of blocks that is compatible with the block and neighborhood pattern of the historic core of the Town.
2. Road design should incorporate features that calm traffic and maintain slow vehicle speeds as in the Town's historic core
3. Travelway design should minimize the use of impervious paving surfaces, as well as minimize the width of streets, parking areas, and generally control speeds.



4. Pedestrian walkways or sidewalks of at least 4 feet in width are encouraged along all roadways in the district. All pedestrian walkways and sidewalks shall be separated from roadways by landscaped areas or curbs, where possible.

5. All roadway edges shall be planted with street trees, according to the approved Town landscape plan, if available at the time of development. If a landscape plan is not available, street trees shall be Red Maple, Sycamore, Willow

Oak, or similar hardy and salt-tolerant tree species, a minimum of 4 inch caliper and planted with spacing of at least fifty feet along roadway edges.

Note: The design and construction of public streets need to comply with the Town's ordinances and VDOT Technical Standards.

INTERMODAL TRANSPORTATION

1. The Harbor Area forms a crucial hub for a wide range of transportation modes, including passenger vessels, private boats, Coast Guard vessels, cars, excursion craft (rail, boat, and trolley), golf carts, bicycles, pedestrians, roller-bladers, trucks, etc. The function of this area as an intermodal transportation center must be considered in every building and infrastructure element, to facilitate integration and coordination of the various current and potential future modes of transportation.



2. Encourage walking and biking as a convenient, healthy, and efficient mode of transportation through the use of safe and attractive bikeways and walkways.



3. Minimize reliance on private auto transportation in getting to the site and in circulation within the site, and encourage light rail, shuttle bus, ferry or other communal transportation systems as an alternative to reliance on private cars.

Example of new uses that encourage intermodal transportation

PUBLIC ACCESS AND WATERFRONT WALKWAYS

1. The extent and nature of public access to the water's edge will depend upon the scale and character of the marine use on the water; but access should be provided in the most generous and integrated way that is compatible with the function of the maritime activity.
2. Interest in water access for active and passive purposes is widespread and should be accommodated to the maximum extent possible. Large facilities should present visitation and viewing opportunities for residents, visitors, and the traveling public as allowed by security requirements. Small facilities should be developed to give visitors, Town residents, and County residents access to the water's edge for boating opportunities, tie-up for private boats, boating education, and fishing opportunities to maintain the connection of Cape Charles with its maritime heritage.



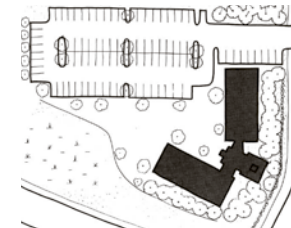
3. Incorporate a waterfront walkway within a 30-foot public access easement for the full length of the shoreline, wherever possible. Where existing uses may encroach upon this walkway, ensure provision of continuous pedestrian circulation as near to the waterfront as possible.



4. The walkway should be of durable materials, either wooden or recycled plastic boardwalk, or brick, decorative pavers or similar surface to provide a permanent, all-weather and permeable surface for pedestrians and non-auto vehicles alike.

PARKING

1. On-street parking shall be encouraged and planned for in the roadway design to increase the number of parking spaces in the district and also encourage lower vehicle speeds.
2. The total parking count for a site should be adequate for the uses served, and should follow Town ordinances. Shared parking arrangements are encouraged.
3. Off-street parking should be provided for each site, but may be provided off-site within a reasonable walking distance; and shall, in all cases, incorporate appropriate landscape features to break up the expanse of pavement.
4. All parking and service areas should be as unobtrusive as possible and in as park-like a setting as possible. Generous use of landscaping and screening should be used to lessen the visual impact of parking areas and increase pervious areas.
5. Pervious paving and materials should be used for parking areas, bikeways and walkways wherever feasible.
6. Individual buildings within a block should have shared parking and access to public roads, where possible, in order to minimize paving and access drives.
7. If Parking Structures are used, they should be compatible with adjacent uses and architecture in form, bulk, massing, articulation, and materials. The design of above-grade parking structures should create a visually attractive and active pedestrian environment by incorporating retail, commercial, and residential uses along all public streets.



Example of surface parking screened from view of roadways



Example of on-street parking with landscape buffers

UTILITIES

1. Overhead utilities should be avoided within the Harbor Area.

RAIL YARDS

1. The railroad and Rail Yard could add a dynamic intermodal element to Cape Charles' transportation system if integrated with the surrounding streets, sidewalks, trails and private development. Consideration of potential commuter rail or rail trolley connections should be incorporated into the design of adjacent public and private development.
2. At-grade crossings of the Rail Yards should be designed so that they are safe, well marked and accessible to both vehicular and non-vehicular traffic where feasible within the functional requirements of the railroad.



Note: Designers need to recognize State and Federal regulations regarding design of rail right of ways and lines.

Rail Trolley

BERTHING AND MARINA USES

1. Berthing opportunities for both large and small vessels exist along Cape Charles' Harbor Area. The available water depth creates a functional transition in the scale of vessels that can be berthed, which translates to a variation in the scale of upland support facilities, the nature of use and access, and the associated intensity of use impacts.
2. The commercial docks at the south end of the Harbor serve industrial users such as Bayshore Concrete, as well as working watermen in the community. This area is a valuable resource and should be kept open to commercial and deep water berthing opportunities. Development within this berthing area, and the upland adjacent to the water's edge, should promote and foster the utilization of the deep-water resource.

3. The north end of the Harbor is appropriate for smaller vessel berthing and recreational and tourist activities oriented to small and medium sized boats. Development in these areas should continue to serve pleasure boats and working watermen's vessels.



4. Streets serving proposed marina, boat dock or passenger terminal uses should be a seamless extension of existing streets in the Harbor Area and should be constructed in compliance with these guidelines.

5. Built infrastructure constructed solely for the use of boating and marine uses should be integrated with the public street and pedestrian network and designed to meet the overall design character and visual appearance of improvements in the Harbor Area.



Example of compatible waterfront uses and architectural character from St. Michael's, MD

6. There are locations, specifically in the marine support areas, where development may have difficulty adhering to the building guidelines section herein. Marine-dependent structures should be allowed to reflect their intended uses through the use of practical materials and straightforward design. Outbuildings, sheds and temporary marine-use structures should be sited and designed to minimize negative visual impacts. Through use of building placement, incorporation of design details, and use of landscaping and screening, designers should look for economical solutions to provide utilitarian marine structures with visual interest and character befitting their use.

URBAN DESIGN & BUILT FORM

1. Urban design guidelines for buildings in the Harbor Area encourage architecture that enhances the development of a mixed-use and marine center, and is compatible with the surrounding neighborhoods of the Town. New construction should respect the historic character of Cape Charles, while representing the best elements of contemporary design.
2. New buildings should be designed in response to their context and should be compatible with surrounding neighborhoods. Broadly stated, compatibility refers to the recognition of existing development patterns and characteristics, and responsiveness in new building design that respects these established patterns. The placement, height, massing, proportion, articulation, and materials of new structures should encourage a vision that supports the idea that the Harbor Area develop into an extension of the adjacent historic Town while establishing its own identity as a new waterfront district.
3. Structures and improvements on the site should generally be clustered and compactly designed to allow for minimal disturbance and extensive open space and public areas, and to prevent a sprawl pattern that is incompatible with the historic character of the Town.
4. The traditional gridded layout of streets in the Harbor Area should be reinforced through the placement and design of buildings, travelways, and landscape elements.
5. Building edges should be set similar to the currently zoned C-1 section on Mason Avenue to create a more orderly pattern of buildings and develop an urban “main street” character.
6. Development along new or existing public streets should foster a walkable and enjoyable pedestrian environment. New development should avoid large expanses of blank walls, should provide frequent street level entries, and should provide sidewalk amenities such as street furniture and lighting that encourage year-round pedestrian use.



7. Buildings sited along Mason Avenue, in particular should utilize traditional storefront design principles along the ground floor, and provide engaging displays and clear glazing to enhance the pedestrian experience.
8. Open spaces near buildings should be designed to be pedestrian-friendly. Use of outdoor benches, trails, and other pedestrian and biking amenities is encouraged.

GENERAL ARCHITECTURE

1. No particular style of architecture is mandated. However, the architectural style of buildings in the project should use forms and materials that are reflective of the existing traditional residential, commercial and industrial buildings in the Town of Cape Charles.
2. Energy-conserving technology such as operable windows, roof vents, overhangs, and other energy-efficient and architecturally-compatible design solutions are encouraged, provided that they are designed to be compatible with the overall architectural character when possible.
3. Buildings, recreation/education areas and facilities should provide equal access to people of all abilities.



Examples of architecture that “respects historic character while representing the best elements of contemporary design”

BUILDING COMPOSITION

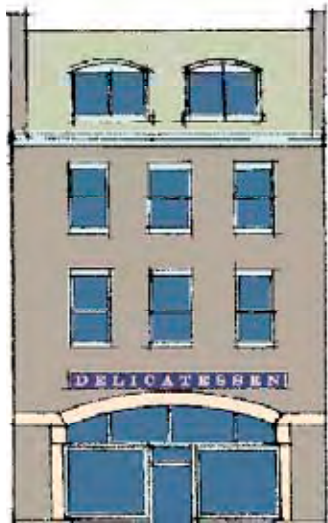
The combination of design elements will determine the character of new buildings and neighborhoods. While specific solutions for any given setting cannot be anticipated in a single set of guidelines, the following building characteristics can be used to guide visual compatibility of new development.

Placement

- In general, buildings should be placed close to the sidewalk edge with their primary entrances oriented to the street.

Height

- Building heights should be compatible with surrounding development and neighborhoods. These Guidelines recommend that any future rezoning process for the Harbor Area should be preceded by a building height analysis that takes into account compatibility with adjacent uses and the historic core of the Town.



Example of a new mixed commercial building with light industrial/workshop use combined with offices above

NOTE: Building Height, coverage and open space requirements are determined by the Town Zoning District and Zoning Map – consult these documents to reference the permitted standards for any property in the Harbor Area.



Example of a new mixed residential use with retail below and residential lofts above.

Massing

- The massing of new development should be compatible with the existing development found in the surrounding neighborhoods. Cape Charles is characterized by human scaled architecture that complements a pleasant pedestrian environment. New development in the Harbor Area should avoid large monolithic massing along all street frontages. Where new structures are larger than buildings characteristically found in Cape Charles, horizontal and vertical variation should be used to break large expanses of building into components that are in scale with the context to which they most closely relate

Proportion

- The façade proportions used in new development should be compatible with the existing development found in Cape Charles. While some buildings in the Town project a predominantly vertical or horizontal orientation, most use architectural details, storefront design, window openings, and roof shapes to balance the proportions of facades into pleasant and cohesive compositions. In smaller in-fill development, proportions of features such as windows, entryways, and storefronts should be designed to achieve compatibility with abutting structures and surrounding development.



Example of compatible multi-story mixed use building - note facade broken up into "shop fronts" to emulate typical Main Street character

Articulation

- Traditional arrangement of façade components into base, middle, and top composition can be used to achieve compatibility and continuity within the surrounding architectural context. Additionally, projecting bays, recessed balconies, and roof shape variation can be judiciously utilized to provide interest, individuality, and appropriate scale to new development.

Materials

- Materials used in new development should reflect the historic character of Cape Charles. A straightforward use of natural and traditional building materials is encouraged. Brick, stone, cast concrete, wood, and glass will achieve the greatest level of compatibility with the surrounding area and will best stand the test of time: in terms of both changing community tastes and withstanding the maritime climate of the waterfront.



"The façade proportions used in new development should be compatible with the existing development found in Cape Charles. While some buildings in the Town project a predominantly vertical or horizontal orientation, most use architectural details, storefront design, window openings, and roof shapes to balance the proportions of facades into pleasant and cohesive compositions"



In smaller in-fill development, proportions of features such as windows, entryways, and storefronts should be designed to achieve compatibility with abutting structures and surrounding development

HISTORIC STRUCTURES

- Historically and architecturally significant structures and sites should be inventoried and protected from demolition and carefully rehabilitated in a way that is consistent with their original architectural intent.
- New additions to historically significant buildings should be designed for compatibility with the original structure in size, composition and material and should result in the minimum necessary loss of original architectural material.
- Sites of historic interest should be appropriately commemorated and marked with signage and public art. Specific emphasis should be paid to the maritime and transportation heritage of the Harbor Area.

Note: The Mason Avenue area is located in the Town's Historic District and is subject to the Town's Historic District Overlay.



Example of large multi-purpose industrial buildings with a traditional working waterfront architectural style and relationship to the water



Example of new working waterfront industrial building that is compatible with the traditional architectural character of Cape Charles

VIEW CORRIDORS

1. Cape Charles' relationship to the water is an important part of its unique character and identity. Views of the harbor are a community resource to be protected.
2. Views to the water should be preserved from critical public vantage points. Private views to the water should be respected where possible. Massing and placement of buildings should be designed to minimize impacts on water views and retain value for upland development potential.
3. Street corridor placement and design should provide for views to and from the water, as well as for civic buildings and permanent installations of public art in key focal point locations.



Note: Please refer to the Conceptual Master Plan for more specific areas and options for view protection.

"Views to the water should be preserved from critical public vantage points. Private views to the water should be respected where possible"



Example of hotel architecture compatible with traditional working waterfront forms and massing

RESOURCE MANAGEMENT

1. Where possible, water quality should be maintained and enhanced through natural means, by gradual infiltration and controlled runoff through vegetated areas.
2. Design systems and landscapes that promote water conservation. The use of gray water systems, rainwater collection, and water-conserving industrial processes is strongly encouraged.
3. Design environmentally sound systems for stormwater and greywater collection, pollution removal and storage.
4. Roof drainage should be captured in rainwater cisterns to be used for irrigation or distributed and allowed to infiltrate slowly into groundwater where feasible.
5. Runoff from parking areas and industrial yards should be pre-treated when feasible to remove pollutants before discharge to perimeter water management systems.
6. The utilization of local and regional resources in the acquisition of raw materials is strongly encouraged.
7. Use of building, landscaping, road construction, and other products made from recycled materials is strongly encouraged.

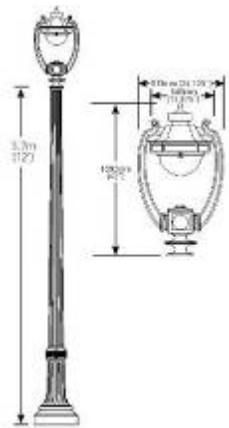


Traditional waterfront walkway improvements

Traditional working waterfront building compositions

LIGHTING

1. Lighting shall comply with “Dark Sky” principles, and be low voltage or other high-efficiency types wherever feasible, in order to reduce light pollution into adjacent areas, and disruption of wildlife habitats in the vicinity.
2. Site and building lighting should be adequate to provide for safety and functional needs. Additional lighting used as decorative elements is discouraged, except if it is restrained and fits with the overall small town character and “dark sky” principles in the Town



Examples of light fixtures that are compatible with the historical era of old Cape Charles

3. Lighting for all areas, including the boat marina and private security lighting, should be as unobtrusive as possible, and meet all Town Standards for intensity, glare, and spillover. Special attention should be paid to avoid navigational hazards created by excessive glare in the harbor.

4. Retain existing vegetation, particularly trees, where feasible and reforest or landscape open areas of the site.
5. New plantings and landscaped areas in the project should use native species and species that have minimal irrigation and maintenance requirements to the greatest extent possible. Lawns and other high-maintenance, water-dependent landscape elements should be minimized and used only as functional recreation areas.
6. Landscaping for solar and wind screening and energy efficiency is encouraged.



Civic spaces and monuments that reinforce maritime themes and local history



“New plantings and landscaped areas in the project should use native species and species that have minimal irrigation and maintenance requirements to the greatest extent possible”

OPEN SPACE & LANDSCAPE

1. Arrange site elements to protect and enhance special land characteristics, natural features, rare or endangered species areas, archaeological sites, and other unusual natural or man-made site characteristics.
2. Design for harmonious visual impact. Protect views and viewsheds within the site and beyond the site to the Town, water, and natural areas.
3. Where feasible, restore and enhance currently damaged or degraded landscapes and wildlife habitats creating new natural areas and wetlands on the site.

STREET FURNITURE AND AMENITIES

1. Design details for such features as lighting, paving, bollards, benches, pavilions, or other amenities should be carefully selected to reflect the maritime heritage and current maritime use of the area.
2. Such features should be coordinated as much as possible between public and private improvements. The quality and durability of these amenities should be of the highest standards, and of timeless aesthetic character to withstand many years of use.

SIGNAGE

1. Work with the Town of Cape Charles to provide interpretive signage at appropriate locations along the walkway or in public spaces.
2. Ensure that the overall signage motif is compatible with that established in the Town and throughout the Harbor Area.



Compatible street furniture and amenities



Example of compatible franchise signage (Freeport Maine)

Cape Charles

Harbor Area Design Standards

STANDARDS PREPARED BY

H&A
hankins & anderson
ARCHITECTS & ENGINEERS
[FORMERLY **CMSS**ARCHITECTS]

06.06.2010

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Fourth Draft Edition

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INTRODUCTION

The Central Harbor District of the town of Cape Charles is to be developed as a high-quality, pedestrian-oriented, mixed-use environment. When developed, the central Cape Charles harbor district will form the heart of the newly expanded Town of Cape Charles. Towards the northern edge of the harbor district, adjacent to the historic town of Cape Charles, will be a transitional zone, linking the historic town together with the new Central Harbor Mixed-Use District and Central Harbor Waterfront District. This newly expanded community, weaving together a variety of uses and architectural imagery, will provide Cape Charles with places for both the routine aspects of everyday life and the occasional, grand, celebratory public events of civic display.

The streets and blocks of Cape Charles form an easy, comprehensible network for the organization of public life. Frequent intersections provided by a gridded street pattern offer the public numerous options and alternative routes, creating the basis for easy and efficient communication throughout the district. The existing streets are narrower, slowing vehicular traffic, and, consequently, more pedestrian-friendly. While designed to accommodate vehicular movement, they are detailed to encourage pedestrian usage.





An environment rich in features and activities brings residents and visitors to its streets.



Sidewalks are the framework for successful urban areas; they are the lifeblood of the community. They are to be provided with appropriate street trees and, potentially, lighting, seating, and other street furniture in commercial areas. These elements both buffer the pedestrian from vehicular traffic and enrich the public walk. The sidewalks will be regularly inhabited with pedestrians as they traverse to places of business, nearby shops, restaurants, and entertainment venues in the course of their daily lives. Sidewalk cafés can further enliven the pedestrian experience.

The architecture is to be designed to offer a variety of visual experience. Fronting on the public sidewalks, buildings will frame the street, with main entries accessed directly from the public way. At ground level, the base of buildings is to be finely detailed, offering visual interest, with continuous, active storefronts providing a constantly-changing, lively pedestrian environment.

Open spaces and landscaped areas will be linked together to create a network of public plazas, parks, and courtyards. Street trees and plants will typically buffer pedestrians from vehicular traffic, provide shade to pedestrians, and visually frame special points of interest. Amenities could include esplanades, gardens, pools and other water features, sculptures, and other items.

Signage throughout the district is to provide order and visual clarity. A variety of signage types, each appropriately scaled for its purpose and location, will contribute to the maintenance of a pleasant and harmonious environment. The placement, size, shape, material, color, and lighting for the signs will be coordinated to complement the overall character of the surrounding environs.

These Design Standards are intended to promote a rich and varied urban environment, encouraging the design of streets, streetscapes, buildings, landscaping, and signage to contribute to the development of an exciting urban lifestyle.

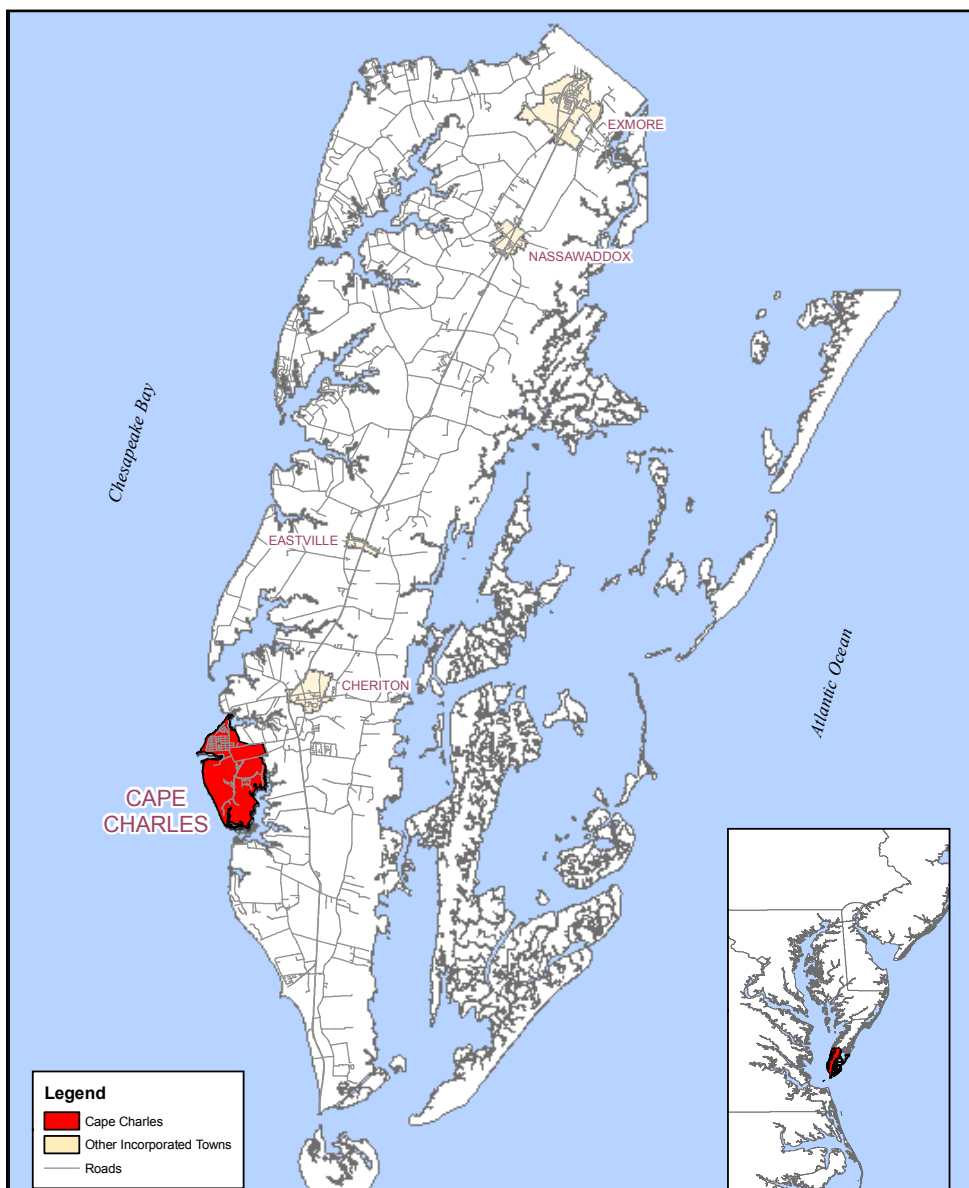
Aerial Photo of Project Area - The Central Harbor District



STREET DESIGN STANDARDS

I. LOCATION AND ACCESS

Cape Charles, Virginia is located at the western edge of the DelMarVa Peninsula (also referred to, generally, as the Eastern Shore), a strip of land extending south from the state of Delaware towards Virginia, with the Chesapeake Bay to the west and the Atlantic Ocean to the east. The central vehicular spine running north-south on this peninsula is US Route 13. The intersection of Route 13 and Stone Road Road Virginia is 55 miles north of Norfolk, Virginia. Stone Road leads 2 miles west to Cape Charles and the Chesapeake Bay.



Map created 5/25/07 by the Town of Cape Charles.



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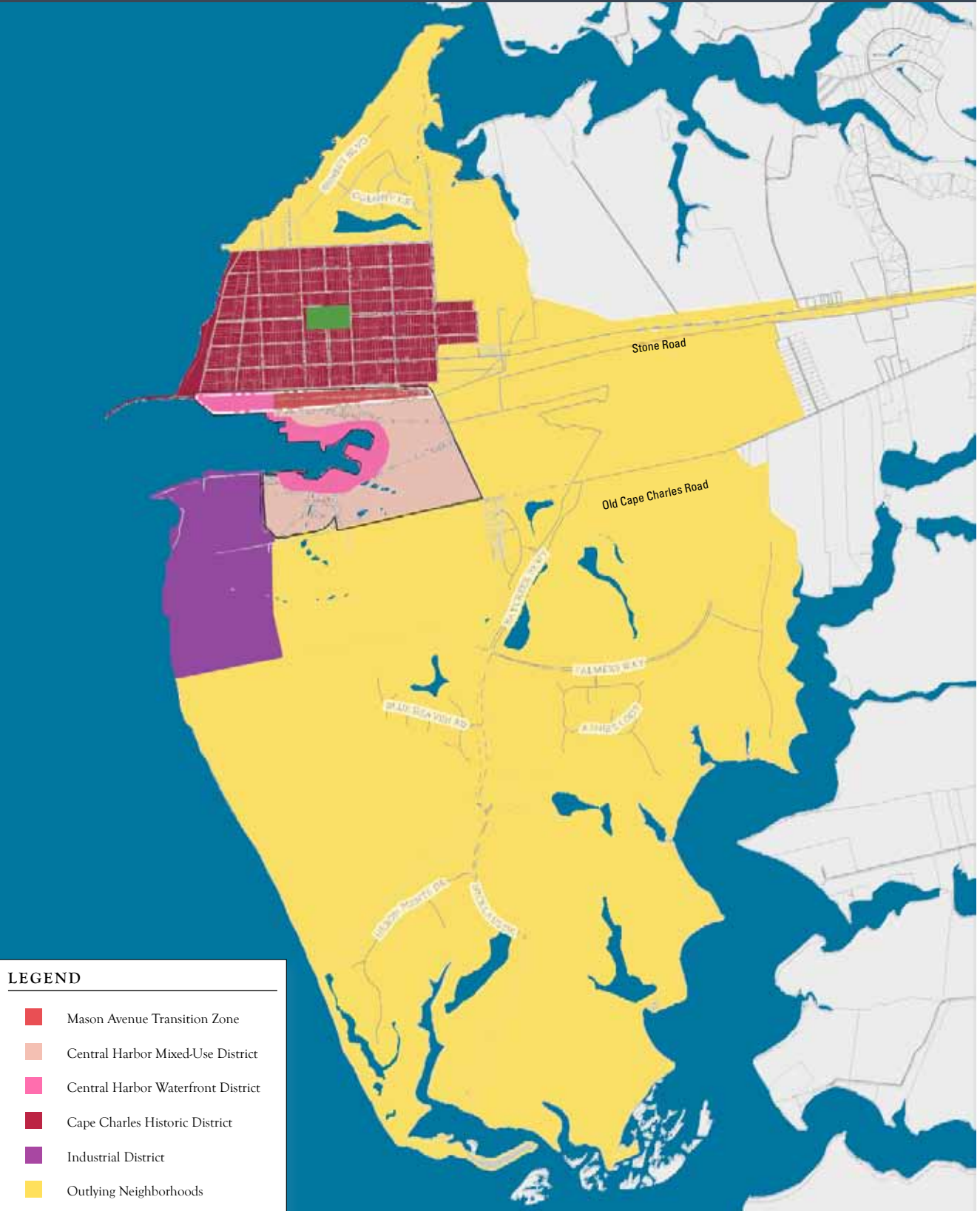
II. GENERAL LAYOUT

The historic town of Cape Charles was incorporated in 1886, consisting of 136 acres of land, formed of 7 east-west avenues and 6 north-south streets resulting in 45 street blocks of approximately 280'-0" by 560'-0". These street blocks are sub-divided into building lots of 40'-0" width by 140'-0" in depth. The central block is an open green space, a central town green.

In 1992, Cape Charles annexed land approximately four times the size of the original town to the north, east, and, south. This annexation enlarged the town of Cape Charles to consist of a number of residential districts encompassing both the historic Town and the Central Harbor districts.



Land Use Diagram



LEGEND

- Mason Avenue Transition Zone
- Central Harbor Mixed-Use District
- Central Harbor Waterfront District
- Cape Charles Historic District
- Industrial District
- Outlying Neighborhoods

III. STREETS AND BLOCKS

A. Existing Arterial and Collector Streets

Stone Road is two-lane road connecting with Route 13. US Route 13 is a four-lane divided highway, connecting to the north with Philadelphia, Pennsylvania and to the south with Virginia Beach and Norfolk.

B. New Streets

The new streets of the central harbor districts both extend the grid of streets of the historic district and wrap this organizational pattern around the Cape Charles Harbor. This will focus the new traffic patterns, both vehicular and pedestrian, on the harbor, the central feature of the newly re-developed Town of Cape Charles.

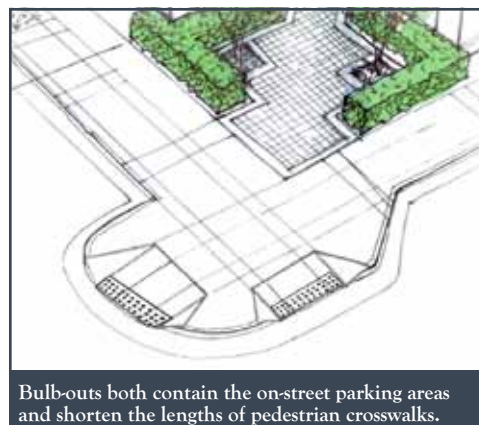
C. The street grid network

Collectively, these newly inserted streets in the central harbor districts form a radial pattern as they converge on the town harbor, and extend a variation of the original town grid throughout the other districts, to the east and south. These new streets form the nexus of the public domain; they provide the connective tissue for inhabitants, workers, and visitors alike, focusing civic life on the central harbor. Yet, in addition to gathering together the population along its network, the street system also serves to quickly and efficiently disperse traffic, providing options and alternative routes for traffic to flow in a multitude of directions.

IV. PARKING

A. On-Street Parking

On street parking is provided throughout the narrower connecting streets in Cape Charles. Turning radii at street intersections should be held to a maximum of 20'-0" to maintain necessary space for pedestrian activity on the corners and to allow sufficient space for buildings to front along the street. Turning radii may be further reduced, where appropriate. Bulb-outs, extensions of the sidewalk paving into the street at intersections, should be used to define the parking areas and to shorten the distance across streets making street crossings, shorter, safer, and more pedestrian-friendly.

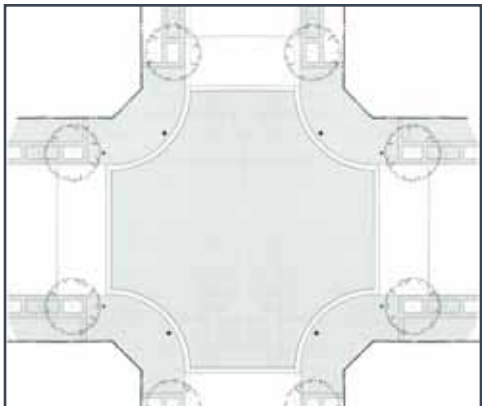


B. Off-Street Parking - Surface

The layout of parking lots, ingress and egress points should complement the overall design of the master plan. From a design viewpoint, major routes through the lot should be regarded as the equivalent of streets. In larger parking lots, these routes should be clearly demarcated from the parking fields within the lot, to establish and maintain a clearly recognizable, hierarchical movement system. The streetscape areas adjacent to these routes should be provided with pedestrian walks sufficient to accommodate the resulting pedestrian traffic.

C. Off-Street Parking - Structured

Depending on the overall density of the project, structured parking may be required to provide adequate spaces for the facility requirements. These structures should be conveniently located, and also serve to organize the locations of delivery, trash pickup, and loading areas. Developed as required, they should be dispersed throughout the property to provide for a maximum pedestrian travel distance of 1,200 feet from parking space to anticipated destination.



Paving patterns on the street should match or complement adjoining patterns on the sidewalk.

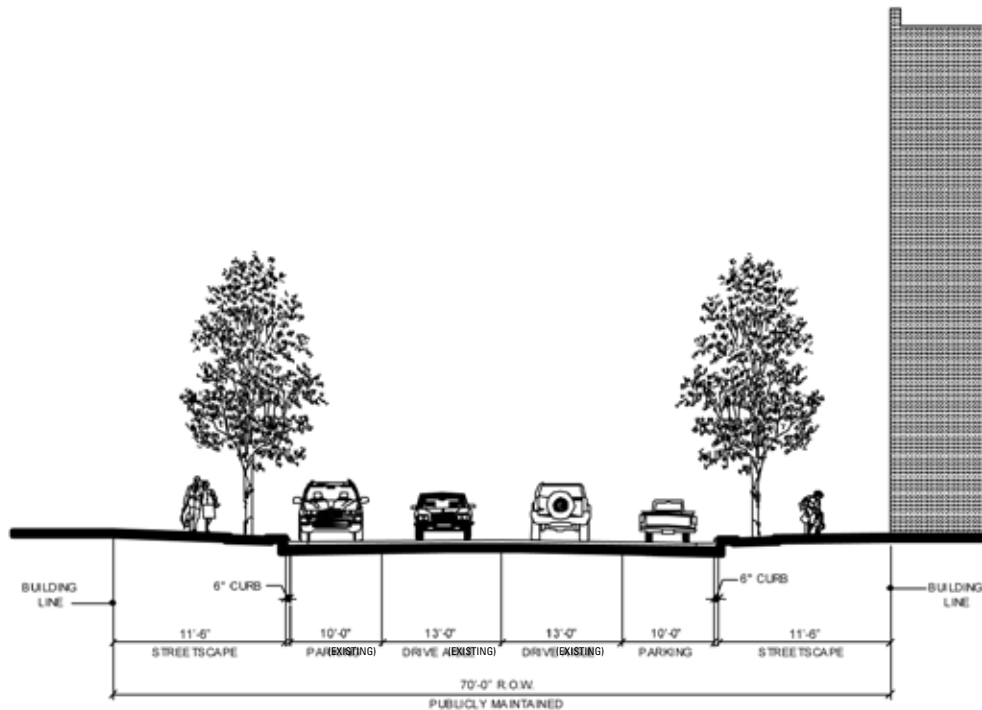
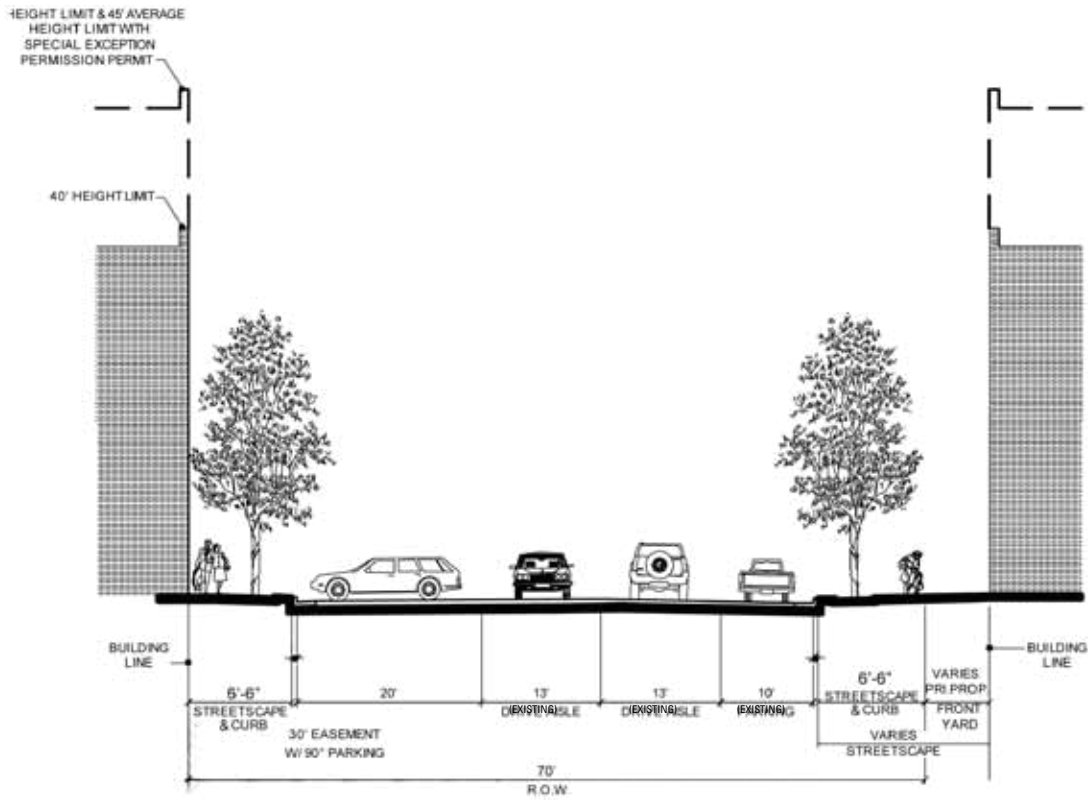
D. Shared Parking Facilities

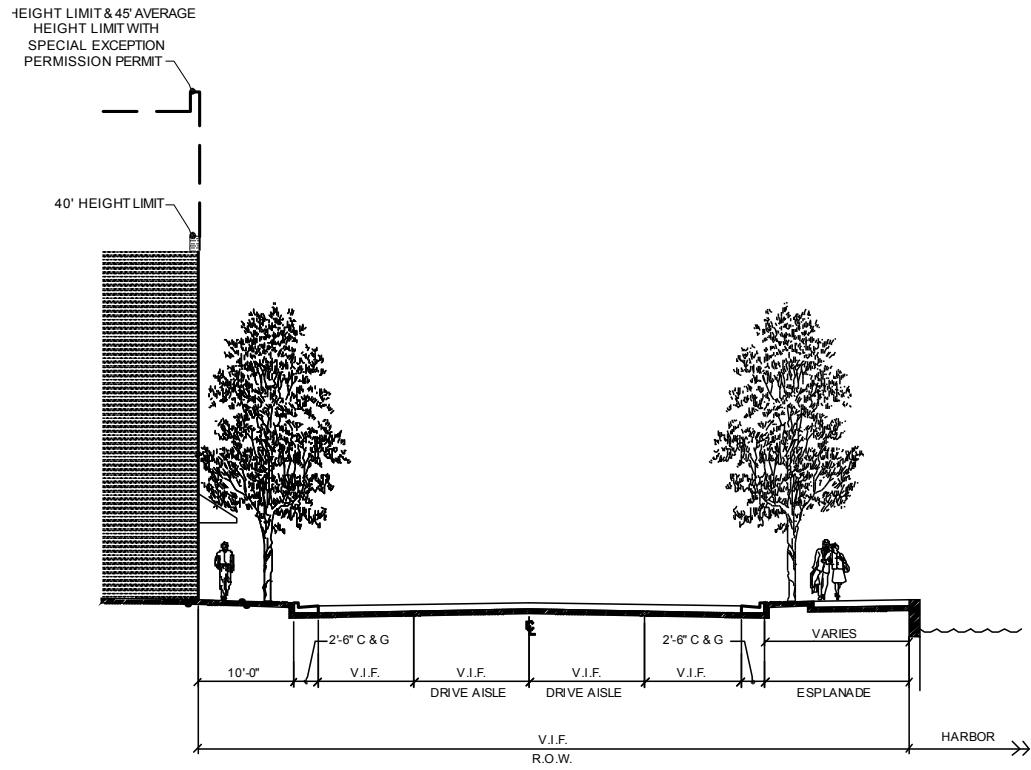
In a mixed-use development, parking facilities are used twenty-four hours a day, albeit with different users sharing the same facility at different times throughout the course of the diurnal cycle. During the day, parking structures serve area businesses and shoppers visiting retail operations while, at night, the structure provides parking for visitors to entertainment venues, and restaurants, as well as for area residents. Parking analyses should incorporate this shared usage into their calculations of required numbers of spaces for development. All parking facilities are to be ADA compliant.

V. CROSSWALKS AND SPECIAL PAVED AREAS

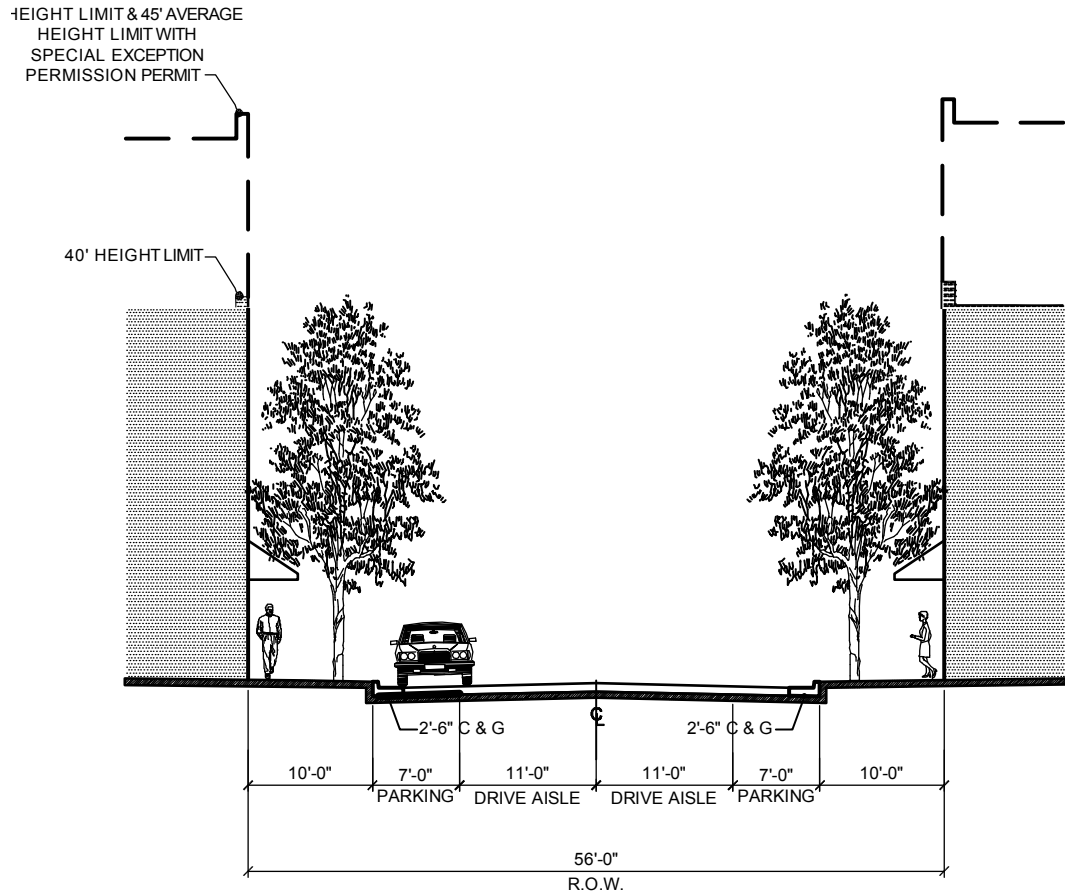
Crosswalks at intersections highlight the presence of the pedestrian in the street environment. Brick or stone patterns stretching across the street assert the extension of the pedestrian walk across the vehicular drive. Textured patterns slow traffic so that pedestrians can more easily and safely traverse the walk. At special intersections the entire roadbed may be raised up to the level of the public walk to allow for an uninterrupted field of paving throughout the intersection. In addition, specially designated streets may be paved with brick or stone patterns.

VI. STREET TYPES





*To be verified in field



VII. UTILITY SERVICE

A. Narrative

Utility services should be located under the sidewalk adjoining the curb where practical. This will provide a sidewalk clear of unsightly elements impinging upon the flow of pedestrian traffic while also maintaining a means of access to them.

This will also minimize the disruption to both pedestrian and vehicular flow during service and maintenance operations.

B. Standards

1. Stormwater lines should run parallel to the curb on one side of the street under the sidewalk. Sanitary and water lines shall run under the street.
2. All utility connections, including electrical, voice, data, and cable connections shall be made underground from the nearest available power source.
3. Electric, gas, or other meters should be placed at grade and hidden from public view. Utilities placed above ground should be concealed with landscaping, with fencing, or set within the architectural form.
4. Generators, transformers, chillers, and any other mechanical or electrical equipment should be screened from public view at grade level.
5. Security cameras and other equipment should be carefully organized and coordinated with the adjacent architecture.
6. Coordinate all landscaping with public utilities.



Consider "plant walls" as an alternative to street trees.

STREETSCAPE DESIGN STANDARDS

I. STREETSCAPES

A. Narrative

1. The success of a mixed-use district lies in the constant use of its sidewalks and the various pedestrian ways provided along its parks and through its plazas, and whenever possible, oriented towards the water views and waterfront. Promoting continuous pedestrian activity means designing the streetscape to encourage the ongoing opportunity for the interaction and exchange of people with each other and with the shop owners and service providers who own and operate the street level shops or the employers and employees who work in the office spaces above. A vibrant mixed-use district has many of the basic activities of daily life placed within walking distance of each other, and provides a continuous stream of walks and routes linking together the various elements of the neighborhood.

B. Standards

1. Provide the streetscape as a continuous space with a clear division of four (4) fundamental spatial zones: the building easement and maintenance zone, the clear movement zone, the street furniture zone, and the passenger curb transition zone. The typical layout of these zones within the overall streetscape is illustrated on the following page.



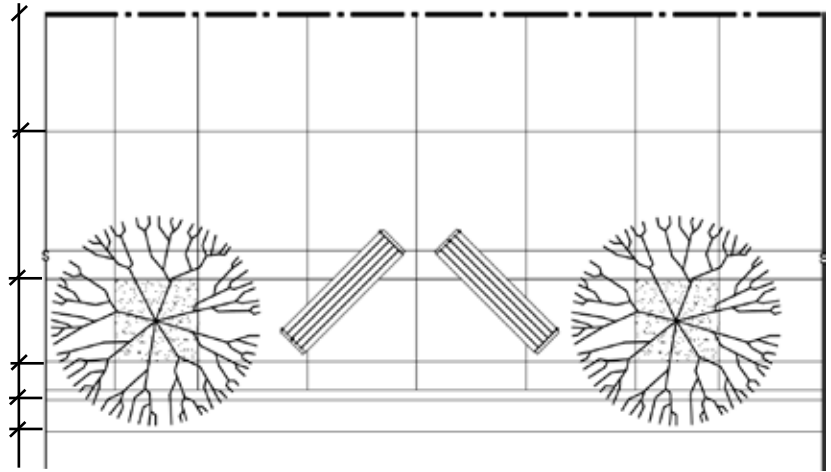
Building Maintenance Zone

Clear Movement Zone

Street Furniture Zone

Passenger Transition Zone

Curb and Gutter



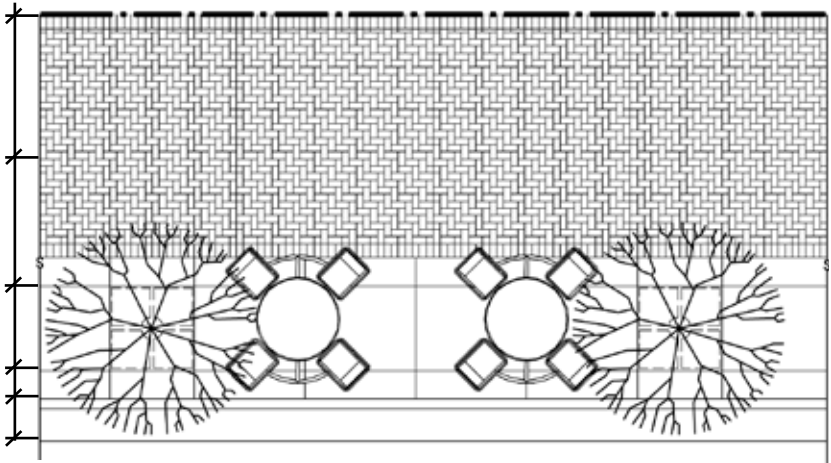
Building Maintenance Zone & Outdoor Dining

Clear Movement Zone

Street Furniture Zone

Passenger Transition Zone

Curb and Gutter



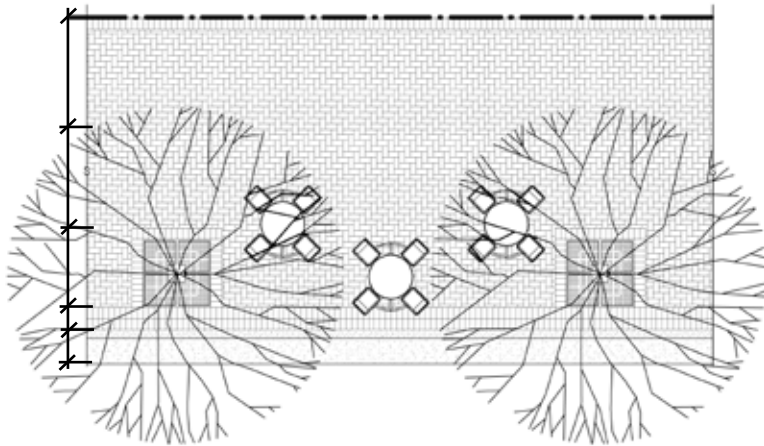
Building Maintenance Zone & Outdoor Dining

Clear Movement Zone

Street Furniture Zone

Passenger Transition Zone

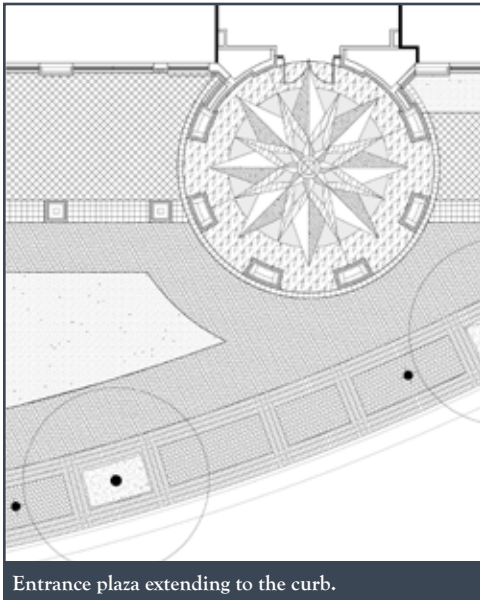
Curb and Gutter



2. The building easement and maintenance zone is the easement/encroachment area where private property owner elements may extend into the streetscape area. Through zoning regulations, the building easement and maintenance zone may be deemed an easement or an encroachment. Along mixed-use and commercial streets, building foundations typically project into this zone below grade, while transition elements (ramps, stairs, etc.) as well as decorative accoutrements (e.g., flower boxes) project into this zone above grade. Along residential streets, transitional elements such as porches and stoops, together with balconies and bay windows, typically project into this zone.
3. The clear movement zone is the minimum width of the pedestrian path that must remain open and unobstructed. In commercial areas, the minimum width should be 6'-0". Along residential streets, the width should be a minimum of 4'-0". For multipurpose paths (those which are intended for bicycles as well as pedestrians) the width should be a minimum of 8'-0". (See Section II, Pedestrian Ways.)
4. The street furniture zone typically contains many of the pedestrian-oriented amenities of the sidewalk. These include kiosks, directories, lighting, seating, flagpoles, banners, and waste receptacles. Street furniture zones are typically placed between the clear movement and the passenger transition zone. Street furniture elements should be visually coordinated, predictably distributed, and neatly displayed in an orderly manner. Street furniture may not project into the passenger transition zone.
5. As a standard, all street furniture zones should have street trees as their main component. If appropriate street trees cannot be accommodated, other landscaping should be provided. Tree grates and the reduction in tree well size required to accommodate a tree grate should only occur as the last option to retain trees along the street. If an alternate street tree area is not available, provide appropriate plantings for the available area. See the Landscape Design Standards for further information on street trees.



Spacing between tree wells and lampposts allows easy access to the sidewalk from cars dropping off passengers along the curb.



Entrance plaza extending to the curb.



Raised pedestrian plaza at center of retail/commercial street.

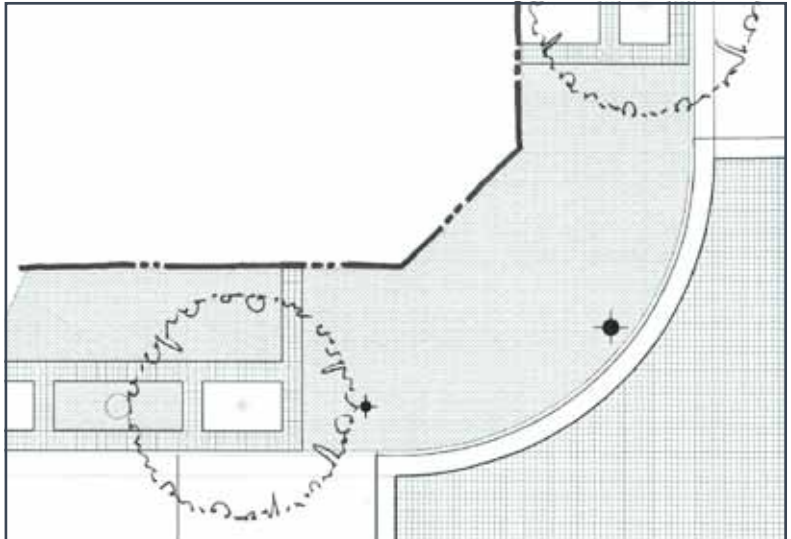
6. The passenger transition zone is the area directly behind the back of the curb allowing for passenger movement between the sidewalk and the automobile. It falls between the street furniture zone and the curb and is meant to give space to vehicular passengers getting in and out of automobiles within parallel parking spaces.
7. In general, providing the (4) fundamental zones of a streetscape may be accomplished with a variety of means. While the standard pattern may be typical, it is not intended to eliminate options and variations. Indeed, variations in streetscapes are certain and necessary, as different types of streets serve different purposes, requiring unique and individual design. A variety of options may be anticipated:
 - a. A street, or portion thereof, with the street furniture placed directly adjacent the building, in the building easement and maintenance zone. This may be expected in areas which have sidewalk cafes and/or outdoor dining, or when a building entry is set back from the street to accommodate an entry plaza.
 - b. A street, or portion thereof, with an arcade or colonnade providing covered passage along a portion of the sidewalk. This covered passage may extend out towards the sidewalk and occupy the street furniture zone.
 - c. A street, or portion thereof, with diagonal parking, street trees provided in tree islands along the block, street lighting provided from wall sconces affixed to the building, and a clear movement zone provided from the back of curb line to the building. This prototype is typically found in dense, commercial areas.
 - d. A street, or portion thereof, with a continuous landscaped verge, occupying the street furniture zone as well as the as the passenger transition zone.
 - e. A street, or portion thereof, along which the streetscape area may become an extension of a building entry plaza extending across all of the streetscape zones. This is typically found at the entrances to theatres, conference halls, hotels and other buildings with a high volume of public use.

In each case, however, while accommodating the variations required for a vibrant community life, the required clear movement zones must be maintained.

8. Finish patterns should emphasize the zones of the sidewalk, and should particularly distinguish the edge of the streetscape as it adjoins the street, visually marking this area of transition.
9. Finished surfaces of sidewalks should be of brick, concrete or stone, or an appropriate combination of these materials. The clear movement zone should consist mostly of slip-resistant surfaces and textures. Various methods of finishing concrete provide for slip-resistant surfaces. Compliance with the current ADA Standards for sidewalks and crosswalks is required throughout the district.
10. At special intersections and as an optional design, sidewalk street corners may be laid as an uninterrupted field of brick in a herringbone pattern. The finish materials and pattern of the sidewalk should be maintained through the area of the curb ramp. The use of “two curb ramp crosswalks” is encouraged to provide for a safer pedestrian environment.
11. At service entry drives which cross a sidewalk or other pedestrian path, the paving material should continue across the drive to reinforce the clear movement zone and highlight the pedestrian way. However, a distinguishing band of material should clearly highlight the edge of the drive, visually demarking the transition from the sidewalk to the crossing driveway. The apron of these entry drives would typically be concrete.
12. Where possible, texture concrete walks to mimic textured concrete sidewalks existing within Cape Charles.



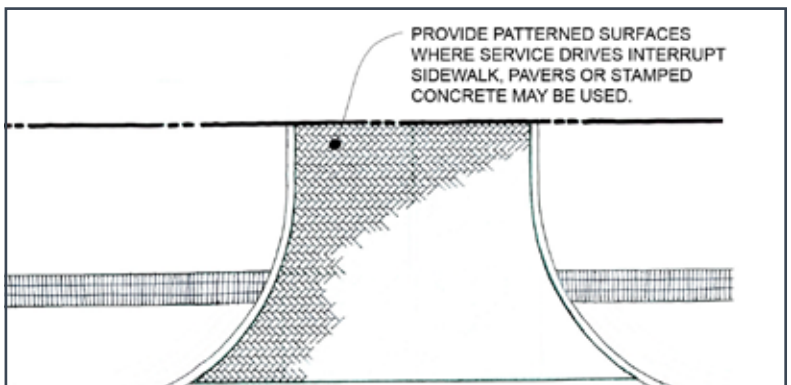
Changes in the sidewalk pattern may highlight the base of a building and its arcade columns, the turn of a corner, and the principal building entrances.



An optional paving finish material at sidewalk corners is an uninterrupted field of brick arranged in a herringbone pattern.



Example of driveway aprons. Note: Federal standards require the use of truncated dome-type warning systems. Granite warning strips are preferred.



Driveway aprons should interrupt the clear movement zone of the sidewalk and should extend to the building frontage line.

II. PEDESTRIAN WAYS

A. Standards

1. Pedestrian ways through parks and plazas should orient the pedestrian to significant destinations, while connecting to other public ways. Pedestrian ways shall comply with the current ADA Standards.
2. Along pedestrian ways, recesses resulting from building setbacks along the sidewalk should be enhanced as special urban places. These recesses may become pocket plazas, landscaped gardens, or seating areas.
3. Pedestrian paths or trails, bicycle trails, and multi-purpose pathways through parks, landscaped or natural areas should be a minimum of 10'-0" wide.
4. The surface of bicycle/recreational trails through parks and landscaped or natural areas must be both smooth and durable. Acceptable materials may include concrete, asphaltic pavers, or wood planking.
5. Pedestrian pathways and trails that extend through parks and landscaped or natural areas should be provided with seating and lighting along walkways and at places of interest. Provide openings to views along pedestrian ways, with seating areas at the viewing points. Provide pedestrian scale lighting sufficient to illuminate the walkway and any seating areas.



Pedestrian ways should frame significant views at either end, orienting the pedestrian to destination point.



An arcade can provide welcome cover to the pedestrian on hot sunny dates, as well as enhance the view from the street.



Arcades over the sidewalk should maintain a clear movement zone of at least 6 feet.

III. ARCADES/COLONNADES

A. Standards

1. Arcades/colonnades may be extended over sidewalks as a shading alternative to street trees. If proposed, the required clear movement zone must be maintained. Yet, the necessity of a clear movement zone should not prohibit the leasing of space within the arcade/colonnade.
2. The interiors of arcades should be adequately lit to provide the pedestrian with a continued sense of security and safety. The lighting from decorative fixtures attached to the building may be used to supplant street lighting if it is supplied in sufficient quantity. Similarly, planters and other landscaping may be use to supplant the street trees.

IV. OUTDOOR PLAZAS

A. Standards

1. Outdoor plazas may be located to highlight a main entrance to a major building or to provide a series of outdoor spaces to accommodate pedestrians. Typically, plazas are pedestrian-oriented open spaces with decorative paving, lighting, and additional street furniture. Plazas may include sculpture, fountains, and/or additional landscaping.
2. Outdoor plazas should not restrict or in any way interfere with the clear movement zone of the sidewalk. Plaza paving patterns, however, should be able to extend into the sidewalk area upon approval of the regulating authority.
3. Provide durable surface finishes for plaza paving. The materials selected, colors, patterns, and finishes should coordinate with the adjoining architecture.



Plazas should not disrupt pedestrian passage in the clear movement zone of the sidewalk.



Plazas may work as their own sculptural contribution to the urban landscape while still fitting into the context.

V. OUTDOOR LIGHTING

A. Narrative

1. Lighting extends the use of a district beyond the daylight hours and into the evening, providing for the continued use of the streets and public spaces throughout the diurnal cycle. Lighting provides a sense of security and safety for the pedestrian, giving a sense of continuous habitation and oversight. This makes it a prerequisite to consistent pedestrian activity throughout the evening hours. A well-lit environment establishes the basis for the vitality of evening activities promoting public attendance, whether they are theatrical performances, concerts, dining, or late-night shopping. Lighting reactivates urban spaces for evening use, and allows the district to be a nighttime destination point. The adequacy of outdoor lighting is vital to securing the ongoing vibrancy of a mixed-use district. Street lighting practices which minimize the use of energy and reduce glare are encouraged.

B. Standards

1. Provide lighting for the pedestrian along the street at the sidewalk, within plazas, and along pedestrian ways and access routes within parks, as well as in landscaped gardens and natural areas. Develop the design and selection of building-mounted decorative fixtures in coordination with both the street lighting and the individual buildings. Provide lighting that both enhances the character of the district and subtly reinforces the distinct aspects of its neighborhoods.
2. Maintain outdoor lighting at a pedestrian scale that supplies adequate illumination for both pedestrian use of the sidewalk and street, and vehicular use of the street.
3. Lighting at the sidewalk along local streets in Cape Charles should maintain a pedestrian scale. A total height (pole and light fixture) of 12'-0" is preferred. Pole and fixture design should be complementary. A consistent street fixture should be provided throughout the district.
4. Building mounted fixtures will vary from building to building, but should be complementary to the overall character of the district as well as its individual buildings.

5. The lighting of selected building facades should contribute and reinforce the overall sense of building organization, massing, and façade treatment throughout Cape Charles. The light sources which illuminate building facades should be located, aimed, and shielded such that light is directed only onto the building façade and not onto adjoining properties. Light fixtures should not be directed toward adjacent streets or roads. The use of shields and baffles are recommended to help mitigate light spread.
6. In plazas, pocket parks, and along pedestrian pathways, consider the use of low-level outdoor lighting integrated into plaza walls, stair side-walls and/or risers, and even seat-walls. The lighting levels provided should illuminate changes in elevation such as steps, ramps, and steep embankments.
7. Bollards may also be internally lit, reinforcing the visual separation of vehicular and pedestrian routes.
8. All light fixtures throughout the Town of Cape Charles must be in compliance with the dark sky ordinance, which requires the use of full “cut-off fixtures” to prevent “light pollution.” Allow for other light types, such as LEDs, as LED lighting technology utilizes 90% less energy, with a bulb life of 10 times longer.



Provide street pole and fixture designs that complement each other.



LED lighting (left) uses 90% less energy with a bulb life of 10 times longer than the high pressure sodium lighting (right).



Ordering street furniture makes a more favorable presentation of the street and respects pedestrian sensibility.



Examples of Benches.



An example of stylized metal bollards used to protect a principal entrance along a boulevard.

VI. OUTDOOR FURNITURE

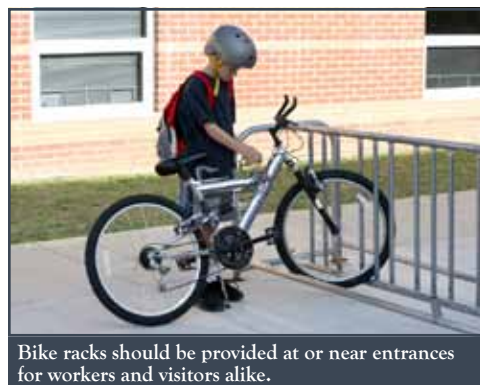
A. Narrative

1. Street furniture establishes the actual “making” of a place, contributing the physical elements of human habitation along the street. The provision of street furniture “accessorizes” the public space, refining the identity of a place. Street furniture typically includes seating, lighting, bollards, trash receptacles, bicycle racks, mail boxes, newspaper boxes, public telephone stations, and poles for signs, flags, and banners.
2. Street furniture promotes pedestrian street life with amenities and conveniences which encourage the ongoing and regular use of sidewalks and pedestrian ways. It humanizes the scale of the street, placing everyday pedestrian elements within the context of the urban environment.

B. Standards

1. Street furniture should not restrict the width of the clear movement zone of the sidewalk, whether placed in the designated street furniture zone, under an arcade, or in the easement/encroachment zone.
2. Coherent compositions of street furniture that utilize unifying elements should be used throughout Cape Charles. An understandable order or pattern for the location of these elements should be provided, foreshadowing the location of these elements to the pedestrian. Furniture style, material, and colors should complement each other to produce cohesive arrangements and designs.
3. Environmental factors such as sunlight, shadow, glare reflection, wind, and rain should be considered in the placement of seating areas.
4. Seating areas should be considered at plazas, parks, landscaped and natural areas, viewing points, and points of special interest as well as at transit stops, entrances to major buildings, and at the entry points to parking structures, eating facilities and vendor kiosks. Seating areas should be coordinated with the locations of bicycle racks. Seating areas should not obstruct building entrances and should not restrict clear movement zones. Care should be taken to insure that seating areas are sufficiently illuminated.

5. Individual benches may have intermediate armrests for individual seating on the bench.
6. Bicycle racks should be provided at grade level in parking structures, at plazas, and at or near the entrances to major buildings for workers and visitors alike. Bicycle racks can be readily accommodated in the recess spaces of buildings adjacent to the entrances. In addition, bicycle racks should be provided along trails and at major destination points. Bicycle racks should not obstruct building entrances and should not restrict clear movement zones.
7. Bicycle racks should be of hardened steel that can withstand hacksaws and hammers. They should be securely anchored in concrete foundations or mechanically attached with bolts that cannot be readily removed. Care should be taken to insure that bicycle racks are sufficiently illuminated.
8. Public trash receptacles should be distributed throughout the Central Harbor District of Cape Charles. Visible and conveniently located for pedestrians, receptacles should be placed at corners, in plazas, and possibly at mid-block locations along lengthy streets. Public trash receptacles should be located in proximity to restaurants, outdoor dining facilities, vendor kiosks, public gathering areas, and areas designated to hold scheduled public events.
9. Public trash receptacles should consist of an outer decorative shell and a replaceable, impact-resistant liner. The receptacle should coordinate with other street furniture – particularly street lights – in terms of material, color, and finish.
10. Bollards may be metal or textured concrete, stone, or a combination of these materials. While bollards are typically permanent, they may be removable where they are intended for intermittent use, such as in multifunctional spaces.
11. Sign poles, such as stop and advisory signs, should be of a uniform size and form and should be capped. The edge of the walk should conceal the anchorage.
12. Street furniture should be designed for long-term use and shall be of a durable material and finish. All exposed metals should be coated or otherwise treated to withstand oxidation/corrosion, abrasion, and damage from airborne salts. Maintenance will be required at regular intervals to keep the furniture items looking well kempt. All street furniture should be set plumb and level.



Bike racks should be provided at or near entrances for workers and visitors alike.



Trash receptacles should be stationary and should be provided with replaceable liners.



Metal cleats can be placed at the water's edge for boats to dock.



Provide canopies or umbrellas for additional sun protection at outdoor cafés.



Outdoor dining areas should be designed to complement the character of the street context.

VII. OUTDOOR DINING AND SIDEWALK CAFÉS

A. Narrative

Outdoor dining/cafés are seasonal social gathering areas when weather permits. They provide safe, comfortable places where people can stop to rest, view, socialize, and relax while they dine. The development of outdoor dining areas and sidewalk cafés is encouraged when possible and where space permits. Successful outdoor dining areas activate and energize the street, attracting more people to participate in the life of the street, to see and be seen. A staple of the street life of contemporary culture, outdoor dining areas and sidewalk cafés, assist in maintaining an active street scene. Their ability to regularly attract people throughout the day and evening assists in the promotion of adjoining shops and businesses.

B. Standards

1. Locate outdoor dining areas and cafés to take advantage of views, such as parks and plazas, as well as along streets with larger streetscape widths. In addition, outdoor dining areas and cafés should be considered for interior court spaces.
2. Typically, outdoor dining areas and sidewalk cafés front along the restaurant of an adjacent building and should not extend beyond the length of the lease space.
3. The design of outdoor dining areas and sidewalk cafés should be compatible to the architecture of the “parent” or “host” building. They should also be designed to complement the character of the street context.
4. No element affiliated with an outdoor dining area/sidewalk café, whether perimeter railings, fencing, plantings, menu board, or other item, may obstruct the width of the required clear movement zone.
5. Canopies, awnings, or table umbrellas are encouraged and may be used to provide shading and screening for the diners.
6. Exterior flooring other than sidewalk materials may be used at outdoor dining areas set back from the established right-of-way. Paint, grass, artificial turf, carpet, platforms and any interior finish materials or treatments should not be allowed.

7. The design of perimeter railings or fencing should complement the concept and materials of the restaurant's exterior and the context of the adjoining public realm. Railings and posts may be of metal, wood, and/or stone. Landscaping elements should also be complementary with the adjacent structures.
8. Fencing may be designed and constructed for permanent or temporary/seasonal installation. If the fencing is to be left in place during the off-season, it must be maintained in a well-kempt fashion. Temporary posts and railings are not permitted to be stored within public view.
9. Except for wall sconces or bracketed light fixtures, all other furnishings, amenities, accessories, and service items should be removed from the outdoor café area off season. When stored, any outdoor café items or furnishings should be concealed from public view.



The clear movement zone of the sidewalk should be maintained at 8 feet where outdoor cafés extend into it.



ARCHITECTURAL DESIGN STANDARDS

I. BUILDING SITE PLACEMENT

A. Statements of Intent

1. Locate and orient the buildings so that a balanced environment is created for the comfort, visibility, and accessibility of both the pedestrian and the automobile.
2. Ensure build-to lines and allowable building setbacks provide adequate circulation routes with sidewalk space at the street for expected pedestrian densities and intended amenities.
3. Promote greater pedestrian traffic at the street by providing a street of adjacent buildings.
4. Promote mixed-usage of both the buildings and the street blocks.
5. Promote sufficient levels of massing and density to achieve an intensified level of pedestrian activity.
6. Provide the means for increased densities at the block while promoting light, air, and movement at the street.
7. Use building street façades to define a more intimate pedestrian experience at street level.





Space is framed: architectural elements and storefronts are set up to be viewed and experienced.

B. Narrative

Building site placement is a critical element in determining how people will use the public space to get from one place to another. Its development follows from the layout of streets and blocks, in this case a grid framework of pedestrian-oriented blocks. Building site placement is essential in framing the space of a street and providing a sense of enclosure. Yet the siting of buildings also determines how accessible private spaces are from the public realm, encouraging frequent exchange between inside and outside, and enhancing pedestrian activity.

Building site placement is also one of the initiating factors of the character of a place. A consistent placement of adjoining buildings at the edge of the right-of-way gives the public realm a pedestrian sensibility. Street-walls (the vertical plane resulting from a contiguous line of buildings) are created, providing a more intimate urban form. Places are more easily accessible to pedestrians, and crossing the street feels safer because vehicles move more slowly in an environment that brings pedestrians and vehicles closer together. The details of everyday objects take on greater significance in this environment, as they are more readily observed. In other words, pedestrian oriented environments establish public space as the backdrop of daily human activity and experience.

The Mason Avenue Transition Zone together with the Central Harbor Mixed-Use District and the Central Harbor Waterfront District will unite commercial, retail, cultural, entertainment, and residential uses within a single area. Street-walls and building frontages should be designed to invite pedestrian use of the plazas and sidewalks. Framed streets and plazas will convey a sense of protection, safety, and security while providing spaces for public enjoyment.

C. Standards

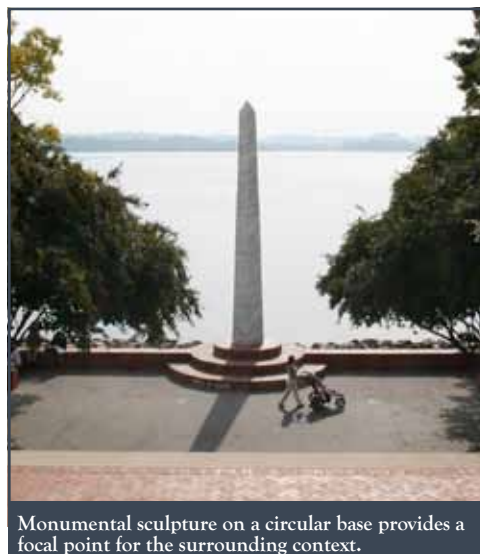
1. Building frontages should tend to align along the street at the property line, or front onto the surface parking lot. Of course, building setbacks are allowed to accommodate outdoor dining, plazas, landscaping and other amenities.
2. Consider the placement and form of buildings at corners and how both factors may promote pedestrian activity.
3. Locate the district's major building structures at walkable distances from each other (1/4 mile) and distributed throughout the district. Orient their major entrances to local streets.
4. Locate smaller shops, businesses and retail services in the field of the block between major office buildings and parking structures and between other significant destinations within the district.
5. Parking areas/structures should not be clustered but dispersed at walkable distances along the length of the Mason Avenue Transition Zone District of Cape Charles. Such placement will reduce the traffic volume within the mixed-use district by providing easy vehicular access and exit to major traffic corridors. Diffused placement will also encourage drivers and their passengers to take a short walk past stores and restaurants on the way to their intended destinations.
6. Throughout the Mason Avenue Transition Zone district, develop strings of buildings in accordance with typical zero lot line condition requirements. Buildings need not have setback requirements, but will need to be provided with easements for projecting elements, such as footings, porches, cornices, etc.
7. For long blocks or buildings with open interior courts, coordinate the location of openings with regard to climatic conditions; sunlight, prevailing winds, etc.



Buildings located close to the street and close to each other enclose the street – space is well-defined.



Buildings framing the street and creating a "view corridor."



Monumental sculpture on a circular base provides a focal point for the surrounding context.



Coordinated massing within the block can provide a monumental scale while also stepping down to a pedestrian scale.



II. ARCHITECTURAL MASSING

A. Statements of Intent

1. Highlight the significance of Cape Charles as seen from a distance while maintaining its human scale and approachability at the street.
2. Provide for greater densities while safeguarding the provision of light, air, and views at the street.
3. Distinguish major buildings and parking structures within the district as destination points within from the more pedestrian-oriented walking environment.
4. Integrate the building on the southside of Mason Avenue into the Historic District.

B. Narrative

A coherent and legible town form results from the orchestrated placement of building masses throughout an area. Building massing simultaneously presents an overall image of a district when viewed from a distance, and involves an orderly arrangement of buildings within the district, one that allows for sun, air, and light to filter to the street level. Building masses derive not only from the programmed use of the spaces within, but also from the physical constraints of the site (zoned height limitations and required setbacks). Implicit massing relationships suggested by the adjoining context may also influence the massing of buildings.

The overall visual impression of building masses is further refined and brought into human scale through articulations

of the building façade. The articulation of the façade transforms buildings from abstract volumes into backdrops for human activity. The greatest level of detail is both required and provided at the building's ground level. For it is here, at the street level, where the conduct of daily life is experienced.

C. Standards

1. Develop a coherent system of coordinated building masses. Integrate differing volumes by using similar and/or complementary materials. Provide building forms that step down to the street within a block. Conversely, massing should step back from the build-to line with increasing heights.
2. Locate buildings of smaller mass within the field of the block between major buildings and parking structures. Locate buildings of greatest mass along arterials, within the interior of the block, and stepped back from the street.
3. Relate building massing both to frame and reinforce view corridors and to establish gateways. Design forms for each block that create a coherent mass which presents the area as unified when viewed from a distance.
4. Maintain an adequate provision of light, air, and views at the street. Consider the relationship of building heights at the block to the impact of solar access at the street. Consider daylight factors and access to light for businesses and stores located at or near the ground level.
5. Organize buildings to control the impact of shadows both on the other buildings and on the street, as well as to mitigate against the impact of wind currents and downdrafts.
6. Building heights in the Mason Avenue Transition Zone shall be limited to 40'-0" in height, except that the height may be increased to a maximum of 55'-0" by approved conditional use permit.
7. Buildings in the Mason Avenue Transition Zone should be designed with an awareness of their unique site relationships, e.g., fronting on the main commercial street of an historic district, while the other main façade overlooks the harbor and waterfront.





8. The buildings throughout the Historic Town of Cape Charles display a variety of historic styles and architectural treatment. Buildings proposed for the Mason Avenue Transition Zone should provide a corresponding variety of imagery, to be sympathetic with those buildings on the north side of Mason Avenue and those typically found throughout the historic district.
9. Buildings may be defined in terms of their height: (Note: These definitions establish the basis for the signage guidelines.)
 - a. A low-rise building is any building less than 35'-0" in height, measured above the grade plane.
 - b. A mid-rise building is any building between 35'-0" and 55'-0" in height, measured above grade plane. Parking structures may be mid-rise buildings, and it is recommended that they contain retail uses at the ground floor level to encourage and maintain pedestrian activity.

III. FAÇADE TREATMENT

A. Narrative

Building facades frame a street. In so doing, they put shops and architectural elements directly adjacent to the pedestrian's path, and well within the street level cone of vision. As such, additional features and greater detailing of the facade should be provided at the street level for the interest and comfort of the pedestrian. In addition, buildings should provide a visual, and perhaps structural, framework for the orderly presentation of street level businesses and shops. This sense of rhythm will both modulate and syncopate pedestrian travel along the street, providing discrete visual fields of focus.

In general, if a street's built environment is to remain of interest to the pedestrian, architectural forms and features need to be bold enough and clear enough to make the whole building easily comprehensible. Within the close view the pedestrian has from the street, however, the provision of detail and the layering of its presentation is essential to invite repeated daily viewings from passersby.

These standards are meant to encourage conservative building designs which are sympathetic to the buildings of the Historic Town of Cape Charles. Toward this end, overall façade proportions as well as the proportions of individual elements (doors, windows, columns, and moldings, belt courses, frieze panels, cornices etc.) and the character and texture of materials will need to be considered. In the Mason Avenue Transition Zone, the intent is to provide building designs which are only narrowly "interpretive" variations of the historic architectural styles found throughout the historic Town. Elsewhere, notably, in the Central Harbor Mixed-Use District, wider, more general, "interpretations" of the local architectural styles are encouraged but in the Mason Avenue Transition Zone, especially for buildings fronting one Mason Avenue, the new buildings should more closely resemble historical reproductions rather than a set of divergent buildings only generally (e.g., through an acknowledgement of general massing, horizontal datum lines, etc.) related to the historic fabric of the original settlement. Still, it should be emphasized, buildings in the Mason Avenue Transition Zone should not be "reproductions" but rather only limited in the number of variations expressed in any given building.



The urban building façade should be visibly divided into three parts – a top, middle and base. This ordering device allows the pedestrian to determine a sense of scale within his context. Studies have found people feel more comfortable and less alienated in spaces from which they can measure its size and their place within it.



Example of more rigorous historically "accurate" building design appropriate for the Mason Avenue Transition Zone.



A three-part ordering of the building face is achieved at grade with the careful application of building finishes. Note the greater sense of weight the darker finishes provide at the base.

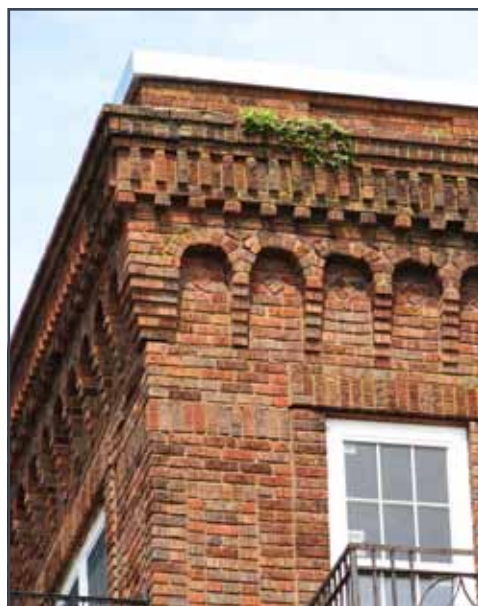


A rhythm of vertical elements provides the viewer with a sense of scale.

B. Standards

1. Provide coordinated building compositions that use a very readable system of building divisions. The ease with which a consistent human scale can be seen or sensed along the urban sidewalk will determine the comfort level and sense of security for the pedestrian at the street.
2. Provide designs that express a base, middle, and top. This provides a visual order to the building. These simple divisions allow the pedestrian to understand the building scale in relation to himself/herself – a component of human comfort.
3. Provide façade designs that allow the base to visually anchor the building to the ground. The expressed height of the base should be proportional to the overall height of the building. The vertical extent of the base lets the pedestrian understand the relative heights of the buildings along the street.
4. Horizontal projections (base, belt courses, frieze panels, cornices) and other linear elements should continue visually from one adjoining building to another. This will provide the greatest sense of enclosure and comfort to the pedestrian.
5. Linear bands need not align precisely; variation can and should occur—courses may step up or down, projecting elements can be reversed, and even new lines can be added. Variations will occur, within the field of a single building or along the span of a street block, though the sense of continuity should be maintained.
6. Provide façade treatments with the greatest amount of detail and refinement at the street. A variety of the following features should be incorporated into each building façade design:
 - Recesses or projections
 - Overhangs
 - Peaked or articulated roof forms.
 - Raised corniced parapets.
 - Fine Architectural detailing at the building's grade level.
 - Arcades.

- Arches.
 - Canopies or porticos
 - Parapets over entryways.
 - Display windows,
 - Integrated landscaping, including the use of planters, and/or seating at recessed areas.
7. Façade design should vary along the street block, as opposed to presenting a single face for the block along all or great extents of the street.
 8. Building corners should address their street corners with principal entrances, or other means that distinguish the building at the corner from the field of the building facade. Towers, turrets, bay windows, or other devices are encouraged as a means of articulating street corners. However, it is not the intention of the standards that every corner have a strong “attention-getting” device.
 9. Buildings should have their principal pedestrian entrances along local streets rather than along collectors or arterials.
 10. Design the exteriors of parking structures to visually integrate with their surroundings. Design parking structure façades so that the sloping floors of the interior ramp are hidden from view.
 11. Dominant exterior building materials (exposed to view on public rights-of-way) should be brick or architectural metal (e.g., metals fabricated in a neat, clean, professional, and workmanlike manner. Fasteners should be concealed, unless they are expressive of an overall design concept.) Additional dominant exterior materials may include architectural concrete (e.g., architectural pre-cast concrete or cast stone), glass, and cementitious siding (for some residential buildings). Secondary or accent exterior building materials may be anodized aluminum, stainless steel, copper, bronze, brass, or painted steel. Mortar and caulking colors should be compatible with the predominant material. Provide durable materials at the ground floor to ensure and maintain a high-quality built environment.



An example of the dominant exterior building materials as brick.





12. The maximum amount of glazing should be provided at the first and second levels to provide a sense of continuous human presence and of ongoing habitation and activity.
13. Integrate rooflines and articulate prominent roof tops. The tops of flat-roofed buildings should be visually articulated, with projections providing visual interest and shadow lines.
14. Rooftop equipment should be screened or concealed from public view. Rooftop amenities such as garden terraces, restaurants, or recreational courts and pools that also conceal mechanical and other equipment are encouraged. Rooftop equipment should be neatly organized, taking into account views onto the roof from the other adjacent structures. The roof should be considered as the "fifth facade."
15. All buildings shall be constructed in compliance with the current applicable codes regarding acoustical requirements.

IV. BUILDING MATERIALS

A. Statement of Intent

1. Maintain a high level of quality materials used in the façades. The desire is to use quality materials while being conscious of maintenance and durability.
2. Use complementary building colors which not only work for a single building but relate to other buildings within the area. While the desire is to have various materials and colors used that create diversity, it is also necessary that each building's materials and colors relate to other buildings within the area.

B. Narrative

The characteristics of building materials, i.e. durability, texture, finish, composition, and color to work to convey quality and define style. Showy or glossy materials imply plasticity and are discouraged. Natural materials with texture, earth tone colors, are highly encouraged.

C. Guidelines

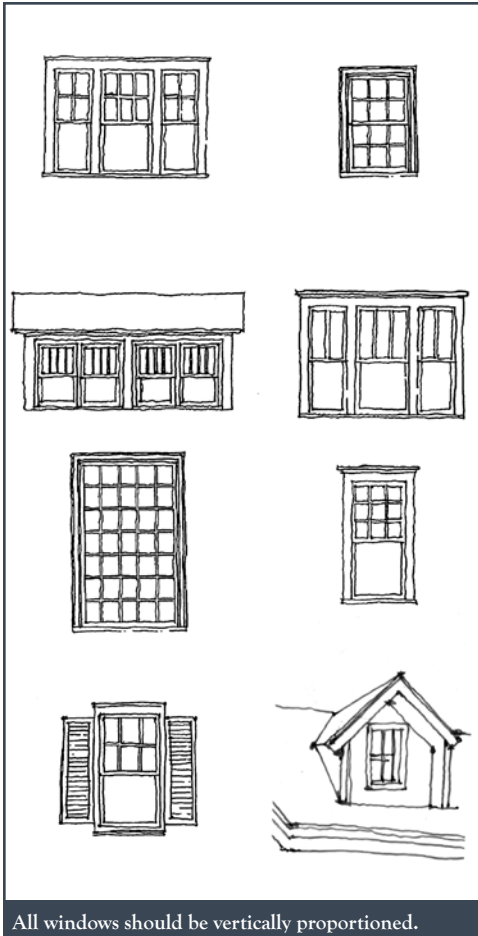
1. Architectural Elements
 - a. Walls
 - i. Wood siding should be horizontal with no more than 6" exposed (5" preferred). Cedar shingles may be used on particular elements of a building. In general, shingles may be combined with wood siding when the material change occurs horizontally, typically at a floor line or gable end. Trim should be made of trim-grade lumber, at least 2" in nominal thickness, 6" in width at corners and 4" around openings — except for the entry door which can be of any size or configuration.
 - ii. No wall should have more than two materials.
 - iii. Buildings with siding shall have foundations of finished brick. These walls shall be between 24" and 36" in height unless grade changes dictate more.
 - iv. Retaining walls at frontages and in front yards should be built of brick. Tops of walls may be architectural precast concrete.
 - v. All openings in walls shall have vertically proportioned openings.



Use complementary building colors which work not only on the building itself but also in conjunction with the surrounding structures.



Buildings with siding shall have foundations of finished brick, and retaining walls at frontages and in front yards should also be built of brick.



b. Acceptable Materials for Exterior Walls

- i. Clapboard wood siding (painted or solid stain). Beaded siding is encouraged.
- ii. Board batten wood siding (painted).
- iii. Wood shingles (painted or semi-transparent stained).
- iv. A synthetic siding such as "Hardieplank" is acceptable for sidings. Finish may be smooth face or "Cedarmill."
- v. Brick veneer that is earth-toned. Brick that is bright red, pink, or light red, generally is not acceptable. Mortar shall be red to light brown, or grey to white in color.
- vi. Stucco used as an accent or on limited surfaces.

c. Unacceptable Materials for Exterior Walls

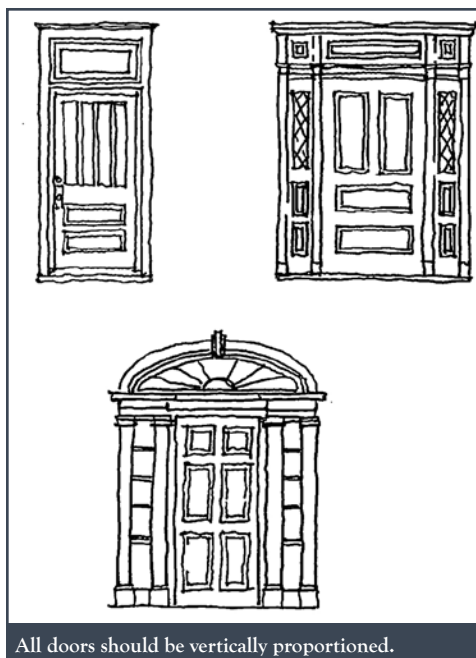
- i. Metal siding that is exposed, galvanized, aluminum, or other shiny metal materials.
- ii. Tile-faced or ceramic-faced masonry units, except when beneath storefront glass for retail/commercial applications.
- iii. Varnished, epoxy-finished or otherwise shiny materials.
- iv. Vinyl siding and trim.
- v. Vinyl or metal covered wood trim.

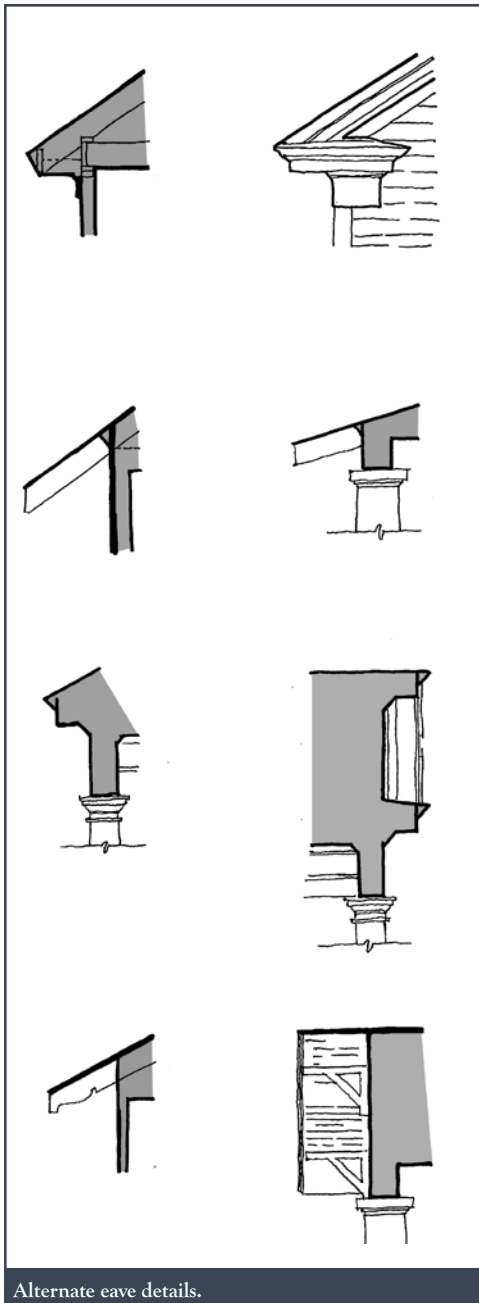
d. Roofs

- i. All buildings up to 3-stories shall have sloped roofs. Buildings 4-stories and over may have flat roofs, as long as all rooftop equipment is concealed from view by parapet walls.
- ii. The types of roofs typically fall into categories of symmetrical gables, gambrels, or hip roofs. Gables are the most prevalent. Primary roofs should have slopes no less than 6:12. Secondary roofs may have slopes less than 6:12 depending on the material used (i.e. metal roof over porches can be less than 6:12, whereas a shingled roof should not be less than 6:12). On residential

structures, flat roofs should be used only as occupiable areas directly accessible from outdoors. These must have appropriate parapets or railings.

- iii. Single plane pitched roofs for residential buildings shall not be used.
- iv. Dormers should have gabled, hipped, or shed roofs, and must provide natural light to a habitable interior space.
- v. Roof materials should be architectural grade fiberglass shingles, standing seam metal roofing, cementitious shingles, or synthetic slate roofing shingles. (Note: copper roofs, gutters, and flashing should not be painted or sealed but should be permitted to age naturally). All roofs over porches shall be metal roofs. Bay windows shall have metal roofing. Gutters and downspouts should be made of copper or prefinished aluminum and may be half-round or ogee. Where gutters are not used, it is recommended that brick or gravel be placed at the drip line.
- vi. Roof penetrations should be on the rear slope of roofs and painted to match the color of the roof. Skylights should be mounted on the rear slope of the roof.
- vii. Metal roofs that are “highly reflective” are prohibited throughout the Mason Avenue Transition Zone. The following materials and/or finishes are considered to be “highly reflective:”
 - a) Zinc or zinc aluminum alloy coated steel or polished metal,
 - b) Steel, stainless steel (greater than No. 4 finish),
 - c) Aluminum,
 - d) Copper (where sealed against oxidation).
- viii. Glazed tiles (regardless of color)
- ix. High gloss painted finishes, unless heavily textured (whether tile or metal)





- x. High gloss coated finishes other than paint, e.g. enamel.
- e. Porches and Balconies
 - i. Porches are another common element on residential buildings.
 - ii. In general, porches with a narrow frontage should be no less than 7 feet deep, while porches with a wide frontage should be at least 8 feet deep. Screened porches must be framed with painted wood and located on the side or rear of structures. Lighting on porches should be discrete.
 - iii. French balconies may be used on upper levels. They shall be a minimum of 14" deep from the face of the exterior wall.
- f. Columns, Posts
 - i. When used, columns should have correct proportions and profiles as described in *The American Vignola*. Nothing should be attached to columns. Columns should be made of wood, although certain grades of fiberglass columns are acceptable.
 - ii. All posts should be no less than 5 x 5 inches and have chamfered corners.
 - iii. Columns and posts should be sealed with paint or opaque stain.
- g. Decks
 - i. Decks are to be located in rear yards only.
 - ii. Decks must be painted or stained to match the main building.



V. STOREFRONTS AND GRADE-LEVEL SPACES

A. Statements of Intent

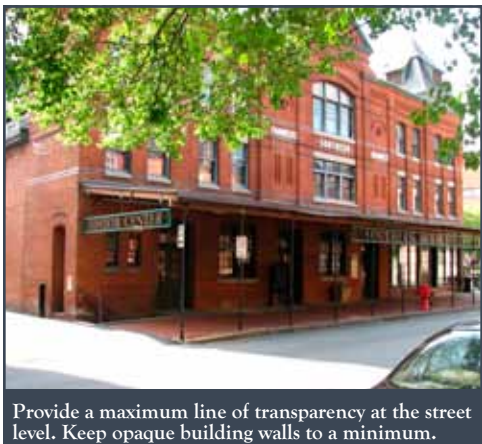
1. Provide the pedestrian with an inviting urban environment that encourages daily movement, evening activities, social gatherings at the street, and the viewing of shops and businesses.
2. Emphasize the importance of the pedestrian way by providing direct access and multiple primary entryways from the sidewalk to street level and at above-grade businesses.
3. Provide the pedestrian with a sense of safety and security along the full length of the street with transparent glass storefronts, particularly at the first two or three stories.

B. Narrative

Grade-level businesses have a reciprocal relationship with pedestrians – each needs the other. Transparent storefronts and direct access at grade makes them both aware of each other's existence and also signals that there is a constant opportunity for meeting and exchange between them. With transparency, communication is easy; without it, products cannot be seen and spontaneous interest cannot develop. Ideally, glazing at the street forms a continuous rhythm of openings and entrances that maintain the interest of the pedestrian. When that transparent line becomes opaque, however, it should be of limited extent and designed to maintain a sense of rhythm.

When storefronts and grade level spaces provide opportunities for pedestrians to view interesting merchandise or to view daily commercial and business activity, the public will explore the street.





Provide a maximum line of transparency at the street level. Keep opaque building walls to a minimum.

C. Standards

1. Customer entrances should be clearly defined and highly visible. Provide primary entry from the street into businesses at grade, and provide additional secondary entries into the building from the street where appropriate.
2. Portions of the storefront at the building line may be set back to further articulate grade-level spaces and to provide opportunities for additional pedestrian amenities. Seats, landscaping, and other pedestrian conveniences must remain out of the clear movement zone of the sidewalk. Building setbacks offer possible locations for these amenities as well as for bicycle racks.
3. Provide a pattern of transparent glazing at both grade and second floor levels to increase visual communication between inside and outside and to increase the pedestrian's sense of safety. Consider integrating transparency into building entryways located near storefronts.
4. To the greatest extent possible, maintain glazing at the street level as an uninterrupted pattern. Where it must be broken, minimize the amount of opaque wall surface between window segments.
5. Grade level businesses should provide loading and trash collection accessways placed between storefronts. However, trash collection, service, and loading areas should be, to the greatest extent possible, screened from public view. (See Section VII, Loading and Trash Collection Areas.)
6. Grade-level businesses and storefronts should provide features and pedestrian-oriented amenities at the street, such as display windows, awnings, etc.
7. The provision of exterior lighting along the full length of the street at storefronts and grade level businesses is encouraged. Where lighting is provided, fixtures should be attached to the façade with the bottom of the fixture at no less than 8'-0" above finished grade.

VI. RESIDENTIAL BUILDINGS AND FRONTAGES

1. Statements of Intent

- a. Residential uses are encouraged throughout the Mason Avenue Transition Zone of Cape Charles. Building forms and façades that are both urban and residential are encouraged. Likewise, mixed-use residential buildings, with retail space below residential units, are encouraged.
- b. Building frontages and entrances are encouraged to be at or near the sidewalk.
- c. The use of intermediate spaces between the public and private realms, such as porches and balconies, is required.
- d. Encourage design that provides the resident with a sense of privacy and the pedestrian with a sense of security resulting from visual oversight of the street by residents.

2. Narrative

Urban centers require residents to bring them to life and then to keep them active on a 24-hour basis. The continuous use of the streets, shops, restaurants, walks, and bike trails by residents - and by those who visit - creates a comfort and interest that attracts newcomers and assures return visitors. Nothing draws people to a place like an active community. Continuous use communicates that a place has already established itself as a safe environment, as well as one that invites repeated exploration and promises new features to discover.

The residential portions of the Mason Avenue Transition Zone of Cape Charles should be designed to provide the feel of a neighborhood that is safe and secure, yet has access to all the amenities and features an urban environment makes possible. Porches and balconies serve as “transition” elements between the private residences and the public street. Off-street parking, either in parking lots or hidden from view behind surrounding buildings, reinforce the pedestrian-oriented character of the street.

In addition, small landscaped plazas may be provided at principal entrances and corners where people can relax and observe in comfort and shade. All of these





features reaffirm that residents belong in an urban environment, and that their homes can be inviting, safe, and comfortable, with an urban sensibility.

3. Standards

- a. The design and scale of the architectural façade and the provision of its details and features, particularly at grade and second levels, should be residential. Provide a select combination of features, including porches, balconies, recessed entries, bay windows, trim and window detailing, brick patterning and belt courses, articulated corners, and cornice detailing.
- b. Provide an ordered, human-scaled system of architectural elements on the building's face. Windows and doors should tend to align, and a sense of rhythm and pattern should be present.
- c. Principal residential building entrances should be highlighted and made distinct from any adjoining store and/or business fronts.
- d. The ground floor should be elevated above finished grade to achieve a greater sense of privacy and security from the street for the resident.
- e. Consider articulating or emphasizing building corners with quoins, medallions, patterned brick, or stonework.
- f. Parking for residents may be made available in the parking courts enclosed by residential perimeter block apartment buildings, whether at grade or in structured decks throughout Cape Charles, or as is available on the street.
- g. Ground floor retail uses are strongly encouraged. No more than 55% of the ground floor of a single building may be used for residential purposes.

B. For Residential Buildings in the Mixed-Use District

1. Statements of Intent

- a. Residential uses are encouraged throughout the Central Harbor District of Cape Charles. Building forms and façades that are both urban and residential are encouraged. Likewise, mixed-use residential buildings, with retail space below residential units, are encouraged.

- b. Building frontages and entrances are encouraged to be at or near the sidewalk.
- c. The use of intermediate spaces between the public and private realms, such as porches and balconies, is required.
- d. Encourage design that provides the resident with a sense of privacy and the pedestrian with a sense of security resulting from visual oversight of the street by residents.

2. Narrative

Urban centers require residents to bring them to life and then to keep them active on a 24-hour basis. The continuous use of the streets, shops, restaurants, walks, and bike trails by residents - and by those who visit - creates a comfort and interest that attracts newcomers and assures return visitors. Nothing draws people to a place like an active community. Continuous use communicates that a place has already established itself as a safe environment, as well as one that invites repeated exploration and promises new features to discover.

The residential portions of the Central Harbor District of Cape Charles should be designed to provide the feel of a neighborhood that is safe and secure, yet has access to all the amenities and features an urban environment makes possible. Porches and balconies serve as “transition” elements between the private residences and the public street. Off-street parking, either in parking structures or hidden from view behind surrounding buildings, reinforce the pedestrian-oriented character of the street.

In addition, small landscaped plazas may be provided at principal entrances and corners where people can relax and observe in comfort and shade. All of these features reaffirm that residents belong in an urban environment, and that their homes can be inviting, safe, and comfortable, with an urban sensibility.

3. Standards

- a. The design and scale of the architectural façade and the provision of its details and features, particularly at grade and second levels, should be residential. Provide a select combination of features, including porches, balconies, recessed entries, bay windows,



Residential buildings offer urban centers the opportunity to populate sidewalks and shops, which, in turn, attracts visitors to join them.



With parking placed behind the buildings, the building front can again adjoin the sidewalk.

trim and window detailing, brick patterning and belt courses, articulated corners, and cornice detailing.

- b. Provide an ordered, human-scaled system of architectural elements on the building's face. Windows and doors should tend to align, and a sense of rhythm and pattern should be present.
- c. Principal residential building entrances should be highlighted and made distinct from any adjoining store and business fronts.
- d. The ground floor should be elevated above finished grade to achieve a greater sense of privacy and security from the street for the resident.
- e. Consider articulating or emphasizing building corners with quoins, medallions, patterned brick, or stonework.
- f. Parking for residents may be made available in the parking courts enclosed by residential perimeter block apartment buildings, whether at grade or in structured decks throughout Cape Charles, or as is available on the street.
- g. Ground floor retail uses are strongly encouraged. No more than 55% of the ground floor of a single building may be used for residential purposes.

VII. CANOPIES AND AWNINGS

(Note: see outdoor dining standards for additional information.)

A. Statements of Intent

1. Protect the pedestrian from rain, wind, glare, direct sunlight, and reflections. Utilize systems that are multi-functional and multi-seasonal.
2. Incorporate architectural design elements to the street that serve as visual cues to the pedestrian about nearby shops and business services.
3. Ensure that awnings and canopies complement their architectural context and are appropriate for both the individual building and the entire street, while still providing establishments with the opportunity for individual expression.

B. Narrative

The architecture along the street frames the public domain, while its detailing acknowledges those who walk along its length. The optimal street environment allows continuous communication to occur between the inside and outside, and its detailing encourages such exchanges. Awnings and canopies are accents or exclamation points to architectural statements, and mark thresholds between inside and outside and the transition from public to private. They therefore should communicate on two levels: as a definer of the public realm, and as an expression of the establishment's individuality. They dramatize the context of the urban space as well as entice passersby into the shops and businesses they enhance.

C. Standards

1. Weather-protection features such as awnings, canopies, porticos and entry elements should be provided at building entrances. Canopies typically refer to elements extending perpendicular from a main building entry towards the street. Awnings typically refer to elements which extend over and shade storefront windows of commercial businesses. Awnings may also be used as decorative architectural features, such as in the mid-height floor windows of a hotel.
2. Canopies should frame entrances. Posts which support a canopy should not interfere with the clear movement zone of the sidewalk. Consider the design of other methods of structural support, such as cables or rods attached to the building and extended out to hold the canopy from above.
3. A series of awnings provided along an establishment's facade should maintain a consistent design.
4. Awnings may be located at grade and second-level windows. The width of an awning would typically match the width of the building's opening for the window. Other locations for awnings may be considered, but are subject to review and approval.
5. Canopies and awnings should be of fire-resistant material, or of metal and/or glass treated to withstand oxidation, corrosion, and deterioration from airborne salts. Awning fabrics will vary, and the basis for selection should include color retention and durability.
6. Awnings can be of various forms and sizes, but should not extend more than 5'-0" from the face of the building and should not be lower than 8'-0" above finished grade.



Awnings provide protection from the elements and draw the attention of passersby to the establishment.



Awning incorporated as a decorative element reinforcing the sense of entry.



Building canopies serve as visual amenities as well as shelters for building occupants and pedestrians.

VIII. FENCING AND RAILINGS (AND TEMPORARY BARRICADES)

A. Narrative

Fencing in urban contexts should work with the spatial definition of the street as well as complement the adjacent architecture. It can also be used to conceal service and loading areas as well as reduce the negative impact of noise and wind on an important open space. Fencing can also convey a sense of protection and privacy.

A railing should express the character of the architectural façade to which it is attached. Railings may be located at parapets, at balconies, or act as accents over fenestration. Metal railings should be appropriately protected from deterioration, with colors and finishes that complement the architectural façade. Railing design brings scale and detailing to the building's facade and establishes a finer visual amenity at the street.

In the Mason Avenue Transition Zone of Cape Charles, fencing may be of metal, masonry, a combination of both, or any other approved materials. Metal fencing design is developed through a selection of picket styles and their repetition between posts, as well as through the detailing of the posts and various connection points. Its overall height, the thickness of the pickets, and their regular spacing will convey its particular sense of enclosure.

The design of a masonry "fence," or screenwall, is articulated through the choice of its brick patterning and the coordination of its colors and textures. The location and emphasis of shadow lines can also be used as a design element when the placement of brick projections is considered.

Temporary barricades, on the other hand, are used at street entrances to allow only short-term alterations of its function as a vehicular passageway. They play no permanent role in the routine life of the street, but they are critical in allowing the community to periodically claim their public realm for certain special or festive occasions.

B. Standards

1. Railing design is typically the manipulation of metal bars into new or traditional forms that are then applied as features of the architectural facade. When placed in succession along a length of a façade, they create a pattern. In Cape Charles, those forms and patterns may be innovative or traditional, as well as referential to the area's historical importance.
2. Railing design may use metal bars that vary from ½" to 2" or greater. Bar thickness should be determined by the level of refinement desired in the design and the distance or height from which it will be viewed. For any continuous fencing, metal color finishes should be coordinated and complementary to their architectural context.
3. Exposed metal should be treated to withstand oxidation, corrosion, and deterioration from airborne salts in coastal environments. Fencing may be of metal, stone, masonry, or an approved combination thereof. Metals should be bronze, brass, stainless steel, steel painted of a color or colors which are compatible with finishes of adjacent buildings, or other approved materials.
4. Metal fencing and gates typically are made up of horizontal rails that attach to thicker metal posts. This basic framework provides an adequate structure that can then easily support a variety of picket designs and panels.
5. Metal fence posts may be 1" to 4" thick of square or round tubing that may be steel or aluminum. They are typically set in concrete footings. Metal fence rails may be ½" to 1" thick of square or round tubing or solid bars that may be steel or aluminum.
6. Consider maintenance access when selecting the location or placement of fencing and railings. It should remain easy to reach all sides that require periodic paint or coating applications, mortar replacement, anchoring, inspection, and cleaning.
7. Drainage along the bases of metal fencing and screenwalls should be provided so that unintended surface water does not collect behind these elements.



IX. LOADING AND TRASH COLLECTION AREAS

A. Statements of Intent

1. The visual screening of loading and trash collection will assist to maintain the street space as an environment for pedestrian comfort and safety.
2. In intensely developed areas, building service functions should be concealed from view, preferably with either internal truck docks or screened service courts. At a minimum, landscape shielding should conceal service areas from major views, while maintaining materials delivery and trash collection points as functional and accessible spaces.
3. Minimize curb cuts and service access points along building frontages.
4. Minimize the linear frontage of service areas along the street and maximize the amount of storefront space.

B. Narrative

Locating loading and trash collection areas within and/or along the block should be designed to maintain a high quality public realm for pedestrians in Cape Charles.

Distributing the minimum number of service access areas around the perimeter of the block should help to maintain the building line as continuous and unbroken at the street. The less separated one store, one office, one entrance or glazed window is from another, the more continuous will be the pedestrian experience.

Where possible, internal docks are preferred. A single service area located within the block should be accessible to the commercial, retail, and residential tenants. Otherwise, loading and trash collection areas adjacent to multiple buildings should be provided to allow the best use of shared service facilities. The streetscape remains hospitable and the most efficient use is made of the building's total square footage.

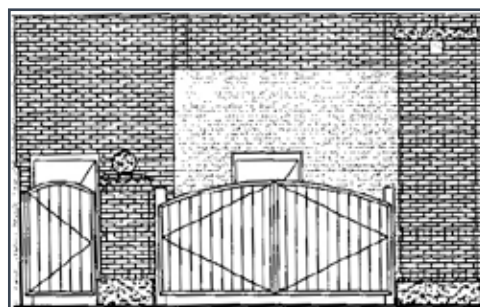
C. Standards

1. Building with Internal Docks
 - a. Conceal loading and trash collection areas within the building or within the interior of the block.
 - b. Disperse or consolidate service areas as deemed best to minimize service area frontage along the street.

- c. Avoid or minimize service access into buildings from primary pedestrian streets within the district. Where exceptions must occur, provide screen walls or other devices to minimize the impact of the service court along the street.
 - d. Link internal service areas to each other with corridors and to the floors above with service elevators.
 - e. Provide recessed, automatic roll-up service door systems with unobtrusive materials or subdued, durable paint finishes on the exterior face. Metal surfaces should be coated or otherwise treated to withstand oxidation, corrosion, and other deterioration from airborne salts.
 - f. The loading and trash collection spaces within the building should be arranged so that no maneuvering directly incidental to entering or leaving a loading space will be on any public street or walkway.
 - g. Each loading and trash collection space should have maneuvering areas with adequate and direct access to the street and adequate vertical clearance.
 - h. Loading and trash collection areas and entrances should be provided and maintained with a concrete surface.
 - i. Loading and service areas should be provided with drains and wash-down facilities.
2. Service Courts and Areas
- a. In areas with intense loading and trash collection requirements exposed to public rights-of-way truck parking and loading, outdoor storage, trash compaction, and trash collection areas shall be screened by a combination of structures and evergreen landscaping to minimize visibility from adjacent streets and properties.
 - b. Minimize the overall number of service areas by aggregating these functions into shared service courts, wherever possible.
 - c. Screening structures shall be made of the same materials as the principal structure.



Trash enclosure.



Fencing can be both functional and serve as a decorative architectural feature to the street.

LANDSCAPE DESIGN STANDARDS

I. TREE AND PLANTING RECOMMENDATIONS

A. Introduction

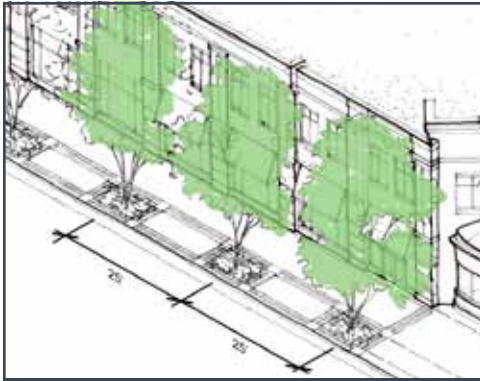
Trees and plants serving as a buffer between the sidewalk and the street encourage regular pedestrian use of the sidewalk. The summer sun becomes less glaring with a leafy tree canopy, the vehicular traffic becomes less intrusive to the pedestrian with a buffer of green placed between them, and the environment becomes more appealing for a comfortable walk to a nearby destination.

A quick glance at the trees and plants lining an urban street reveals the variety of purposes they serve. Some act as buffers, keeping pedestrians at a safe distance from traffic. Others provide much desired shade on hot summer days. Still others frame points of interest along the streetscape, or call attention to a particular entrance to a building. Some may even provide a pleasant place to sit while enjoying a lunch from a neighborhood deli. In general, plants and trees enhance the street environment, reinforcing the public realm of the street as a place for the pedestrian, and as a place for social interaction within an urban setting.

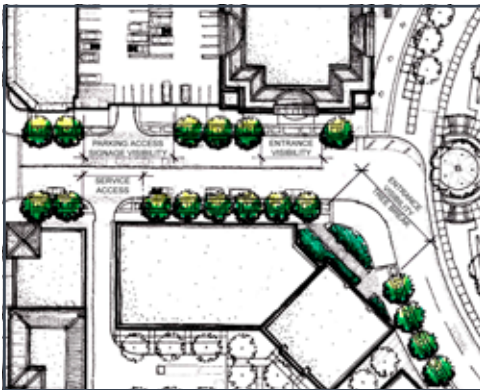
A well-planned urban landscape encourages individuals to walk rather than drive when traveling distances of a quarter-mile or less. Pocket parks linked by continuous street landscaping make the street feel more comfortable. Extended throughout and between districts, street landscaping allows pedestrians to feel that the sidewalk is a realm of the pedestrian.



Street trees add to the pedestrian comfort level.



The preferred spacing of street trees is 25 feet on center.



The line of street trees may need to be broken where parking access, critical signage, major hotel and theatre entrances, and arcades need to be seen from the street

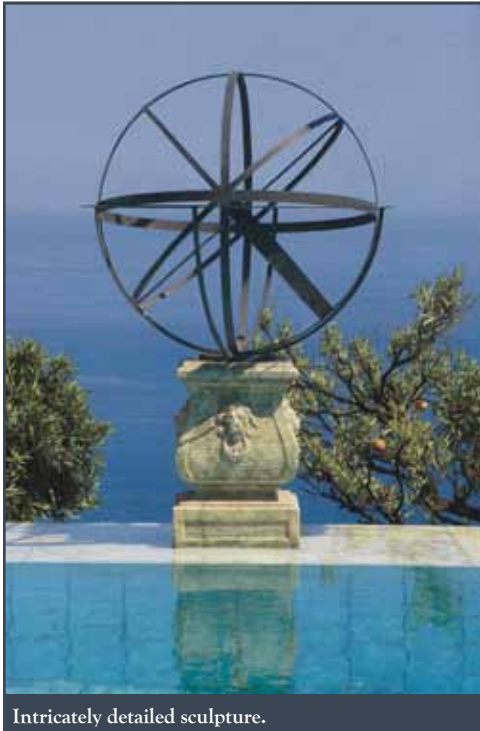


B. Standards

1. Street trees and plants selected should be appropriate for the street conditions they are placed within. Consider whether or not trees and plants will be in shade or sun most of the day, or at what times of the day they will be impacted by direct sun or shadow. Consider varying tree types or strategies on the north and south sides of the same street. Consider varying tree species per street or block to avoid widespread diseases in the future.
2. In the street furniture zone of the sidewalk, provide trees spaced at regular intervals and centered in tree wells. The spacing should not be less than 25'-0" on center and not more than 40'-0" on center.
3. Coordinate alignment between trees on both sides of the street and maintain that alignment as much as possible. Street tree intervals may be interrupted by vehicular accessways, utility access locations, street furniture requirements, or the approved highlighting of special building signage or façade aspects.
4. Shrubs or other low plants may be used in place of street trees when tree canopies will block a view to a special building façade, architectural feature, sculpture, or signage. The alternative planting should be coordinated with the feature being highlighted.
5. Between street tree wells provide ground cover plants or shrubs that are capable of withstanding dry or drought conditions. Maintain ground cover year-round.
6. Soil conditions should be considered in the selection of tree well sizes. For more clay-based soils, a 5'-0" x 8'-0" or 5'-0" x 6'-0" tree well is recommended. In soil conditions more favorable to growth, tree well sizes may be reduced, but should not be less than 4'-0" x 4'-0".

7. Tree grates should be limited to sidewalks where conditions contribute to a narrow clear movement zone. ADA-compliant grates for such conditions shall be utilized. Grates should be installed on ledges so that a minimum of 6" of air space is maintained between the bottom of the grate and the top of the graded soil in the tree well.
8. The caliper of a planted tree should be dictated by the size of the tree well and soil conditions. A tree with a caliper not greater than 2½" to 3" should be placed in 5'-0"× 5'-0" tree wells due to the reduced area prepares for the tree's root system. Trees with a caliper not greater than 3" to 3½" should be placed in 6'-0"× 6'-0" or 6'-0"× 8'-0" tree wells.
9. Ornamental trees should be planted no further than 12'-0" on-center. They may be used to highlight special features of the urban landscape. They may also be used to provide color and variety to the landscape. Ornamental tree usage at street intersections can supplement regular street tree plantings on roadways with medians, greens, roundabouts and squares.
10. All utility lines, particularly lateral sanitary sewer lines, should be designed so they will not interfere with tree well locations.





Intricately detailed sculpture.



Use plazas as landscaping opportunities to carry a comfortable environment through areas where street tree lines have been broken.

II. TOWN PARK LANDSCAPING

Urban parks, plazas, and squares should provide Cape Charles with a variety of public gathering places. They should be linked by tree-lined pedestrian walkways and furnished with a range of seating types, water features, planting schemes, recreational opportunities, and attractive lighting. Parks, landscaped plazas, and squares should harmoniously blend the fabric of Cape Charles with nature and the public realm. They should be safe, comfortable, and interesting.

Plazas should have numerous entrances and exits, be free of high hedges and walls, and offer a variety of seating and directional choices. They should provide opportunities for lavish flower and shrub beds, as well as provide for relaxation and neighborly conversations in a tree-shaded environment. Timely security checks and daily maintenance will assist in the creation of safe places for the community. The waterfront should be readily accessible via the streets, open green spaces and plazas encompassing the public harbor.

III. TOWN WATERFRONT LANDSCAPING (FOR CENTRAL HARBOR WATERFRONT DISTRICT)

The waterfront of Cape Charles has had a long and rich history as a “working harbor.” It is the intensity and concentration of a mixture of waterfront uses which has established the unique character of the Cape Charles waterfront. Future development of this area, as the Central Harbor Waterfront District, should both maintain and reinforce this rich and varied character. This interaction of maritime activities and inland services and support functions should be encouraged in the future. Yet, simultaneously, however, and to the greatest extent possible consistent with the maintenance of maritime activities at the waters edge, public access should be provided along the waterfront. This continuous esplanade of varying width should extend fully around the harbor, even though this access may need to be temporarily interrupted to accommodate functional activities necessary for waterfront functions. Trees and/or low plantings may be located to the waterside of this street, however, care should be taken in the selection of species due to their location, exposure to high volume winds, salt spray, and drought.

A. Wetland Boardwalk

1. Elevated boardwalks through the marsh and wetland areas of the District can increase the public’s understanding of their ecological importance.
2. Sustainably harvested wood, such as ipe, is recommended for the boardwalk’s deck and railing construction, however alternate appropriate materials may be considered.
3. Consider “Helical Pier” support system for boardwalk.
4. An elevated boardwalk will provide visitors with optimal opportunities for viewing plant and wildlife within the marsh and wetlands.



Urban esplanade with asphaltic pavers.



IV. PLANTERS

A. Introduction

In an urban environment, planters offer the opportunity for vegetation in spatially-constricted areas. Planters bring an aesthetically pleasing element to the public realm and provide an urban environment encouraging and inviting to pedestrian travel. Planters offer an opportunity to present vegetation together with architectural detailing. They both add character to, and unify the character of, the public realm, enlivening the urban experience.

Planters are, in fact, a clear indication of the significance of pedestrian activity in urban environments. They allow plants to act as sunscreens as well as wind buffers. They may serve to delineate special features within the streetscape such as entry points or small seating areas. They may also be used to provide privacy for outdoor diners, separating eating areas from travel paths.

Planters need to be selected for their association with a given context as well as their appropriateness for the plants they are intended to support. Plants and their containers need to be compatible, i.e., the container (and liner, if used) need to be of a construction, volume, form, and size to ensure the healthy life of the plant.

In summary, for planters to be a successful addition to the urban context, they must work on three levels: they must complement the architectural context in form, detailing, color, and materials; they must be appropriate to the plants they will contain; and they must be properly maintained for their continued enhancement of the public realm.

B. Standards

1. Planters, or the plants they contain, should not extend into the clear movement zone of the sidewalk. See the Streetscape Standards for clear movement zone widths.
2. Planter locations should coordinate with other functions at the sidewalk, pedestrian way, public plaza, and setback areas along building frontages. Planters outside the sidewalk's street furniture zone should be encouraged at the following locations in the public realm: storefronts, perimeter railings of outdoor cafés and dining areas, plazas, and building entrances.

3. Container or planter gardens may be utilized in outdoor cafés to define their outer boundaries, to soften the “feel” of the space, and to provide visual interest and enjoyment for the café’s patrons as well as passersby.
4. Planter design, material, and construction should be appropriate for the plants they contain and sustain the plant for its expected life. Planters should provide for adequate drainage, and conversely, be able to retain adequate water amounts, depending on the requirements of the plant.
5. Planter design, materials, size, and form should complement their contexts and be of a scale appropriate to their environment. Planter shells or outer decorative covers should be stone, freeze-proof clay, decorative finished concrete, metal, select woods, or an appropriate combination thereof.
6. Recommended select woods are teak, cedar, and ipe. They are to be stained, oiled, and/or clear-coated and are to be maintained with periodic refinishing. Painting of selected or approved wood for planters might also be considered.
7. Planters that are plastic or obviously plastic in nature are prohibited. Planters of composite materials appropriate to the urban environment may be approved by the regulating authority.
8. The establishment owning and providing the plants and planters shall be responsible for the well-maintained appearance and proper maintenance of the planters and the plants they contain. The owner should ensure plants and planters do not obstruct the clearance required in the movement zone of the sidewalk.
9. Planters and their contents are subject to review and approval.



Planters enhance the presentation of an outdoor café and soften the line of the railing.



A variety of plantings visually enlivens the environment.



Streetscape with built-up curb edge planters.



Ginkgo.



Water Oak.



Red Maple.



Crape Myrtle.

V. SUGGESTED PLANT LIST

The palette of suggested plant materials for landscaping is provided below. Other plants of equal appropriateness to an urban context may be approved upon review by the regulating authority. The town of Cape Charles also reserves the right to review and request any changes to the plants proposed.

A. Suggested Streetscape Trees

<i>Ulmus Americana</i>	American Elm
<i>Platanus Occidentalis</i>	American Sycamore
<i>Celtis Occidentalis</i>	Common Hackberry
<i>Populus Deltoides</i>	Eastern Cottonwood
<i>Ginkgo Biloba</i>	Ginkgo
<i>Fraxinus Pennsylvanica</i>	Green Ash
<i>Gleditsia Triacanthos</i>	Honey Locust
<i>Tilia Sp.</i>	Linden
<i>Tilia Cordata</i>	Littleleaf Linden
<i>Carya Illinoensis</i>	Pecan
<i>Quercus Palustris</i>	Pin Oak
<i>Acer Rubrum</i>	Red Maple
<i>Quercus Rubrum</i>	Red Oak
<i>Betula Nigra</i>	River Birch
<i>Magnolia Virginiana</i>	Sweetbay Magnolia
<i>Liquidambar Styraciflua</i>	Sweetgum
<i>Liriodendron Tulipifera</i>	Tulip Tree
<i>Quercus Nigra</i>	Water Oak
<i>Quercus Alba</i>	White Oak
<i>Quercus Phellos</i>	Willow Oak

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B. Suggested Streetscape Trees (Where Overhead Utility Lines Exist)

<i>Acer Ginnala</i>	Amur Maple
<i>Prunus Mume</i>	Flowering Apricot
<i>Malus Spp.</i>	Flowering Crabapple
<i>Chioanthus Virginicus</i>	Fringetree
<i>Koelreuteria Paniculata</i>	Goldenraintree
<i>Acer Palmatum</i>	Japanese Maple
<i>Cornus Kousa</i>	Kousa Dogwood
<i>Magnolia Gradiflora</i> 'Little Gem'	Little Gem Magnolia
<i>Prunus x 'Okame'</i>	Okame Cherry
<i>Magnolia x Soulangiana</i>	Saucer Magnolia
<i>Magnolia Stellata</i>	Star Magnolia
<i>Cercis Canadensis</i> 'Texas White'	White Redbud
<i>Prunus x Yedoensis</i>	Yoshino Cherry



Japanese Maple.



Amur Maple.

C. Suggested Trees: Parking Lots & Paved Areas

<i>Acer Ginnala</i>	Amur Maple
<i>Thuja Occidentalis</i> 'Emerald Green'	Arborvitae
<i>Vitex Agnus-Castus</i>	Chastetree
<i>Cornus Mas</i>	Cornelian Cherry
<i>Malus Baccata</i>	Crabapple
<i>Juniperus Virginiana</i>	Eastern Red Cedar
<i>Gingko Biloba</i>	Gingko
<i>Koelreuteria Paniculata</i>	Goldenraintree
<i>Gleditsia Triacanthos</i> 'Shademaster'	Honeylocust
<i>Lagerstroemia Fauriei</i>	Japanese Crape Myrtle
<i>Ulmus Parvifolia</i>	Lacebark Elm
<i>Tilia Cordata</i>	Littleleaf Linden
<i>Quercus Coccinea</i>	Scarlet Oak
<i>Magnolia Grandiflora</i>	Southern Magnolia
<i>Magnolia Virginiana</i>	Sweetbay Magnolia



Sweetbay Magnolia.



Goldenraintree.



Devilwood.



Virginia Pine.



Yellow Groove Bamboo.



American Holly.

D. Suggested Screening Evergreen Trees & Shrubs

<i>Cedrus atlantica</i>	Atlas Cedar
<i>Cedrus deodora</i>	Deodar Cedar
<i>Chamaecyparis</i> spp.	False Cypress
<i>Cryptomeria japonica</i>	Japanese Cedar
<i>Ilex x attenuata</i> 'Fosteri'	Foster's Holly
<i>Ilex cassine myrtifolia</i>	Myrtle Leaved Holly
<i>Ilex corunta</i> 'Burfordii'	Burford Holly
<i>Ilex opaca</i>	American Holly
<i>Ilex x attenuata</i> 'Fosteri'	Foster's Hybrid Holly
<i>Ilex x 'Nellie R. Stevens'</i>	Nellie Stevens Holly
<i>Juniperus chinensis</i> 'Torulosa'	Hollywood or Chineses Juniper
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Magnolia grandiflora</i> 'Bracken's Brown Beauty'	Bracken's Brown Beauty Magnolia
<i>Magnolia grandiflora</i> 'Hasse'	Hasse Magnolia
<i>Magnolia grandiflora</i> 'Little Gem'	Little Gem Magnolia
<i>Osmanthus americanus</i>	Devilwood
<i>Phyllostachys aureosulcata</i>	Yellow Groove Bamboo
<i>Pinus nigra</i>	Austrian Pine
<i>Prunus caroliniana</i>	Carolina Cherry Laurel
<i>Thuja</i> spp.	Arborvitae
<i>Tsuga caroliniana</i>	Carolina Hemlock
<i>Abelia</i> spp.	Abeilia
<i>Berberis julianae</i>	Wintergreen Barberry
<i>Camellia</i> spp.	Camellia
<i>Euonymus alatus</i>	Spreading Cotoneaster
<i>Ilex</i> spp.	Holly
<i>Illicium</i> spp.	Anise Tree
<i>Juniperus chinensis</i> cvs.	Chinense Juniper
<i>Osmanthus heterophyllus</i>	Holly Osmanthus
<i>Prunus laurocerasus</i> cvs.	Cherry Laurel
<i>Viburnum rhytidophyllum</i>	Leatherleaf Viburnum
<i>Pinus Strobes</i>	Eastern White Pine
<i>x Cupressocyparis Leylandii</i>	Leyland Cyprus
<i>Pinus Taeda</i>	Loblolly Pine
<i>Magnolia Virginiana</i>	Sweetbay Magnolia
<i>Pinus Virginiana</i>	Virginia Pine

E. Suggested Trees: Public Rights of Way and Easements

1. Canopy Trees

<i>Platanus Occidentalis</i>	American Sycamore
<i>Tilia Cordata</i>	Littleleaf Linden
<i>Quercus Virginiana</i>	Live Oak
<i>Plantanus x Acerfolia</i>	London Plane
<i>Quercus Palustris</i>	Pin Oak
<i>Acer Rubrum</i>	Red Maple
<i>Liquidambar Styraciflua</i>	Sweetgum
<i>Liriodendrom Tulipifera</i>	Tulip Tree
<i>Quercus Phellos</i>	Willow Oak

2. Overhead Utility Easements

LOW HEIGHT ZONE
GENERALLY LESS THAN 20' AT MATURITY

<i>Acer Ginnala</i>	Amur Maple
<i>Malus Tschonoskii</i>	Flowering Crabapple
<i>Prunus Avium 'Pissardii'</i>	Purple Plum
<i>Shrub Pruned as a Tree</i>	Crape Myrtle

MID-HEIGHT ZONE
NEAR BUT NOT UNDER UTILITY LINES,
20' TO 40' AT MATURITY

<i>Cercis Canadensis 'Texas White'</i>	White Redbud
<i>Cornus Kousa</i>	Kousa Dogwood
<i>Koelreuteria Paniculata</i>	Golden Raintree
<i>Prunus Mume</i>	Flowering Apricot
<i>Prunus x 'Okame'</i>	Okame Cherry
<i>Prunus x Yedoensis</i>	Yoshino Cherry
<i>Crataegus Crus-Galli Vqar. Inermis</i>	Thornless Cockspur Hawthorne
<i>Crataegus Phaenopyrum</i>	Washington Hawthorne

TALL NARROW ZONE
NEAR BUT NOT UNDER UTILITY LINES,
40' TO 60' AT MATURITY

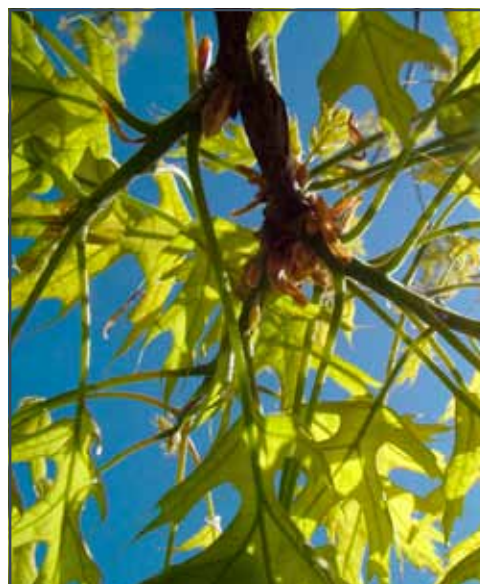
<i>Acer Rubrum 'Armstrong', 'Bowhall'</i>	Red Maple
<i>Ginkgo Biloba 'Fairmont', 'Fastigiata'</i>	Ginkgo
<i>Magnolia Virginiana</i>	Sweetbay Magnolia
<i>Quercus Robur 'Fastigiata', 'Skyrocket'</i>	English Oak



American Sycamore.



Yoshino Cherry.



Pin Oak.



Hackberry.



Ginkgo.



Crape Myrtle.



Rugosa Rose.

F. Suggested Streetscape Trees for Bay/Beachfront Areas

<i>Acer</i>	Sycamore
<i>Celtis Laevigata</i>	Hackberry
<i>Ginkgo Biloba</i>	Ginkgo
<i>Gleditsia Triacanthos</i>	Honey Locust
<i>Ilex Opaca</i>	American Holly
<i>Juglans Nigra</i>	Black Walnut

G. Suggested Streetscape Shrubs: Tree Form

<i>Hibiscus Syriacus</i>	Althea/Rose of Sharon
<i>Vitex Agnus-Castus</i>	Chastetree
<i>Lagerstroemia Indica</i>	Crape Myrtle

H. Suggested Streetscape Shrubs

<i>Abelia Grandiflora</i>	Glossy Abelia
<i>Aucuba Japonica</i>	Aucuba
<i>Camellia Japonica</i>	Camellia
<i>Camellia Sasanqua</i>	Sasanqua Camellia
<i>Chaenomeles Speciosa</i>	Flowering Quince
<i>Cotinus Coggygria</i>	Smoke Bush
<i>Euonymus Spp.</i>	Euonymus
<i>Hibiscus Syriacus</i>	Rose of Sharon
<i>Hydrangea Spp.</i>	Hydrangea
<i>Hypericum Calycinum</i>	St. John's Wort
<i>Ilex Cornuta Spp.</i>	Holly
<i>Ilex Crenata Spp.</i>	Holly
<i>Juniperus Conferta</i>	Shore Juniper
<i>Juniperus Horizontalis</i>	Creeping Juniper
<i>Ligustrum Spp.</i>	Privet
<i>Myrica Cerifera</i>	Southern Wax Myrtle
<i>Myrica Pensylvanica</i>	Bayberry
<i>Nandina Domestica</i>	Heavenly Bamboo
<i>Potentilla Fruticosa</i>	Potentilla/Quinquefoil
<i>Prunus Laurocerasus</i>	Cherry Laurel
<i>Raphiolepis Indica</i>	Indian Hawthorn
<i>Rhododendron Catawbiense</i>	Catawba Rododendron
<i>Rosa Rugosa</i>	Rugosa Rose
<i>Spiraea Bumalda</i>	Bumald Spirea
<i>Viburnum Spp.</i>	Viburnum
<i>Yucca Spp.</i>	Yucca

I. Suggested Streetscape Grasses

<i>Calamagrostis x Acutiflora</i>	Feather Reed Grass
<i>Festuca</i>	Blue Fescue
<i>Helictotrichon Sempervirens</i>	Blue Oat Grass
<i>Miscanthus Sinensis</i>	Japanese Silver Grass
<i>Pennisetum Alopecuroides</i>	Fountain Grass
<i>Spodiopogon Sibiricus</i>	Silver Spike Grass
<i>Cortaderia Selloana</i>	Pampass Grass
<i>Panicum Spp.</i>	Switch Grass



Switch Grass.

J. Suggested Streetscape Perennials

<i>Achillia Spp.</i>	Yarrow
<i>Alyssum Montanum</i>	Madwort
<i>Anemone Spp.</i>	Anemone
<i>Artemisia Schmidiana</i>	Wormwood
<i>Aster Spp.</i>	Aster
<i>Centaurea Montana</i>	Mountain Bluet
<i>Coreopsis Spp.</i>	Tickseed
<i>Echinacea Purpurea</i>	Purple Coneflower
<i>Epimedium Spp.</i>	Barrenwort
<i>Eupatorium Purpureum</i>	Joe Pye Weed
<i>Gaillardia Spp.</i>	Blanket Flower
<i>Gomphrena Globosa</i>	Globe Amaranth
<i>Helianthus Spp.</i>	Sunflower
<i>Heliopsis Spp.</i>	Oxeye
<i>Hemerocallis Spp.</i>	Daylily
<i>Iberis Sempervirens</i>	Candytuft
<i>Lavandula Spp.</i>	Lavender
<i>Liatris Spicata</i>	Gay Feather
<i>Nepeta Spp.</i>	Catmint
<i>Nicotiana Alata</i>	Flowering Tobacco
<i>Papaver Spp.</i>	Poppy
<i>Perovskia Atriplicifolia</i>	Russian Sage
<i>Rudbeckia Spp.</i>	Black Eyed Susan
<i>Salvia z Superba</i>	Sage
<i>Sedum Spp.</i>	Stonecrop
<i>Stachys Byzantina</i>	Lamb's Ear
<i>Verbena Spp.</i>	Verbena
<i>Vernonia Incana</i>	Speedwell



Blue Oat Grass.



Purple Coneflower.



Verbena.



Zinnia.



Dahlia.



Four O'Clock.



Five-Leaf Akebia.

K. Suggested Streetscape Annuals

<i>Amaranthus Spp.</i>	Amaranthus
<i>Begonia x Semperflorescutorum</i>	Wax-leafed Begonia
<i>Catharanthus Roseus</i>	Madagascar Periwinkle
<i>Celosia Plumosa</i>	Cockscomb
<i>Cleome Hassleriana</i>	Spider Flower
<i>Coreopsis Tinctoria</i>	Annual Coreopsis
<i>Cosmos Sulphureus</i>	Yellow Cosmos
<i>Dahlia Spp.</i>	Dahlia
<i>Euphorbia Marginata</i>	Snow on the Mountain
<i>Gaillardia Pulchella</i>	Blanket Flower
<i>Gerbera Jamesonii</i>	Gerbera Daisy
<i>Helianthus Spp.</i>	Sunflower
<i>Mirabilis Jalapa</i>	Four o'Clocks
<i>Petunia Spp.</i>	Petunia
<i>Portulaca Grandiflora</i>	Rose Moss
<i>Rudbeckia Hirta</i>	Floriosa Daisy
<i>Salvia Spp.</i>	Salvia
<i>Sanwitalia Procumbens</i>	Creeping Zinnia
<i>Scavola Spp.</i>	Fanflower
<i>Tagetes Spp.</i>	Marigold
<i>Verbena Spp.</i>	Verbena
<i>Zinnia Elegans</i>	Zinnia

L. Suggested Screening Vines

<i>Akebia Quinata</i>	Five-Leaf Akebia
<i>Ampelopsis Brevipedunculata</i>	Porcelain Vine

SIGNAGE DESIGN STANDARDS

I. ENVIRONMENTAL SIGNAGE

A. Gateway Signage

Gateways highlight entrances to destinations: they mark the point at which a transition takes place. An ordering of gateways will direct the traveler to central or peripheral entrances and may, as well, indicate the proximity to a destination. These portals are a visitor's first and last reference to a site. As such, they should be both memorable and complementary to Cape Charles.

The gateways of Cape Charles mark its bounds. They indicate a place of unique character, and should maintain design elements common to the character of the urban center itself.

Two types of gateways are to be used along the roadways encompassing Cape Charles. They correspond to the scale of the street and distance from the site. The gateway types are:

- Pedestrian Wayfinding Signs
- Public Event/Festival Banners

These signage types should be designed such that less articulation and greater monumentality should be evident for the gateways along connector and arterial routes. Yet, for elements located at the principal entrances into the individual zones of Cape Charles itself, greater articulation and detail with more consideration for the pedestrian scale and the context of the street should be provided.

When calculating the signage area, the feature to which the actual sign is affixed, whether building, garden wall, free-standing column, or other architectural element shall not be considered as part of the square footage area of the sign, providing that this element serves as visual background for the sign, and is not, itself, a sculptural, promotional element.



Example of a wayfinding sign.



Example of an area directory.



Elevation of a community directional banner.

1. Pedestrian Way-Finding Signage

In addition to signage elements oriented towards vehicular traffic, additional signage elements for pedestrian orientation and public celebration are also encouraged.

a. Pedestrian Way-Finding Signs

These are text-based signs used to guide pedestrians along travel routes to particular destinations. They should be located along designated street routes in the street furniture zone of the sidewalk. In green spaces, they should be located along pathways. They are encouraged to be provided at regular intervals and at significant changes in the direction of travel.

b. Area Directories

These are simplified maps, or graphic diagrams, with accompanying text used to orient the pedestrian. These elements are generally located within the street furniture zone of the sidewalk. They are encouraged to be in public plazas and at the entry points to parking areas/structures and, possibly, at transit stops and significant street intersections.

Area directories should be sized as appropriate for the scale and context of their proposed location. Lighting, whether overhead or internal, should be considered, and a “you are here” indicator should be incorporated to orient the viewer. They should be designed to the pedestrian scale and be ADA compliant.

2. Public Event/Festival Banners

Public event and festival banners are signs that provide information on upcoming public events or privately-sponsored festivals approved by the Town. Such events may overlap onto portions of the right-of-way. Approved banners may be proposed for location on either public or private property as permitted by the Town for display to the public. Banners are typically constructed of treated cloth, canvas, or fabric. Other light materials that are appropriate for exterior applications may also be used. Approved banners are to be installed and removed within set time periods established by the Town.

Banners may be:

- a. On building façades.
- b. Suspended from gateways as approved by the Township in private or public plazas on structural posts.
- c. Temporary or permanent, erected specifically for the display of the public event/festival banner.
- d. Within the space of the sidewalk, plaza, or other pedestrian areas, the bottom of the banner should be at least 8'-0" above the pedestrian way.
- e. Within the space of the street, the bottom of the banner should meet the minimum height requirements determined by the Town and VDOT.



An area directory.



Festival banners.



Examples of blade signage.



Examples of A-Frame Signage and Window Signage.



Examples of Building Signage.

II. COMMERCIAL SIGNAGE

A. Statement and Intent

The intent of these guidelines is to ensure that the signage throughout Cape Charles is of an appropriate size and scale to its location on the individual buildings and serves to create a pleasant and harmonious environment. It is also the intent of these guidelines to provide order and to avoid visual clutter in the area by requiring consistency in the placement and arrangement of various types of signage.

Signage can either disrupt or reinforce a district's character. Erratic placements, uncoordinated colors, unsuitable shapes and sizes, and lighting that is too brilliant or intense for the context – all these and more can impair the cohesion underlying the urban context. However, coordinated signage can make an area understandable and easy to maneuver through. Clarity also strengthens a district's identity.

Signage has hierarchies vertically and horizontally on a building's face. Generally, the higher a sign goes on a building's façade, the more monumental in scale it becomes. Signage must be exact in size, shape, lighting, color, and placement. The lower or closer to the street level, the more pedestrian in scale a sign becomes. Between these two points, signage may exist as the design of a building's façade permits. The following guidelines clarify what types of signage may exist where and what parameters each type must follow. The basic building classifications of mid-rise (between 35'-0" and 55'-0") and low-rise (less than 35'-0") serve as the basis for the signage criteria and allotments.

(Note: "Box" type signage is not permitted in Cape Charles.)

B. Definitions

A-Frame Sign: A sign which, typically, folds open to be self-supporting, and which is typically placed along a pathway to serve as a form of advertisement.

Awning Sign: A sign painted on, printed on, or attached flat against the surface of a shelter projecting from, and supported by, the exterior wall of a building constructed of nonrigid material on a supporting framework.

Blade Sign: A sign physically inscribed upon, or attached to, a panel which is suspended from, or supported on, brackets running perpendicular to the face of the building to which they are attached.

Box Sign: A three-dimensional container with four sides perpendicular to the base and with a face plate which displays the names, marks, emblems, logos, or other characters.

Building Frontage: The length or width of each side of a building which side either faces a right-of-way or provides public access into the building.

Building Identification Sign: A sign, the purpose of which is to identify, name, or provide other form of distinction to a particular building, though not to an owner or tenant of the building.

Building Sign: A sign physically inscribed upon, affixed to, or supported by a building including, without limitation, awning signs, nameplate signs, and wall signs, but excluding window signs. A sign painted on, or attached to and erected parallel to, the face of an outside wall of a building, and not projecting more than 18" from the wall.

Commercial/Office Directories: A non-advertising sign, attached to a wall, that lists the building occupants. No directory shall be greater than 16 square feet in depth.

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. No electronic message boards are permitted.

Name Plate: Professional name plates and signs denoting the name and, perhaps, address of the occupants of the premises, which signs shall not exceed one (1) square foot in sign area. Such signs shall also include farm or estate identification signs and signs used by churches, synagogues or civic organizations.

Projecting Sign: A sign attached to a structure wall and extending outward from the wall more than 12".

Sign: Any fabricated sign or outdoor display structure consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, which is constructed, attached, erected, fastened or manufactured in any manner so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, and displayed in any manner out of doors for recognized



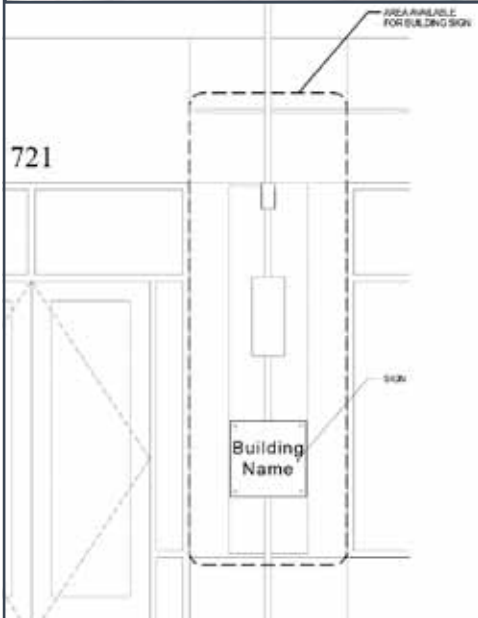
Example of a Name Plate.



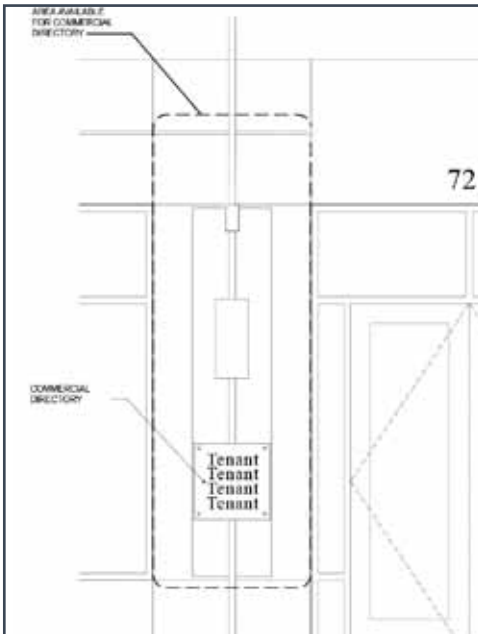
Examples of marquee signs for movie theaters.



Examples of a Directory.



Placement for a building identification sign.



Placement for a commercial directory.

advertising purposes. No electronic message boards are permitted.

Wall Sign: Any sign attached parallel to, but within 6" of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window Sign: A sign which is (1) physically affixed to a building window or (2) legible from any right-of-way through a building window, and within 4'-0" of the plane of the window. No window sign shall be greater than 10% of the window area.

C. Prohibited Signs

1. **Discontinued Business Signs:** Any sign which advertises or publicizes any activity, business, product or service no longer produced or conducted on the premises upon which the sign is located.
2. **Permanent High Intensity Signs:** Signs which contain or consist of flags, pennants, ribbons, streamers, spinners, strings of light bulbs, flashing lights, or other similar moving devices, with the exception of special event signs or decorations approved by the Administrator pursuant to the Temporary Use Regulations. These devices, when not part of any sign are similarly prohibited.
3. **Snipe Signs:** Snipe signs or signs attached to trees, telephone poles, public benches, street lights or placed on any public property or right-of-way. Signs projecting over public property shall be permitted in accordance with the building code only where no setbacks are required.
4. **Signs Resembling Official Signs and Signals:** Signs imitating or resembling official traffic or government signs or signals except approved private traffic signs.
5. **Signs on Vehicles:** Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign. This does not apply to allowed temporary signs or to signs or lettering on buses, taxis or vehicles operating during the normal course of business.
6. **Illegal Activities:** Signs advertising activities which are illegal under federal, state or city laws or regulations.

7. **Signs Above Roof Lines:** Signs which are mounted so as to be displayed above the roof line or parapet of the building to which they are attached.
8. **Portable Signs:** Portable signs, with the exception of those approved by the Administrator.
9. **Off Premises Signs:** Unless specifically authorized by this Section.

D. General Building Signage Criteria

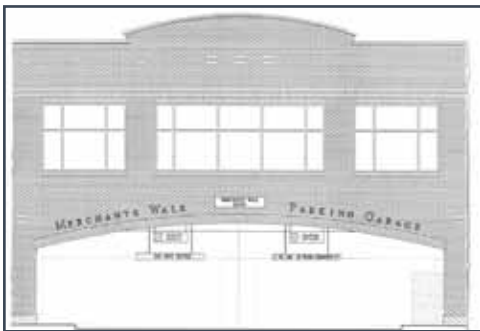
1. Mid-Rise Buildings (buildings between 35'-0" and 55'-0" in height, measured above grade plane)
 - a. Building Identification Signage (adjacent to entry locations)
 - i. A maximum of one (1) sign is permitted at each public entry door location.
 - ii. The maximum size of each building identification sign is 6 square feet.
 - iii. The permitted sign may be located adjacent to the public entry door location, between 2'-0" and 8'-0" above the finished floor.
 - iv. The permitted sign may be located directly above the public entry door location, between 8'-0" and 15'-0" above the finished floor.
 - v. For residential buildings, a maximum of one (1) sign per public entry door location shall be permitted. The sign shall be no greater than four (4) square feet in area.
 - vi. The name plate shall be no greater than one (1) square foot in area.
 - b. Commercial Directories (adjacent to entry locations)
 - i. A maximum of one (1) directory is permitted per public entry door location.
 - ii. The maximum size of each directory sign shall be four (4) square feet.
 - iii. The permitted signs may be located directly adjacent to the public entry door location, between 2'-0" and 8'-0" above the finished floor.



Example of a commercial directory.



An example of a marquee sign for a movie theater.



Major building signage for a parking structure.



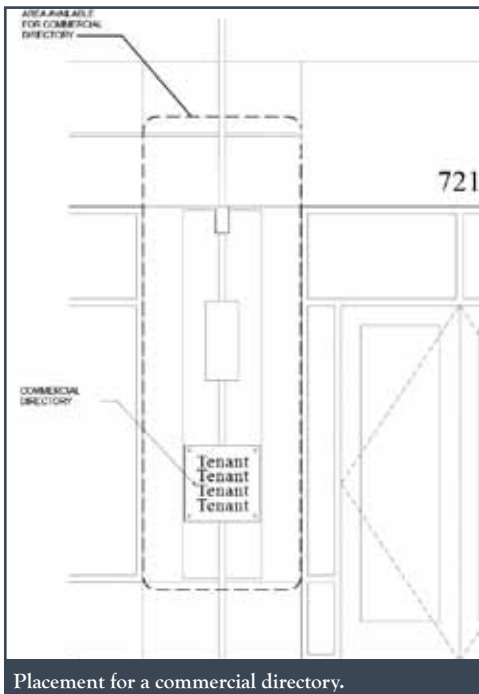
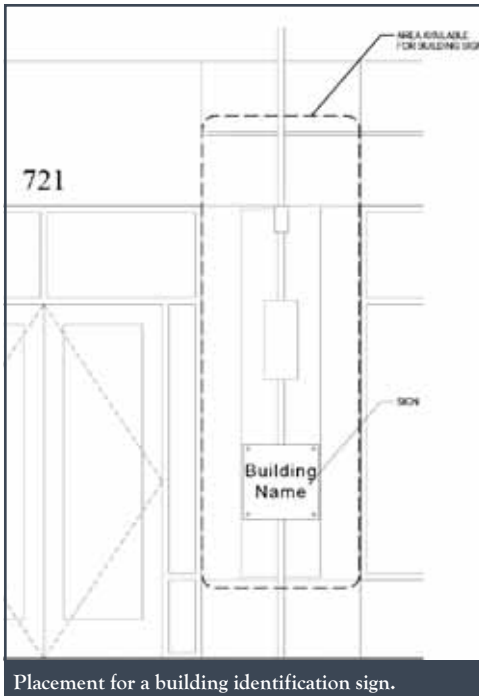
Building identification signage at vehicular entry locations.

- iv. For residential buildings, a maximum of one (1) sign per public entry door location shall be permitted.
- c. Marquee Signs
 - i. Two (2) marquee signs allowed per Theater/Conference Center.
 - ii. A maximum of one (1) marquee sign shall be permitted per building face. No sign shall be greater than 9 square feet in area.
 - iii. The permitted sign shall maintain a minimum clearance of at least 10 feet over a sidewalk.
 - iv. No marquee sign may be closer than 2'-0", measured in horizontal distance, from the curb line of any street.
 - v. The sign shall be located at a public entrance to the building.
 - vi. In the event that a marquee sign is located in the right-of-way area, a liability policy naming the City as an additional insured party is required.
- d. Parking Structure Signage
 - i. Major Building Signage
 - a) A maximum of two (2) major building signs shall be permitted on each building.
 - b) The maximum size of any single major building sign shall be 100 square feet.
 - c) No more than one (1) sign per building face shall be permitted.
 - d) The major building sign shall be located at the top floor of the building, unless otherwise approved by the Design Review Committee.
 - e) No portion of the major building sign may project above the roof line or parapet wall of the building.
 - ii. Building Identification Signage (at vehicular entry locations)
 - a) A maximum of one (1) sign is permitted at each public entry location.

- b) The maximum size of a building identification sign shall be 60 square feet.
 - c) The permitted sign shall be located directly above the vehicular entry location(s).
 - iii. Building Identification Signage (at pedestrian entry locations)
 - a) Maximum of one (1) sign is permitted at each public entry location.
 - b) The maximum size of each building identification sign shall be 6 square feet.
 - c) The permitted sign may be located adjacent to the entry location, between 2'-0" and 8'-0" above the finished floor, or directly above the public entry location, between 8'-0" and 15'-0" above the finished floor.
 - e. Second Floor Tenant Signage (at lower 2 floors of building)
 - i. See Signage Standards for Low-Rise Buildings.
 - f. First Floor Tenant Signage (at lower 2 floors of building)
 - i. See Signage Standards for Low-Rise Buildings.



Example of First Floor Tenant Signage at lower 2 floors of building.



2. Low-Rise Buildings (Buildings less than 35'-0" in height, measured above grade plane)

(Note: No commercial or first floor tenant signage shall be permitted to project above the level of a residential floor.)

a. Building Identification Signage

- i. A maximum of one (1) building identification sign is permitted per public lobby entrance.
- ii. The maximum size of each building identification sign is to be 4 square feet.
- iii. The permitted sign may be located adjacent to the entry doors, between 2'-0" and 8'-0" above the finished floor.

b. Commercial Directories

- i. A maximum of one (1) directory sign is permitted per public lobby entrance.
- ii. The maximum size of each building identification sign is to be 4 square feet.
- iii. The permitted sign may be located adjacent to the entry doors, between 2'-0" and 8'-0" above the finished floor.

c. Major Tenant Signage (atop building)

- i. A maximum of two (2) signs are permitted on each building, representing one (1) major tenant.
- ii. The maximum size of a major tenant sign shall be 100 square feet.
- iii. No more than one (1) sign per building façade shall be permitted.
- iv. A major tenant sign shall be located at the top floor of the building.
- v. No portion of any major tenant sign may project above the roof line or parapet wall of the building.

d. Marquee Signs

- i. Two (2) marquee signs allowed per Theater/Conference Center.

- ii. A maximum of one (1) marquee sign shall be permitted per building face. No sign shall be greater than four (4) square feet in area.
 - iii. The permitted sign shall maintain a minimum clearance of at least 10'-0" over a sidewalk.
 - iv. No marquee sign may be closer than 2'-0", measured in horizontal distance, from the curb line of any street.
 - v. The sign shall be located at a public entrance to the building.
 - vi. In the event that a marquee sign is located in the right-of-way area, a liability policy naming the City as an additional insured party is required.
- e. Second Floor Tenant Signage
 - i. Major tenant signage (atop building on 1- and 2-story buildings, or between second floor window heads and third floor window sills on taller buildings)
 - a) No more than one (1) second floor major tenant sign shall be permitted per building frontage.
 - b) The maximum size of a major tenant sign for a second floor tenant shall be 60 square feet, but shall not be greater than one (1) square foot in area for every linear foot of frontage.
 - c) The permitted sign shall not be located above the roof line or parapet wall of the building or above the third floor window sill line for tenants in taller buildings.
 - i. Commercial Directory Signage
 - a) Second floor tenants are permitted to have identification on the building commercial directories.
 - b) The permitted identification shall be in conformance with the character of the directory.



Examples of Blade Signage.



Examples of marquee signs for movie theaters.



Typical first floor tenant signage.



Example of Awning & First Floor Signage.

f. First Floor Tenant Signage

(Note: Names, marks, emblems, or logos less than 2 square feet in area shall not be counted against the allotment of permitted signs.)

- i. First floor tenants are permitted three (3) signs total.
 - ii. Corner signage which establishes a visual presentation to both streets shall be counted as two (2) signs. Corner signs are only available for tenants that are leasing the corner space.
 - iii. First floor tenants may select from the following sign types: major tenant signage, typical first floor tenant storefront signage, window signage, awning signage, and blade signage.
- g. Major tenant signage (atop building on 1 and 2 story buildings, or between second floor window heads and third floor window sills on taller buildings)
- i. Major tenant signage is only permitted for a first floor tenant leasing a minimum of 60'-0" in length of building frontage.
 - ii. The maximum size of a major tenant sign for a first floor tenant shall be 50 square feet.
 - iii. No portion of the sign may project above the roof line or parapet wall on 1 and 2 story buildings
 - iv. On taller buildings, no portion of the sign may project above the third floor window sill line.
- h. Typical first floor tenant storefront signage (above tenant entry doors yet beneath the second floor window sill)
- i. The maximum size of typical storefront signage shall be 30 square feet.
 - ii. Typical storefront signage shall be located in the signage panel provided above the first floor window head and below the second floor window sill.

i. Window Signage

- i. A window sign is any sign, emblem, or logo which is affixed to the storefront or suspended within 4'-0" of the front plane of the storefront.
- ii. The maximum size of any window sign shall be 20 square feet, or 10% of the total area of the window, whichever is less.
- iii. Window signage may be located anywhere within the fenestration opening.
- iv. "Open" and "Closed" signs are not permitted.

j. Awning Signage

- i. The maximum size of an awning sign shall be 9 square feet, but shall not be allowed to be greater than 25% of the size of the awning.
- ii. A maximum of one (1) name, emblem, logo, or inscription shall be permitted per awning.
- iii. Awnings shall not be permitted to cover any portion of upper floor windows.
- iv. The minimum height on an awning sign above the sidewalk shall be 8'-0".

k. Blade Signage

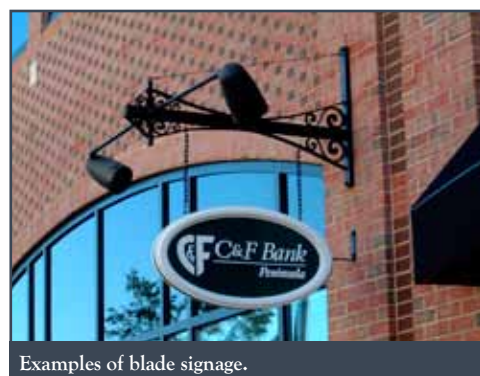
- i. The maximum size of any blade signage shall be 10 square feet.
- ii. A blade sign shall be mounted such that the bottom edge of the sign, or supporting element, is no lower than 8'-0", and the top edge of the sign, or supporting element, is no higher than 14'-0" above the finished floor.
- iii. Blade signs shall not project more than 5'-0" from the face of the building.
- iv. Blade signs shall not project into the public right-of-way.

l. Eating/Drinking Establishments Menu Display Signs

- i. A maximum of one (1) menu display sign is permitted per eating/drinking establishment.

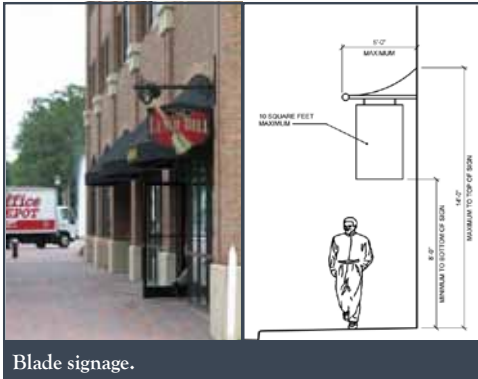


Examples of window signage.



Examples of blade signage.





- ii. The maximum size of any sign shall be 4 square feet.
- iii. The sign shall be orderly displayed, and compatible with the overall design of the establishment.
- iv. Menu display signs are subject to the approval of the Design Review Committee.

D. Real Estate Signs

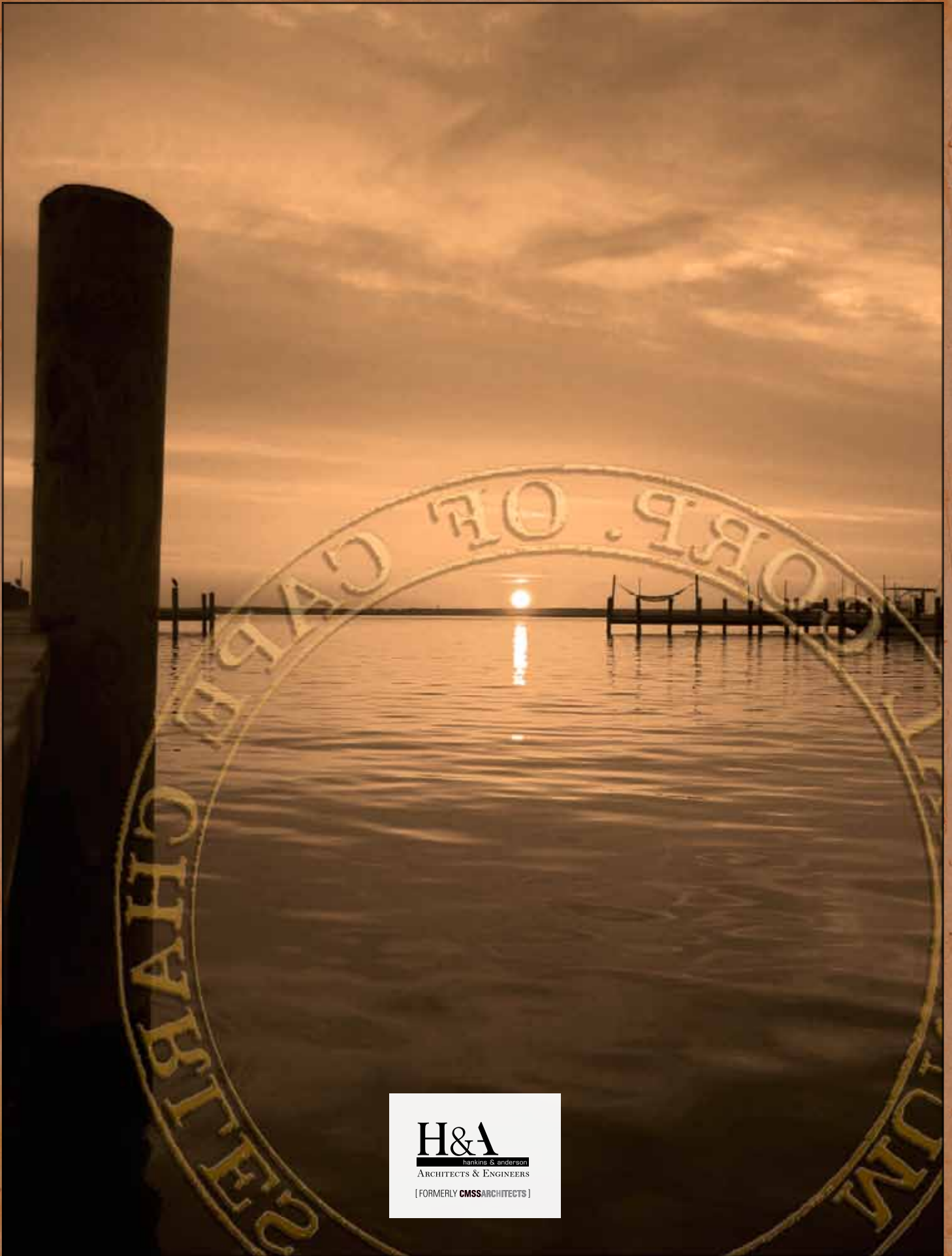
1. Undeveloped Sites

- a. One (1) free-standing sign shall be permitted on undeveloped sites.
- b. The permitted sign shall be no more than 16 square feet in area.
- c. The permitted sign shall be no more than 6'-0" in height.
- d. No more than one (1) sign shall be permitted per site.

2. Developed Properties

(Note: Real estate signs for individual residential units are not permitted in any location.)

- a. Only one (1) sign shall be permitted per lease unit (existing demised area) for commercial and retail property; and one (1) sign per each on-site leasing office for each residential property or complex.
- b. The permitted sign shall be no more than 6 square feet in area.
- c. The permitted sign shall be removed immediately upon signing of a lease or purchase agreement for the advertised space or property.



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Town of Cape Charles

ARTICLE VII

Chesapeake Bay Preservation Area Overlay District

Section 7.1 Title

This ordinance shall be known and referenced as the Chesapeake Bay Preservation Area Overlay District of the Town of Cape Charles.

Section 7.1.1 Findings of Fact

The Chesapeake Bay and its tributaries is one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of Cape Charles and the Commonwealth of Virginia. The health of the Bay is vital to maintaining the Town of Cape Charles' economy and the welfare of its citizens.

The Chesapeake Bay has been degraded significantly by many sources of pollution, including non-point source pollution from land uses and development. Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. With proper management, they offer significant ecological benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. These lands together, designated by the Town Council of Cape Charles as Chesapeake Bay Preservation Areas (hereinafter CBPA), need to be protected from destruction and damage in order to protect the quality of life in Cape Charles and the Commonwealth of Virginia.

Section 7.2 Purpose and Intent

- A. This ordinance is enacted to implement the requirements of Section 10.1-2100 et seq. of the Code of Virginia, 1950 as amended, (The Chesapeake Bay Preservation Act) and amends the Zoning Ordinance of Cape Charles. The intent of the Town Council and the purpose of the Overlay District is to: (1) protect existing high quality state waters; (2) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (3) safeguard the clean waters of the Commonwealth from pollution; (4) prevent any increase in pollution; (5) reduce existing pollution; and (6) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Town of Cape Charles.

- B. This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. Unless otherwise stated in the Overlay District, the review and approval procedures provided for in other applicable ordinances shall be followed in reviewing and approving development, redevelopment, and uses governed by this Article.
- C. This Article is enacted under the authority of Section 10.1-2100, The Chesapeake Bay Preservation Act, and Section 15.2-2283 of the Code of Virginia. Section 15.2-2283 states that zoning ordinances may “also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Section 62.1-255.”

Section 7.3 Definitions

The following words and terms used in the Chesapeake Bay Overlay District shall have the following meanings unless the context clearly indicates otherwise. Words and terms not defined in this Article but defined in this zoning ordinance shall be given the meanings set forth therein.

AGRICULTURAL LANDS means those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

BEST MANAGEMENT PRACTICES or **BMP** means a practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with water quality goals.

BUFFER AREA means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

CHESAPEAKE BAY PRESERVATION AREA or **CBPA** means any land designated by the Town Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20 et seq., Section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

CONSTRUCTION FOOTPRINT means the area of all impervious surface including but not limited to buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

DEVELOPMENT means the construction or substantial alteration of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

DIAMETER AT BREAST HEIGHT or **DBH** means the diameter of a tree measured outside the bark at a point 4.5 feet above ground.

DRIPLINE means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

IMPERVIOUS COVER means a surface composed of any material that significantly impedes or prevents natural infiltration or water into the soil. Impervious surfaces include but are not limited to roofs, buildings, streets, parking areas, and any concrete, asphalt, compacted gravel, or shell surface.

INTENSELY DEVELOPED AREA or **IDA** means a portion of Resource Protection Area or a Resource Management Area designated by the Town Council where development is concentrated and little of the natural environment remains.

NONPOINT SOURCE POLLUTION means pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

NONTIDAL WETLANDS means those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions such as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act in 33 C.F.R. 328.3b, ~~dated November 13, 1986.~~

NOXIOUS WEEDS means weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

PLAN OF DEVELOPMENT means the process for site plan or subdivision plat review to ensure compliance with Section 10.1-2109 of the Code of Virginia and this Article prior to any clearing or grading of a site or the issuance of a building permit.

PUBLIC ROAD means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (§ 10.1-603.1 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary

roads are constructed and maintained, or both, by the Town of Cape Charles in accordance with the standards of the Town of Cape Charles.

REDEVELOPMENT means the process of developing land that is or has been previously developed.

RESOURCE MANAGEMENT AREA or **RMA** means that component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

RESOURCE PROTECTION AREA or **RPA** means that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

SILVICULTURAL ACTIVITIES means forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

SUBSTANTIAL ALTERATION means expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.

TIDAL SHORE or **SHORE** means land contiguous to a tidal body of water between the mean low water level and the mean high water level.

TIDAL WETLANDS means the vegetated and non-vegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia.

WATER-DEPENDENT FACILITY means a development of land that cannot exist outside the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include but are not limited to: (1) ports; (2) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (3) marinas and other boat docking structures; (4) beaches and other public water-oriented recreation areas; and (5) fisheries or other marine resources facilities.

WETLANDS means tidal and non-tidal wetlands.

Section 7.4 Areas of Applicability

- A. The Chesapeake Bay Preservation Act Overlay District shall apply to all lands identified as CBPAs as designated by the Town Council and as shown on the Zoning District Map. Such map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Article.
1. The Resource Protection Area includes:
 - a. tidal wetlands
 - b. non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow
 - c. tidal shores
 - d. a 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsections a through c above and along both sides of any water body with perennial flow
 2. The Resource Management Area is composed of the following land categories: flood plains; highly erodible soils, including steep slopes; highly permeable soils; non-tidal wetlands not included in the RPA; other lands necessary to protect the quality of state waters or a minimum of 100 feet in width landward of the Resource Protection Area , whichever is greatest.
- B. The Zoning District Map shows the general location of CBPAs and should be consulted by persons contemplating activities within Cape Charles prior to engaging in a regulated activity.
- C. Portions of RPAs and RMAs designated by the Town Council as Intensely Developed Areas shall serve as redevelopment areas. Areas so designated shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in Section 7.10, Performance Standards.

Section 7.5 Use Regulations

Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district unless specifically modified by the requirements set forth herein.

Section 7.6 Lot Size

Lot size shall be subject to the requirements of the underlying zoning district(s) provided that any lot shall have sufficient area outside the RPA to accommodate an intended development in accordance with the performance standards in Section 7.10 when such development is not otherwise allowed in the RPA.

Section 7.7 Development Criteria for Resource Protection Areas

- A. Development in RPAs may be allowed only if it: (1) is water dependent (2) constitutes redevelopment or development within IDAs, or (3) constitutes redevelopment

1. A new or expanded water dependent facility may be allowed provided that the following criteria are met:
 - a. It does not conflict with the comprehensive plan;
 - b. It complies with the performance criteria set forth in Section 7.10 of this Article;
 - c. Any non water dependent component is located outside of the RPA; and
 - d. Access to the water dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.
 2. Redevelopment on isolated redevelopment sites outside of the designated IDAs shall be permitted only if there is not an increase in the amount of impervious cover and no further encroachment within the RPA and it shall conform to the stormwater management requirements outlined under Section 7.10.B.8 and erosion and sediment control requirements outlined under Section 7.10.B.4 of this Article.
- B. A water quality impact assessment shall be required for any proposed land disturbance, development or redevelopment within RPAs and for any development within RMAs when required by the Zoning Administrator because of the unique characteristics of the site or intensity of development in accordance with the provisions of Section 7.11 of this Article.

Section 7.8 Conflict With Other Regulations

In any case where the requirements of this Article conflict with any other provision of the Cape Charles Zoning Ordinance and other regulations or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

Section 7.9 Interpretation of Resource Protection Area Boundaries

- A. Delineation by the Applicant. The site-specific boundaries of the Resource Protection Area shall be determined by the applicant through the performance of an environmental site assessment, subject to approval by the Zoning Administrator and in accordance with Section 7.12, Plan of Development Process or Section 7.11 Water Quality Impact Assessment, of this Article. The Zoning District Map may be used as a guide to the general location of Resource Protection Areas.
- B. Delineation by the Zoning Administrator. The Zoning Administrator, when requested by an applicant wishing to construct a single-family residence, may waive the requirement for an environmental site assessment and perform the delineation. The Zoning Administrator may use hydrology, soils, plant species, and other data and consult other appropriate resources as needed to perform the delineation.

- C. Where Conflict Arises Over Delineation. When the applicant provides a site-specific delineation of the RPA, the Zoning Administrator will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Zoning Administrator may render adjustments to the applicant's boundary delineation in accordance with Section 7.12, Plan of Development Process, of this Article. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief in accordance with the provisions of Section 7.12.H of this ordinance.

1 Section 7.10 Performance Standards

- A. Purpose and Intent. The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxins, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, within its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The purpose and intent of these requirements are also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a 10 percent reduction in nonpoint source pollution from redevelopment; and achieve a 40 percent reduction in nonpoint source pollution from agricultural uses.

- B. General Performance Standards for Development and Redevelopment
1. Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
 - a. Ingress and egress during construction shall be limited to one access point unless otherwise approved by the Zoning Administrator.
 2. Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use or development proposed and in accordance with the Virginia Erosion and Sediment Control Handbook.
 - a. Site clearing for construction activities shall be allowed as approved by the Zoning Administrator through the plan of development review process.
 - b. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected five feet outside of the drip line of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.

3. Land development shall minimize impervious cover to promote infiltration of storm water into the ground consistent with the proposed use or development.
 - a. Grid and modular pavements may be used for any required parking area, alley, or other low traffic driveway unless otherwise approved by the Zoning Administrator.
4. Notwithstanding any other provision of this Article or exceptions or exemptions thereto, any land-disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, shall comply with the requirements of Cape Charles' Erosion and Sediment Control Ordinance.
5. All development and redevelopment exceeding 2,500 square feet of land disturbance shall be subject to a plan of development process including the approval of a site plan in accordance with the provisions of the Site Plan Ordinance.
6. All on-site sewage disposal systems not requiring a VPDES permit shall be pumped out at least once every five years in accordance with the provisions of the State Health Code.
7. A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided in accordance with the State Health Code. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site as determined by the local health department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board until the structure is served by public sewer.
8. For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices that achieve the following:
 - a. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load based on the calculated average land cover condition of the Town of Cape Charles.
 - b. For sites within IDAs or other isolated redevelopment sites, the non-point source pollution load shall be reduced by at least 10 percent. The Zoning Administrator may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for storm water runoff quality control provided the following provisions are satisfied:
 - i. In no case may the post-development non-point source pollution runoff load exceed the pre-development load.
 - ii. Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling non-point source pollution.
 - iii. If best management practices are structural, evidence shall be provided that the facilities are currently in good working

order and performing at the design levels of service. The Zoning Administrator may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this Article.

- c. For redevelopment, both the pre- and the post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development non-point source pollution loadings can be substituted for the existing development loadings.
9. Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Zoning Administrator in accordance with Section 7.12 of this Article.
10. Land upon which agricultural activities are being conducted shall have a soil and water quality conservation assessment. Such assessments shall evaluate the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management and management of pesticides, and where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is accomplished consistent with the Article.

C. Buffer Area Requirements

To minimize the adverse effects of human activities on the other components of Resource Protection Areas, state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist. The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the RPA in accordance with Section 7.4, Areas of Applicability, and Section 7.12, Plan of Development Process, of this Article.

The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.

The buffer area shall be maintained to meet the following additional performance standards:

1. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed, subject to approval by the Zoning Administrator, only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices including those that prevent upland erosion and concentrated flows of stormwater, as follows:
 - a. Trees may be pruned or removed as necessary to provide for sight lines and vistas provided that, where removed, they shall be

- replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.
- b. Any path shall be constructed and surfaced so as to effectively control erosion.
 - c. Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu and multiflora rose) may be removed and thinning of trees allowed, pursuant to standards adopted by the Town of Cape Charles.
 - d. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best of available technical advice and applicable permit conditions or requirements.
2. When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Zoning Administrator may allow encroachments into the buffer area in accordance with Section 7.12, Plan of Development Process, and the following criteria:
 - a. Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
 - b. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and
 - c. The encroachment may not extend into the seaward 50 feet of the buffer area.
 3. Redevelopment within IDAs may be exempt from establishing vegetation within the buffer area in accordance with Section 7.12, Plan of Development Process, of this Article.
 4. On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds from invading the buffer area. Agricultural activities may encroach into the buffer area as follows:
 - a. Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural best management practice, which, in the opinion of the [local soil and water conservation district board], addresses the more predominant water quality issue on the adjacent land – erosion control or nutrient management – is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice_achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified

- as the predominant water quality issue, a nutrient management plan, including soil test, must be developed consistent with the “Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15 et seq.)” administered by the Virginia Department of Conservation and Recreation.
- b. Agricultural activities may encroach within the landward 75 feet of the 100-foot wide buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as “T”, as defined in the “National Soil Survey Handbook” of November 1996 in the “Field Office Technical Guide” of the U. S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil test, must be developed consistent with the “Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15 et seq. administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot wide buffer area.
 - e. The buffer area is not required to be designated adjacent to agricultural drainage ditches if the adjacent agricultural land has in place at least one best management practices as considered by the local Soil and Water Conservation District to address the more predominant water quality issue on the adjacent land – either erosion control or nutrient management
4. When agricultural or silvicultural uses within the buffer area cease, and the lands are proposed to be converted to other uses, the full 100-foot wide buffer area shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions are maintained or established.

Section 7.11 Water Quality Impact Assessment

A. Purpose and Intent

The purpose of the water quality impact assessment is to: (1) identify the impact of proposed development on water quality and lands within RPAs and other environmentally sensitive lands; (2) ensure that, where development does take place within RPAs and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands; (3) to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; and (4) specify mitigation which will address water quality protection.

B. Water Quality Impact Assessment Required

A water quality impact assessment is required for (1) any proposed land disturbance, redevelopment or development within a RPA, including any buffer area modification or encroachment as provided in Section 7.10 of this Article; (2) any development in a RMA as deemed necessary by the Zoning Administrator due to the unique characteristics of the site or intensity of the proposed development. There shall be two levels of water quality impact assessments--a minor assessment and a major assessment.

C. Minor Water Quality Impact Assessment

A minor water quality impact assessment pertains only to a development within CBPAs which causes no more than 5,000 square feet of land disturbance and requires any modification or encroachment into the landward 50 feet of the 100-foot buffer area. A minor assessment must demonstrate that the undisturbed buffer area, enhanced vegetative plantings, and any required best management practices will result in removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff and that the remaining buffer area will retard runoff, prevent erosion and filter nonpoint source pollution the equivalent of the full undisturbed 100-foot buffer area. A minor assessment shall include a site drawing to scale which shows the following:

1. Location of the components of the RPA, including the 100-foot buffer area;
2. Location and nature of the proposed encroachment into the buffer area if needed including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover;
3. Type and location of proposed best management practices to mitigate the proposed encroachment.
4. Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification;
5. Revegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control.

D. Major Water Quality Impact Assessment

A major water quality impact assessment shall be required for any development which (1) exceeds 5,000 square feet of land disturbance within CBPA and requires any modifications or encroachment into the landward 50 feet of the 100-foot buffer area; (2) proposes to disturb any portion of any other component of an RPA or proposes to disturb any portion of the buffer area within 50 feet of any other component of any RPA; or (3) is located in an RMA and is deemed necessary by the Zoning Administrator. The information required in this section shall be considered a minimum unless the Zoning Administrator determines that

some of the elements are unnecessary due to the scope and nature of the proposed use and development of land.

The following elements shall be included in the preparation and submission of a major water quality assessment:

1. All of the information required in a minor water quality impact assessment as specified in Section 7.11.C;
2. A hydro-ecological element that:
 - a. describes the existing topography, soils, hydrology, and geology of the site and adjacent lands
 - b. indicates the following:
 - i. disturbance or destruction of wetlands and justification for such action
 - ii. disruptions or reductions in the supply of water to wetlands, streams, or other water bodies
 - iii. disruptions to existing hydrology including wetlands and stream circulation patterns
 - iv. source location and description of proposed fill material
 - v. location of dredge material and location of dumping area for such material
 - vi. location of and impacts on shellfish beds or submerged aquatic vegetation
 - vii. estimation of pre- and post-development pollutant loads in runoff
 - viii. estimation of percent increase in impervious surface on site and type(s) of surfacing materials used
 - ix. percent of site to be cleared for project
 - x. anticipated duration and phasing schedule of construction project
 - xi. listing of all requisite permits from all applicable agencies necessary to develop project
 - d. describes the proposed mitigation measures for the potential hydroecological impacts. Potential mitigation measures include:
 - i. proposed erosion and sediment control concepts; concepts should include minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, schedule and personnel for site inspection
 - ii. proposed water quality and quantity stormwater management system
 - iii. creation of wetlands to replace those lost
 - iv. minimizing cut and fill
3. A landscape element that:
 - a. identifies and delineates the location of plant material on site, including all trees two inches or greater diameter at breast height. Where there are groups of trees, stands may be outlined.

- b. describes the impacts the development or use will have on the existing vegetation. Information should include:
 - i. limits of clearing based on all anticipated improvements including buildings, drives, and utilities
 - ii. clear delineation of all trees and other woody vegetation proposed to be removed
 - iii. description of plant species to be disturbed or removed
- c. describes the potential measures for mitigation. Possible mitigation measures should include:
 - i. replanting schedule for trees and other significant vegetation removed for construction including a list of possible plants and trees to be used
 - ii. demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation
 - iii. demonstration that native plants are to be used to the greatest extent possible

E. Submission and Review Requirements

- 1. Eight copies of all site drawings and other applicable information as required by Subsections C and D above shall be submitted to the Zoning Administrator for review.
- 2. All information required in this section shall be certified as complete and accurate by a professional engineer or certified land surveyor.
- 3. A minor water quality impact assessment shall be prepared and submitted to and reviewed by the Zoning Administrator in conjunction with Section 7.12, Plan of Development Process, of this Article.
- 4. A major water quality impact assessment shall be prepared and submitted to and reviewed by the Zoning Administrator in conjunction with a request for rezoning, special use permit, or in conjunction with Section 7.12 of this Article as deemed necessary by the Zoning Administrator.
- 5. As part of any major quality impact assessment submittal, the Zoning Administrator may require review by the Chesapeake Bay Local Assistance Department (CBLAD). Upon receipt of a major water quality impact assessment, the Zoning Administrator will determine if such review is warranted and may request CBLAD to review the assessment and respond with written comments. Any comments by such CBLAD will be incorporated into the final review by the Zoning Administrator provided that such comments are provided by CBLAD within 90 days of the request.

F. Evaluation Procedure

- 1. Upon the completed review of a minor water quality impact assessment, the Zoning Administrator will determine if any proposed encroachment

into the buffer area is consistent with the provisions of this Article and make a finding based upon the following criteria:

- a. the necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
 - b. impervious surface is minimized;
 - c. proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
 - d. the development, as proposed, meets the purpose and intent of this Article;
 - e. the cumulative impact of the proposed development, when considered in relation to other development in the vicinity both existing and proposed, will not result in a significant degradation of water quality.
2. Upon the completed review of a major water quality impact assessment, the Zoning Administrator will determine if the proposed development is consistent with the purpose and intent of this Article and make a finding based upon the following criteria in conjunction with Section 7.12.
- a. Within an RPA, the proposed development is water dependent.
 - b. The disturbance of any wetlands will be minimized.
 - c. The development will not result in significant disruption of the hydrology of the site.
 - d. The development will not result in significant degradation to aquatic vegetation or life.
 - e. The development will not result in unnecessary destruction of plant materials on site.
 - f. Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentations.
 - g. Proposed storm water management concepts are adequate to control the storm water runoff to achieve the required performance standard for pollutant control.
 - h. Proposed re-vegetation of disturbed areas will provide optimum erosion and sediment control benefits.
 - i. The development as proposed is consistent with the purpose and intent of the Overlay District.
3. The Zoning Administrator shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Zoning Administrator based on the criteria listed above in Subsections 1 and 2.
4. The Zoning Administrator shall find the proposal to be inconsistent with the purpose and intent of this Article when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Zoning Administrator based on the criteria listed in Subsections 1 and 2.

Section 7.12 Plan of Development Process

Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be accomplished through a plan of development process prior to any clearing or grading of the site or the issuance of any building permit to assure compliance with all applicable requirements of this Article.

A. Required Information

In addition to the requirements of this Ordinance or the requirements of the Cape Charles Subdivision Ordinance, the plan of development process shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined as deemed appropriate by the Zoning Administrator. The Zoning Administrator may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

The following plans or studies shall be submitted unless otherwise provided for:

1. A site plan in accordance with the provisions of this ordinance; or a subdivision plat in accordance with the provisions of the Subdivision Ordinance of Cape Charles;
2. An environmental site assessment;
3. A landscaping plan;
4. A storm water management plan;
5. An erosion and sediment control plan in accordance with the provisions of the Cape Charles Erosion and Sediment Control Ordinance.

B. Environmental Site Assessment

An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval.

1. The environmental site assessment shall be drawn to scale and clearly delineate the following environmental features:
 - a. tidal wetlands
 - b. tidal shores
 - c. non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow
 - d. a 100-foot buffer area located adjacent to and landward of the components listed in Subsections a through c above, and along both sides of any water body with perennial flow
 - e. other sensitive environmental features as determined by the Zoning Administrator
2. Wetlands delineations shall be performed consistent with the methods and procedures used and accepted from time to time by the U.S. Army Corps of Engineers.
3. The environmental site assessment shall delineate the site-specific geographic extent of the RPA.

4. The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat and shall be certified as complete and accurate by a professional engineer or a certified land surveyor. This requirement may be waived by the Zoning Administrator when the proposed use or development would result in less than 5,000 square feet of disturbed area.

C. Landscaping Plan

A landscape plan shall be submitted in conjunction with site plan approval or as part of subdivision plat approval. No clearing or grading of any lot or parcel shall be permitted without an approved landscaping plan.

Landscaping plans when required shall be prepared and/or certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia

1. Contents of the plan
 - a. The landscaping plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site two inches or greater DBH shall be shown on the landscaping plan. Where there are groups of trees, stands may be outlined instead. The specific number of trees two inches or greater DBH to be preserved outside of this construction footprint shall be indicated on the plan. Trees to be removed to create a desired construction footprint shall be clearly delineated on the landscaping plan.
 - b. Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Article, shall be shown on the landscaping plan.
 - c. Within the buffer area, trees to be removed for sight lines, vistas, access paths, and best management practices, as provided for in this Article, shall be shown on the plan. Vegetation required by this Article to replace any existing trees within the buffer area shall also be shown on the landscaping plan.
 - d. Trees to be removed for shoreline stabilization projects and any replacement vegetation required by this Article shall be shown on the landscaping plan.
 - e. The plan shall depict grade changes or other work adjacent to trees which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.
 - f. The landscaping plan will include specifications for the protection of existing trees during clearing, grading, and all phases of construction.
2. Plant specifications

- a. All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.
 - b. All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.
3. Maintenance
 - a. The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provision of the Article.
 - b. In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season as required by the provisions of this Article.

D. Storm water Management Plan

A stormwater management plan shall be submitted as part of the plan of development process required by this Article and in conjunction with site plan or subdivision plan approval.

1. Contents of the plan. The storm water management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this Article. At a minimum, the storm water management plan must contain the following:
 - a. location and design of all planned storm water control devices;
 - b. procedures for implementing non-structural storm water control practices and techniques;
 - c. pre- and post-development non-point source pollutant loadings with supporting documentation of all utilized coefficients and calculations;
 - d. for facilities, verification of structural soundness, including a professional engineer or Class IIIB surveyor certification.
2. Site specific facilities shall be designed for the ultimate development of the contributing watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.
3. All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Virginia Storm water Management Handbook.
4. The plan shall establish a long-term schedule for inspection and maintenance of storm water management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the Town of Cape Charles, then a maintenance agreement

shall be executed between the responsible party and the Town of Cape Charles.

E. Erosion and Sediment Control Plan

An erosion and sediment control plan shall be submitted that satisfies the requirements of this Article and in accordance with the Cape Charles Erosion and Sediment Control Ordinance in conjunction with site plan or subdivision plan approval.

F. Final Plan

Final plan for property within CBPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in the Cape Charles Subdivision Ordinance and this Ordinance.

1. Final plans for all lands within CBPAs shall include the following additional information:
 - a. the delineation of the Resource Protection Area boundary
 - b. the delineation of required buffer areas
 - c. all wetlands permits required by law
 - d. a maintenance agreement as deemed necessary and appropriate by the Zoning Administrator to ensure proper maintenance of best management practices in order to continue their functions
2. Installation and bonding requirements
 - a. Where buffer areas, landscaping, storm water management facilities, or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed in accordance with the approved site plan.
 - b. When the occupancy of a structure is desired prior to the completion of the required landscaping, storm water management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides Cape Charles a form of surety satisfactory to the Zoning Administrator in an amount equal to the remaining plant materials, related materials, and installation costs of the required landscaping or facilities and/or maintenance costs for any required storm water management facilities during the construction period.
 - c. All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to the Town of Cape Charles.
 - d. All required storm water management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete, or maintain appropriate actions required by the approved plan, the surety may be forfeited to the

Town of Cape Charles. Cape Charles may collect from the applicant the amount by which the reasonable cost of required actions exceed the amount of the surety held.

- e. After all required actions of the approved site plan have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Zoning Administrator, such unexpended or un-obligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following the receipt of the applicant's request for final inspection. The Zoning Administrator may require a certificate of substantial completion from a professional engineer or Class IIIB surveyor before making a final inspection.

G. Administrative Responsibility

Administration of the plan of development process shall be in accordance with this ordinance or the Cape Charles Subdivision Ordinance.

H. Denial of Plan, Appeal of Conditions or Modifications

In the event the final plan or any component of the plan of development process is disapproved and recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Planning Commission. In granting an appeal the Planning Commission must find such plan to be in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area or such plan meets the purposes and intent of the performance standards in this Article. If the Planning Commission finds that the applicant's plan does not meet the above-stated criteria, they shall deny approval of the plan. In the event of a denial of appeal to the Planning Commission, the applicant may appeal such decision to the Cape Charles Town Council. Said appeal shall be made within 15 days of the negative decision. Further appeals by the applicant shall be as established by law.

Section 7.13 Non-Conforming Use and Development Waivers

The lawful use of a building or structure which existed on September 11, 1990, or which exists at the time of any amendment to this Article and which is not in conformity with the provisions of the Overlay District may be continued in accordance Section 2.5 of this Ordinance.

No change or expansion of use shall be allowed with the exception that:

- 1. The Zoning Administrator may grant a non-conforming use and development waiver for structures on legal non-conforming lots or parcels to provide for remodeling and alterations to such non-conforming structures provided that:

- a. there will be no increase in non-point source pollution load;
 - b. any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this Article;
 - c. the intent of Section 2.5, Non-Conforming Uses, is upheld.
2. An application for a non-conforming use and development waiver shall be made to and upon forms furnished by the Zoning Administrator and shall include, for the purpose of proper enforcement of this Article, the following information:
 - a. name and address of applicant and property owner;
 - b. legal description of the property and type of proposed use and development;
 - c. a sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area;
 - d. location and description of any existing private water supply or sewerage system.
3. A non-conforming use and development waiver shall become null and void twelve months from the date issued if no substantial work has commenced.
4. An application for the expansion of a nonconforming structure may be approved by the Zoning Administrator through an administrative review process provided that the following findings are made:
 - a. The request for the waiver is the minimum necessary to afford relief;
 - b. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Article to other property owners in similar situations;
 - c. The waiver is in harmony with the purpose and intent of this Article and does not result in water quality degradation;
 - d. The waiver is not based on conditions or circumstances that are self-created or self-imposed;
 - e. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;
 - f. Other findings, as appropriate and required by the Town of Cape Charles are met; and
 - g. In no case shall this provision apply to accessory structures.

Section 7.14 Exemptions

A. Exemptions for Utilities, Railroads, and Public Roads

1. Construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (§ 10.1-

560 et seq. of the Code of Virginia) and the Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (iii) local water quality protection criteria at least as stringent as the above state requirements are deemed to comply with this Article. The exemption of public roads is further conditioned on the following:

- a. The road alignment and design has been optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the Resource Protection Area and to minimize the adverse effects on water quality.
2. Construction, installation, and maintenance of water, sewer, and natural gas and underground telecommunication and cable television lines, owned, permitted or both by the Town of Cape Charles, shall be exempt from the Overlay District provided that:
 - a. to the degree possible, the location of such utilities and facilities shall be outside RPAs;
 - b. no more land shall be disturbed than is necessary to provide for the proposed utility installation;
 - c. all construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and
 - d. any land disturbance exceeding an area of 2,500 square feet complies with all Cape Charles erosion and sediment control requirements.

B. Exemptions for Silvicultural Activities

Silvicultural activities are exempt from the requirements of this Article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the 1997 edition of "Best Management Practices Handbook for Forestry Operations [Technical Guide].

C. Exemptions in Resource Protection Areas

The following land disturbances in Resource Protection Areas may be exempted from the Overlay District: (1) water wells; (2) passive recreation facilities such as boardwalks, trails, and pathways; and (3) historic preservation and archaeological activities provided that it is demonstrated to the satisfaction of the Zoning Administrator that:

1. Any required permits, except those to which this exemption specifically applies, shall have been issued;

2. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;
3. The intended use does not conflict with nearby planned or approved uses; and
4. Any land disturbance exceeding an area 2,500 square feet shall comply with all Cape Charles erosion and sediment control requirements.

Section 7.15 Exceptions

- A. A request for an exception to the requirements of Sections 7.7 and 7.10.C of this Overlay District shall be made in writing to the Board of Zoning Appeals. It shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of Section 7.11.
- B. The Town of Cape Charles shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with Section 15.2-2204 of the Code of Virginia, except that only one hearing shall be required.
- C. The Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article if the Board of Zoning Appeals finds:
 1. Granting the exception will not confer upon the applicant any special privileges that are denied by this Article to other property owners in the Overlay District;
 2. The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
 3. The exception request is the minimum necessary to afford relief;
 4. The exception request will be consistent with the purpose and intent of the Overlay District and not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and
 5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
- D. If the Board of Zoning Appeals cannot make the required findings or refuses to grant the exception, the Board of Zoning Appeals shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.
- E. A request for an exception to the requirements of provisions of this Article other than those in Sections 7.7 and 7.10.C shall be made in writing to the Zoning

Administrator. The Zoning Administrator may grant these exceptions provided that:

1. Exceptions to the requirements are minimum necessary to afford relief; and Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purpose and intent of this Article is preserved.
Exceptions to § 7.10.B may be made provided that the findings noted in § 7.15.C are made.

Section 7.16 Enforcement

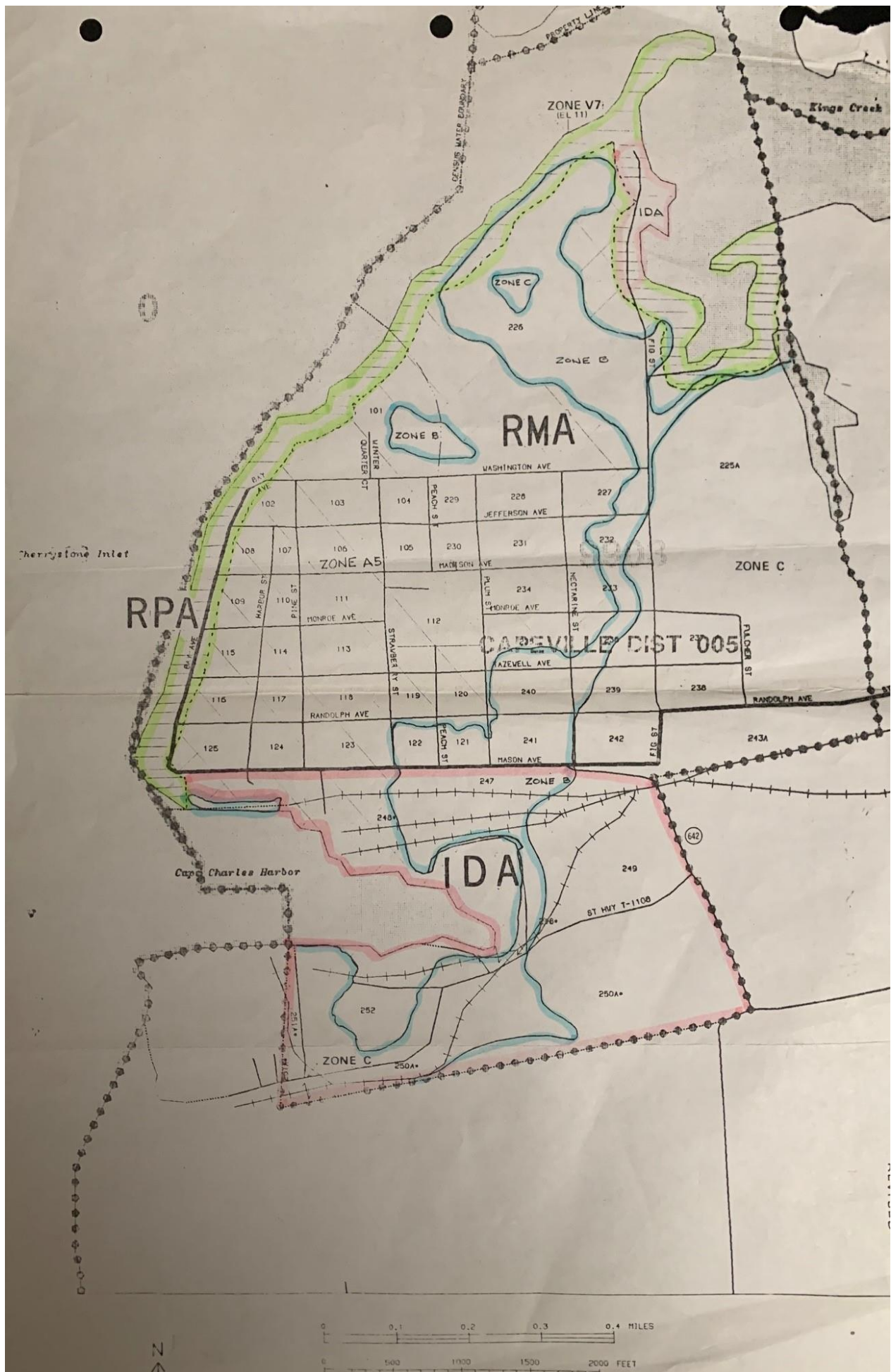
- A. Any person who: (i) violates any provision of this ordinance or (ii) violates or fails, neglects, or refuses to obey any Town of Cape Charles or its official Designee's final notice, order, rule, regulation, or variance or permit condition authorized under this ordinance shall, upon such finding by an appropriate circuit court be assessed a civil penalty not to exceed \$5,000 for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the Town of Cape Charles for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, in such a manner as the court may direct by order, except that where the violator is the Town of Cape Charles itself or its agent, the court shall direct the penalty to be paid into the state treasury.
- B. With the consent of any person who: (i) violates any provision of any Town of Cape Charles ordinance related to the protection of water quality in Chesapeake Bay Preservation Areas or (ii) violates or fails, neglects, or refuses to obey any Town of Cape Charles or its official Designee's order, rule, regulation, or variance or permit condition authorized under such ordinance, the Town of Cape Charles may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000 for each violation. Such civil charges shall be paid into the treasury of the Town of Cape Charles for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, except that where the violator is the Town of Cape Charles itself or its agent, the civil charges shall be paid into the state treasury. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subdivision 1 of this subsection. Civil charges may be in addition to the cost of any restoration required or ordered by the Town of Cape Charles body or official.

Section 7.17 Severability

The provisions of this ordinance shall be deemed to be severable, and if any of the provisions hereof are adjudged to be invalid or unenforceable, the remaining portions of this ordinance shall remain in full force and effect and their validity shall remain unimpaired.

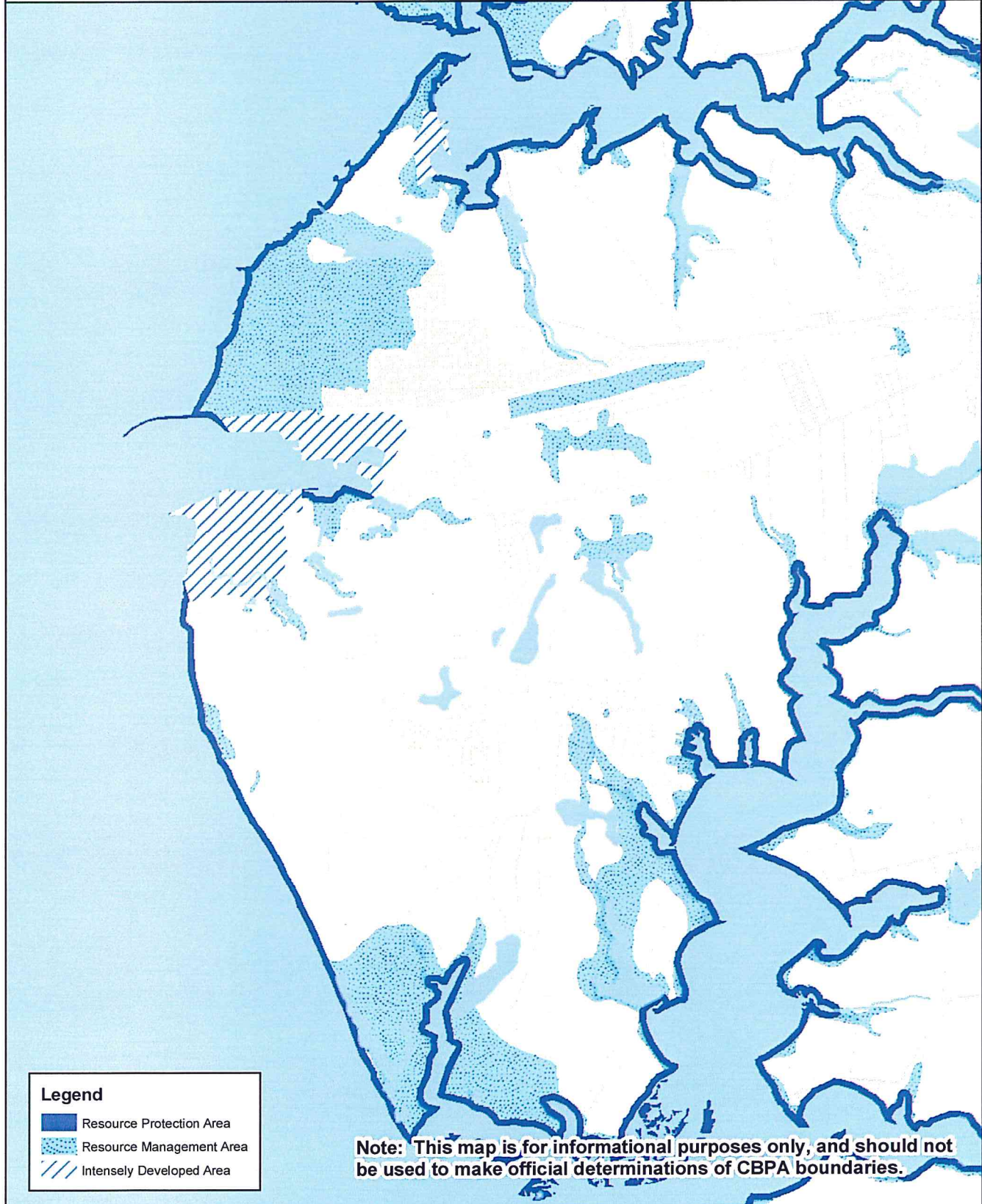
Section 7.18 Effective Date

This ordinance was duly considered following a required public hearing held on November 12, 2003 and was adopted by the Town Council of Cape Charles, Virginia, at its regular meeting held November 12, 2003. (Ord. No. 11122003; 11-12-03)



Map 8 - Chesapeake Bay Preservation Areas

0 0.1 0.2 0.4 Miles



Legend

- Resource Protection Area
- Resource Management Area
- Intensely Developed Area

Note: This map is for informational purposes only, and should not be used to make official determinations of CBPA boundaries.

2016 COMPREHENSIVE PLAN

EXCERPTS RELATIVE TO HARBOR

III.2 - SETTINGS

III.2.1.2 Harbor Mixed Use (Harbor)

The Harbor Mixed Use designation was established to encourage a vibrant working waterfront area that has a strong economic benefit to the town with compatible new industry and employment, and with strong public and recreational value, public gathering places, access to the water, placed for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. This category is characterized by retail, recreational, cultural, marine-related businesses, food service and restaurants, office and institutional uses, educational, civic and entertainment uses on the street level, with residential uses on upper floors. Any new development shall provide and encourage public access to the water's edge and emphasize the pedestrian environment throughout the harbor. Pedestrian activity is of the highest priority, so buildings would be located close to the street and sidewalks are wide and feature street furnishings, lighting, and other amenities. The south side of Mason Avenue shall provide a visually inviting connection to the harbor for all modes of transportation.

The Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines serve as an overall guide to the future development and redevelopment of this area. Any change in the zoning classification in this area should result in this area becoming Harbor Mixed Use. The town intends to pursue a connection between Mason Avenue and the Harbor and increase parking in the area as redevelopment occurs and land use shift.

III.3 – EMPLOYMENT AREAS

III.3.1 Harbor

The Harbor designation a mixed use area, was established to encourage a vibrant working waterfront area that has a strong economic benefit to the town with compatible new industry and employment, and with strong public and recreational value, public gathering places, access to the water, places for people to conduct business and to live, meet, relax, encounter nature, and lean of Cape Charles' working maritime and rail heritage and its strong historic traditions. This category is characterized by retail, recreational, cultural, marine-related businesses, food service and restaurants, office and institutional uses, educational, civic and entertainment uses on the street level, with residential uses predominantly on upper floors. Any new development shall provide and encourage public access to the water's edge and emphasize the pedestrian environment throughout the harbor. Pedestrian activity is of the highest priority, so buildings would be located close to the street and sidewalks are wide and feature street furnishings, lighting, and other amenities. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal transportation.

III.5 Land Use Category and Uses Summary

Category	Uses
Main Street Mixed Use (Commercial Residential)	Land uses in this category includes a mix of activity-generating uses on the first floor storefront space that can include commercial, retail, office, with residential uses located above the first floor.
Harbor Mixed Use (Harbor)	Land uses in this category should be mixed, including resort and tourism-related retail, waterfront industrial and employment, associated residences, and accessory uses and should support the existing harbor and railroad uses.
Traditional Residential Mixed Use (R1, R2, R3)	Land uses in these categories includes a mix of residential single family, single family patio, and duplex dwelling units.
Low Density Residential (RE)	Land uses in this designation should consist primarily of single family dwelling in low-density residential areas intended to have a gross density of between 1-5 acres per unit, and to be clustered to protect significant areas of open space. Development proposals that seek higher density ranges in order to utilize desired clustering methods and preserve open space should also be considered.
Planned Unit Development (PUD)	Land uses in this category promote creative and imaginative development designs for residential and commercial uses by allowing greater flexibility than is possible under the restrictions of conventional regulations. It is intended to promote more efficient use of the land while encouraging variety and convenience for the development and/or recreational areas and open spaces within the project.
Industrial (GB, M-1)	Land uses in this category permits certain industries, which may detract from the residential desirability, and will not be permitted to locate in any area adjacent to a residential area.
Industrial District (M-2)	Land use in this category provides for mixed industrial and employment land uses which encourage the revitalization of the local industrial economy and historic Port of Cape Charles.
General Business/Light Industrial H-1	Land use in this category provides for a planned mixed industrial and employment park with a comprehensive development plan which encourages the revitalization of the local industrial economy and historic port of Cape Charles.
Railroad	Land use in this category is identified as railroad and future Harbor Mixed Use designation. The open space designated to handle harbor dredge spoils should only be held for that use.

III.6 – FUTURE USE APPROACHES

III.6.3 Future Land Use Recommendations – Long Term or Strategic

In addition to the recommendations listed above, these recommendations are targeted for implementation beyond the five year time frame.

- The Railroad designation is intended to acknowledge the railroad owned properties as important historic and economic resources within the Town of Cape Charles. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation and their redevelopment should be guided by the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines.

- Bayshore Concrete Products is an important economic anchor for both the town and the county. The plant is in the process of expanding and capital improvements. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation.
- The property currently owned by the government and used as a United States Coast Guard Station Cape Charles facility performs a necessary and important safety and security function for the entire area. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation.

III.5.A – PLANNING FRAMEWORK

Policies and Descriptions

Following is an expansion of each of the policies:

1. Preserve and enhance the integrity of the Historic District.	
Applies to Neighborhoods: ➤ Residential ➤ Mixed Use	Description: • Strengthen the historic preservation ordinance to ensure maintenance and preservation of the existing historic building stock • Make streetscape improvements along Mason Avenue, Bay Avenue, Randolph Avenue, Strawberry Street, and Peach Street • Restore medians and landscaping • Continue sidewalk improvements • Maintain Central Park as an urban/civic amenity that provides a multipurpose space for town events and individual recreation
2. Promote compatible infill development and renovation within established neighborhoods.	
Applies to Neighborhoods: ➤ Residential ➤ Mixed Use	Description: • Promote accessory dwelling units to add diversity of housing types, while maintaining the neighborhood character and providing affordable housing options • Ensure new development is sympathetic and compatible with the neighborhood's architectural fabric. New building(s) should match the prevailing style and character of the neighborhood's existing buildings in scale, massing, colors and materials • Emphasize the preservation of the town's historic housing stock
3. Promote mixed use as the preferred form of development in the Commercial, Harbor, and Village Districts.	
Applies to Neighborhoods: ➤ Mixed Use ➤ Some parts (villages) of Accawmacke Planation PUD	Description: • Encourage the principle of incorporating mixed land uses, similar to the current land use patterns in the town such as: ○ Allowing residential and retail/commercial uses within the same building ○ Promoting residences within close proximity to commercial and retail centers • Combined live-work structures should be encouraged in new development and in the Mason Avenue districts to better integrate housing with the shops and businesses of the new and existing centers

4. Preserve the integrity of and accessibility to the water's edge.	
Applies to Neighborhoods: ➤ All with public waterfront Note: Public waterfront access is an important amenity and identifying feature for the town. Waterfront areas include: ○ the ○ ○ ○ ○	Description: • Preserving the integrity and accessibility of the water's edge is critical to maintaining the quality of life within the town. Measures should be taken to: ○ integrate the Harbor walkway with the historic core ○ control dune, beach and shoreline erosion ○ enhance the beach as an amenity for residents and visitors by providing improved links to town ○ improve access to the town's harbor of refuge ○ maintain and promote the use of the town's fishing pier • Enhance Protection of the Port of Cape Charles: ○ reduce wave action ○ reduce coastal erosion ○ increase safe harborage
5. Strengthen and enhance the town's green infrastructure.	
Applies to Neighborhoods: ➤ Residential ➤ Mixed Use ➤ Accawmacke Plantation PUD Note: The town contains a number of active and passive recreational facilities that serve an important environmental function as well as an attraction for residents and visitors alike.	Description: • The town should strengthen the existing green focal points, such as: ○ Central Park ○ Route 184 and Route 642 gateway entrances ○ the harbor ○ the town's properties, including the public utility properties ○ plantings along Mason Avenue and plantings adjacent to the sidewalks ○ the Coastal Dune Natural Area, and ○ the landscaped open spaces throughout the town • Develop recreational center(s) • Pursue the public acquisition of under-developed waterfront lands • Promote greenway connections between focal points which incorporate environmental features such as wetlands and drainage ways, urban streetscapes with landscaping and street trees, and the community trail system
6. Protect the town's scenic, recreational, and open space resources.	
Applies to Neighborhoods: ➤ Residential ➤ Mixed Use ➤ Accawmacke Plantation PUD Note: The town's location along the Chesapeake Bay and its abundant natural resources are a critical part of the town's identity and way of life	Description: • The town should protect its scenic, recreational and open space resources by: ○ using environmentally sensitive design techniques in a new development ○ preserving existing features during the site plan review process ○ incorporating low impact development techniques ○ restoring and revegetating natural areas • In addition, the town should continue to support efforts to restore and enhance critical habitat and promote the use of native plants in the town

7. Encourage support for landscape enhancement in and around town.	
Applies to Neighborhoods: ➤ Residential ➤ Mixed Use ➤ Business & Industry ➤ Accawmacke Plantation PUD	Description: • The town should enhance its current infrastructure of landscaping and green amenities by promoting: ○ a town-wide street tree program ○ specific landscape enhancements for sites such as the public utility facilities and Central Park
8. Create an integrated system of pedestrian, bicycle and multi-use trails.	
Applies to Neighborhoods: ➤ Residential ➤ Mixed Use ➤ Business & Industry ➤ Accawmacke Plantation PUD	Description: • A town-wide, integrated system of bike routes, sidewalks, and multi-use paths is needed to connect existing and emerging commercial and residential areas to accommodate and promote alternative means of transportation including: ○ walking ○ bicycling ○ golf carts (designated Golf Cart Paths only) ○ personal transportation vehicles ○ water taxis ○ public transportation
9. Incorporate traffic calming and access management techniques at town "Gateways."	
Applies to Neighborhoods:	• Traffic calming and management improvements designed to be compatible with the town's traditional streetscape should be incorporated into each of the town's vehicular entrances or "Gateways" into town. • The town should: ○ work with VDOT and the county to plan the new Harbor Access Road extending Bayshore Road across Old Cape Charles Road (Route 642) to connect to Route 184: ▪ more capacity ▪ safer widths and turning radii ▪ managed access along its frontage ○ continue Harbor enhancements and improvements ○ enhance landscaping and signage at Routes 184, 642 and 13 ○ extend Fig Street with an at-grade crossing over the railroad property to Old Cape Charles Road ○ maintain the "hump" as an alternate emergency vehicular route ○ provide a future connection between Mason Avenue and the Harbor

10. Extend the concept of the historic grid network to new development.	
Applies to Neighborhoods: ➤ Residential ➤ Mixed Use ➤ Business & Industry Note: The historic grid network of the street system is a valuable asset for the Town and provides ample connections between residential and commercial uses for both the automobile and the pedestrian. Designing roads that serve new development in a system of interconnected blocks as a “grid” will improve overall network connectivity, promote greater accessibility for both traffic and emergency access, and foster compatibility of streetscape design for the whole town.	Description: • The historic grid system works well in the core of the town and should be extended into new development including street width, turning radii and diagonal parking • Extend Fig Street with an at-grade crossing over the Railroad property to Old Cape Charles Road • Protect the view sheds • Maintain the “hump” as an alternate emergency vehicle route

III-A.5.2 New Developments

Maritime and Mixed-Use Developments on the Harbor

The underdeveloped land, private and public, around the Cape Charles Harbor has been approved for development. Land uses in this category should be mixed, including resort and tourism-related retail, waterfront industrial and employment, associated residences, and accessory uses should support the existing harbor and railroad. These developments are:

- Cape Charles Yacht Center
- Town Harbor

III-D AMENITIES

III-D.1 Cape Charles Harbor

Cape Charles Harbor is unique and vital to the future of the town. It currently serves the Bay Coast Railroad, Bay Shore Concrete, United States Coast Guard, Cape Charles Yacht Center, Mid-Atlantic Maritime Academy, industrial port and warehousing facilities, commercial fishermen and recreational boaters. The harbor has been upgraded with the installation of new docks, fuel tanks, floating docks, walkway, bathhouse and a restaurant. New development has been proposed on private parcels around the harbor as well. In response to increased usage and interest in the harbor, in 2007, Town Council approved the Harbor Historical District, the Harbor Zone, the Harbor Master Plan and Design Guidelines, and the Cape Charles Harbor Redevelopment Plan. To encourage sustainable marketability and growth of the harbor, the town will:

- Develop and implement a plan with Bay Coast Railroad for public crossings at Fig Street and at the waterfront.
- Fully implement the plan for construction of breakwaters to allow for greater protection of the harbor for use by all types of boaters.
- Support the Harbor Redevelopment Plan to increase funding for new facilities and greater dockage as well as dockside spaces for retail and recreation.
- Work with private developers to encourage employment opportunities for residents.
- Coordinate plans with the various stakeholders around the harbor to connect the proposed multi modal trail with the Historic District.
- Implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines to ensure cohesive and appropriate development around the harbor.
- Create a public recreational meeting area at the harbor for use by all fishermen, boaters, Cape Charles citizens and visitors.
- Encourage Virginia Clean Marina Standards at all marinas and maintain the Clean Marina at the harbor.

III-D.4 The Streetscape

During the last decade, bicycling, walking for pleasure and exercise, bird watching and general concern for the environment have become a prime consideration to many residents and visitors to Cape Charles. The grid plan of the Historic District affords Cape Charles with clear patterns of access and movement to its commercial, residential and public spaces. New development occurring in areas outside the historical town grid needs to have access as well. And by virtue of its location, Cape Charles is also a focus in four regional plans: the Eastern Shore of Virginia Bicycle Plan, the Eastern Shore of Virginia Heritage Trail, the Virginia Birding and Wildlife Trail and the Artisan Trail.

Increased interest in recreational opportunities, renovation of the Historic District, in-fill building, easy access to natural areas and connectors with new parts of town has prompted assessment of the quality of the town's environment. The aesthetics of the streetscape and ease of circulation, especially between the Harbor and the Historic District, were found to be less than optimum. In response, the town has adopted a Master Tree Plan, a tree ordinance, and the Cape Charles

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Community Trail Master Plan. It is imperative to establish aesthetically pleasurable as well as easy, safe and interesting movement around town for residents and visitors. Open space with inviting areas in which to sit and relax, stroll, bicycle or skate connected by trails and safe sidewalks is necessary to promote the small town friendly atmosphere desired. Coordinated landscaping, lighting and street furniture throughout town will enhance the sense of Cape Charles as a special place. To achieve this, the town will:

- Actively work with VDOT and ANEC to repair streets, sidewalks, lighting and landscaping in easement areas.
- Develop and implement a Streetscape Planting Plan.
- Encourage citizens to participate in stewardship programs to help maintain the streetscape.
- Support ongoing construction of the Cape Charles Community Trail.
- Support a connection with the Eastern Shore of Virginia Wildlife Refuge's Southern Tip Hike & Bike Trail by encouraging paved shoulders on Route 184.
- Coordinate with Northampton County to develop a corridor overlay district for Routes 184 and 642 which will include architectural and landscape guidelines.
- Develop a gateway plan for the entrance to town at Route 13/184 for a more welcoming arrival.
- Coordinate with Northampton County to develop shared use paths to connect with the Bicycle Plan, the Virginia Heritage Trail and the Virginia Birding and Wildlife Trail.
- Work with Northampton County to ensure that compatible zoning uses and design standards are applied to parcels along the entrance corridors from Route 13.
- Establish a recycling program/drop off site in town.
- Work with the landowners to complete a connecting trail between the harbor and the Coastal Dune Natural Area Preserve.
- Acquire land to increase future potential park, waterfront and trail areas.
- Develop story boards of town history and environmental features for installation along the Trail.
- Revive volunteer lead Historic Town walking and/or golf cart tours.

IV. IMPLEMENTATION

IV.2 Harbor Conceptual Master Plan

- Inventory historic site in the harbor area and encourage rehabilitation
- Commemorate historic sites such as the Meteor Site • Establish an Architecture Plan for the harbor
- Encourage rail development for commuter and scenic routes
- At-grade railroad crossing should be encouraged where feasible
- Integrate a pedestrian network from town to harbor
- Develop additional docking facilities at the harbor
 - Keep parking areas green by using means such as pervious material
- New parking structures, if used, should be compatible with adjacent structures
- Incorporate traffic calming features to slow traffic in the Historic Core
- Maintain the harbor as a multi-modal transportation hub
- Minimize dependence on private auto transportation
- Preservation and restoration of the Rosenwald School
- Enhance jetty maintenance
- Create a public recreation meeting area
- Raise the level of the channel jetty to above mean high water

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Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
83A3-A-1	1100	Bayshore Rd.	construction of an industrial building	Development certificate	12/11/2019	Approved with Conditions		12/11/2020	with the requirement that a vegetative buffer be planted to grow in excess of 6'
			Harbor Working Group Text Amendments and Proposed HARB Process Changes		12/11/2019	Approved		12/11/2020	
83A3-A-10	33	Marina Rd.	Application for Harbor Development Certificate - construction of additional dining space behind existing structure	Development certificate	1/8/2019	Approved with Conditions		1/8/2020	1) provide a board and baton 6' high fence extending from the northeast corner of the addition to the intersection of the loading pad and the golf cart path; 2) provide a north elevation to 2 Town Council for review; 3) provide a dimensioned site plan to Town Council for review.
		Strawberry St.	Design changes to public gathering space at Strawberry Street Plaza	Development certificate	11/13/2018	Approved		11/13/2019	
			Harbor District to Cape Charles Museum		10/17/2018	Approved		10/17/2019	
83A3-11-1		Bayshore Rd.	old harbor master building - construction of new porch on existing building HDC	Development certificate	12/13/2017	Approved		12/13/2018	
83A3-4-A	220-240	Mason Ave.	construction of new mixed-use commercial\residential development site	Development certificate	10/23/2017	Approved with Conditions		10/23/2018	requirements: i) The back stairway would be enclosed; ii) Impervious pavers would be used for the pedestrian walkway; and iii) A permeable area/strip would be constructed on the back of the property to manage the swales and storm water.
			RAFT workshop		6/26/2017				
83A3-A-19	1011	Bayshore Rd.	widen decks at two-story commercial building, and bathroom addition	Development certificate	5/24/2017	Approved		5/24/2018	

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Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
83A3-4-X		Strawberry St.	Pedestrian Plaza and Landscaping on Town-Owned Lot		4/11/2017	Approved		4/11/2018	
			Harbor Area Master Plan and Design Guidelines review		4/11/2017				The Master Plan was outdated and needed to be redone. The Master Plan needed to capture the town's vision for the harbor area and needed to be updated to show the work that had already been completed as well as the town's vision for future development. It needs to be professionally done.
83A3-A-19	1011	Bayshore Rd.	construct decks and ramp at two-story commercial building and new construction bath house	Development certificate	11/29/2016	Approved		11/29/2017	
83A3-A-19	1011	Bayshore Rd.	locate wood-frame, two-story on permanent block and brick foundation	Development certificate	7/18/2016	Approved		7/18/2017	
83A3-A-19	1011	Bayshore Rd.	NO QUORUM		7/11/2016				
83A3-A-19	1011	Bayshore Rd.	locate wood-frame, single-story commercial building and new construction bath house	Development certificate	4/11/2016	Approved with Conditions		4/11/2017	conditions: 1) Possible extension of the ramp to connect with the covered deck and to allow ADA public access to the building; 2) The foundation should have brick veneer vs. exposed masonry; and 3) Handicap accessible parking should be added if required by code.
83A3-A-20	1021	Bayshore Rd.	locate wood-frame, two-story mixed use building on permanent block and brick foundation	Development certificate	4/11/2016	Approved with Conditions		4/11/2017	for a mercantile on the first floor and overnight accommodations on the second floor of the Harvey building on Lot 20 with the condition that handicap accessible parking be added if required by code.

Index - HARB Certificates of Appropriateness - sorted by street - Index

Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
83A3-A-19	1011	Bayshore Rd.	locate a building on parcel	Procedures to General Application	12/21/2015	Approved with Conditions		12/21/2016	conditions that the applicants submit a new plot plan showing placement, elevations and setbacks for the Harvey's building to the Zoning Administrator who would distribute to the HARB for approval. All other actions on the site were required to come back to the Harbor Area Review Board.
83A3-2-2-87 & 88	1	Mason Ave.	modifications to an existing building	Procedures to General Application	4/20/2015	Approved with Conditions		4/20/2016	the utilities be run underground and mechanical units be concealed by fencing and landscape as the applicant presented.
83A3-4-B	300	Mason Ave.	construction of a mixed-use building with 20 residential units over commercial units	Procedures to General Application	4/20/2015	Approved		4/20/2016	
83A3-A-10	33	Marina Rd.	The Shanty- modifications to the exterior of The Shanty	Development certificate	1/2/2014	Approved		1/2/2015	
83A3-A-10	33	Marina Rd.	Waterman's Memorial- easement	Development certificate	1/2/2014	Approved with Conditions		1/2/2015	i) Wall height. Wall was proposed at 6ft, but guidelines stated a wall couldn't be over 3ft. Town Council could grant an exception; ii) Safety concern; iii) Clear delineation of entrance and egress; iv) Bench type approval and; v) Lighting concern.
83A3-A-12	1001	Bayshore Rd.	South Port Investors - Cape Charles Yacht Center Phase 1 Plan	Development certificate	3/19/2013	Approved		3/19/2014	
			Overview of the Harbor Master Plan and Bath House Project	Informational	12/20/2011				

Index - HARB Certificates of Appropriateness - sorted by street - Index

Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
83A3-A-10	33	Marina Rd.	Review of Restaurant Building Package	Procedures to General Application	12/20/2011	Approved with Conditions			concerned was expressed with the grade/elevation; put it on a foundation to raise it above the flood elevation level; ii) Several members of the board expressed some concern regarding the color of the building but were ok with a weathered red appearance; and iii) The board members were concerned regarding the lack of windows and that screen with shutters was not water/weather resistant.
					10/25/2011	No Quorum			
83A3-A-10	23	Marina Rd.	Overview of the Bath House Building Rendering	Informational	3/24/2011	Discussion			was recommended for the bath houses; ii) the bath house windows were okay but divided lights in the windows were recommended with either divided pane windows or a grid installed to divide the light; iii) Hardi siding was okay and the color scheme as shown on the color rendering was okay; iv) the treated wood siding, beams and columns were okay as were the white-painted trim boards; v) the White Fringe Tree should be replaced with the Chinese Fringe 3 Tree; vi) the oleanders should be replaced and Laurie Klingel would provide the names of several substitute plants; and vii) Suggestion that the planting plan for the future bio-retention area be brought back
			Overview of the Harbor Master Plan		2/17/2011				
83A3-A-10	23	Marina Rd.	Review of the Bath Houses for the Harbor Renovation		2/17/2011	Defer			request the architect provide the following: i) conceptual drawings in color; ii) landscape plan; iii) grading plan; iv) signage details; and v) the mortar color for the brick

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Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
				No meetings were held					

Index - HARB Certificates of Appropriateness - sorted by street - 2020

Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
				No meetings were held					

Index - HARB Certificates of Appropriateness - sorted by street - 2019

Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
83A3-A-1	1100	Bayshore Rd.	Application for Harbor Development Certificate - construction of an industrial building	Development certificate	12/11/2019	Approved with Conditions		12/11/2020	with the requirement that a vegetative buffer be planted to grow in excess of 6'
			Harbor Working Group Text Amendments and Proposed HARB Process Changes		12/11/2019	Approved		12/11/2020	
83A3-A-10	33	Marina Rd.	Application for Harbor Development Certificate - construction of additional dining space behind existing structure	Development certificate	1/8/2019	Approved with Conditions		1/8/2020	1) provide a board and baton 6' high fence extending from the northeast corner of the addition to the intersection of the loading pad and the golf cart path; 2) provide a north elevation to 2 Town Council for review; 3) provide a dimensioned site plan to Town Council for review.

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Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
		Strawberry St.	Design changes to public gathering space at Strawberry Street Plaza	Development certificate	11/13/2018	Approved		11/13/2019	
			Harbor District to Cape Charles Museum		10/17/2018	Approved		10/17/2019	

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Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
83A3-11-1		Bayshore Rd.	old harbor master building - construction of new porch on existing building HDC		12/13/2017	Approved		12/13/2018	
83A3-4-A	220-240	Mason Ave.	construction of new mixed-use commercial\residential development site		10/23/2017	Approved with Conditions		10/23/2018	requirements: i) The back stairway would be enclosed; ii) Impervious pavers would be used for the pedestrian walkway; and iii) A permeable area/strip would be constructed on the back of the property to manage the swales and storm water.
			RAFT workshop		6/26/2017				
83A3-A-19	1011	Bayshore Rd.	widen decks at two-story commercial building, and bathroom addition		5/24/2017	Approved		5/24/2018	
83A3-4-X		Strawberry St.	Application HDC for Pedestrian Plaza and Landscaping on Town-Owned Lot		4/11/2017	Approved		4/11/2018	
			Harbor Area Master Plan and Design Guidelines review		4/11/2017				The Master Plan was outdated and needed to be redone. The Master Plan needed to capture the town's vision for the harbor area and needed to be updated to show the work that had already been completed as well as the town's vision for future development. It needs to be professionally done.

Index - HARB Certificates of Appropriateness - sorted by street - 2016

Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
83A3-A-19	1011	Bayshore Rd.	construct decks and ramp at two-story commercial building and new construction bath house	Development certificate	11/29/2016	Approved		11/29/2017	
83A3-A-19	1011	Bayshore Rd.	locate wood-frame, two-story on permanent block and brick foundation	Development certificate	7/18/2016	Approved		7/18/2017	
83A3-A-19	1011	Bayshore Rd.	NO QUOROM		7/11/2016				
83A3-A-19	1011	Bayshore Rd.	locate wood-frame, single-story commercial building and new construction bath house	Development certificate	4/11/2016	Approved with Conditions		4/11/2017	conditions: 1) Possible extension of the ramp to connect with the covered deck and to allow ADA public access to the building; 2) The foundation should have brick veneer vs. exposed masonry; and 3) Handicap accessible parking should be added if required by code.
83A3-A-20	1021	Bayshore Rd.	locate wood-frame, two-story mixed use building on permanent block and brick foundation	Development certificate	4/11/2016	Approved with Conditions		4/11/2017	for a mercantile on the first floor and overnight accommodations on the second floor of the Harvey building on Lot 20 with the condition that handicap accessible parking be added if required by code.

Index - HARB Certificates of Appropriateness - sorted by street - 2015

Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
83A3-A-19	1011	Bayshore Rd.	locate a building on parcel	Procedures to General Application	12/21/2015	Approved with Conditions		12/21/2016	conditions that the applicants submit a new plot plan showing placement, elevations and setbacks for the Harvey's building to the Zoning Administrator who would distribute to the HARB for approval. All other actions on the site were required to come back to the Harbor Area Review Board.
83A3-2-2-87 & 88	1	Mason Ave.	modifications to an existing building	Procedures to General Application	4/20/2015	Approved with Conditions		4/20/2016	the utilities be run underground and mechanical units be concealed by fencing and landscape as the applicant presented.
83A3-4-B	300	Mason Ave.	construction of a mixed-use building with 20 residential units over commercial units	Procedures to General Application	4/20/2015	Approved		4/20/2016	

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Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
83A3-A-10	33	Marina Rd.	The Shanty- modifications to the exterior of The Shanty	Development certificate	1/2/2014	Approved		1/2/2015	
83A3-A-10	33	Marina Rd.	Waterman's Memorial- easement	Development certificate	1/2/2014	Approved with Conditions		1/2/2015	i) Wall height. Wall was proposed at 6ft, but guidelines stated a wall couldn't be over 3ft. Town Council could grant an exception; ii) Safety concern; iii) Clear delineation of entrance and egress; iv) Bench type approval and; v) Lighting concern.

Index - HARB Certificates of Appropriateness - sorted by street - 2013

Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
83A3-A-12	1001	Bayshore Rd.	South Port Investors - Cape Charles Yacht Center Phase 1 Plan	Development certificate	3/19/2013	Approved		3/19/2014	

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Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
				No meetings held					

	FORMATTING FOR SPREADHSEET - DON'T DELETE!

Index - HARB Certificates of Appropriateness - sorted by street - 2011

Tax Map #	Address	Street	Agenda Item	Item Type	Meeting Date	HARB Action	Zoning Code Section	Expiration Date of COA	Notes for Inspection to Confirm Completion of C of A
			Overview of the Harbor Master Plan and Bath House Project	Informational	12/20/2011				
83A3-A-10	33	Marina Rd.	Review of Restaurant Building Package	Procedures to General Application	12/20/2011	Approved with Conditions			concerned was expressed with the grade/elevation; put it on a foundation to raise it above the flood elevation level; ii) Several members of the board expressed some concern regarding the color of the building but were ok with a weathered red appearance; and iii) The board members were concerned regarding the lack of windows and that screen with shutters was not water/weather resistant.
					10/25/2011	No Quorum			
83A3-A-10	23	Marina Rd.	Overview of the Bath House Building Rendering	Informational	3/24/2011	Discussion			i) a light color painted standing seam metal roof was recommended for the bath houses; ii) the bath house windows were okay but divided lights in the windows were recommended with either divided pane windows or a grid installed to divide the light; iii) Hardi siding was okay and the color scheme as shown on the color rendering was okay; iv) the treated wood siding, beams and columns were okay as were the white-painted trim boards; v) the White Fringe Tree should be replaced with the Chinese Fringe 3 Tree; vi) the oleanders should be replaced and Laurie Klingel would provide the names of several substitute plants; and vii) Suggestion that the planting plan for the future bio-retention area be brought back to the Board for review prior to the planting design for the next phase was completed.
			Overview of the Harbor Master Plan		2/17/2011				

Index - HARB Certificates of Appropriateness - sorted by street - 2011

83A3-A-10	23	Marina Rd.	Review of the Bath Houses for the Harbor Renovation		2/17/2011	Defer			request the architect provide the following: i) conceptual drawings in color; ii) landscape plan; iii) grading plan; iv) signage details; and v) the mortar color for the brick
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Town of Cape Charles Code of Ethics & Meeting Rules of Order

Adopted July 22, 2021

Preamble

The citizens and businesses of the Town of Cape Charles, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of representative government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial, and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Town of Cape Charles Town Council has adopted this Code of Ethics and Rules of Order for members of the Town Council and of the Town's boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operations.

Code of Ethics

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Cape Charles and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Town of Cape Charles Town Council, boards, commissions, and committees.

2. Comply with the Law

Members shall comply with the laws of the nation, the Commonwealth of Virginia, and the Town of Cape Charles in the performance of their public duties. These laws include but are not limited to the United States and Virginia Constitutions; the Charter of the Town of Cape Charles; laws pertaining to conflicts of interest, election campaigns, employer responsibilities, open processes of government; and Town ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct or language, personal charges or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, committees, the staff, or the public.

4. Respect for Process

Members shall perform their duties in accordance with the processes and Rules of Order established by the Town Council; they shall respect the deliberation of public policy issues of other bodies, the meaningful involvement of the public, and the Town staff's implementation of policy decisions of the Town Council.

5. Conduct of Public Meetings

Members shall prepare themselves for public business; listen courteously and attentively to all public discussions before the body; and focus on the issues at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Town Council or boards, committees, and commissions, which they may have received from sources outside of the public decision-making process.

8. Gifts and Favors

A member should never accept for himself or herself or for family members, gifts, favors, or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

9. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

10. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as Town staff time, equipment, supplies, or facilities, for private gain or personal purposes.

11. Advocacy

Members shall represent the official policies or positions of the Town Council, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When representing their individual opinions and positions in any venue, members shall explicitly state they do not represent their body of Town of Cape Charles, nor will they allow the inference that they do.

12. Policy Role of Members

The Town Council determines the policies of the Town with the advice, information, and analysis provided by the public boards, commissions, committees, and Town staff. The Town Council delegates authority for the administration of the Town to the Town Manager.

Members, therefore, shall not interfere with the administrative functions of the Town or the professional duties of Town staff, nor shall they impair the ability of staff to implement Town Council policy decisions. Inquiries to staff shall be made through the Town Manager or the appropriate department manager or director as authorized by the Town Manager.

13. Independence of Town Council and Commissions

Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, members of the Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

14. Positive Workplace Environment

Members shall support the maintenance of a positive and constructive workplace environment for Town employees, citizens, and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees and in no way create the perception of inappropriate direction to staff. All requests for staff resources must be approved by the Town Manager.

15. Implementation

Ethical standards shall be included in the regular orientations for candidates for the Town Council, applicants to boards, committees, commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Town of Cape Charles Code of Ethics and Rules of Order. In addition, the Town Council, boards, committees, and commissions, shall annually review the Code of Ethics and Rules of Order, and the Town Council shall consider recommendations from boards, committees, and commissions to update it as necessary.

16. Compliance and Enforcement

The Town of Cape Charles Code of Ethics expresses standards of ethical conduct expected of Members of the Town of Cape Charles Town Council, boards, committees, and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees, and commissions and the Mayor of the Town of Cape Charles have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Ethics are brought to their attention.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Town Council, board, committee, or commission decision. However, it may be considered when the Town Council is determining the suitability of any person to serve in any appointed position.

Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest and shall disclose any substantial organizational responsibility or personal business relationship to the parties in any matter coming before them. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts are determined to exist. This paragraph is not intended to unduly restrict members who have minor business or professional dealings with clients whose matter comes before them.

1. Abstention

As elected or appointed officials, members have a duty/obligation to represent their constituents in all public matters coming before their body. It is not appropriate for individual members to decide in which matters they should abstain. If a member believes they have a conflict of interest on any matter before their body, they are REQUIRED to disclose it before deliberations on that business begins. However, it shall be up to the remaining members of that body to determine if an actual conflict exists and if the member disclosing the potential conflict can be excused from participating in the business. If the body votes to allow the member to recuse him/herself, that member will not participate in any of the discussions or vote related to that business. Failing a vote to allow recusal, the member shall participate as normal.

2. Representation of Third-Party Interests

In keeping with their role as stewards of the public interest, members of the Town Council shall not appear on behalf of the private interests of third parties before the Town Council or any board, committee, commission, or proceeding of the Town; nor shall members of boards, committees, or commissions appear before their own bodies or before the Town Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies. This provision should not unduly restrict a member's participation who is associated with, but not representing, community or non-profit organizations serving the Town, whose matter comes before them.

Meeting Rules of Order

The following rules of order are to serve as a non-binding guide to the conduct of business. It is the duty of the Mayor or other presiding officer to conduct meetings in accordance with the Code of Virginia, the Town Charter, applicable Bylaws, and in a manner intended to promote open, civil, and fair discussion of all issues.

1. Meeting Types

All meetings of the Town of Cape Charles fall under the provisions of the Virginia Freedom of Information Act (FOIA). All members will receive training on VA FOIA requirements upon initial appointment, as well as periodic refreshers. The Town Clerk will ensure FOIA training is completed, and that all records of the training are maintained. This document is not to be considered a substitute for FOIA training and offered only as a summary overview.

The public must be provided notice and access to all Town meetings.

- **Regular Meeting:** Meetings required by Charter or Bylaws to occur on a regular interval to conduct the primary business of the body. These meetings are conducted more formally, with established procedure. The Mayor or presiding officer will enforce these procedures to ensure proper decorum and efficient flow of business. Agendas will include a public comment period on any topic in accordance with public comment procedures established by the Town Council.
- **Special Meeting:** Meetings to conduct official business of the body that are deemed necessary in addition to Regular Meetings. Special Meetings are also conducted formally but may not include all Regular Meeting agenda items. Public comments will be permitted but limited to only business items on the agenda. Special meetings may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.
- **Work Session:** Informal meetings of the body that allow for relaxed procedure enabling freer flowing discussion. No official action may be taken during a work session, however determining consensus on items to be brought forward to a Regular or Special meeting is appropriate. Work Sessions are generally used for (but not limited to) brainstorming, information gathering, planning efforts, budget review, or when more time is needed on a particular item than is typically afforded during formal meetings. The public must be permitted the opportunity to observe work sessions but are not typically permitted an opportunity to provide comments. The Mayor or presiding officer may on special circumstance, allow public comment. Work sessions may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.
- **Closed Session:** Closed Sessions (Executive Sessions) are authorized by FOIA to discuss certain confidential matters limited to specific purposes, while using very specific procedures. Though a portion of this meeting is closed to the public, other portions are open. The public must be permitted to observe the motion to go into Closed Session as well as the certification upon leaving the Closed Session.
- **Public Hearing:** Public Hearings are intended to solicit public feedback on specific topics. These topics will be advertised in advance. Input may be made in person or in writing. All comments will adhere to the Town Council approved guidelines. Comments will be directed to the body and not to any individual. Members shall not respond to questions posed nor address or rebut speaker's statements made during the Public Hearing.
- **Town Hall Meeting:** An informal meeting where no official action is taken. A Town Hall Meeting is essentially a Work Session that involves the public. These meetings are typically focused on one or two topics and encourages dialog between members and the public. A primary goal of a Town Hall meeting is to provide decision makers with in-depth public perspectives prior to taking an official action.

- Social or Community Events: These are gatherings where no official business is conducted, but where Town issues may be informally discussed. If more than two members will be present in their capacity as a Town official, the gathering should be posted. There are no agendas or minutes associated with these functions.

2. Motions

- Unanimous Consent: Routine business is typically conducted by unanimous consent. This is an informal process that allows business to be conducted expeditiously. The procedure is for the presiding officer to ask whether anyone objects to a particular action and then to state, "Hearing no objection the action will be taken by unanimous consent." Note that even when a member is not in favor of a particular action the member may choose not to object in the interest of moving the agenda forward. In other words, unanimous consent does not mean that everyone was actually in favor of the action. If anyone objects, then the action must be addressed with a formal motion and vote.
- Main Motion: This is the motion that brings business before the council or other body. Such motions should be stated in a concise form and should generally be in writing to avoid misunderstandings. It must be seconded and when voted upon will ordinarily require a simple majority vote. There are circumstances where a super majority may be required, such as in the disposition of real estate. Before voting on the motion the presiding officer should call for discussion. The presiding officer should allow for discussion until it terminates by *unanimous consent* or is formally terminated by a subsidiary motion (discussed below).

When the motion is ripe for a vote the presiding officer should call for "all in favor" and then "all opposed." The presiding officer should then clearly state either the "motion passes" or the "motion fails." Generally, in the event of a tie the presiding officer may cast the deciding vote. The Town Charter expressly allows the Mayor to vote in the event of a tie. Any member may request a roll call vote.

- Subsidiary Motions:
 - Motion to Postpone Indefinitely (sometimes incorrectly called a motion to table): Normally used to put aside business that is not ripe for consideration, such as when further study is required. It requires a second, is debatable and is not amendable.
 - Motion to Amend: This is a motion to amend the wording and sometimes the meaning of the main motion. It requires a second and is debatable. It is also amendable *one time*. Note that a vote to adopt the amendment is not a vote on the main motion. Once the motion to amend is adopted the amended main motion must then be voted on as well. Often, simple motions to amend are adopted by unanimous consent. Also, note that whether the member that offered the original motion is willing to accept the proposed amendment or not is irrelevant. It must still be seconded and voted upon or adopted by unanimous consent.

- Motion to Refer: This is a motion to refer a matter to a committee or other body for action. In effect, when the motion is to refer the matter to a "workshop, it is a motion to refer the matter to a committee comprised of the entire council or other body (a committee of the whole). It requires a second and is debatable.
- Postpone to a Certain Time: Used when a matter is best considered at a different time to allow for the orderly conduct of business. It requires a second and is debatable.
- Motion to Limit Debate: Used to put a limit on the time permitted for debate of a motion. It requires a second, is not debatable and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion to limit debate does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.
- Motion of the Previous Question (often referred to as "a motion to call the question" or "motion to bring the matter to a vote"): Used to end debate and bring the pending motion to a vote. It requires a second, is not debatable, and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion of the previous question does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.
- Motion to Lay on the Table (often confused with a motion to postpone indefinitely): Used to temporarily interrupt pending business so that another matter can be considered first. It requires a second and is not debatable. This is often done by unanimous consent to move business forward.
- Motion to Recess: This is a motion to take a short break in the proceeding. It requires a second and is not debatable.
- Motion to Adjourn: This motion closes the meeting. It requires a second and is not debatable.

3. Agenda

The presiding officer should make a reasonable effort to conduct business in accordance with a consent agenda. The agenda should be organized to promote the orderly conduct of business. If the members cannot agree on the agenda, it should be presented by motion and subject to a vote. Keep in mind that even after an agenda is approved it can be amended. Often that is done by unanimous consent at the suggestion of the presiding officer to expedite the meeting. The procedure is for the presiding officer to state, "Is there any objection to amending the agenda [explain]. Hearing no objection, the agenda is so amended by unanimous consent."

4. Other Issues

- Mayor's Veto: The Town Charter provides the Mayor with "the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and meeting." With a six-member council the override requires a vote of four members if all are present and voting.
- Quorum: The Town Charter provides that "four members of the town council shall constitute a quorum for the transaction of business at any meeting." The bylaws of other bodies establish the number of members required for a quorum. The Code of Virginia provides that if a member is disqualified due to a conflict of interest "the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members." 2.2-3112.C.

Acknowledgement

I _____ (printed name), a sitting member of
_____ (body), hereby certify that I have
been given a copy, read, understand, and will abide by the above Town of Cape Charles Code of
Ethics & Meeting Rules of Order, adopted on July 22, 2021.

_____ (signature)

_____ (date)

Town of Cape Charles

Guidelines for Citizen Participation

Town Council meetings are open to the public, except when the Council invokes the provisions of the Virginia Freedom of Information Act to discuss an authorized topic under a closed (Executive) session. A period of Public Comment shall be provided as part of the Agenda for the Council's regular monthly meetings. The Public Comment period is an obligation of the Council to provide members of the public an opportunity to address the Council on legitimate matters of town business. This period shall be governed by the following provisions:

Eligibility

Only those citizens with standing in the Town of Cape Charles will be provided the opportunity to provide input during the Public Comment period. Citizens with standing include full-time residents, property owners, and business owners within the corporate boundaries of the Town of Cape Charles. State, federal, and county officials representing/serving the Town of Cape Charles are also eligible. When eligibility is called into question, input may be provided upon affirmative vote of the Council.

Registering

Persons having an interest in making in-person comments to the Town Council during the Public Comment period must register on a sign-up sheet, including their name and basis for standing, indicating the item or topic on which they wish to speak. The sign-in sheet is available at the main entrance to the Council meeting and must be completed prior to the start of the meeting. The Mayor will recognize speakers at the appropriate time.

Persons having an interest in providing written comments to the Town Council during the Public Comment period must provide such comments to the Town Clerk no later than 60 minutes prior to the start of the meeting. Written comments must include a full name, basis for standing, and the agenda item or topic on which they wish to comment. The Clerk will read authorized comments into the record following all in-person speakers during the Public Comment period.

Members of Council are not permitted to sign-up and make comment during the Public Comment period unless an agenda item being considered has a direct impact upon the Council member or his/her interests, they have declared a potential conflict of interest, and the remaining Council members have voted to excuse that Council member from official action on the related item.

Regulations:

Cell Phone and Recordings

- Ringers on cell phones or pagers shall be turned off during the time that persons are at a Town Council meeting.
- The taking of photographs and video or audio recordings of a speaker or the activities during a meeting of Town Council shall be no closer than the front row of seating or other location designated by the Mayor or presiding officer to avoid disruption to the meeting and to promote public safety. The photographer or recorder shall take steps to avoid obstructing the aisles or other areas for any length of time in such a manner as to prevent other citizens from taking photographs, or to block the view of other citizens attending the meeting. No flashes or lighting devices may be used by photographers or operators of video recording equipment.

Speaking

When a speaker is called by the Mayor or presiding officer, the following is required:

- Speakers shall speak into the microphone to ensure that their name and remarks are heard and recorded as a part of the record of the meeting.
- Speakers shall state their full name and basis for standing and topic to which they are speaking.
- If a speaker represents a group or organization, the speaker shall indicate the name of the organization and the speaker's relationship to the group or organization. Speakers may ask others from their group or organization to stand at their seats to be recognized while the group's or organization's name is announced, but non-speakers or individual members are not permitted to stand with the speaker at the podium and for safety reasons, no members of the group or organization are permitted to stand in the aisles or doorways at Town Council meetings. Those members of a group or organization who do stand when the name of the group or organization is announced shall then be seated.
- Speakers shall address remarks to the Mayor and members of Council and not to the audience.
- Speakers shall state their position, give the facts to substantiate their position, and relate the concerns they believe the Town Council should consider.
- Speaker's comments will be made part of the record and a written copy should be delivered to the Town Clerk for inclusion. If other supportive material is available, it should also be delivered to the Town Clerk for the record.
- Speakers shall refrain from campaigning for public office, personal attacks upon members of the Town Council, Town employees or officials, or any other person.
- Speakers shall refrain from words or statements which, from their usual construction and common acceptance, are construed as insults or which have a tendency to cause an act of violence or a breach of the peace.
- Speakers shall refrain from abusive language, obscenity, vulgarity, and profanely cursing or swearing.
- Speakers shall refrain from actions that would interrupt the public meeting.
- All comments must come directly from the speaker.

Time limitations for remarks

- In-person speakers shall confine their remarks to no more than three (3) minutes. Speakers will be advised when their three (3) minutes have concluded.
- Persons providing written input must limit their comments to no more than can be read by the Town Clerk within three (3) minutes. Written comments provided beyond what can be read during the allotted time will not be entered into the record.
- Speakers cannot "yield," "transfer" or "designate" their time to another speaker in an effort to provide another speaker more than the allotted three (3) minutes.
- The Mayor or other presiding officer shall have the right to limit redundant remarks, as well as the overall time provided for remarks based on consideration of the time available and the need to complete the meeting efficiently.
- After a speaker has concluded his or her remarks, the speaker shall be seated.

Decorum and order

- For safety reasons, petitioning, picketing, displaying signs or posters, solicitation, demonstrating, pamphlet distribution, conducting polls, and blocking of the entryway shall not be permitted at a Town Council meeting or within one hundred (100) feet of any doorway to the meeting location.
- These guidelines do not preclude speakers, when addressing the Town Council, from delivering to the Council members by way of the Town Clerk written materials including reports, statements, exhibits, letters, or signed petitions. Nor do these guidelines preclude those addressing the Town Council from using a chart or graph during their remarks.
- Speakers and members of the audience shall be respectful of others, even if they do not agree with others' comments.
- The Mayor or other presiding officer shall preserve decorum and shall decide all questions of public order.
- At the request of the Mayor or Town Manager, one or more persons, including Town police officers shall act as sergeant-at-arms or sergeants-at-arms at all Town Council meetings. The sergeant-at-arms or sergeants-at-arms shall, under the direction of the Mayor or other presiding officer, have charge of the Council meeting location, and shall prevent disorder or interruption of the business of Town Council.
- Applause shall be permitted only during awards and presentations. Flash photography will be permitted at this time.
- Violation of these rules by speakers or members of the audience shall enable the Mayor or other presiding officer to rule the speaker or member of the audience out of order and by directive to have the speaker or member of the audience removed from the meeting, if necessary, and to take such other steps the Mayor or other presiding officer deems appropriate. The Mayor's or other presiding officer's decision to remove or rule a speaker or member of the audience out of order shall be final. One (1) warning will be given and if not heeded, the speaker or member(s) of the audience shall be escorted from the meeting.
- Any citizen is welcome to address their concerns informally with the Mayor, Town Council or Town Manager at any time outside of a Town Council meeting.

Town Council Response

Council members or Town employees shall not respond to questions posed nor address or rebut speaker's statements made during the Public Comment period. The Council, at its discretion, may direct matters raised during the Public Comment period be placed on the Agenda of a future meeting.

The Town Council hopes these Guidelines will encourage the greatest possible participation by citizens in the Town Government.

Applicability

While these guidelines reference the Town Council specifically, they shall also apply to all Town boards, commissions, and committees as appropriate.

Thank you for your interest and participation in your Town Council meeting. The Mayor and Town Council invite and encourage you to attend whenever possible because good, responsive government depends on the interest and involvement of all citizens.