

Harbor Area Review Board

Regular Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

May 27, 2022 10:00 A.M.

1. Call to Order
 - a. Roll call and establish a quorum
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
 - a. Approval of agenda format
 - b. Approval of minutes: Joint Meeting of Harbor Area Review Board, Town Council and Planning Commission of March 22, 2022
5. Unfinished Business: None
6. New Business
 - Tax Map # 83A3-A-10: Town of Cape Charles – Certificate of Appropriateness to build a 14' wide Pergola
7. Other Business
 - a. Interim Zoning Administrator
 - Update Report on recently amended Town Policies on Citizen Participation and Public Hearing Procedures.
8. Announcements
9. Adjourn



TOWN COUNCIL, PLANNING COMMISSION & HARBOR AREA REVIEW BOARD

**Joint Work Session
Cape Charles Civic Center
March 22, 2022
6:00 PM**

At approximately 6:00 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilman Buchholz, Follmer and Grossman, and Councilwomen Holloway and O’Brien. Also, in attendance were Town Manager John Hozey, and Interim Planner & Zoning Administrator Katie Nunez. There were no members of the public in attendance.

Planning Commission Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, in attendance were Commissioners Ken Butta, Diane D’Amico, Paul Grossman, Jim Holloway, Dennis McCoy, and Michael Strub.

Harbor Area Review Board Chairman Stuart Smith, having established a quorum, called to order the work Session of the Harbor Area Review Board. In addition to Chairman Smith, in attendance were Steve Bennett, Ken Butta, Diane D’Amico, Rob Harris, Benjamin Lewis, and Herbert Thom.

The purpose of the joint work session was to discuss the harbor area focusing on the zoning district, the overlay district, and examining the land use designations from a Future Land Use Map perspective and the current Zoning Map. Guidance provided during this work session would be provided to the consultant working on the comprehensive plan update. (Please see attached for agenda packet documentation.)

Town Manager John Hozey and Interim Planning & Zoning Administrator Katie Nunez facilitated the work session discussion. There was discussion regarding i) Whether there was a need for a historic harbor overlay district; ii) If it was determined to keep a historic harbor overlay district, the areas for inclusion in the overlay district needed to be identified; iii) Whether there was a need for separate Historic District Review and Harbor Area Review Boards or if one architectural review board would suffice to review the design guidelines for both districts.

After much discussion, a general consensus was reached as follows: i) A harbor overlay district was necessary; ii) A map from the Harbor Area Designs Standard document (page 4 of the agenda packet) was reviewed. A portion of the area designated as the Mason Avenue Transition Zone (shaded in orange) would be removed from this overlay and included in the historic overlay district. This area would run along the south side of Mason Avenue and be the same standard depth as the lots on the north side of Mason Avenue. This area would run from the “hump” on the east end to the area shaded in purple to the west. All other areas (shaded in salmon and purple) would remain in the harbor overlay district, with the purple shaded area extending to the east property line of the concrete plant property; iii) Consideration should be given to creating a new architectural review board to replace both the historic district review board and the harbor area review board, with design guidelines that would have unique sections for each overlay; iv) the comprehensive plan consultant could use the guidance in the existing plan as a starting point with the exception that reference to the Harbor Conceptual Master Plan should be omitted as this plan is now obsolete.

Mayor Dize stated that we had to remember that Cape Charles had a working harbor and was a Harbor of Refuge. He went on to express his concern of the railroad property being sold in the future for development and individuals moving to Cape Charles and complaining about the watermen and their equipment in the harbor, leasing boat slips which could increase the cost to the watermen, and complaining about the noise, etc., similar to the complaints received about the concrete plant.

There was some further discussion regarding the potential land uses in the harbor area.

John Hozey thanked everyone for participating in the work session and providing their input. He felt there was enough information to provide to the consultants to develop the first draft of the comprehensive plan.

Motion made by Rob Harris, seconded by Steve Bennett, to adjourn the Harbor Area Review Board Work Session. The motion was approved by unanimous vote.

Motion made by Commissioner Holloway, seconded by Commissioner McCoy, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

Motion made by Councilwoman Holloway, seconded by Councilman Buchholz, to adjourn the Town Council Work Session. The motion was approved by unanimous vote.

The meeting adjourned at approximately 8:00 p.m.

Mayor William "Smitty" Dize

Chairman Bill Stramm

Chairman Stuart Smith

Town Clerk

**Information Provided in Writing
March 22, 2022 Joint Work Session – Town Council, Planning Commission
& Harbor Area Review Board**

Agenda Packet Documentation:



**JOINT MEETING WITH
TOWN COUNCIL, PLANNING COMMISSION
& HARBOR AREA REVIEW BOARD
STAFF REPORT**

Meeting Date: March 22, 2022

Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator

Date: March 16, 2022

JOINT MEETING: Discussion of Harbor Area re: Comprehensive Plan

As work is progressing on the Update to the Comprehensive Plan, it is essential that we focus on the Harbor as a whole district and examine the land designations that have been assigned to property around the harbor both from a Future Land Use Map perspective and current Zoning Map designation.

The questions that are posed to the members of these various boards is the following:

- 1) Do we need a Historic Harbor Overlay District which is governed pursuant to Cape Charles Zoning Ordinance Article IX? How is this map different from the designated parcels as Harbor Zoning and shown on the Cape Charles Zoning Map which is governed by the regulations in Cape Charles Zoning Ordinance Article 3, Section 3.9?
- 2) If we need an Historic Harbor Overlay District, have we identified the Harbor Overlay area as we intend and would also like reflected in the Town's Comprehensive Plan?
- 3) How does the Comprehensive Plan elucidate the importance of the harbor itself and the adjacent land uses as an economic driver relative to maintaining the Town's partnership with the Federal Government (Army Corps of Engineers) re: the parameters for federal investment in the ongoing maintenance & dredging of the harbor or potentially expanding the depth of the harbor dredging to meet increased business needs relative to direct harbor commerce thru dockage/wharfage, etc?
- 4) Does the Comprehensive Plan and the Town Zoning Ordinance reflect the latest survey data from fall 2021 collected by Town Administration regarding economic diversity in the harbor area – tourism related businesses, commercial/service-oriented businesses, manufacturing/light industrial type businesses and other business associated with a working harbor?
- 5) The latest survey date from fall 2021 collected by Town Administrator included a question concerning the Town providing additional recreational amenities, such as a basketball court with possible locations for said amenities. The majority responses favored locating such an amenity south of Rayfield's pharmacy on a portion of the railroad property which would fall within the currently identified Historic Harbor Overlay District – does the Comprehensive Plan need to be updated to reflect this type of usage and is this compatible with the uses envisioned in the Harbor Overlay District as well as in the Zoning Ordinance?

STAFF REPORT dated 3-16-2022

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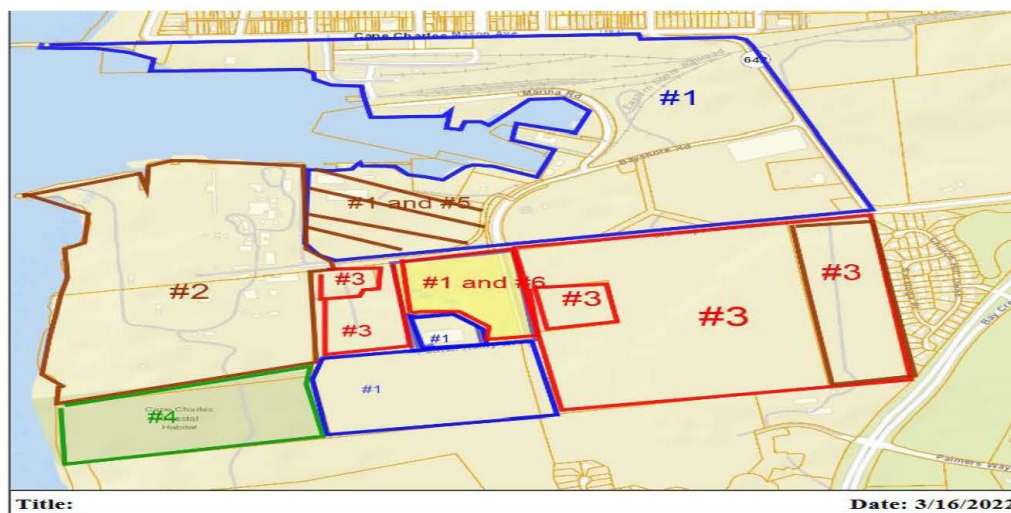
I. MAPS OF HARBOR AREA

It is relevant to have this updated zoning map for this area since there is a difference in this map to what I believe is the adopted Harbor Overlay Map, which was voted by Town Council on November 19, 2019, Town Council which I have enclosed below the revised Town Zoning Map.

CURRENT ZONING MAP OF THE HARBOR AREA

Blue Outline – Harbor District
Brown Outline – Industrial M-2
Red Outline – General Business
Industrial -Harbor-1 (GBI-H1)
Green Outline – Open Space

#1 – 6/2/2008 Adopted Town Zoning Map – shown as Harbor Zoning
#2 – 4/8/2010 ZMA Adopted from STIP to Industrial M-2
#3 – 4/8/2010 ZMA Adopted from PD-STIP to GBI-H1
#4 – 4/8/2010 ZMA Adopted from PD-STIP to Open Space
#5 – 8/18/2016 ZMA Adopted from Harbor to Industrial M-2
#6 – 8/19/2021 ZMA Adopted from Harbor to GBI- H1



4

The zoning map amendments were advanced relative to increased economic activity: 1) Coastal Pre-Cast purchasing the Bayshore Concrete property and expanded business opportunities, including the possibility of supplying & assembling and storage of components for off-shore wind turbines; and 2) Establishment of the Cape Charles Yacht Center and associated boat dockage, visitation, repairs, maintenance and storage. On the north side of the harbor, there has been a resumption of seafood unloading for commercial distribution and sale.

Additionally, the railroad has formerly ceased operations and ownership status of the underlying land is currently impeding the potential redevelopment of this property which we anticipate will be resolved in the near future, so it is imperative that the Town has adequately Planning and Land Use documents to ensure that this area of the town is developed within our established vision for the harbor area.

An Eastern Shore Rail to Trail Foundation has been formed through the Accomack Northampton Transportation District Commission and the Accomack-Northampton Planning District Commission is actively working with the communities of the Eastern Shore, including Cape Charles, to apply for state transportation funding to being implementation of the rails-to-trail segment components.

Other concept plans shared with the Town for possible development in the harbor area include a hotel with restaurant and outdoor pavilion as entertainment venue.

CURRENT HARBOR OVERLAY MAP

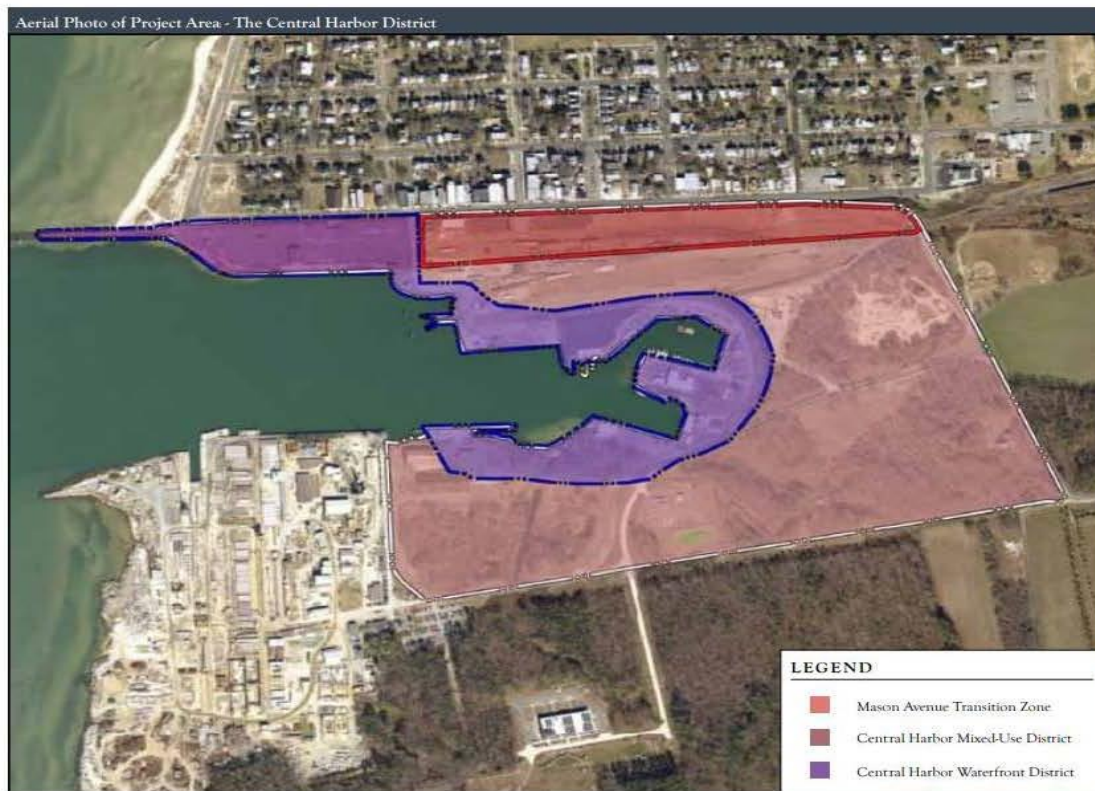
11/21/2019 Town Council Vote amending the Historic Harbor Overlay District Map included this map as part of the agenda packet – there was no legend provided



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11/21/2019 Town Council Meeting – Planning Commission staff report referenced a map from page 7 of the Harbor Area Designs Standard document dated 9/9/2010 which may be of interest to the group for this discussion

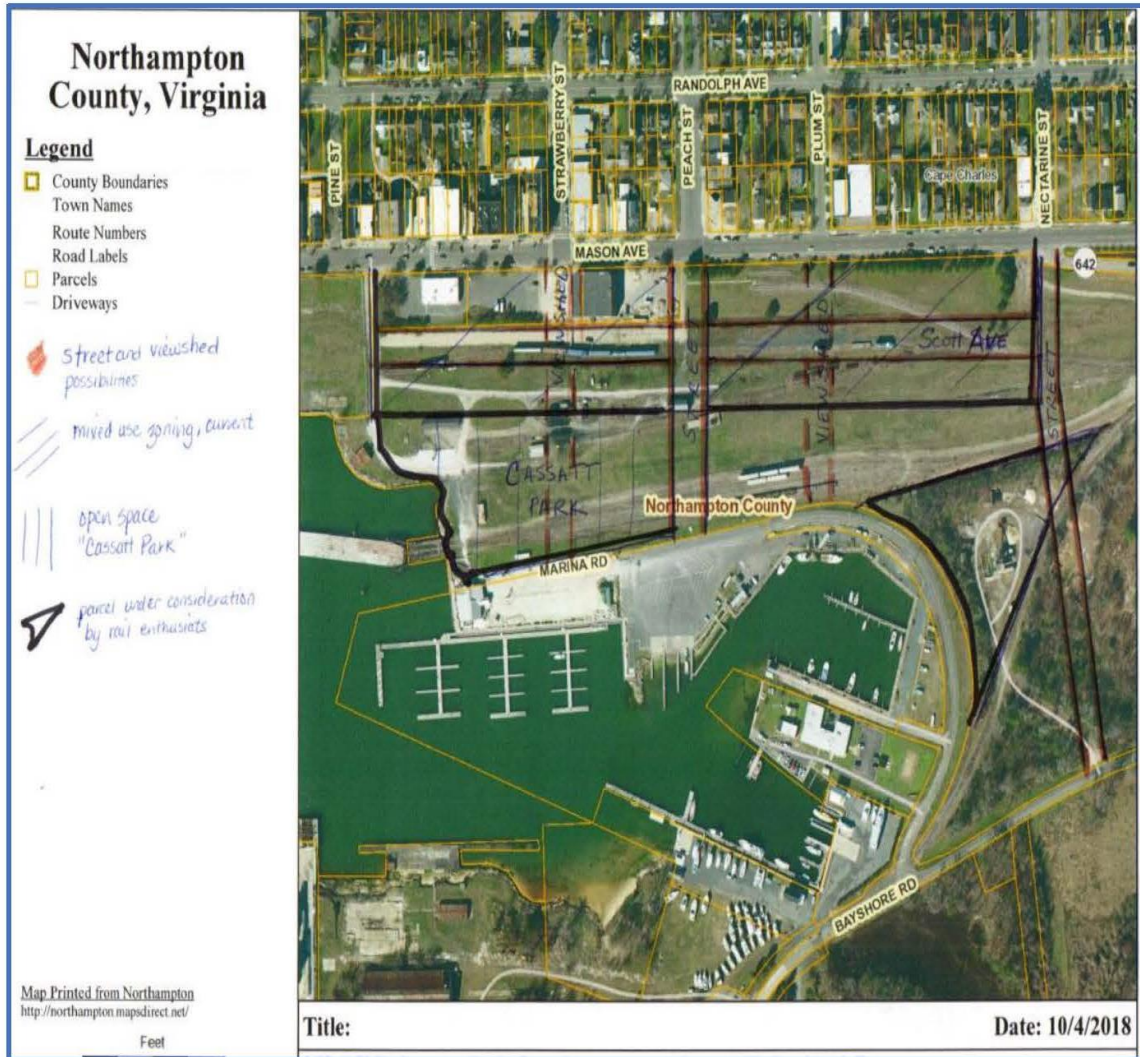


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OTHER MAPS OF POTENTIAL INTEREST

Councilman Paul Grossman and former Councilwoman Cela Burge developed a concept document to further illustrate some of the concepts from the various Planning documents and Design Guidelines, including community trails, re-use considerations for railroad property as part of Rails to Trails, street viewshed concepts, etc., which is provided below.



Similar conceptual layouts were also included in the Harbor Area Conceptual Master Plan & Design Guidelines on page 15 through 19 which can be accessed through this link:
document1463053057090513.pdf (municipalcms.com).

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II. CURRENT COMP EXCERPTS RE: HARBOR AREA

Included as an attachment to this document are the sections of the current Comprehensive Plan that concern the harbor area. As you will see, these start with the framework concepts of the document:

- 1) LAND USE defining Harbor Mixed Use and Planned Unit Development which is a zoning consideration that could be utilized to implement the vision for the harbor area
- 2) EMPLOYMENT Sector as it is considered in relation to each of the Land Use Types
- 3) FUTURE LAND USE CONSIDERATIONS
- 4) ECONOMIC VITALITY
- 5) AMENITIES
- 6) IMPLEMENTATION STRATEGIES
- 7) FUTURE LAND USE MAP

III. TOWN SURVEY DATA from FALL 2021

The two questions that relate to the Harbor Area are attached to this document with the full detailed responses included from the survey respondents.

ATTACHMENTS:

- 1 – Current Comp Plan Excerpts re: Harbor Area
- 2 – TOCC Fall Survey Economic Diversity Results
- 3 – TOCC Fall Survey Basketball Data

CURRENT COMP PLAN EXCERPTS RE: HARBOR

LAND USE FRAMEWORK

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.2.1.5 Planned Unit Development

The Planned Unit Development (PUD) designation should be compatible with others in the town and immediate surroundings, with commercial uses concentrated in the areas shown as Commercial PUD on the Future Land Use Map, and with uses in general mixed to encourage walkable communities. The PUD category designates a mix of uses that can include residential, specialty commercial, commercial, and general business/industrial. The intention of this category is to promote creative and imaginative development designs for residential and commercial uses by allowing greater flexibility than is generally possible. It is also intended to promote more efficient use of the land while encouraging variety, convenience, the development of recreational areas and open spaces, and creates an integrated land use development with common landscaping, architectural and design elements. The Historic District's traditional grid plan for local roads is typically not found in the PUD.

EMPLOYMENT AREAS

III.3 Employment Areas

The Future Land Use Map includes a designation of several Employment Area categories:

- Harbor
- Industrial

- General Business/Light Industrial H-1
- Industrial District M-2
- Main Street Mixed Use

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.3.2 Industrial

The industrial designation permits certain industries, which may detract from residential desirability, and will not be permitted to locate in any area adjacent to a residential area. This category should contribute to the existing maritime and industrial nature of Cape Charles and may consist of buildings used for manufacturing and warehousing. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation.

III.3.3 Industrial District M-2

The Industrial District M-2 designation provides for mixed industrial and employment land uses which encourage the revitalization of the local industrial economy and the historic Port of Cape 16 Charles and Northampton County, create family-wage employment and training opportunities for local residents, serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers, and encourage cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development.

III.3.4 General Business/Light Industrial H-1 District

The General Business/Light Industrial H-1 designation allows 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 and Northampton County; creates family-wage employment and training opportunities for local residents; serves as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers; and incorporate comprehensive, cost-

effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development in all aspects of design and development of the project.

III.3.5 Main Street Mixed Use District

The purpose of this designation is to recognize the unique juxtaposition of the existing residential structures within the central business district and the future needs of Cape Charles commercial districts. See Section III.2.1.1 above for description.

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 Approach

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.

Section III-A – Quality and Diverse Neighborhoods

Overall Policies for development of Neighborhoods

(10.) Extend the concept of the historic grid network to new development.

Applies to Neighborhoods: ➤ Residential	Description:
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➤ 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.	• 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
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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

Section III-B – Economic Vitality

III-B.5.3 Goal: Facilitate Business Start-Up, Expansions and Relocations

Despite the attractiveness of Cape Charles’ location in a regional context, the town must aggressively seek out partnerships with existing businesses, educational institutions, telecommunications providers, regional economic development groups, among others and pursue economic development opportunities, capitalizing to the extent possible on existing strengths. In December 2013, Bayshore Concrete Products successfully applied and was approved for the Cape Charles Technology Zone Incentive which gives a tax benefit for a maximum of five years. The plant is in the process of expanding and capital improvements of \$4 million are planned.

The town has the potential to grow over the coming years and the hospitality industry, including conference and convention center facilities, should be part of that growth. This industry brings visitors to Cape Charles and requires a cadre of well-trained workers to support

that growth. These visitors will require restaurants and other businesses to support them and the demand for quality support staff will be strong. Living accommodations within a reasonable distance area needed, making the Town Edge important in future land development.

While the town continues its focus on conducting business in a friendly efficient and effective manner, it should also continue to emphasize an “easy to do business with” attitude in dealings with both businesses and citizens alike.

Strategy:

- Capitalize on the existing and planned maritime industry cluster. 28
- Promote the dredging of the harbor from the current 18 feet to 35 feet to support economic development in the Harbor Mixed Use District.
- Pursue a study to determine markets for the Cape Charles Harbor.
- Attract new and/or additional major maritime, high technology, hospitality and small conference center business uses to Cape Charles.
- Foster small business development and home-based businesses.
- Promote tax incentives such as:
 - Enterprise Zone or Free (Foreign) Trade Zone
 - Town Commercial Rehabilitation
 - Northampton County Commercial and Residential Rehabilitation
 - Assessment/Tax Freeze
 - Technology Zone
 - Tourism Zone
 - Historical Tax Credits
 - HUB Zone
- Partner with educational institutions and appropriate organizations to research training and economic development opportunities.
- Promote Cape Charles Harbor as an ideal port of call

Section 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.

Section 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

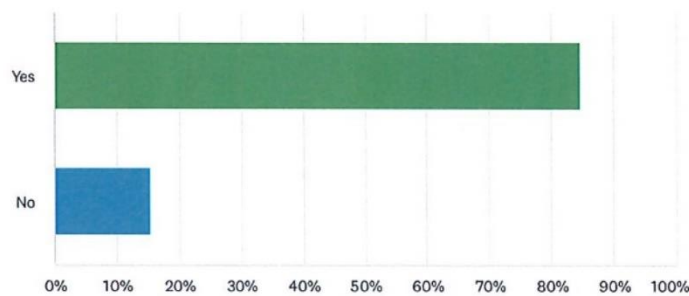
VI.2 Land Use ~~Zoning~~ District Map

Town of Cape Charles ~~Zoning~~ Map



Q9 The Town Council believes that Cape Charles should strive to have a healthy mix of economic sectors, which include tourism related businesses, commercial/service-oriented businesses, manufacturing/light industrial type of businesses, and other businesses associated with a working harbor. The Council further believes that tourism and a small-town character can successfully coexist with a working harbor and manufacturing/light industrial activity as long as these activities are thoughtfully located and regulated to minimize conflicts. As such, zoning will be updated to reflect that in general, tourism/commercial activity is best suited in areas north of the harbor and manufacturing/light industrial activity is best suited in areas south of the harbor. Do you agree with the Council's view regarding economic diversity?

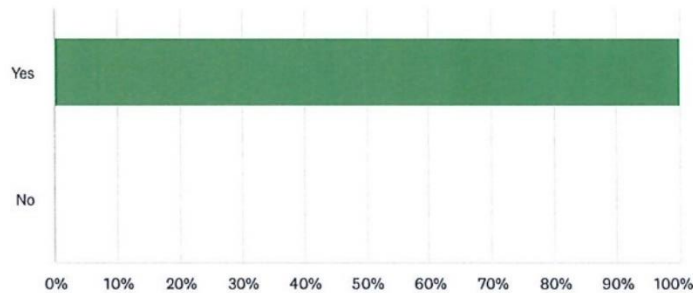
Answered: 441 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	84.58%	373
No	15.42%	68
TOTAL		441

Q9 The Town Council believes that Cape Charles should strive to have a healthy mix of economic sectors, which include tourism related businesses, commercial/service-oriented businesses, manufacturing/light industrial type of businesses, and other businesses associated with a working harbor. The Council further believes that tourism and a small-town character can successfully coexist with a working harbor and manufacturing/light industrial activity as long as these activities are thoughtfully located and regulated to minimize conflicts. As such, zoning will be updated to reflect that in general, tourism/commercial activity is best suited in areas north of the harbor and manufacturing/light industrial activity is best suited in areas south of the harbor. Do you agree with the Council's view regarding economic diversity?

Answered: 373 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		100.00%	373
No		0.00%	0
TOTAL			373

#	COMMENTS	DATE
1	If it wasn't for industry and manufacturing this town would not be here. Please continue your support.	12/30/2021 10:28 AM
2	The approach makes a lot of sense	12/30/2021 10:26 AM
3	As long as tourism doesn't take over the town. It is impossible for those of us who live here to get a dinner reservation in the summer. Many of us just hide. Not sure how it can be done, but is there a way to control the number of homes that are vacation rentals? They are now trying to market the rentals during the Winter months!!!!	12/30/2021 10:22 AM
4	--Yes, understanding that visibility/viewshed/noise impact of manufacturing/light industrial south of the harbor will always be a consideration. --As to the idea of a working harbor, we see	12/30/2021 10:20 AM

Town of Cape Charles Community Survey 2021

how something like the clam operation on the north side of the harbor impacts the potential for diversity of economic sectors. A careful review of what is allowable in the Harbor Zoning is important. --Note that the beach should not be neglected as part of maintaining economic diversity. This includes adequate sand on the beach and multiple entryways along Bay Avenue.

5	Being new, I wish a map had accompanied this question so I would have a better vision of what areas north of the harbor and south of the harbor are. I do support a healthy mix of economic sectors....provided the plans for development are transparent and allow for community input and questions.	12/30/2021 10:20 AM
6	But, please do not over tax tourism. In my view hotel or vacation rentals taxes are unfair. They are voted by locals and the taxpayers out of town can't vote. Among others this country was founded on no taxation without representation. I'm not against taxes, taxes are the price for our civilization. But I'm against tax misuse and tax benefits for special interest.	12/30/2021 10:19 AM
7	Comments made suggesting limiting the commercial component to only any business related to tourism is not realistic nor desirable from a diversity point of view. However, zoning ordinance needs to be updated to weed out those businesses that we feel are unrealistic (e.g., coal yards and heliport in M-1 district, Recycling drop-off collection centers and Utility installations in M-2 as examples).	12/30/2021 10:18 AM
8	The key being that "these activities are thoughtfully located and regulated to minimize conflicts."	12/30/2021 10:18 AM
9	However, there is major concern for the industrial area directly behind the New Quarter area of Bay Creek. Noise, odors, storage and hovering large equipment along with unattractive industrial buildings would ruin property value and would be a huge disturbance to this section of the Cape Charles community. We have major concerns about the use of this area.	12/30/2021 10:14 AM
10	Provided it doesn't take away from the appearance of the harbor	12/30/2021 10:13 AM
11	I agree that tourism and a small town character can coexist with a working harbor and manufacturing/light industrial activity. I believe there should be regulations for both parties as long as it doesn't choke the businesses to where they can't grow and provide jobs. We need both but one can't choke the growth of the other. I don't think the location of the clamming operation takes away from the character of what we want cape charles to be, actually this is part of our culture on the shore and should be out there for others to observe and be educated in this area. I have observed tourists being interested in the operation works. Probably having never encountered this type of business. It is just one more thing to add to the uniqueness of out town, plus it gives jobs.	12/29/2021 3:57 PM
12	I believe that economic diversity is essential for the town's future. But, when there is an appearance that the interests of investors rather than townspeople are being served, then resentment and opposition increase.	12/29/2021 3:55 PM
13	The town has to be very careful that the industries are compatible with the tourists and the historic character. Restaurants on the water are very compatible as is the boat maintenance business and the fishermen who use the harbor. Please let us know which businesses you are considering so the the community can have a voice. Not all industry is compatible.	12/29/2021 3:49 PM
14	Though tourism (specifically rental properties) may need to be controlled at some point (e.g. Onancock ideas).	12/29/2021 3:49 PM
15	Although I said yes, the statement "as long as these activities are thoughtfully located and regulated to minimize conflicts" makes me wonder what this really means. I agree that light industry should be located south of the harbor, but it should also be closely monitored to make sure there are no ordinances broken or negative environmental impacts resulting from irresponsible operations. BTW, I am still waiting to find out how the town is going to handle the unauthorized clear cutting done by PreCast last summer.	12/29/2021 3:48 PM
16	As long as green space , industrial related noise and pollution regulations are strictly enforced.	12/29/2021 3:31 PM
17	It would be nice to have a small market (groceries) in town that accommodated not only the residents but also the transient visitors. I imagine a market would be particularly convenient to visitors arriving by boat who may be looking to replenish supplies.	12/29/2021 3:30 PM
18	The manufacturing and light industry are critical for employment in the area, helping build the tax base, attracting more services and improving the schools. The trick is keeping the	12/29/2021 3:24 PM

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balance..... As the town hopefully expands into the old railroad property, managing that development will be critical.

19	However, need to stop industrial scale operations, like current clam off-loading and develop guidelines to limit industrial noise. Guidelines and hours of operations on north side.	12/29/2021 3:20 PM
20	Even though tourism is a large part of our economy we need to remember that residents on the shore need year round employment.	12/29/2021 3:19 PM
21	Beware short term rentals- I know I live in Va beach	12/29/2021 2:19 PM
22	But oppose more manufacturing/industrial south of harbor	12/20/2021 11:36 AM
23	We need all the businesses we can get that pay good money. Coastal precast pays good money. We need more like that.	12/20/2021 11:29 AM
24	I agree with the councils view regarding economic diversity. I am against expansion of the concrete industrial area. The noise pollution alone is a degradation to the charm of CC. You can hear it all the way to Cherrystone on many days. We also must preserve our green areas and walkways near the industrial area and near the Baycreek neighborhoods.	12/20/2021 11:04 AM
25	As long as the light industrial is operating under normal and acceptable hours (i.e. not 3am)	12/17/2021 5:59 PM
26	But Never should have given up harbor	12/17/2021 11:48 AM
27	Light industrial on the property south of the harbor and west of Precast would be a great use of this property (wind mill propellers??)	12/17/2021 11:05 AM
28	Jobs are at the heart of a small town.	12/17/2021 9:59 AM
29	In regard to the harbor and tourism, yes. But remember that economic diversity also includes allowing families of lower socioeconomic status to enjoy what our "small town" has to offer.	12/17/2021 6:49 AM
30	Economic diversity is the best plan for the town's long range well being !	12/17/2021 1:55 AM
31	Yes, not just within Cape Charles town limits, but in general, on the southern part of the peninsula on the Eastern Shore, there is not enough affordable housing. We should work together as a community to look to expand and support economic diversity.	12/16/2021 6:25 PM
32	While I agree, if there is no affordable housing, where will the employees live and spend their paychecks.	12/16/2021 4:35 PM
33	It would be interesting to consider the rail yard property and how that would then steer purchase and development.	12/16/2021 3:23 PM
34	Seems to be working so far...	12/16/2021 2:50 PM
35	But Never should have given up harbor	12/16/2021 12:24 PM
36	I consider the clamming operation on the north side of the harbor more than light industrial.	12/16/2021 11:50 AM
37	However, I have been in Cape Charles since 1984 and there was a working harbor on the north side and it was fine, but multiple 18 wheelers idling all night, stench from the clams, noise from people clanging metal crates and people hollering at 1, 2 and 3 o'clock in the morning is unacceptable and not good for tourism.	12/16/2021 10:10 AM
38	I think that there should also include language to show an intent and purpose to expand business offerings to be year-round businesses, especially in the food-service industry.	12/16/2021 9:49 AM
39	Important to have a mix of jobs for all.	12/16/2021 9:22 AM
40	However, this is a very fine balance as one would not want the commercial endeavors to conflict with the tourism industry, especially in making the area less attractive and noisy.	12/15/2021 10:03 PM
41	I wish it had a yes and no answer, I believe in economic diversity but have little faith in the same industry that thrived while the town crawled and now we think that's going to change or it's going to threaten the industries that did actually resuscitate the town?	12/14/2021 11:00 PM
42	The deep water port is an incredible asset that in no way maximizes its potential currently. See savannah GA for what it could become...but better	12/14/2021 6:24 PM
43	In general this makes sense. However you do have housing south of the harbor so its would	12/14/2021 4:45 PM

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	make sense to ensure that landscape buffers be included to help shield activities and beautify facilities.	
44	I agree to an extent. I don't agree of rezoning south of the harbor for light industrial when it interferes with nature and the wetlands. I also wonder what damage the cement plant is doing to the bay at their location. Do we have reports of their environmental impact?	12/14/2021 4:04 PM
45	My hope is that the hunger for business does not have additional negative impacts on our mom and pop businesses by drawing larger chain stores.	12/13/2021 9:38 PM
46	If these activities are thoughtfully located and regulated to minimize conflicts	12/13/2021 3:14 PM
47	More in favor of mfg/light industrial uses to draw more full time residents	12/13/2021 11:30 AM
48	We should see what the town could do to assist in the reconstruction of the Rosenwald School, should the board of the 501c3 working on this effort want assistance. The town could continue to apply pressure and increase pressure on the owners of "casually maintained properties". They need to "love it (fix it up — at least the exterior) or list it. Three that quickly come to mind are two on Randolph and one in the 600 block of Monroe.	12/13/2021 11:04 AM
49	The sight of vacant shops on Mason Ave is daunting. We seem to need more practical businesses- i.e.a bike shop, family restaurants, hardware store, garden store.	12/13/2021 10:04 AM
50	I really don't want Cape Charles to be a retirement community and I think having diversity of jobs available will attract families to live here keeping our town vibrant	12/13/2021 9:57 AM
51	I'm fine with the concrete factory, I applaud it in fact. I am NOT ok with the commercial activity in the field across from the Northampton Hotel. For God's sake, who allowed that??? The trucks spew exhaust that I can smell at my house at 109 Monroe. The noise too, I didn't mind the sound of the concrete factory but I do mind the idling of 4 or 5 or 6 gigantic trucks. Again, someone is going to get killed with those trucks coming through town. Really awful. That is prime waterfront property, ideal for anything but a truck parking lot!!! I had heard that Eyre Baldwin has a stake in the business, or something, sorry, 3rd hand info here, but do think it is high time he stop being allowed to run the table in this town. He does not have to LIVE here and SMELL the exhaust. If I were a property owner on Mason across from that mess, I would be very upset indeed.	12/12/2021 2:17 PM
52	I agree, but let's do it right, without the business interests dragging us by the nose. Coastal Precast is not being a good neighbor, and neither is Eyre Baldwin. Council needs to hold them accountable, but unfortunately has shown no inclination to do so.	12/9/2021 4:14 PM
53	Also support the concrete plant	12/9/2021 12:13 PM
54	I agree but for example, the level of noise that is being created on Mason Avenue, across from the old hotel by the new seafood business, is not acceptable. We need to be able to set a noise limit or time limit on the noise created. I have talked with people who live at that end of town who are very disturbed by the noise level this creates. So if we are going to mix commercial and residential we need to be more respectful to the residents who are needed here to make the town work. The people who are most disturbed are the full time residents. This is an example of the problem with losing more full time people to people who live away and collect the rental income. We can not afford to run off the people who are full time here.	12/8/2021 7:28 PM
55	I agree with economic diversity but not at the cost of harming the tourism or service oriented businesses- restaurants and shops. How can a industrial or working harbor exist where it is now — across the street from a boutique hotel, rental cottages, small businesses? this makes no sense as it now exists. Stick to the Community Strategic Plan and move it.	12/8/2021 3:50 PM
56	However, a strong noise ordinance should be enforced and buffers required.	12/7/2021 5:19 PM
57	Yes with a ?... AS LONG AS COUNCIL FOLLOWS THROUGH WITH THE APPROPRIATE ZONING AND THEN ENFORCEMENT, WHEN/WHERE AND WITH WHOM, WHEN NEEDED!!!	12/6/2021 4:13 PM
58	I completely agree with the economic diversity that is so important to the eastern shore, but feel that the impact of manufacturing/light industrial type of businesses on the historic district and beach should be considered. For example, while I recognize the importance of the concrete plant, it is an eyesore to the town and creates sound pollution. Both issues could be resolved or improved with some creativity.	12/3/2021 9:04 PM

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59	I have no problem if businesses want to move to town, it sounds like the problems that comes with a small town with thriving tourism are being thought about. I do fear bringing in people that are not from the area and want to bring their "this is how it's done where we're from" attitude and ways. We don't need to change the town to appease people that don't appreciate what is already here. Also, I live in Charlottesville, a gentrified town. Lower income people can't afford to live here because they can't pay the high taxes and high rent that college kids parents can pay. I don't want to see Cape Charles do the same because it seems most towns only worry about affordable housing once they have displaced the ones that can't afford it. Maybe it's by design and unfortunately it seems to be already be happening.	12/3/2021 6:33 PM
60	I just hope all are thought through thoroughly and we consider all outcomes on these decisions. It would be difficult to go back if we ended up with an undesired outcome.	12/3/2021 11:34 AM
61	The town has experienced a large turnover in properties the past 5-7 years, and I doubt that many of the new owners have a good understanding or appreciation of the town's historical dependence on the harbor and industry.	12/3/2021 11:27 AM
62	Other than we would not consider the clam operation works with this vision	12/3/2021 11:26 AM
63	Yes, yes and yes!!! Diversification is key	12/3/2021 11:24 AM
64	I feel most would agree with this statement if positioned correctly. Recent council meetings have shown a lack of trust for council members and their ability to make impartial decisions. Generally, a better communication system with the population would go a long way. The council cannot expect residents to tune in to council meetings for several hours at a time to stay in the know.	12/1/2021 9:17 AM
65	Need to add health or senior care to the mix	12/1/2021 7:03 AM
66	I dunno why people hate the cement plant so much when it's been there longer than most residents of the town. lol	12/1/2021 3:38 AM
67	I beleive a mix of economic and tourism will be good for the town. I also feel the town should be selective in what businesses are allowed in town. There is a great mix of tourism shops currently but very few lifestyle type options. Trying to encourage food or market type shops would be helpful to the town and keep people in town more than having to run out to food lion all the time. Just a thought.	11/30/2021 10:19 AM
68	The Town needs to do more to ensure that the concrete plant is a good neighbor. I still hear their trucks beeping loudly, and for extended periods of time. I also read that they illegally clear-cutted trees. They should be forced to plant 3 trees for every one they felled. Also, what on earth is up with the clamming operation on the north side of the Harbor?! That operation seems to run counter to the Town's view. It is an utter eyesore and embarrassment.	11/29/2021 6:52 PM
69	If you want tourism to thrive alongside industrial, the noise pollution and ugly views of industrial must be minimized. We specifically did not purchase a home on Mason or Randolph due to the incessant beeping from the concrete plant.	11/29/2021 3:19 PM
70	Tourism is great, but housing need is real for people working in town!!! Perhaps we should address that at some point, before it is too late?	11/29/2021 11:17 AM
71	The Bay Creek people that formed the group against the concrete plant have lost their mind. (My home is in Marina Village). Tourism must co-exist with a working waterfront.	11/29/2021 11:02 AM
72	The town is to small and can not handle the number of tourist in the summer time. The beach is tiny and 2 hour waiting time for a restaurant is insane. Because of the huge number of rental properties there are not enough fulltime families...without the families the businesses do not have enough employees.	11/29/2021 10:06 AM
73	This statement belies the actions of Council to rezone based on special interests of a select few.	11/28/2021 12:01 PM
74	I am happy to have a working harbor but there should be some regulation as to the hours of work. Sometimes the cement plant and the clam ships/trucks are going early in the morning or very late t night. There is also much dust and dirt. It was also very disheartening when the cement plant expanded south stripping much natural habitat. I no longer enjoy walking the trail with the plant being so visible and loud.	11/28/2021 10:36 AM
75	Utilities may hinder the recruitment of advanced manufacturing. Need more housing to provide	11/27/2021 5:06 PM

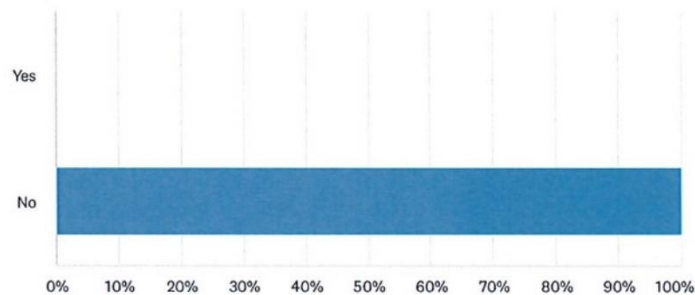
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workforce or look into a community college/ workforce center to cater to businesses the town would like to attract. The town or county needs an economic development director to steer both county and town in recruiting business expansion.

76	Go CAPE CHARLES CITY!	11/25/2021 8:17 PM
77	But I believe in flexibility. Not a strict adherence to a North / South divide.	11/24/2021 11:32 PM
78	The non-tourism sectors of our economy are important and should be increased.	11/24/2021 12:10 PM
79	The council might have this intention, but they have not yet convinced the key stakeholders like CC Main Street and owners of businesses that cater to tourists about the importance in serving year-round working class residents. The antagonism demonstrated during the zoning discussion for the concrete plant is a tip-off that folks don't yet understand the importance of economic diversity. If we cater to the tourists, we will continue to lack residents who are willing to serve on the town's committees and contribute to building a sustainable, year-round community.	11/24/2021 7:43 AM
80	I think the town officials do a great job considering both working vibrancy and laid back beauty.	11/23/2021 7:51 PM

Q9 The Town Council believes that Cape Charles should strive to have a healthy mix of economic sectors, which include tourism related businesses, commercial/service-oriented businesses, manufacturing/light industrial type of businesses, and other businesses associated with a working harbor. The Council further believes that tourism and a small-town character can successfully coexist with a working harbor and manufacturing/light industrial activity as long as these activities are thoughtfully located and regulated to minimize conflicts. As such, zoning will be updated to reflect that in general, tourism/commercial activity is best suited in areas north of the harbor and manufacturing/light industrial activity is best suited in areas south of the harbor. Do you agree with the Council's view regarding economic diversity?

Answered: 68 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		0.00%	0
No		100.00%	68
TOTAL			68

#	COMMENTS	DATE
1	Updating zoning? The damage has been done	1/10/2022 11:12 AM
2	The lower income community that have lived in Cape Charles for years, can no longer afford to shop or live there. It has been taken over by those who are in a higher tax bracket so that regular folks can't afford it. I owned a home & ran a business there but sold out due to expenses. Can no longer pay a huge Cape Charles tax plus the Northampton County tax as well. It's impossible! The only reason that I go into town now is to pick up a prescription or walk on the solitude of the beach in which a place to park & solitude is non existent today, very sad .	12/30/2021 10:27 AM
3	Light industrial, yes, however they extend the word " conditional " use. This is an open end situation, they have already stepped beyond " conditional" use. The only persons who won on	12/30/2021 10:26 AM

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	this Ayer Baldwin and the concert plant.	
4	What Council says and reality, as far as the clamming operation, seem to be in conflict. The concrete plant seems to at least try to be a good neighbor, but the clamming seems determined to punish the town by running operations 24/7. Where is Northampton County in providing jobs and business? It seems that all of the jobs being created are the burden on Cape Charles, at the expense of the peace and quiet that drew people to the town. I cannot begin to imagine how the clamming has impacted the three houses and Northampton Inn on Mason Avenue. Does Council care about those businesses?	12/30/2021 10:24 AM
5	They approved changes to zoning without gaining any concessions (financial or general). There was no facts as to the accurate employment at the plant from Cape Charles or even Northampton County. In addition, this Clamming Operation "north" of the Harbor, defies the intent listed above to keep the Historic district protected from industrial activities.	12/30/2021 10:24 AM
6	Clam boats unloading all night long every 3 days in a commercial zone that is not in compliance. South side of harbor is not zoned industrial. I do not consider this light industrial with the noise and arc lighting.	12/30/2021 10:07 AM
7	Do not support manufacturing/light industrial type of business in Cape Charles	12/30/2021 9:52 AM
8	Manufacturing/light industrial activity	12/29/2021 3:59 PM
9	Need to consider the water usage and the small amount of space in the whole area. We don't need more traffic and the protection of the bay and its habitants/wildlife should be first.	12/29/2021 3:56 PM
10	Proposal needs to be more specific	12/29/2021 3:53 PM
11	Need more information on this matter	12/29/2021 3:48 PM
12	The town's main interest is the tourist! The town has chased away local fisherman by raisen docking fees and regulations. The town constancely battles the concrete plant. Its an eyesore and noisy for the tourist. Doesnt sound very friendly. And refuses to enforce golf cart laws. The town has lost its appeal. Who in their right mind wants to back in parking!!	12/29/2021 3:29 PM
13	Manufacturing/light industrial activity should in NO WAY effect the residential areas of Bay Creek.	12/29/2021 3:27 PM
14	You must curb tourism to maintain your base of full-time residents.	12/29/2021 3:26 PM
15	This town can be Cape May, NJ or Elizabeth, NJ but it can't be both.	12/29/2021 3:24 PM
16	The concrete plant and clam operations have ruined the area with little revenue or cape charles.	12/29/2021 3:15 PM
17	We do not agree the Councils view regarding economic diversity. To us, the definition of "light industry" would never include a huge concrete plant whose noise reaches MANY of the residential blocks day and night. The town has not effectively reached an agreement with the plant's managers about the noise or the particulate matter that drifts over the open waters of the harbor and bay, AND reaches the residential area. This is detrimental to the health of the residents and visitors. Fishing is a vital part of any working harbor but the current clamming operation with the rows of idling diesel tractor trailers causing air pollution, light pollution and noise pollution, all hours of the day and night, is NOT acceptable. It should be located on the South side of the harbor. It is detrimental to the town and our residents and visitors. Although this town was founded on the transportation industry over one hundred years ago, it is now experiencing a Renaissance due to the tourism industry. The Council needs to appreciate this and protect this trend/opportunity. A study of the history of similar towns will show that this is not uncommon to experience a change of focus. Chincoteague, for example, has historically had a poultry industry, a menhaden processing industry, a fishing industry, however it now relies predominantly on tourism...and it is a THRIVING municipal economy.	12/29/2021 3:06 PM
18	Only if is closely watched and regulated, which I don't believe is presently being done. The town council does not put the residents needs first. at times it appears the town is being run by a few wealthy people.	12/29/2021 3:05 PM
19	Depends on what commercial activity is defined as by the Council. If it includes harvesting oysters &/or clams from the harbor and loading them into trucks in the evenings and nights, then no! Evening and late night commercial businesses should not be permitted to operate in areas north of the harbor, especially if they are not "quiet and respectful of neighbors".	12/29/2021 3:04 PM

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20	Too vague.	12/29/2021 3:03 PM
21	The new wording for manufacturing/light industrial type of business is not acceptable. You should reverse it to what it was, especially not to allow outdoor manufacturing. Also it would be appropriate to add some proffer in order to maintain the appearance of the manufacturing properties the way they look now from the town: 50 feet trees barrier minimum; no buildings above the tree line. The town is generating most of its revenues from tourism. This is the area that the town should privilege and facilitate in terms of services and occupations: more entertainment; stores and maybe a hotel big enough to accommodate weekenders around the year and for special events such as golf tournaments at bay creek.	12/29/2021 3:01 PM
22	The towns best growth and development prospects are clearly related to tourism, which has created many businesses and driving home values.	12/29/2021 2:48 PM
23	It is relatively well documented that creating zones for specific types of economic activity stratifies the economic basis of he community. While the "north of harbor" and "south of harbor" idea fits with recent and current uses, there should be a mix of these economic areas in future planning for them to truly thrive and provide opportunities for all of the town's citizens. For example, the Hook at Harvey places in the middle of the industrial site for the yacht building works well. I am not suggesting we place industrial right in the middle of the commercial zone or residential zone, while I am suggesting that keeping only industrial development south of the harbor will not improve the view shed not increase a mixing of the needs of the town for economic diversity.	12/28/2021 10:08 PM
24	Left a question mark between both answers so didn't have a certain response	12/28/2021 9:35 PM
25	Although the demarcation of areas makes sense on the surface I would encourage the town council to maintain flexibility in allowing for future growth of all types on both sides of the harbor by adopting a variable zoning class. An example, permitting residential or commercial (or mixed use) on the south side of the harbor.	12/17/2021 4:04 PM
26	The concrete plant is an eyesore and it's growing footprint is concerning to the surrounding environment.	12/17/2021 11:44 AM
27	If you are truly a tourist beach town, no businesses manufacturing / light industrial activity should be visible from the tourist sector of the town. The town has a large parcel of land on Mason Ave. on the water, and very few know what it is being used for. The town cuts the grass for parking on 4th of July so I am assuming the town owns it. It has no sign to designate the business name and no explanation of public access. The public has no guidance if they are allowed on the new concrete dock area. Across on the South side, in no way can you call the newly expanded Rock Quarry, "Light Industrial Activity." Town needs to do all they can to showcase areas close to the water as tourist friendly. People spending money in town through taxes, rent, etc. should not be worried about what businesses are on prime waterfront real estate blocking their view.	12/16/2021 9:41 PM
28	Manufacturing/Light industrial activity should be further outside the historical town limits... Not south of the harbor. Remember, we need to preserve history and culture... And that includes preserving land, wildlife, forestry, and coastal habitats. Tourists do not need to have access to our light manufacturing development. I strongly advise NOT to develop south of the harbor, as the town will have actions that will most certainly conflict with the intensions of the plan.	12/16/2021 7:18 PM
29	It amazes me that the town would contract out the harbor in the first place and put local persons out of work?? Also seems to me that the working waterman is no longer really wanted at the harbor and if anyone has kept things going over the past 100 years it's the working waterman. Then the complaints about the cement plant - DUST AND NOISE - who are you kidding! What about employment and feeding one's family? That should be a top priority but sense there are very few actual residence in Cape Charles and most are vacation rentals for visitors - I guess the local families don't rank as high a the money renters are making that don't even actually live in the town. Diversity?? Who are you kidding - more like reversing diversity. Cape Charles has survived so many different changes thru the years and we who are local know what diversity means but we never said that word growing up because we lived it. Get a grip on your "high society" "dollars only matter" mind sets and let us get back to actually living life on the Eastern Shore as we know it - SIMPLE AND FREE!!	12/16/2021 2:31 PM
30	Pushing any time of business to the outskirts of town is a bad idea	12/16/2021 12:50 PM
31	I disagree that "light" industrial operations have any place in the future of Cape Charles. And planned further expansion of industrial operations south of the harbor threatens open space,	12/15/2021 7:36 PM

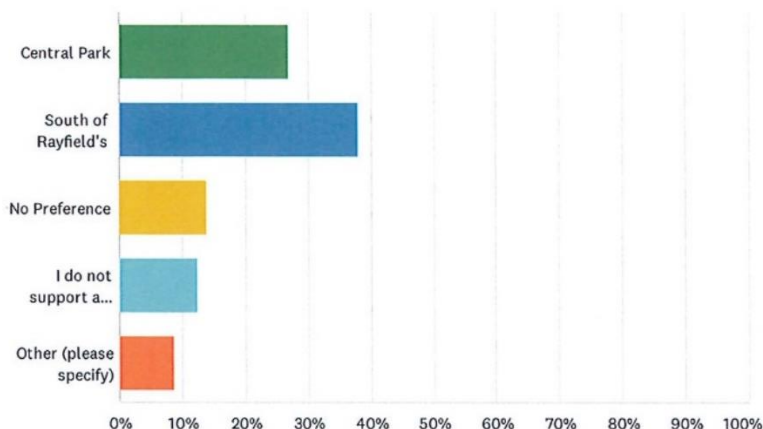
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noise pollution, is visually unappealing, and had the potential to leave long-term scars on the landscape right in the heart of Cape Charles. There is a huge amount of under-developed land throughout Northampton County, why does this development need to take place right here? I believe the Council is being extremely short-sighted in its approach to zoning south of the harbor. The jobs and revenue being provided are time limited. Once construction of the CBBT is complete, those benefits will be shut off, leaving the town with an albatross of expanded and abandoned industrial mess.

32	The council has not made this happen. The town decision makers are not acting appropriately and are allowing 1 individual to confront the industrial development of the town in spit of public outcry. It is shocking and needs to be stopped.	12/15/2021 8:45 AM
33	I don't honk manufacturing is beneficial to the town.	12/14/2021 4:44 PM
34	I would need to see the specific zoning changes to agree or disagree	12/14/2021 12:33 PM
35	The presence of industrial businesses within ear shot and sight of the commercial businesses is a tremendous detriment to the service oriented businesses. I can't count the amount of guests in our home who have asked, what is that eye soar across the harbor? and what is that pounding sound? It is a massive conflict and I believe all industrial businesses should be restricted that close to town.	12/14/2021 9:43 AM
36	Tractor Trailers and truck entrance on Mason are not acceptable	12/13/2021 3:05 PM
37	I was not on council at the time of this draft of the Comprehensive Plan. The town needs to work hard to identify and attract businesses that have a green footprint. 2021 has been a tough year for the harbor. The town was ripped apart as it considered re-zoning to permit the sale of a piece of property. The projected 'opportunity' did not occur, new jobs did not happen, and the towns people suffered as they battled to protect the natural resource. Many residents feel that their opinions do not matter.	12/12/2021 6:07 PM
38	I believe in and agree with a healthy mix of economic sectors, including all those listed; however, the success (and continued growth of the tourism and service sectors) depends on where and how all sectors are enabled to expand. The idea that the industrial sector can be just across the water of the harbor, let alone grow in that area, will continue to negatively impact the north side of the harbor. There's a large area of land practically unused east of the marina and coast guard; industrial growth in that direction would have minimal negative impact to the further growth and success of the town. Even keeping a small buffer south of the harbor and enabling growth only beyond that buffer would greatly impact the appeal of the harbor itself.	12/9/2021 9:30 AM
39	The industrial area south of the bay should not have been voted to expand.	12/8/2021 2:14 PM
40	No response	12/3/2021 1:10 PM
41	The small town feel and beach community are what makes Cape Charles special, makes people want to live here, and keeps visitors coming back. Manufacturing or harbor activity that produces too much pollution (dust, odors, noise, etc.) can make the beach and town inhospitable and impact the quality of life of in the Town. While having diversification of business types is a good thing, forcing them together when they are not complementary can lead to very negative results.	11/29/2021 12:52 PM
42	another missed opportunity for the town. develop the waterfront in a way that does not impact the environment and quality of life for all. A working harbor is much different than what has happened and the direction the town is going in.	11/26/2021 10:33 AM
43	I am not sure. Please provide a visual of this like a map to help us understand how and where activities would take place. Please do something to screen the concrete plant and to get rid of tractor trailers disrupting residents enjoyment of their homes and life in Cape Charles. On the flip side I heard the harbor is no longer friendly to watermen trying to fuel their vehicles. Where is the balance?	11/25/2021 5:52 PM

Q14 The town is exploring new recreational amenities including a basketball court. There is room for a half court in the southeast corner of Central Park. There is also potentially space available on property just south of Rayfield's Pharmacy that could be part of a multi-use recreation area. Of these locations, where would you prefer to see a basketball court?

Answered: 442 Skipped: 0



ANSWER CHOICES		RESPONSES
Central Park		26.92% 119
South of Rayfield's		38.01% 168
No Preference		13.80% 61
I do not support a basketball court		12.44% 55
Other (please specify)		8.82% 39
TOTAL		442

#	OTHER (PLEASE SPECIFY)	DATE
1	Please don't ruin the look of our park with a basketball court. History in this town has proven nothing good happens on a basketball court.	12/30/2021 10:28 AM
2	South of Rayfield's would also be an option. I think it would be a great addition for the youth in the town	12/30/2021 10:26 AM
3	Not in Central Park. Think about it. Council members already referenced problems with the basketball court when it was by the old School: cursing, gun shots, trash, police having to be called. Do you really think that people who want to play basketball are going to respect a concert going on Central Park, or some other private event going on in Central Park? Do you	12/30/2021 10:24 AM

Town of Cape Charles Community Survey 2021

think that families will want to use the proposed benches/tables/checkers/etc if right next to them, people are playing basketball? The basketball court by the old school went away for a reason, and there is good reason to believe that the same problems will return, if a basketball court is located in Central Park. If you are going to relocate the police/fire station, put the basketball courts there. It would provide something for the officers/volunteers to do when on duty, allowing them to build relationships with whoever else wants to play basketball. It also might go a long way towards keeping the behaviors under control. As a teacher, you can manage behaviors by walking around the classroom and positioning yourself close to kids who might otherwise be tempted to misbehave. The Town is working on walking trails within the town. Make this accessible by running sidewalks/golf cart path/etc to it. TM Hozey indicated the police force is already stretched thin. Having to answer calls to basketball misconduct in Central Park will stress out the police force. Cape Charles Baptist Church has already graciously made available a half court basketball court. The fact that some folks don't think this is good enough speaks to the behavior that they want to engage in on the court. Just asking for trouble if you put a basketball court in Central Park. The summer tournaments that some folks referenced were before our time, but seriously? In Central Park? If people want something like that, it would definitely have to go somewhere else. Having basketball tournaments in Central Park would mean no one else would be able to use the park during that time. And where would these people park? There's only one restroom in the park, and portapotties don't smell that great in the summer.

4	--I do not support adding a half court at Central Park. There will be conflict with concerts, weddings and other Park activities. --Suggest co-locating a court with Town office relocation.	12/30/2021 10:20 AM
5	A basketball court SHOULD NOT be placed in a residential area such as the park location.	12/30/2021 10:18 AM
6	I have no preference of location, only that it is monitored for appropriate behavior of the players (no bullying...)	12/30/2021 10:15 AM
7	Who comes to Cape Charles to play basketball	12/30/2021 10:14 AM
8	Remove tennis courts and replace with basketball courts. Tennis courts get little to no use.	12/30/2021 9:52 AM
9	While a "sports complex south of Rayfield's might be the eventual location for a basketball court, until that comes to fruition, then I think Central Park is the appropriate place. However, I don't think that the basketball half-court should be located in the southeast corner of the park. I think it should be located near the tennis/pickle ball courts (even if it means relocating part of all of the children's playground). The lighting requirements and noise concerns of these activities suggest that they should be located together.	12/29/2021 3:55 PM
10	Not sure how the town will care for a recreation area, when they presently can't keep up with the park, playground and tennis courts we have now. the town is very understaffed.	12/29/2021 3:05 PM
11	Cape Charles does not have sufficient population, or the demand, to support a multi use recreation area or a basketball court. I do support those activities but we should not spend the town's money for construction, leases or maintenance on this. Northampton County should do it. On basketball specifically, those who play basketball tend to be late teen to adults in their 20's and they tend to play an aggressive and loud game. If there were to be a court built, it should not be in Central Park.	12/29/2021 3:03 PM
12	At residence or private property	12/20/2021 11:31 AM
13	I support the addition of a basketball court within town limits-location is not a factor	12/20/2021 11:26 AM
14	Both Locations	12/20/2021 10:30 AM
15	The town basketball court should be in an area where residents with "sensitive ears" won't be offended. Central Park is ideally situated but I could see the basketball court interfering with other events that are held in the park. The area near rayfields is probably the better choice for a multi-use recreation area. Glad to hear that the town is reconsidering a basketball court.	12/17/2021 4:04 PM
16	Joint venture with churches and Christian school etc , since we had\$200k deficit.	12/17/2021 11:48 AM
17	The Central Park location would be ideal... it does not need to be a "half court" however... it could be a 2/3 or 1/2 size.. NOT half court please... full court, only smaller than a regulation size.	12/17/2021 11:05 AM
18	Either place is good. What I don't support is a zip-line. That just seems of limited interest and counter-intuitive for our town.	12/17/2021 10:53 AM

Town of Cape Charles Community Survey 2021

19	Both	12/17/2021 9:59 AM
20	I like the idea of a multi use recreation area, so that'd be my first choice. But the park would be fine, too. We need this!	12/17/2021 8:04 AM
21	If a court is implemented it should be part of a multi-use area south of Rayfields and not at the Park.	12/17/2021 1:55 AM
22	Both areas would give access to many more games!	12/16/2021 11:40 PM
23	Multi-use recreation area near Rayfield's would be amazing! I support that, as my first and as an alternative, at central park	12/16/2021 6:25 PM
24	Either as long as it gets done, it's long overdue, seems the Rayfield property may have more room for multi use and larger crowds to enjoy at the same time.	12/16/2021 3:23 PM
25	Either would be nice but I would think residents surrounding the park would prefer the noise elsewhere and south of Rayfields sounds like a nice alternative	12/16/2021 2:50 PM
26	Use the two lots behind the fire department, seems the the safest environment there	12/16/2021 12:50 PM
27	Joint venture with churches and Christian school etc , since we had\$200k deficit.	12/16/2021 12:24 PM
28	where ever it is, I think there should be security cameras on it.	12/16/2021 12:19 PM
29	If the rec facility was for local or residents then Would support however if it brought people from out of the area to use the facility then not a great use but that would be difficult to enforce	12/16/2021 8:35 AM
30	We support a court and believe it's a must have. We take our son to the church in town often to use their basketball hoop.	12/15/2021 10:07 PM
31	Depends on how far south. Needs lighting and easy accessibility. I also have it problems with it in the park if rules are set for timing, language etc...	12/15/2021 3:19 PM
32	Hard to say without knowing pros/cons and cost difference	12/14/2021 12:33 PM
33	Central Park or South or Rayfields would be great. I would love to have a basketball court in town!	12/14/2021 9:43 AM
34	use central park for a half court basket ball court, people play tennis and pickle ball there already, why not consider a satellite parking lot just south of rayfields?	12/12/2021 6:07 PM
35	I support the Central Park location. It's close to where the kids can walk to it safely. Having kids from Seabreeze walk to Rayfields is unreasonable.	12/9/2021 4:14 PM
36	I think a full basketball court would be better, and I really like the idea of a multi-use recreation area.	12/5/2021 12:35 PM
37	I don't care as long as there are funds available. If there is a deficit, which it sounds like it is according to the report, then not until the town is out of the red.	12/3/2021 6:33 PM
38	I just want to say I don't think it makes sense to pour a slab of concrete In the communities main green space. Isn't the church basketball court open to the public most days?	12/3/2021 11:34 AM
39	I think south of rayfields is the best option. there are less homes there and things like basketball games get loud and the general nature of the sport is loud (ball hitting pavement) which would be unfair to the houses immediately surrounding the park	11/29/2021 10:18 AM



HARBOR AREA REVIEW BOARD STAFF REPORT

Meeting Date: May 27, 2022

Item #: 6A – Town of Cape Charles Lot

Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator

Date: May 23, 2022

APPLICANT: Cape Charles Town Council

SITE ADDRESS: Marina Road

TAX MAP: 83A3-A-10

LOT SIZE: 17.31 acres (total lot)
679 sq. ft (specific area on lot affected)

TYPE OF APPLICATION: Harbor Development Certificate

WORK TO BE PERFORMED: Pergola, Lot Clean-up and marked parking spaces

CURRENT ZONING: Harbor District

PROPOSED ZONING USES: CCZO Section 3.9 (1) & (5) (g) and (h) – By-Right Uses

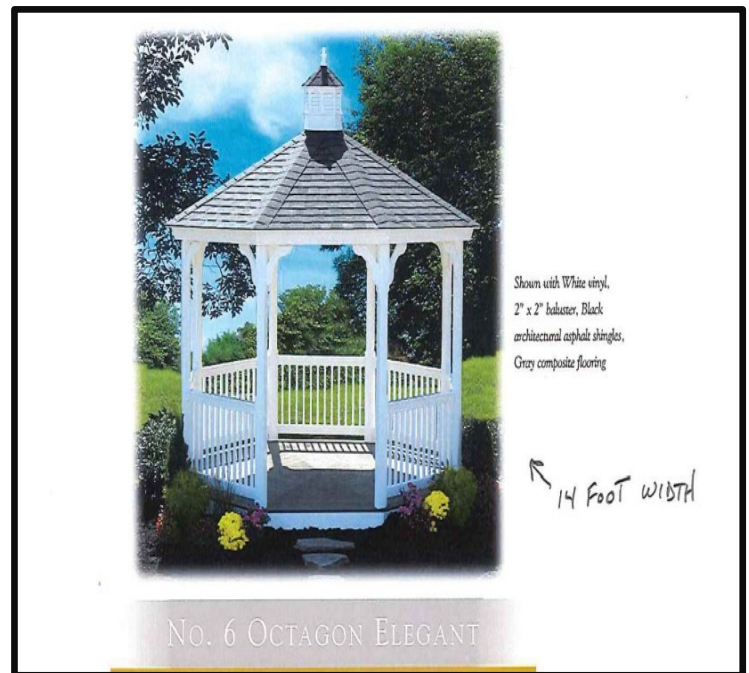
DATE APPLICATION RECEIVED: May 23, 2022

HARB APPLICATION MTG: May 27, 2022

Proposed Development: John Hozey, Town Manager, on behalf of the Cape Charles Town Council, is cleaning up a portion of the lot as one enters Marina Road and drives around the initial curve of the harbor. Most recently, it has been used as an undesignated parking area without any structure and has led to many boats and boat trailers being parked there for extended periods of time. The Town is desirous of getting all boats, trailers and other equipment and material removed from this section of the parcel and to place a pergola on the lot for visitors to the harbor area to have a place to sit and gather and to also allow visitors of the town to drive and park and utilize a gazebo that is more attractive and well-maintained.

The proposed size is 14 ft wide and 16 ft tall and will be placed on blocks and will be tied down, in compliance with the Building Code. It will be located approximately at the mid-way point of the lot frontage (132 ft) with the lot frontage at a total of 260 ft. The pergola will then be placed approximately 10 feet from the yellow bumpers at the side of the lot closet to the water. If a handicapped ramp is required per Building Code, then it will be placed on the side closest to Marina Road.

The lot will be improved with associated landscaping in compliance from the approved list of plant material for the Chesapeake Bay Preservation Act, even though this parcel is in the designated Intensely Developed Area of the CBPA and does not require further compliance with the CBPA and does not have to meet the zoning



setbacks for the Harbor Zoning District. There will be designated and marked parking spaces at the side of the lot closest to the Coast Guard property.

AERIAL VIEW OF TOTAL MAP with Proposed Insert Map of Specific Area of Project Request



STAFF ANALYSIS

ZONING COMPLIANCE

The proposed pergola is within the height requirements and the lot as a whole as the required lot frontage, lot depth and lot area and meets the 25% Open Space requirement. Pursuant to Cape Charles Zoning Ordinance Section 3.9 (3) (2), this lot is exempt from the setback requirements since the lot is designated as Intensely Developed Area of the Chesapeake Bay Preservation Act Overlay District.

Any property within the Harbor District is required to submit a Harbor Development Certificate application that requires review and recommendation of the Harbor Area Review Board which is then in turn provided to the Town Council who takes final action regarding the issuance of the Harbor Development Certificate.

STAFF RECOMMENDATION:

Staff is requesting the HARB to review the application material submitted by the applicant and determine if this is in compliance and consistent with the intent of the Harbor District. Staff is recommending waiver of the second review meeting as outlined in the Ordinance and determine that the applicant is sufficient and complete and that the HARB would recommend favorable consideration of this application to the Town Council.

Attachments:

Attachment 1 – Application & Survey

Application for Harbor Development Certificate

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

Date May 23, 2022

Permit No.: _____

Fee: WAVIED - Municipal Applicant

Proposed Use: Pergola and Associated Marked Parking Spaces

Present Zoning: Harbor

Location Address: Marina Road (adjacent to Coast Guard Station)

Tax Map ID: 83A3-A10 Acreage: TOTAL LOT ACREAGE: 13.31 acres

Portion of Lot designated for this project Acreage: 679 sq. ft

I (We) hereby petition the Cape Charles Town Council for a Harbor Development Certificate to provide the above use on the above mentioned property.

I (We) acknowledge the fact that all pertinent information required by the Harbor Area Review Board and Zoning Office must be submitted in a timely manner so that required public meetings can be scheduled and advertised (Zoning Ordinance §3.9.I). Applicant or representative must be present in the public meetings.

Land Owner/Lessee Name: Town of Cape Charles

Land Owner/Lessee Signature: _____

Address: 2 Plum Street, Cape Charles VA

Phone Number: 757-331-2919

Email Address: john.hozy@capecharles.org

Harbor Area Review Board Meeting

Date: May 27, 2022 Time: 10:00 am

Meetings will be held at the Cape Charles Civic Center unless otherwise noted.

Harbor Development Certificate Application Checklist

1. ☐ completed application
2. ☐ payment of fees (\$300.00 + \$70.00 per acre)
3. ☐ letter of application stating in general terms: (a) the proposed use of the property, (b) the effect of the changes on the surrounding area, and (c) the reason for the request
4. ☐ plot plan in accordance with the Site Plan Ordinance

Detailed application information shall be added per §3.9.I.1.b of the Zoning Ordinance when required.

NOTES:

1. "CAPE CHARLES CITY HARBOR WAS ORIGINALLY IMPROVED TO A DEPTH OF 10 TO 12 FEET IN 1885 BY THE NEW YORK, PHILADELPHIA AND NORFOLK RAILROAD, A SUBSIDIARY OF THE PENNSYLVANIA RAILROAD. THE FIRST FEDERAL IMPROVEMENT WAS A DEPTH OF 14 FEET AUTHORIZED BY R&H ACT OF 1890. THE PROJECT WAS PRIMARILY MAINTAINED AFTER THAT BY THE PENNSYLVANIA RAILROAD. IT WAS RECOMMENDED FOR DEAUTHORIZATION IN 1915 BY H.D. 924 (64TH CONGRESS, 1ST SESSION). THIS RECOMMENDATION WAS NOT ACTED ON. A MODIFICATION WAS AUTHORIZED BY R&H ACT OF 1938 FOR A SMALL BOAT HARBOR (10 FEET DEEP) AT MUD CREEK. THE MODIFICATION HEREINAFTER REFERRED TO AS INNER HARBOR AS OPPOSED TO THE ALREADY COMPLETED 14 FOOT DEPTH OF THE APPROACH CHANNEL AND OUTER HARBOR. THE MODIFICATION WAS COMPLETED IN 1940. A NEW MODIFICATION WAS REQUESTED TO DEEPEN THE APPROACH CHANNEL AND OUTER HARBOR TO 18 FEET BY REPORT DATED MAY 1942. BEFORE THE PROJECT COULD BE AUTHORIZED IT WAS COMPLETED BY THE WAR DEPARTMENT IN 1943 UNDER AUTHORITY OF THE EMERGENCY WAR EFFORT WITH MILITARY FUNDING. THE PROJECT WAS MODIFIED AGAIN IN 1966 WITH THE ADDITION OF THE HARBOR OF REFUGE. THIS WORK WAS COMPLETED IN 1967 UNDER AUTHORITY OF SECTION 107 OF R&H ACT OF 1960." FROM USACE MEMO DATED 12 DEC 1978 (REF NAORE-M, "INSPECTION OF ITEMS OF LOCAL COOPERATION - NOVEMBER 1978".
- AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE TOWN OF CAPE CHARLES, DATED 15 JANUARY, 1987, REGARDING THE MAINTENANCE OF THE HARBOR OF CAPE CHARLES, STATES THAT "THE TOWN SHALL, IN CONSIDERATION OF THE GOVERNMENT MAINTAINING SUCH PROJECT, FULFILL THE REQUIREMENTS OF CONTINUING NON-FEDERAL COOPERATION SPECIFIED IN SUCH LEGISLATION, TO-WIT: (A) FURNISH, FREE OF COST TO THE UNITED STATES, NECESSARY RIGHT-OF-WAY AND SUITABLE DREDGED MATERIAL DISPOSAL AREAS AS MAY BE REQUIRED FOR THE MAINTENANCE OF THE OUTER HARBOR AND ITS CHANNEL AS WELL AS THE BASIN AT THE HEAD OF MUD CREEK AND ITS ENTRANCE CHANNEL;" (F) THE TOWN IS ACQUIRING LANDS, EASEMENTS, RIGHTS-OF-WAY AND DREDGED MATERIAL DISPOSAL AREAS FOR PROJECT CONSTRUCTION, OPERATION AND MAINTENANCE WILL COMPLY WITH THE PROVISIONS OF THE "UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, PUBLIC LAW 91-646 APPROVED 2 JANUARY 1971;"
- ALTHOUGH EASEMENTS WERE GRANTED FOR DREDGED MATERIAL DISPOSAL AREAS AND PIPELINE ROUTES, NO RECORD OF DEDICATIONS OF PERPETUAL EASEMENTS OR RIGHT-OF-WAYS TO THE UNITED STATES OF AMERICA WERE FOUND WITHIN THE LAND RECORDS OF THE NORTHAMPTON COUNTY CIRCUIT COURT PERTAINING TO THE CHANNEL LINES OF THE OUTER HARBOR.
2. "WITH SPECIAL WARRANTY, PROVIDED, HOWEVER, THAT THIS COVENANT SHALL NOT BE CONSTRUED TO EXTEND OR APPLY TO THAT PORTION OF THE PARCEL OF LAND HEREINAFTER DESCRIBED CONTAINING 39.0 ACRES+/-, LYING BETWEEN THE HIGH AND LOW WATER LINES OF THE CHESAPEAKE BAY AND BETWEEN THE HIGH WATER LINE AND THE PROPOSED DEDICATION LINE OF CAPE CHARLES CITY HARBOR...." (DB 144 PG 205)
- "ALSO ALL THE ESTATE, RIGHT, TITLE AND INTEREST OF THE SAID PARTY OF THE FIRST PART HEREIN OF, IN AND TO THE MUDS, FLATS AND ALND UNDER THE WATERS OF CAPE CHARLES CITY HARBOR AND CHESAPEAKE BAY ABUTTING THE PARCEL HEREINBEFORE DESCRIBED, TOGETHER WITH RIPARIAN RIGHTS APPERTAINING THERETO, BUT TO THE EXTENT ONLY, HOWEVER, THAT THE SAID PARTIES OF THE SECOND PART REQUIRE SUCH ESTATE, RIGHT, TITLE AND INTEREST IN CON- NECTION WITH THE EXCERCISE OF SUCH RIPARIAN RIGHTS;" (PG 205)
3. "ALSO ALL THE ESTATE, RIGHT, TITLE AND INTEREST OF THE PARTY OF THE FIRST PART HEREIN OF, IN AND TO THE MUDS, FLATS AND LAND UNDER THE WATERS OF CAPE CHARLES CITY HARBOR ABUTTING THE PARCEL OF LAND HEREINBEFORE DESCRIBED AND EXTENDING AS FAR INTO THE SAID CAPE CHARLES CITY HARBOR AS SUCH ESTATE, RIGHT, TITLE AND INTEREST EXTENDS OR SHOULD EXTEND BY LAW OR CUSTOM AND ALL RIPARIAN RIGHTS APPERTAINING THERETO; (DB 148 PG 426; PENNDL TO VA. MENHADEN PRODUCTS, INC. WITH SPECIAL WARRANTY)
- "THERE IS EXCEPTED FROM THE EFFECT OF THE COVENANT OF SPECIAL WARRANTY, THAT PORTION OF THE PARCEL OF LAND HEREINBEFORE DESCRIBED LYING BETWEEN THE HIGH WATER LINE AND THE PROPOSED DEDICATION LINE OF CAPE CHARLES CITY HARBOR; IT BEING EXPRESSLY UNDER- STOOD AND AGREED THAT THE PARTY OF THE FIRST PART, BY EXECUTION AND DELIVERY OF THIS DEED ONLY QUITCLAIMS UNTO THE SAID PARTY OF THE SECOND PART, ITS SUCCESSORS AND ASSIGNS, ALL ITS RIGHT, TITLE AND INTEREST OF, IN AND TO SAID PORTION." (PG 427)
4. THAT PORTION OF STATE ROUTE NO. 1108 NORTH OF WYE TRACK CROSSING WAS ACCEPTED INTO THE VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION SECONDARY SYSTEM AS A 40' RIGHT OF WAY JUNE 20, 1977 PER REQUEST OF TOWN COUNCIL RESOLUTION OF OCTOBER 12, 1976. PHYSICAL ALIGNMENT OF ROADWAY RESULTS IN A VARIABLE WIDTH RIGHT OF WAY (40' MINIMUM WIDTH).
5. DEED FROM TOWN OF CAPE CHARLES TO THE UNITED STATES OF AMERICA (DB 160 PG 259), "ALONG THE LOW WATER MARK OF THE NORTH SIDE OF CAPE CHARLES HARBOR". LINES L14 AND L15 REPRESENT TIE-LINES ALONG THE APPROXIMATE LOCATION OF THE THE MEAN LOW WATER LINE AT TIME OF TRANSFER OF PROPERTY (1967).
6. DEEDED CURVE DATA (DB 158 PG 144) (C1 THROUGH C9 INCL) SET 20 FEET OFF CENTERLINE OF EXISTING WYE TRACK WITH CURVE DATA FOR CURVE C9 ADJUSTED TO INTERSECT WITH BOUNDARY OF PARCEL DEEDED TO TOWN OF CAPE CHARLES IN DB 99 PG 148. CURVE C10 AND LINE L10 SET 10 FEET OFF CENTERLINE OF WYE TRACK (REF DB 99 PG 148).
7. 0.8 MILE OF A 35' WIDE RIGHT OF WAY WAS ACCEPTED INTO THE VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION SECONDARY SYSTEM PRIOR TO THE IMPROVEMENTS CREATING THE HARBOR OF REFUGE. STATE MAINTAINED PAVEMENT ENDS BEFORE REACHING 70' WIDE MAINTENENCE EASEMENT ADJACENT TO HARBOR OF REFUGE DREDGE LIMITS.
8. TOTAL AREA OF TWO PARCELS (FROM DB99 PG 148 AND DB 158 PG 144) EQUALS 849,427 SQ.FT. OR 19.5002 AC. SOUTHERN PARCEL (MUD CREEK TRACT, DB 99 PG 148) EQUALS 389,603 SQ.FT. OR 8.9441 AC. NORTHERN PARCEL (DB 158 PG 144) EQUALS 459,824 SQ.FT. OR 10.5561 AC. (INCLUDING 8,058 SQ.FT. RESIDUAL PORTION SOUTH OF THE U.S. COAST GUARD TRACT, (TAX PARCEL 083A3--((OA))--00-010A).

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS. THIS SURVEY IS BASED ON A CURRENT FIELD SURVEY

ROBERT M. KENNEDY, L.S.

1-3-08
DATE

APPROVED FOR RECORDATION:

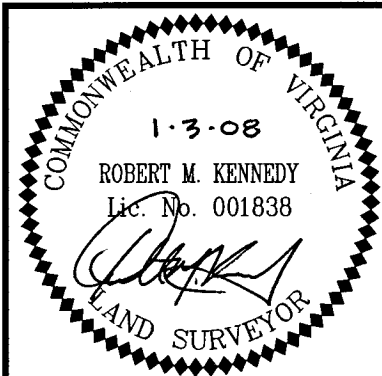
SIGNED: _____ DATE _____

TITLE: _____, TOWN OF CAPE CHARLES

VIRGINIA:
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE
COUNTY OF NORTHAMPTON, VIRGINIA, ON THE _____
DAY OF _____, A.D. 200__, AT
_____ AM/PM.
THE FOREGOING PLAT OF OWNER WAS ADMITTED TO
RECORD BY ME IN MY SAID OFFICE THIS DAY AT THE
REQUEST OF _____

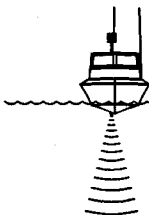
TESTE: _____

BY: _____



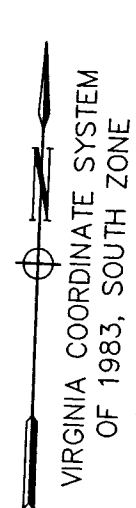
SURVEYED:	RMK,KLE,GMW
PROCESSED:	RMK
DRAWN:	RMK,RJK
REVIEWED:	RMK

BOUNDARY SURVEY
OF PARCELS OF LAND ACQUIRED FROM THE
NEW YORK, PHILADELPHIA AND NORFOLK RAILROAD COMPANY
(DB 99 PG 148)
AND THE
PENNDL COMPANY
(DB 158 PG 144)
ENCOMPASSING THE
HARBOR OF REFUGE AND THE MUD CREEK CHANNEL
TOWN OF CAPE CHARLES, CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VIRGINIA
FOR THE
TOWN OF CAPE CHARLES
DATE: 11-8-07 SHEET 2 OF 2 SCALE: 1"=100'

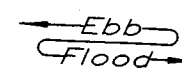


**EAST COAST
HYDROGRAPHIC**
SURVEYORS • CONSULTANTS
633 KINGS GRANT ROAD
VIRGINIA BEACH, VIRGINIA 23452

PROJECT No. 07135-02 DISK No. 07135 DWG. No. 07135BS2



CAPE CHARLES HARBOR



N/F
TIDEWATER-RAYMOND-KIEWIT
REF. DB 144 PG 205
SEE NOTE 2

N/F
TIDEWATER-RAYMOND-KIEWIT
REF. DB 144 PG 205

N/F
CANONIE ATLANTIC
REF. DB 55 PG 152

N/F
CANONIE ATLANTIC
DB 496 PG 669
DB 218 PG 432
REF. DB 41 PG 522

N/F
TOWN OF CAPE CHARLES
DB 158 PG 144
083A3-((0A))-00-010

N/F
CANONIE ATLANTIC
DB 218 PG 432
REF. DB 55 PG 152

N/F
HARBOUR DEVELOPMENT GROUP, LLC
REF. DB 148 PG 426
SEE NOTE 3

N/F
HARBOUR DEVELOPMENT GROUP, LLC
REF. DB 148 PG 426

N/F
HARBOUR DEVELOPMENT GROUP, LLC
REF. DB 148 PG 426
SEE NOTE 3

N/F
TOWN OF CAPE CHARLES
REF. DB 186 PG 597

N/F
UNITED STATES OF AMERICA
DB 160 PG 259
083A3-((0A))-00-011

N/F
TOWN OF CAPE CHARLES
DB 99 PG 148
083A3-((0A))-00-019

083A3-((0A))-00-010A
(P/O TRACT ACQUIRED IN
DB 158 PG 144)

30' WIDE ACCESS EASEMENT TO
TOWN OF CAPE CHARLES
DB 158 PG 144
(NOT ALIGNED WITH EXISTING ACCESS ROAD)

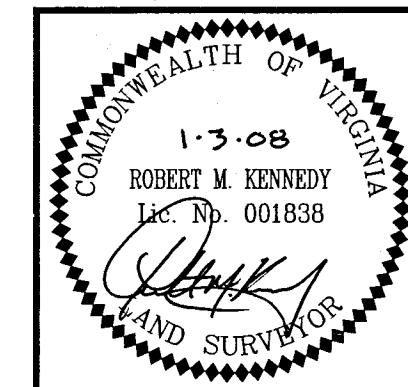
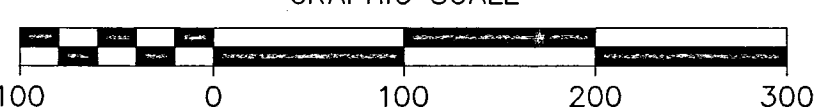
CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	541.07'	193.91'	192.87'	S88°24'57"E	20°32'02"
C2	362.54'	191.52'	189.30'	S60°32'55"E	30°16'04"
C3	405.13'	96.17'	95.94'	S38°36'52"E	13°36'03"
C4	386.41'	287.97'	281.35'	S11°09'21"E	42°41'58"
C5	344.34'	95.56'	95.25'	S19°35'30"W	15°54'02"
C6	613.11'	194.76'	193.94'	S33°04'56"W	18°12'02"
C7	427.91'	96.34'	96.14'	S50°44'07"W	12°53'59"
C8	427.91'	34.00'	33.99'	S54°54'33"W	04°33'07"
C9	815.23'	59.91'	59.90'	S57°37'05"W	04°12'39"
C10	945.37'	111.91'	111.85'	S64°33'31"W	06°46'58"
C11	427.91'	62.34'	62.29'	S48°27'34"W	08°20'51"
C12	125.00'	68.41'	67.56'	S15°46'08"W	31°21'21"
C13	349.69'	176.02'	174.16'	S01°54'45"W	28°50'23"
C13A	349.69'	140.99'	140.04'	S00°57'25"E	23°06'02"
C14	475.00'	130.92'	130.51'	S20°24'13"E	15°47'33"
C15	365.13'	52.03'	51.99'	S41°19'56"E	08°09'54"
C16	322.54'	170.39'	168.42'	S60°32'55"E	30°16'04"
C17	501.07'	179.58'	178.62'	S88°24'57"E	20°32'02"

LINE TABLE

LINE	BEARING	DISTANCE
L1	S10°08'09"E	40.00'
L2	N79°51'51"E	73.95'
L3	S12°30'27"E	34.42'
L4	S25°30'59"W	50.86'
L5	S31°26'48"W	117.56'
L6	S31°26'48"W	42.00'
L7	S19°15'48"W	14.93'
L8	N27°13'28"W	2.55'
L9	S62°46'29"W	24.57'
L10	S70°02'45"W	97.14'
L11	N21°41'59"E	50.70'
L12	N79°51'51"E	73.95'
L13	S14°59'59"W	35.00'
L14	S55°06'55"E	131.02'
L15	S59°47'00"E	255.83'

GRAPHIC SCALE



SURVEYED:
RMK,KLE,GMW
PROCESSED:
RMK
DRAWN:
RMK,RJK
REVIEWED:
RMK

BOUNDARY SURVEY
OF PARCELS OF LAND ACQUIRED FROM THE
NEW YORK, PHILADELPHIA AND NORFOLK RAILROAD COMPANY
(DB 99 PG 148)
AND THE
PENNDDEL COMPANY
(DB 158 PG 144)
ENCOMPASSING THE
HARBOR OF REFUGE AND THE MUD CREEK CHANNEL
TOWN OF CAPE CHARLES, CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VIRGINIA
FOR THE
TOWN OF CAPE CHARLES

DATE: 11-8-07 SHEET 1 OF 2 SCALE: 1"=100'

EAST COAST HYDROGRAPHIC
SURVEYORS • CONSULTANTS
633 KINGS GRANT ROAD
VIRGINIA BEACH, VIRGINIA 23452

PROJECT No. 07135-02 DISK No. 07135 DWG. No. 07135BS1

- 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.