



TOWN COUNCIL
Special Meeting & Executive Session
February 6, 2020
Cape Charles Civic Center
6:30 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Appeal of Historic District Review Board Decision – 2 Tazewell Avenue
3. Public Comments re: Agenda Items Only (3 minutes)
4. Special Meeting Order of Business:
 - *A. Proposed Zoning Ordinance Text Amendments – Article IV, Sections 4.5 and 4.6 – Off-Street Parking and Loading Requirements
 - *B. Health Insurance Review
 - *C. FY 2020 Mid-Year Budget Review
 - *D. Cape Charles Multi-Use Trail Update
 - E. Harbor Parking Turnaround Contract

5. Recess to Closed Session

Code of Virginia § 2.2-3711-A, Paragraph 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Specifically: Town Manager

Code of Virginia § 2.2-3711-A, Paragraph 3: Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Specifically: Potential Purchase or Sale of Real Property

Code of Virginia § 2.2-3711-A, Paragraph 5: Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the 'business' or industry's interest in locating or expanding its facilities in the community.

Specifically: Potential New Business

6. Return to Open Session

Certification to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Roll call vote.

7. Adjournment

 TOWN OF CAPE CHARLES	AGENDA TITLE: Hearing – Appeal of Historic District Review Board’s Decision for 2 Tazewell Avenue		AGENDA DATE: February 06, 2020
	SUBJECT/PROPOSAL/REQUEST: Appeal of Historic District Review Board’s Decision to replace windows on a single-family detached dwelling at 2 Tazewell Avenue		ITEM NUMBER: 2
	ATTACHMENTS: (1) 11-19-19 HDRB Staff Report, Application, and Documents; (2) 11-19-19 HDRB Meeting Minutes (3) Appeal Letter		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Zach Ponds	REVIEWED BY: Mayor Dize	

APPEAL REQUEST:

On December 16, 2019, staff received a request from Dave Hainsworth, owner of 2 Tazewell Avenue, to appeal the Historic District Review Board’s decision to approve the application for the Certificate of Appropriateness at 2 Tazewell Avenue to replace the existing casement windows and to deny the replacement of the wood windows on a single-family dwelling. The applicant is requesting approval of the application as submitted, appealing the denial of the replacement of the wood windows. Three reasons were identified by the applicant as to why they would like Town Council to reverse the decision of the Historic District Review Board:

- 1) The extensive amount of vinyl windows already in Historic District homes
- 2) The remodel of two specific houses as examples for allowing the applicant to install vinyl windows in lieu of wood
- 3) The consistency of the windows in the addition and original house to all be the same style and improve the overall appearance of the house.

In response to the applicant’s reasons for Town Council to reverse the decision of the Historic District Review Board, staff provides the following:

- 1) Although there are vinyl windows in the Historic District, the Guidelines are clear that replacing original wood windows with vinyl windows is not allowed.
- 2) The 80s/90s addition does not have the same standards of design as an original historic structure, which is clear in our local guidelines, as well as at a state and federal level.

BACKGROUND:

November 19, 2019 Application:

The property owner applied for a Certificate of Appropriateness to replace 13 original wood windows with vinyl windows on the original home. The applicant also asked to replace nine vinyl windows with similar vinyl windows on the addition that the applicant stated was added in the 80’s or 90’s.

Staff recommended denial of a Certificate of Appropriateness due to the following reasons:

- 1) Per the zoning ordinance, the replacement of the existing vinyl windows on the addition could be replaced with windows in similar style and material without approval of the Historic District Review Board. Therefore, the replacement of the nine windows on the addition would be administratively approved and was not taken into account for the staff-recommended denial.
- 2) Replacing the original wood windows with vinyl windows is not allowed per the Guidelines. The Historic District Guidelines are clear that original wood windows need to be replaced with wood windows or repaired (p. 39 #1, p. 41 #2, p. 41 #4, and p. 42). This was discussed during the pre-application meeting with staff and the applicant and provided to the applicant in writing in the pre-application meeting minutes.

- 3) Staff made it clear that there is no economic hardship allowance in our zoning ordinance for the Historic District Overlay (Article VIII), so the statement of the applicant regarding budget constraints is not applicable to applications for a Certificate of Appropriateness.

A motion was made by Edward Wells, seconded by Herb Thom, to approve the application for a Certificate of Appropriateness at 2 Tazewell Avenue to replace existing casement windows and to deny the replacement of wood windows on a single-family dwelling. The motion was made by unanimous vote.

RECOMMENDATION:

Staff recommends Town Council **UPHOLD** the decision of the Historic District Review Board.



HISTORIC DISTRICT REVIEW BOARD

STAFF REPORT

Meeting Date: November 19, 2019

Item #: 8A

Prepared By: Zach Ponds – Town Planner

Site Address: 2 Tazewell Avenue – tax map #s 83A3-2-3-12 & 83A3-2-3-13

Applicant: David N. Hainsworth

Owner: Sam & Elvis, LLC

Proposed Development: Replace windows on a single-family detached dwelling

Current Zoning: Single-Family Residential (R-1): This zoning district is intended to provide quiet, medium density, single-family residential development plus provide open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to restrict all activities of a commercial nature as described in Section 3.6-A of this ordinance, known as Commercial District C-1, which states “These commercial activities are characterized by heavy traffic, noise, and congestion of people and passenger vehicles and by large office buildings and retail establishments,” and to promote a convenient, attractive, and harmonious community. This section is created in recognition of the existence of developed areas where single-family and duplex dwelling currently exist on lots of 5,600 square feet and where the characteristics of the neighborhood include both permanent as well as seasonal residents.

Historic District Overlay: The purpose of this district is to provide for protection against destruction or encroachment upon historic areas, buildings, monuments, or other features, or buildings and structures of recognized architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic, or architectural heritage of the Town of Cape Charles and the Commonwealth of Virginia. It is the purpose of the district to preserve the designated

historic areas and historic landmarks and other historic or architectural features, and their surroundings within a reasonable distance, from destruction, damage, defacement, and obvious incongruous development or uses of land and to ensure that buildings, structures, streets, walkways, or signs shall be erected, reconstructed, altered, or restored so as to be kept architecturally compatible with the character of the general area in which they are located and with the historic buildings or structures within the district.

Description of Proposed Project:

Virginia Cultural Resource Information System (V-CRIS) Information:

Contributing Property	Yes
Construction Year	1962
Architectural Style	Colonial Revival

The applicant is proposing to replace 13 original wood windows with vinyl windows on the original home, and to replace nine vinyl windows with similar vinyl windows on the addition that was added in the 80's or 90's.

Staff Analysis:

The proposed project meets the requirements of the zoning ordinance. Any property within the Historic District Overlay is required to meet the Historic District Guidelines, which are superimposed on the underlying zoning district regulations.

The Historic District Guidelines and windows:

The Historic District Guidelines (Guidelines) discuss windows on page 39 -43.

As discussed in the pre-application meeting, the existing vinyl windows on the addition can be replaced with windows similar in style and material without approval of the Historic District Review Board. Replacing the original wooden windows with vinyl windows, however, is not allowed per the Guidelines. The Guidelines are clear that original wood windows need to be replaced with wood windows or repaired (p. 39 #1, p. 41 #2, p. 41 #4, and p. 42). This was discussed during the pre-application meeting and stated on the pre-application meeting minutes given to the applicant. There

is no economic hardship allowance in our zoning ordinance for the Historic District Overlay (Article VIII), so the statement of the applicant regarding budget constraints is not applicable to applications for a Certificate of Appropriateness.

Staff Recommendation:

Staff recommends **DENIAL** of a Certificate of Appropriateness for Item 8A.

The Historic District Review Board makes the final determination on whether or not a Certificate of Appropriateness will be issued for this project, and may impose conditions on an approval.

Attachments:

Attachment 1 – Application and Documents

Attachment 2 – Location Map



CERTIFICATE OF APPROPRIATENESS APPLICATION

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

PERMIT CHECKLIST - all documents can be emailed to the above email

- | | |
|---|--|
| ☒ Completed application | ☒ Photos/elevations of existing structure |
| ☒ Letter of intent clearly explaining project | ☐ Photos/elevations of proposed project |
| ☐ Existing site plan or survey | ☒ Proposed materials/spec sheets, samples |
| ☐ Proposed site plan or survey (if applicable) | ☒ Payment of fees (new construction >2,000 square feet \$500; new construction up to 2,000 square feet \$300; <u>all other \$150</u> ; modification \$250) |

PROPERTY INFORMATION

Name of Project: Windows
Property Address: 2 Tazewell Avenue
Brief Description of Project: Window replacement
Zoning District: _____ Current Use: Residence Proposed Use: Residence

OWNER INFORMATION

Name and Company: Sam & Elvis, LLC David N. Hainsworth, Member
Mailing Address: 3950 University Drive, Suite 207, Fairfax, VA 22030
Phone Number: 703-352-0118 Email: dave@hainsworthcpa.com

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: David N. Hainsworth
Mailing Address: 3950 University Drive, Suite 207, Fairfax, VA 22030
Phone Number: 703-352-0118 Email: dave@hainsworthcpa.com

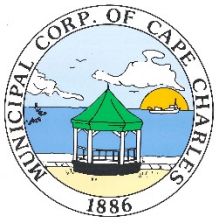
CERTIFICATION OF APPLICANT

I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are constructed.

Signature of Applicant: Dave Hainsworth Date: 9/27/19

Note: There is a required 30-day wait period between approval of a Certificate of Appropriateness and issuance of the permit for construction.

Town of Cape Charles Planning & Zoning Department
2 Plum St. • Cape Charles, VA 23310 • 757-331-2036 • capecharles.org



Municipal Corp. of
Cape Charles

Pre-Application Meeting Minutes

Project Address: 2 Tazewell Avenue

Project Description: Changing windows on historic home and modern addition

Pre-Application Meeting Date: 9/18/2019

Attendees:

	Name	Title	Contact Information
1.	Zach Ponds	Town Planner	planner@capecharles.org; 757-331-2036
2.	N/A	HDRB Representative	
3.	Dave Hainsworth	Applicant/Owner	dave@hainsworthcpa.com

Historic District Guideline references that the Historic District Review Board may consider at the regular meeting were discussed, including but not limited to, the following:

- A HDRB representative was unable to attend the pre-application meeting (no response to email sent by staff), so staff proceeded without a member present
- The applicant would like to change out 13 double-hung wood windows on a 1962 house, and 9 vinyl windows on the 1980/1990 addition.
- The original wood windows would need to be replaced with wood windows or repaired (p. 39, #1, p. 41 #2, p. 41, #4, p. 42 of the Guidelines).
- The vinyl windows could be replaced with similar windows of the same style without having to get approval from the Historic District Review Board.
- Staff gave the applicant Kerry Shackleford's contact information to discuss other options for energy efficiency with wood windows.

September 27, 2019

David Hainsworth
10605 Oliver Street
Fairfax VA 22030

Town of Cape Charles Planning and Zoning
Zack Ponds, Town Planner
2 Plum street
Cape Charles VA 23310

Letter of Intent on Windows Project

This letter is to detail out the proposed project to replace all the windows in 2 Tazewell Avenue. The current windows consist of 13 wood, single pane windows, double hung circa 1960-70's. These are original. There are also 9 Anderson vinyl casement windows from a 1980's-90's addition.

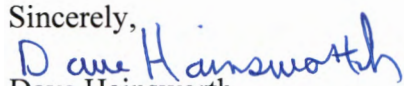
We propose to install the following:

- 13 Vinyl double hung windows from Window World, 2000 Series Vinyl replacement windows. See attached brochure.
- 9 Vinyl Anderson windows to replace the existing casement windows that do not open at all. The salt air has corroded the opening mechanisms and they stay closed.

I am aware of the guidelines for not using vinyl windows. However, my budget does not allow for the upfront cost and ongoing maintenance of wood windows. Same reason applies to composite windows. Vinyl is the most economical choice and fits our budget.

In addition, we see about 50% of the houses in the historic district have vinyl windows. We are not changing the openings or location. I ask for an exception to the guidelines in this instance.

The house is closed up for every winter as it cannot retain heat. We tried to use it one winter and had an electric bill over \$1,000 for one month. It can only be used in the summer with 3 window AC units. We hope to be able to use the house in the winter and summer (without window units) and installing new windows would allow us to do that.

Sincerely,

Dave Hainsworth

PAYMENT HISTORY FOR ACCOUNT 5255700

Update Dt	Transaction	Activity	AR Adjust
6/21/2019 5:48	PAYMENT	OCH-CH	-72.76
5/30/2019 5:50	PAYMENT	OCH-CH	-30.38
4/17/2019 5:42	PAYMENT	OCH-CH	-35.97
3/20/2019 5:49	PAYMENT	OCH-CH	-66.97
2/21/2019 5:39	PAYMENT	OCH-CH	-96.42
1/25/2019 5:44	PAYMENT	OCH-CH	-41.28
12/19/2018 5:41	PAYMENT	OCH-CH	-30.6
11/21/2018 5:35	PAYMENT	OCH-CH	-57.99
10/18/2018 5:38	PAYMENT	OCH-CH	-189.41
9/20/2018 5:39	PAYMENT	OCH-CH	-269.02
8/23/2018 5:45	PAYMENT	OCH-CH	-237.52
7/31/2018 5:40	PAYMENT	OCH-CH	-89.87
7/10/2018 5:43	PAYMENT	OCH-CH	-100
6/20/2018 5:41	PAYMENT	OCH-CH	-64.63
5/16/2018 5:50	PAYMENT	OCH-CH	-23.64
4/20/2018 5:46	PAYMENT	OCH-CH	-39.24
3/26/2018 5:34	PAYMENT	OCH-CH	-231.42
2/26/2018 5:44	PAYMENT	OCH-CH	-348.79
1/19/2018 5:41	PAYMENT	OCH-CH	-130.07
12/20/2017 5:35	PAYMENT	OCH-CH	-27.24
11/15/2017 9:22	PAYMENT	REMIT-OBI	-102.18
10/18/2017 8:21	PAYMENT	REMIT-OBI	-132.29
9/20/2017 8:53	PAYMENT	REMIT-OBI	-221.67
8/17/2017 8:31	PAYMENT	REMIT-OBI	-191.22
8/7/2017 8:20	PAYMENT	REMIT-OBI	-20.32
7/20/2017 15:17	PAYMENT	REMIT	-117.67
6/29/2017 7:19	PAYMENT	REMIT-OBI	-76.2
5/18/2017 10:39	PAYMENT	REMIT-OBI	-1
5/11/2017 7:54	PAYMENT	REMIT-OBI	-43.53
4/20/2017 7:50	PAYMENT	REMIT-OBI	-43.53
3/16/2017 12:50	PAYMENT	REMIT-OBI	-14.49
2/16/2017 8:15	PAYMENT	REMIT-OBI	-236.18
12/29/2016 7:32	PAYMENT	REMIT-OBI	-31.49
11/22/2016 8:07	PAYMENT	REMIT-OBI	-104.4
11/3/2016 6:10	PAYMENT	REMIT-OBI	-173.38
9/15/2016 11:57	PAYMENT	REMIT-OBI	-257.39
8/25/2016 8:24	PAYMENT	REMIT-OBI	-180.6
7/21/2016 12:40	PAYMENT	REMIT-OBI	-116.81
6/29/2016 7:53	PAYMENT	REMIT-OBI	-83.59
5/26/2016 8:54	PAYMENT	REMIT-OBI	-145.41
5/2/2016 7:41	PAYMENT	REMIT-OBI	-25.61
3/31/2016 9:48	PAYMENT	REMIT-OBI	-187.12
2/9/2016 7:28	PAYMENT	REMIT-OBI	-63.36
12/18/2015 7:41	PAYMENT	REMIT-OBI	-61.67
12/3/2015 7:32	PAYMENT	REMIT-OBI	-36.35

A & N Electric Cooperative
P.O. Box 200
Teeley, VA 22441

10/26/2015 7:50	PAYMENT	REMIT-OBI	-200.66
9/28/2015 7:46	PAYMENT	REMIT-OBI	-199.94
8/24/2015 8:09	PAYMENT	REMIT-OBI	-215.5
7/30/2015 7:38	PAYMENT	REMIT-OBI	-173.1
6/15/2015 7:36	PAYMENT	REMIT-OBI	-84.17
5/21/2015 7:33	PAYMENT	REMIT-OBI	-47.89
5/7/2015 7:31	PAYMENT	REMIT-OBI	-348.73
3/20/2015 10:36	PAYMENT	EBILL-CH	-1,114.00
2/25/2015 8:35	PAYMENT	EBILL-CH	-496.43
12/19/2014 14:40	PAYMENT	EBILL-CH	-242.37
11/21/2014 15:36	PAYMENT	EBILL-CH	-106.22
11/13/2014 11:11	PAYMENT	EBILL-CH	-183.76
10/10/2014 14:55	PAYMENT	REMIT	-136.51
9/5/2014 16:22	PAYMENT	REMIT	-190.93
7/21/2014 16:12	PAYMENT	REMIT	-142.35
6/19/2014 14:58	PAYMENT	REMIT	-67.64
6/3/2014 16:17	PAYMENT	REMIT	-21.71
4/28/2014 15:57	PAYMENT	REMIT	-32.39
4/3/2014 15:47	PAYMENT	REMIT	-72.22
3/10/2014 16:15	PAYMENT	REMIT	-223.16
1/23/2014 14:45	PAYMENT	REMIT	-246.32
12/26/2013 16:03	PAYMENT	REMIT	-44
12/6/2013 16:53	PAYMENT	REMIT	-122.84
10/24/2013 16:05	PAYMENT	REMIT	-166.01
9/30/2013 17:28	PAYMENT	REMIT	-258.56
8/29/2013 15:17	PAYMENT	REMIT	-225.92
8/5/2013 15:37	PAYMENT	LC-PAYREAD	-184.62
7/17/2013 15:31	PAYMENT	LC-PAYREAD	-77.82
6/11/2013 12:09	PAYMENT	LC-PAYREAD	-90.81
4/22/2013 14:14	PAYMENT	LC-PAYREAD	-148.31
3/22/2013 11:58	PAYMENT	LC-PAYREAD	-368.16
1/23/2013 12:18	PAYMENT	LC-PAYREAD	-99.92

winter
electric
1 time

rental
bills



























HANDCRAFTED FOR PERFORMANCE & VALUE

WINDOW WORLD[®]

2000 Series Vinyl Replacement Windows



Practicality and durability are featured in our classically styled 2000 Series Windows. The sturdy, dependable craftsmanship will beautify your home and improve its performance.

A clean look, easy operation, and state-of-the-art technology combine to create windows that accentuate your lifestyle. With stylish, convenient features like surface-mounted locks, tilting sash, and dual-pane glass, you'll wonder why you didn't replace your windows years ago. Let us help you improve your home's curb appeal and efficiency with the Window World 2000 Series Vinyl Replacement Window.

2000 SERIES WINDOWS



A Closer Look:

- 1 Multi-chambered, welded vinyl mainframe and sash provide superior strength and durability.
- 2 Top and bottom sash are exterior glazed and aesthetically beveled for sleek, stylish sight lines and curb appeal.
- 3 Double-pane insulated glass with a Duralite® warm-edge spacer system enhances energy efficiency to keep your home comfortable in every condition.
- 4 Surface-mounted cam locks improve strength and create an extra-tight seal.
- 5 Metal reinforcements at meeting rail and latch ensure strength and protection against wind and weather.
- 6 Interlocking center rails provide a firm seal for enhanced weather-tightness.
- 7 An easily removable half screen gives you the freedom to let air in while keeping pests out.
- 8 Welded combination sill directs water away from the home and eliminates unsightly weep holes.
- 9 Detent clip keeps the top sash from drifting.
- 10 Recessed tilt latches can be released to tilt both top and bottom sash into the home for easy cleaning.
- 11 Spring-loaded, push-button vent latches allow for overnight ventilation.
- 12 Series consists of double-hung, picture, and architectural shape windows.

SolarZone™ Insulated Glass:

Our SolarZone™ insulated glass packages help you save on heating and cooling costs while also keeping your home more comfortable. In warm weather, SolarZone reduces solar heat gain, minimizes interior glare, and lowers inside glass temperature to save energy and keep you cool. In cold weather, SolarZone helps to control the heat inside your home by providing thermal protection that keeps the inside glass panel warmer.

Color Options:

White

Almond

No grids.

Grid Options:

Flat
5/8" or 7/8"

Sculptured
11/16"

White

Almond

Prairie by
Window

Prairie by
Sash

Colonial

6 over 1

4 over 1

3 over 1



Window
World

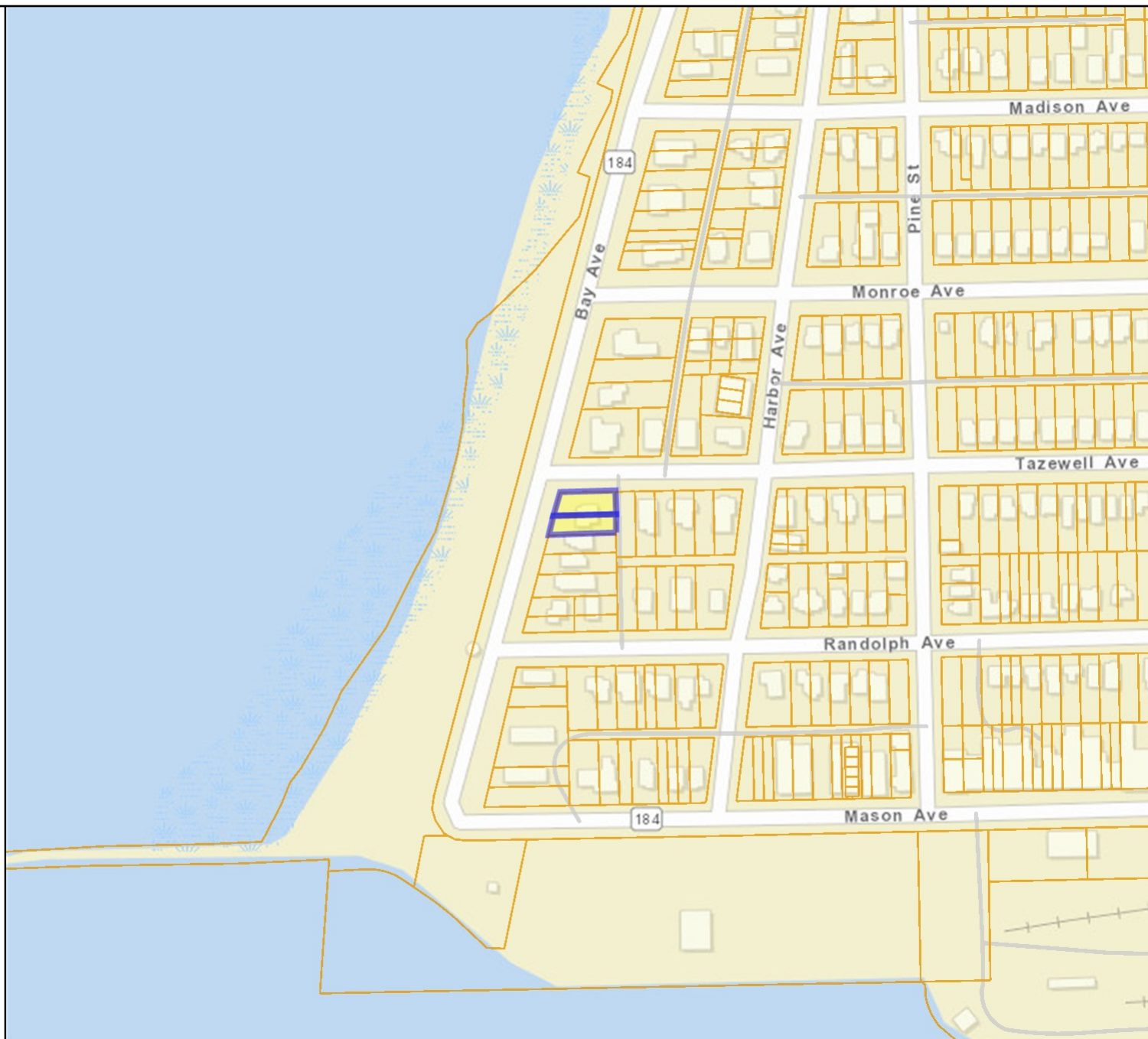
118 Shaver Street
North Wilkesboro, NC 28659
1-800 NEXT WINDOW | 1-800-639-8946
www.WindowWorld.com



Northampton County, Virginia

Legend

- Parcels
- Driveways



Map Printed from Northampton
<http://northampton.mapsdirect.net/>

Feet
0 100 200 300 400

Title: 2 Tazewell Ave

Date: 11/4/2019

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Northampton County is not responsible for its accuracy or how current it may be.

Motion made by Herb Thom, seconded by Edward Wells, to close the November 19, 2019 Historic District Review Board Work Session and move to the Regular Meeting. The motion was unanimously approved.

Kerry Shackelford started the HDRB Regular meeting with a moment of silence and the recitation of the Pledge of Allegiance.

CONSENT AGENDA:

Motion made by Herb Thom, seconded by Edward Wells, to accept the Agenda as presented. The motion was approved by unanimous vote.

Motion made by Herb Thom, seconded Edward Eichman, to approve the minutes from the October 4, 2019 Special Meeting and Work Session and the October 15, 2019 Historic District Review Board Regular Meeting as presented. The motion was approved by unanimous vote.

REPORTS

Kerry Shackelford asked about the chimney removal. Zach Ponds explained that it was a safety issue. Kerry Shackelford informed Zach Ponds the chimney needed to be replaced. Zach Ponds would look into that.

PUBLIC COMMENT:

Diane D'Amico, 602 Jefferson Avenue

Ms. D'Amico was appreciative of the town planner, the HDRB and the applicants. (Please see attached.)

There were no other public comments to be heard nor any written comments submitted prior to the meeting.

UNFINISHED BUSINESS:

A. *Commercial 3 Zoning District design review for a new commercial building on Lots 37, 38, & 39 on Stone Road.*

Gina Butler, applicant, said the updated design for the proposed commercial building was based on the conversation from the October meeting. Ms. Butler continued by saying all the details that were requested had been done at a considerable cost, except the roof pitch because of the expense and she asked if vinyl siding could be used per the new guidelines. Kerry Shackelford explained that the board was in the process of updating the new residential construction portion guidelines.

Discussion was as follows: (i) Kerry Shackelford said the board was trying to get away from a commercial building look. (ii) Edward Eichman was comfortable with the roof form proposed. His suggestion would be to add more detail to the porch corner chamfers. Mr. Eichman prepared a sketch. (Please see attached.) The applicant agreed to add the suggested details. (iii) Edward Wells thought the roof pitch looked out of proportion. After much discussion on the roof pitch, it was decided that the pitch would come off the eave of the building by a minimum of two feet.

Motion made by Herb Thom, seconded by Edward Eichman, to approve the Commercial 3 Zoning District design for the new construction of a commercial building on Lots 37, 38, and 39 on Stone Road with the following conditions: (i) the porch corner chamfer detail would be as shown in the sketch provided by Edward Eichman; and (ii) the dormer would be moved to two feet above the main roof. The motion was approved by unanimous vote.

NEW BUSINESS:

A. *Application for Certificate of Appropriateness at 2 Tazewell Avenue – to replace windows on a single-family detached dwelling.*

Kathy Weiner, applicant representative, asked if there were issues with vinyl material itself or the type of vinyl used for windows. Kerry Shackelford responded that the CCHDG did not allow the replacement of wood windows with vinyl. Kathy Weiner commented that many houses had replaced wood windows with vinyl. Kerry Shackelford said he could not speak to what had already been done. Kerry Shackelford concluded that the windows needed to be replaced with what was there.

Motion made by Edward Wells, seconded by Herb Thom, to approve the application for the Certificate of Appropriateness at 2 Tazewell Avenue to replace the existing casements windows and to deny the replacement of the wood windows on the single-family dwelling. The motion was approved by unanimous vote.

- B. *Application for Certificate of Appropriateness at 501 Tazewell Avenue – to construct a rear addition on a single-family dwelling and a two-story accessory structure.*

Ray and Nancy Campbell, applicants, explained the proposed addition had to do with accessibility due to their ages.

Discussion was as follows: (i) Edward Eichman did not have a problem with the proposal but, did suggest a small window. There was much discussion regarding whether a window was necessary.

Motion made by Herb Thom, seconded by Edward Wells, to approve the application for the Certificate of Appropriateness at 501 Tazewell Avenue to construct a rear addition on the single-family dwelling with the condition that the proposed window be removed. The motion was approved by unanimous vote.

- C. *Application for a Certificate of Appropriateness at 206 Monroe Avenue – to construct a rear addition on a single-family detached dwelling.*

Leon Parham, architect, was available to answer any questions. Edward Eichman asked if the muntin was between the glass as indicated in the provided material. Leon Parham answered that yes, the muntin was between the glass to match the existing windows.

Motion made by Herb Thom, seconded by Edward Eichman, to approve the application for the Certificate of Appropriateness at 206 Monroe Avenue to construct a rear addition on the single-family dwelling as presented. The motion was approved by unanimous vote.

- D. *Application for a Certificate of Appropriateness at 702 Monroe Avenue – to renovate an existing screened porch on the front of a single-family detached dwelling.*

Claudine Pierce, applicant representative, was available to answer any questions. Kerry Shackelford had an issue with the brackets and screen being placed outside of the post. Claudine Pierce responded that the screen would be behind the post. Edward Wells confirmed the post would be square and vinyl wrapped.

Motion made by Herb Thom, seconded by Edward Wells, to approve the application for the Certificate of Appropriateness at 702 Monroe Avenue to renovate an existing screened porch on the front of the single-family dwelling as presented. The motion was approved by unanimous vote.

- E. *Application for a Certificate of Appropriateness at 214 Washington Avenue – to construct a new single-family detached dwelling.*

Bill Doughty, contractor, described the proposed new home.

Discussion was as follows: (i) Edward Eichman thought there had been an agreement made in the pre-application meeting to change the siding material. (ii) Herb Thom confirmed this was a modular home. (iii) Edward Wells suggested the front of the home be another material other than vinyl. Bill Doughty said that would be hard. Some of the board members thought vinyl siding had a plastic

December 16, 2019

David Hainsworth
10605 Oliver Street
Fairfax, VA 22030

Zach Ponds
Town Planner/ Zoning Administrator
Municipal Building
2 Plum Street
Cape Charles, VA 23310

Appeal of the Historic District Review Board's decision
2 Tazewell Avenue on November 19, 2019

Dear Zach:

I would like to appeal the decision of the Historic Review Board to the Town Council.

I ask the Town Council to observe the installation of vinyl windows in the Historic District. There are many houses with vinyl windows. I feel that the significant number of houses with vinyl windows, estimated to be as much as 50%, weighs on the guidelines to allow vinyl windows for 2 Tazewell Avenue. For example, both houses referenced below are directly in my walk from 2 Tazewell Avenue to downtown. I walk by them all the time (see attached map of houses). Both look great overall and have vinyl windows.

For example:

- 1) See pictures of 5 Mason Avenue and 7 Mason Avenue. The blue house on the corner was remodeled in the last 18 months and looks great. It has vinyl windows. I spoke to the owner in July 2019 and he did not enlarge or move any windows, and I do not plan to either. This house was allowed to use vinyl.
- 2) See picture of 4 Randolph Avenue, a brick house undergoing a complete renovation. The windows are vinyl. This was also remodeled within last 2 years.

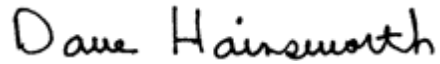
Allowing me to use vinyl windows will improve the appearance of our house and we will be able to use it in the winter. From the street, one would not know the difference, and it will look much better than the old wood windows with single glass pane that are currently there. We are already allowed to use vinyl on the 9 casement windows on the addition. This way, if approved, all windows match and look consistent.

I ask the Town Council to recognize the reasons to allow me to use vinyl windows:

- The extensive amount of vinyl windows already in Historic District homes
- The remodel of two specific houses as examples for allowing me to install vinyl windows in lieu of wood
- The consistency of the windows in the addition and original house to all be same style and improve the overall appearance of the house. In the end, isn't our goal to improve the appearance? I feel the Historic District Review Board did not take all of the above into account.

Thank you for your consideration in this matter.

Sincerely,

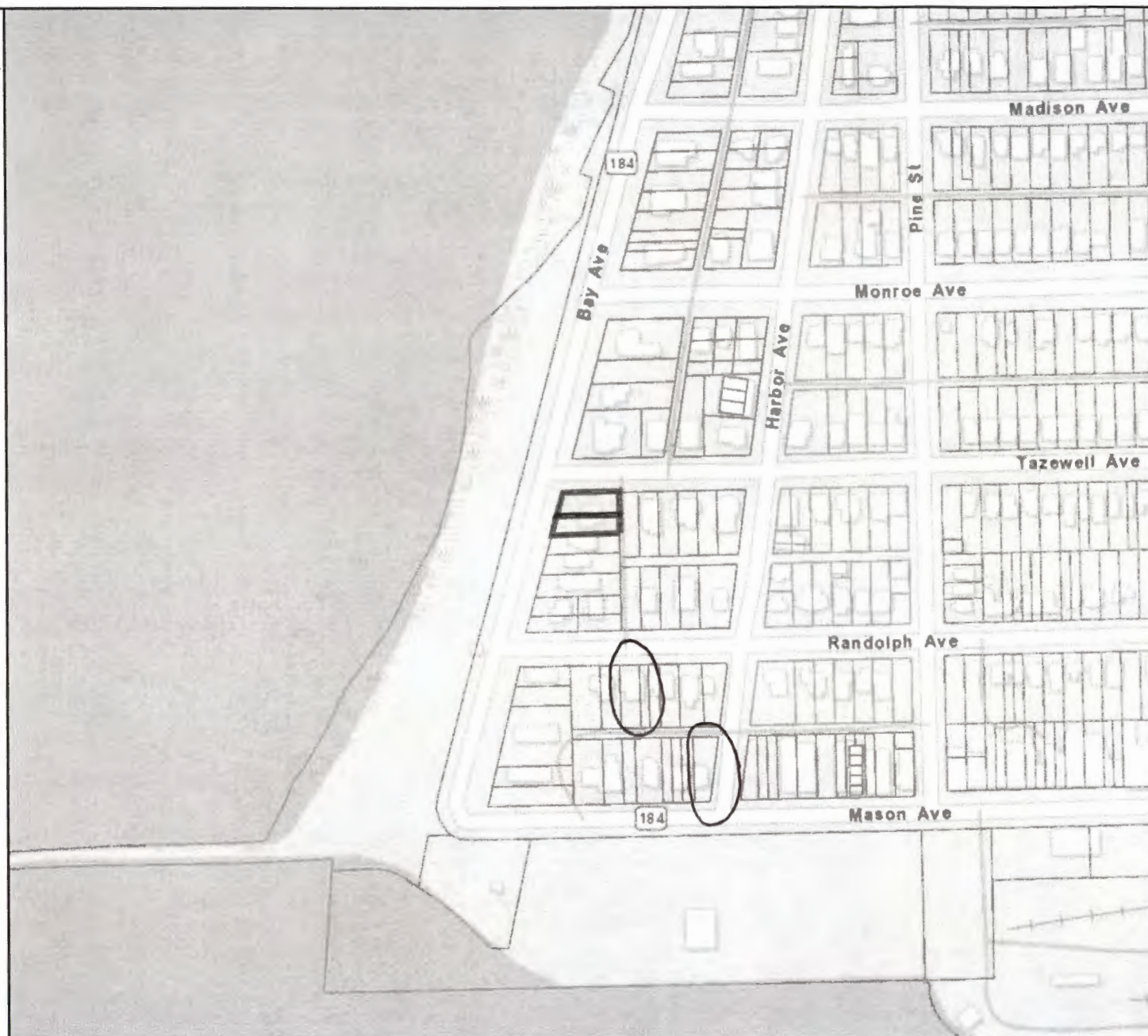
A handwritten signature in black ink that reads "Dave Hainsworth". The script is cursive and fluid, with the first letters of "Dave" and "Hainsworth" being capitalized and prominent.

Dave Hainsworth

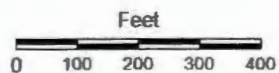
Northampton County, Virginia

Legend

- Parcels
- Driveways



Map Printed from Northampton
<http://northampton.mapsdirect.net/>



Title: 2 Tazewell Ave

Date: 11/4/2019

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Northampton County is not responsible for its accuracy or how current it may be.





 TOWN OF CAPE CHARLES	AGENDA TITLE: Off-Street Parking and Loading Requirements Text Amendments to Article IV, Section 4.5 and 4.6		AGENDA DATE: February 6, 2020
	SUBJECT/PROPOSAL/REQUEST: Off-Street Parking and Loading Requirements Text Amendments to Article IV, Section 4.5 and 4.6		ITEM NUMBER: 4A
	ATTACHMENTS: (1) 4.5 Off-street Parking and Loading Standards Draft; (2) Proposed Definitions		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Zach Ponds, Town Planner	REVIEWED BY: Mayor Dize	

BACKGROUND:

Staff is proposing a zoning ordinance update to Article IV, Section 4.5 and Section 4.6. This update combines Section 4.5 – Parking Requirements, and Section 4.6 – Loading and Unloading, into one section, which will be titled Section 4.5 – Off-Street Parking and Loading Requirements. The proposed update reorganizes the current two sections to help staff and developers easily interpret and implement the off-street parking and loading requirements of the Town. There are also significant changes to the parking and loading requirements, which are summarized below. Staff believes these proposed changes better implement the Town's Comprehensive Plan by enhancing multi-modal transportation opportunities and creating a more walkable, pedestrian-friendly environment. The changes will promote economic growth, increased safety, enhanced aesthetics, and good health for citizens and visitors alike.

The review began at the March 5, 2019 Planning Commission regular meeting, and was completed at the November 5 Planning Commission regular meeting. The subsections for the proposed Section 4.5 update include the following:

- A – General requirements
- B – Minimum number of parking spaces required
- Table 4.5.1 Minimum Parking Space Requirements Table
- C – Shared parking
- D – Bicycle parking
- E – Golf cart parking
- F – Electric vehicle charging stations
- G – Parking in non-single-family zoning districts
- H – Compact parking spaces
- I – Stacking spaces for drive-through service windows and drive-through facilities
- J – Landscaping in parking lots
- K – Access management
- L – Provisions for off-street loading
- M – Dumpsters
- Definitions

Many changes were proposed and implemented during the review of the proposed Section 4.5. Staff presented a PowerPoint presentation to Town Council to give an overview of what the proposed text amendments. The final draft of the proposed Section 4.5 text amendments and definitions, which includes the changes recommended by Planning Commission, are attached.

The ideal timeline for adoption is as follows:

December 3: Planning Commission has set a public hearing for January 7

December 19: Town Council sets public hearing for January 16

January 7: Planning Commission public hearing and recommendation to Town Council

January 16: Town Council public hearing

February 6: Town Council decision

RECOMMENDATION:

Staff recommends Town Council **APPROVE** the text amendments to Article IV, Section 4.5 and 4.6 as presented.

ARTICLE IV

General Regulations Applicable to All Districts

Section 4.5 Parking RequirementsOff-Street Parking and Loading Standards.

~~Except as otherwise provided in this ordinance, wherever a zoning or conditional use permit is required under this ordinance, the development shall meet the standards set out in this section which include but are not limited to providing adequate off-street parking and loading spaces.~~

A. General requirements.

1. It is the intent of this zoning ordinance that all buildings, structures, and uses of land shall provide off-street vehicular and bicycle parking in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so oriented that they are readily useable for such purposes.
2. Each use of land and each building or structure hereafter constructed or established shall provide off-street parking and loading according to the standards set forth herein. When a change is proposed to a building that is nonconforming as to parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition.
3. No addition, renovation, or change of use to an existing building shall be constructed or established which reduces the number of spaces, area, or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein.
4. The parking lot shall not be modified, enlarged, relocated, or expanded in a manner that violates any portion of this zoning ordinance.
5. No non-single-family detached residential parking area may be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicles or equipment, unless such use is permitted by the zoning district in which the area is located. Any repairs deemed an emergency by the Zoning Administrator is exempt from this requirement.
6. Inoperable vehicles may not be parked in required parking spaces or in any side or front yard and shall be completely screened from view of all surrounding public streets.

B. Minimum number of parking spaces required.

1. The following are the parking space requirements by permitted use:
 - a. For any use not listed, the Zoning Administrator shall determine the proper requirements by classifying the proposed use among the uses specified herein as to assure equal treatment. In making any such determination, the Zoning Administrator shall follow the principles set forth in the statement of purpose for the zoning ordinance in Article I.
 - b. New infill structures or change of use projects on the first floor of structures in Commercial District C-1 and shall be exempt from complying with the requirements of this Section. New uses or changes of use units above the first floor shall be required to conform to the parking requirements set forth herein.

2. Maximum number of parking spaces.

a. The total number of permitted parking spaces shall not exceed 110 percent of the minimum number of off-street parking spaces required by type of permitted use, except when the excess spaces are contained in a parking structure.

b. Any parking not included within a parking structure that is between 100 and 110 percent of the minimum number of off-street parking spaces required by type of permitted use shall be “grasscrete” or “grasspave” or other pervious paving systems as approved by the Zoning Administrator.

3. The following table states the minimum number of off-street parking spaces required by use. Any uses not listed would be required to provide the minimum number of parking spaces required by the parent category. When a determination of the number of parking spaces required by this table results in a requirement of a fraction of a space, any fraction shall be counted as one parking space.

Minimum Parking Space Requirements Table

<u>Land Use</u>	<u>Minimum Parking Space Requirements</u>
<u>a. Residential</u>	
<u>1. Single-family residences</u>	<u>2 spaces per dwelling unit in all districts other than R-1, otherwise none</u>
<u>2. Multifamily residences</u>	<u>1 space per one-bedroom dwelling unit, otherwise two spaces per dwelling unit</u>
<u>3. Mixed-use developments</u>	<u>1.5 spaces per dwelling unit; 1 space per dwelling unit for age-restricted; plus 1 additional space per 200 square feet of commercial gross floor area</u>
<u>4. Home occupations</u>	<u>No additional spaces required</u>
<u>5. Accessory dwelling units</u>	<u>1 space per bedroom</u>
<u>6. Child and personal care uses</u>	<u>1 space per 2 employees</u>
<u>7. Institutional residence or care or confinement facilities</u>	<u>1 space per 2 beds</u>
<u>8. Rooming houses, boarding houses</u>	<u>1 space per bedroom</u>
<u>9. Tourist homes, bed and breakfasts, other temporary residences renting by the day or week</u>	<u>1 space per rentable bedroom plus 2 spaces if owner/landlord lives on premises</u>
<u>10. Temporary mobile homes approved in the event of an emergency, construction, or repair</u>	<u>2 spaces per temporary mobile home</u>
<u>b. Sales and Rental of Living Space and Goods</u>	
<u>1. Sales and rental of goods, merchandise or equipment, non-motor vehicle related</u>	<u>1 space per 300 square feet of gross floor area</u>
<u>2. Wholesale sales, with or without outdoor display or storage of goods</u>	<u>1 space per 300 square feet of gross floor area devoted to sales or display, plus one space per 2,000 square feet of gross storage area</u>
<u>3. Hotels, motels and similar businesses or</u>	<u>1 space per unit plus 1 space per 5 units for visitors</u>

<u>institutions providing overnight accommodations</u>	
4. <u>Extended-stay motels/hotels</u>	<u>1 space per unit plus 1 space per 5 units for visitors</u>
<u>c. Restaurants</u>	
1. <u>Restaurants</u>	<u>1 space per 100 square feet of gross floor area</u>
2. <u>Event center</u>	<u>1 space per 3 seats</u>
<u>d. Motor vehicle-related sales and service operations and modifications</u>	
1. <u>Motor vehicle-related sales and service operations and modifications</u>	<u>Not including outdoor car display areas for dealerships, 1 space per 200 square feet of gross floor area</u>
<u>e. Office, Clerical, Repair, Research and Personal</u>	
1. <u>Services – Office, clerical, repair, research, and personal, not primarily related to the sale of goods and merchandise</u>	<u>1 space per 300 square feet of gross floor area</u>
<u>f. Offices</u>	
1. <u>Services – office, clerical, repair, research, and personal, not primarily related to the sale of goods and merchandise</u>	<u>1 space per 300 square feet of gross floor area</u>
<u>g. Recreation, amusement, and entertainment</u>	
1. <u>Baseball batting range</u>	<u>20 spaces</u>
2. <u>Bowling alleys</u>	<u>5 spaces per alley</u>
3. <u>Golf driving range and/or miniature golf</u>	<u>20 spaces</u>
4. <u>Health clubs and other physical fitness establishments</u>	<u>1 space per 300 square feet</u>
5. <u>Park, playground, community center, swimming pool and other recreational facilities as a principal use</u>	<u>1 space per 2000 square feet of surface area of parks, playgrounds, and/or swimming pools; plus 2 spaces per tennis court; plus 1 space per 500 square feet of recreational facility</u>
6. <u>Theaters (indoors)</u>	<u>1 space per 3 seats</u>
7. <u>Performing arts center</u>	<u>1 space per 3 seats</u>
8. <u>Subdivision recreation area</u>	<u>1 space per 200 square feet of surface area of swimming pools, plus 2 spaces per tennis court, plus 1 space per 500 square feet of clubhouse, offices, meeting rooms, or other similar enclosed buildings</u>
<u>h. Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, or equipment</u>	
1. <u>Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, or equipment</u>	<u>1 space per 2,000 square feet of gross office, plant, and/or storage</u>
2. <u>Innovator space</u>	<u>1 parking space per 500 square feet</u>
<u>i. Storage and parking</u>	
1. <u>Storage and parking</u>	<u>1 space per 2,000 square feet of gross storage area</u>

<u>j. Services and enterprises related to animals</u>	
<u>Services and enterprises related to animals</u>	<u>1 space per 250 square feet of gross floor area</u>
<u>k. Funeral related services (human and animal related)</u>	
<u>1. Funeral related services (human and animal related)</u>	<u>1 space per 3 seats</u>
<u>l. Educational, cultural, religious, philanthropic, social, or fraternal uses</u>	
<u>1. Public and private schools offering general education courses (including associated grounds and athletic and other facilities)</u>	<u>2 spaces per classroom for K - 8th grade, plus 1 space per teacher or staff member for grades above 8th</u>
<u>2. Trade or vocational schools</u>	<u>10 spaces per classroom</u>
<u>3. College, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)</u>	<u>10 spaces per classroom</u>
<u>4. Assembly halls, including union halls, conference halls, civic halls and activities of similar nature</u>	<u>1 space for every 3 people allowed to occupy the building, as set by the maximum occupancy limit</u>
<u>5. Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)</u>	<u>1 space per 300 square feet of gross floor area</u>
<u>6. Place of worship and places of assembly</u>	<u>1 space for every 3 people allowed to occupy the building, as set by the maximum occupancy limit</u>
<u>7. Social, fraternal clubs or lodges, union halls, and similar uses</u>	<u>4 spaces per 1,000 square feet of gross floor area</u>
<u>8. Clubs and lodges catering exclusively to members and their guests</u>	<u>4 spaces per 1,000 square feet of gross floor area</u>
<u>m. Miscellaneous public and semi-public facilities</u>	
<u>1. Miscellaneous public and semi-public facilities</u>	<u>None</u>
<u>n. Agricultural, forestry, mining, and quarrying operations</u>	
<u>1. Agricultural, forestry, mining, and quarrying operations</u>	<u>1 space per employee</u>
<u>o. Temporary structures and special events used in connection with the construction of a permanent building or for some non-recurring purpose</u>	
<u>1. Temporary structures and special events used in connection with the construction of a permanent building or for some non-recurring purpose</u>	<u>Regulated on a case-by-case basis</u>

- ~~A. Parking Spaces Required. Except as otherwise provided by this ordinance, every development or change of use shall provide a sufficient number of off-street parking spaces to accommodate the number of vehicles that are likely to be attracted to the development during the peak hour of a typical weekday or weekend, whichever is greater. In calculating the number of parking spaces needed, the number of spaces established for uses as set up in this Article, Table of Parking Standards, is presumed to be sufficient; however, the permit-issuing authority may, where appropriate, establish a different number of spaces by calculating such as need from the appropriate methodology set out in the most recent version of the Institute of Transportation Engineers (ITE) Reference Manual entitled "Parking Generation" or where that methodology is inadequate or inappropriate, from studies in the town and/or similar-sized towns and communities.~~
- ~~B. New in-fill structures or change of use projects on the first floor of structures in Commercial District C-1 shall be exempt from complying with the exact requirement of Section 4.5.A (Parking Spaces Required), Section 4.6 (Loading and Unloading), and Section 4.5.1 (Table of Parking Standards). Owners are encouraged to provide off-street or remote parking for themselves, employees, and loading facilities where possible (i.e., alleys to back yard areas). Owners shall evaluate existing parking and access and submit proposed plan to Town. Projects will be evaluated on a case-by-case basis. New or change of use second and third floor units shall be required to conform to parking requirements as set forth herein.~~
- ~~C. Reading the Table of Parking Standards. When a determination of the number of parking spaces required by this table results in a requirement of a fraction of a space, any fraction shall be counted as one parking space.~~

C. Shared parking.

1. Reduction of parking requirements through a shared parking arrangement may be granted by the Zoning Administrator through written request from an applicant and provision of one of the options provided in subsection C.2.
2. Options for a reduction of parking through a shared parking arrangement:
 - a. Option one: For properties sharing parking spaces under this provision, cross-easements shall be filed establishing access to the shared parking spaces in perpetuity and documentation of filing provided to the Town.
 - b. Option two: The minimum number of parking spaces where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, Institute of Transportation Engineers Shared Parking Guidelines, or other approved procedures with approval by the Zoning Administrator.
 1. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the Urban Land Institute or Institute of Transportation Engineers reports. If shared parking rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates.
 2. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation. If possible, these surveys should consider the seasonal peak period for the combination of land uses involved.

3. Said study must receive Zoning Administrator review and approval. The study shall document that the arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access.
3. Shared parking agreements shall be fully executed and submitted to the Zoning Administrator for review prior to receiving a Certificate of Occupancy.
4. In no case shall the Zoning Administrator approve a reduction of parking through a shared parking arrangement of greater than 25 percent for any use.
5. Any subsequent change in land uses within the participating developments shall require proof that adequate parking will be available. Prior to any change in use, the owner must apply to the Zoning Administrator for an evaluation and confirmation of the change. If the Zoning Administrator finds that the parking reduction is no longer justified, the Zoning Administrator shall notify the owner to construct the number of parking spaces necessary to meet the difference in the required parking between the proposed and previous uses.
6. A formal parking study may be waived by the Zoning Administrator for small developments where there is established experience with the land use mix and its impact is expected to be minimal.

~~D. — Adjustments—Satellite Parking~~

- ~~1. — General. If the number of off-street parking spaces required by this Article cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section.~~
- ~~2. — Location. Off-street parking, other than those intended for employees' use, shall be located within 600 feet of a public entrance of a principal building housing the use associated with such parking.~~
- ~~3. — Condition. Property owners who obtain satellite parking in accordance with this section shall not be held accountable for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this ordinance. This means that the person owning the lot on which the satellite parking is being provided must secure a zoning or conditional use permit for the use and must meet the requirements of this ordinance. A developer desirous of taking advantage of the provisions for satellite parking must present satisfactory written evidence that he has the permission of the owner or the person in charge of the lot or parcel to use such space.~~

~~E. — Adjustments—Shared Parking~~

~~One parking area may contain required spaces for several different uses, but except as provided below, the required space assignment to one use may not be credited to any other use. The extent that developments wish to make joint use of the same parking spaces operated at different times, the same space may be credited to both uses. In determining the parking requirements where the uses intend to share parking, the permit-issuing authority will establish the peak hourly demand by calculating such a need from appropriate methodology set out in the most recent version of ITE Reference Manual entitled "Parking Generation," or where that methodology is inadequate from studies done in the town or similar towns and communities. Persons intending to take advantage of this provision are required to demonstrate that an enforceable agreement exists between two parties who intend to share parking.~~

D. Bicycle parking.

1. Development of new primary buildings in all R-3, CR, C-1, C-2, C-3, H, GBI, M-1, M-2, and OSD districts, other than single-family residential, shall provide bicycle parking spaces at a ratio of at least one bicycle parking space for every 20 automobile parking spaces.
2. No primary building, other than single-family residential, shall have fewer than three bicycle parking spaces nor be required to exceed a maximum of 20 spaces. If three or more bicycle parking spaces are located within 100' of the primary entrance of the proposed development on the same street frontage, they are exempt from this requirement.
3. Bicycle parking spaces shall be located within 20 feet of the front entrance of the primary structure, or as approved by the Zoning Administrator. Bicycle parking spaces shall not interfere with pedestrian access along sidewalks or walkways.
4. Bicycle parking shall provide an inverted U steel frame or decorative rack approved by the Zoning Administrator. The rack shall be anchored to a concrete pad.

E. Golf cart parking.

1. Golf cart parking spaces are permitted in all off-street surface parking lots and parking structures.
2. Each golf cart parking space shall be six feet wide and at least 11 feet deep.
3. Golf cart parking spaces shall be identified by paving markings and by appropriate signage. Signage shall not count against the maximum aggregate sign area permitted on a lot.
4. Permeable pavers shall be used for golf cart parking spaces as approved by the Zoning Administrator.
5. Wheel bumpers shall be placed at the head of all golf cart parking spaces that do not abut a curb. Wheel bumpers shall be made of concrete, a minimum of four feet long, five inches high, and six inches wide and securely fastened to the pavement by steel re-bars or steel anchors.

F. Electric vehicle charging stations.

1. Electric vehicle charging stations are permitted in all off-street surface parking lots and parking structures.
2. Spaces for electric charging shall be identified by paving markings and by appropriate signage. Signage shall not count against the maximum aggregate sign area permitted on a lot.
3. Spaces reserved for electric vehicle charging stations may be counted as part of the minimum required parking spaces but shall not be counted toward the maximum.
4. Any new building with over 20,000 square feet of gross floor area space shall equip at least one required parking space on its property with an electric vehicle charging station prior to receiving a Certificate of Occupancy.
5. The owner of the property shall be responsible for the installation, maintenance, and operation of electric vehicle charging stations. The owner of the property may determine if a fee is associated with the electric vehicle charging station.

6. Electric vehicle charging stations shall be installed per U.S. Green Building Council (USGBC) standards.

G. Parking in non-single-family zoning districts.

1. Parking spaces.

a. Off-street surface parking lots shall not be located between the principal building and the street except where otherwise permitted below.

1. Lots within CR, C-1, C-2, C-3, H, GBI, M-1, and M-2 districts with a lot area of less than 13,000 square feet shall be permitted to have automobile parking located within the front yard only when the following regulations are met:

- a. Front yard parking shall be limited in area to a maximum of 50 percent of the area of the front yard.

- b. When permitted, automobile parking is only permitted in front yards when located on the permitted access driveway on a paved surface.

- c. Required dimensions for each parking space. Each automobile parking space shall be not less than nine feet wide and 18 feet deep. Adequate interior driveways shall connect each parking space with a public right-of-way, and each space shall have an overhead clearance of at least 6.5 feet.

- d. Shall have access to a public street.

- e. Shall be graded and paved, including access drive(s), and be curbed when needed for effective drainage control, and meet the following requirements:

1. A minimum depth of six inches of number 21A aggregate base and a minimum of 1.5 inches of asphalt; or

2. Six inches of concrete on appropriate base; or

3. Four inches of brick or porous paving block on four inches of number 21A aggregate base.

4. Permeable pavers may be used for any parking area, alley, or other low traffic driveway as approved by the Zoning Administrator.

- f. Shall have spaces marked with painted lines, curbstones, or other similar devices, and areas shall be properly maintained in all respects. Landscaping shall be kept healthy and well maintained, surfaces shall be free of potholes, and lines marking spaces shall be distinct and clear.

- g. Shall be drained so as to prevent damage to abutting properties or public streets and where possible shall be drained towards infiltration swales located in the five-foot, head-to-head landscape strips required between vehicles in Section 4.5.J.1.d.

- h. Shall have adequate lighting if the facilities are to be used at night, provided such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties. Light poles used in parking lots with 100 parking spaces or less may not exceed 20 feet in height. Light poles used in parking lots with more than 100 parking spaces may not exceed 35 feet in height. All lighting is to be compliant with Dark Sky lighting standards.

- i. Shall be designed to conform to the geometric design standards of the Institute of Traffic Engineers (ITE) when not expressly required in this section.

- j. Wheel bumpers shall be placed at the head of all parking spaces that do not abut a curb and any spaces that abut a sidewalk. Wheel bumpers shall be made of concrete, a minimum of six feet long, five inches high, and six inches wide and securely fastened to the pavement by steel re-bars or steel anchors. Individual wheel bumpers shall be placed a minimum of 24 inches from the end of each required parking space.
- k. Shall be required to provide handicapped spaces in accordance with the provisions of the Americans with Disabilities Act. All handicapped spaces shall be identified by appropriate restrictive signing and markings.
- l. Pedestrian circulation.
 - 1. Parking areas shall be designed to facilitate safe and convenient use by pedestrians.
 - 2. Parking areas with more than 50 cars shall provide safe pathways from aisles of parking to the nearest building entrance and to adjacent streets. Such pathways shall be at least five feet wide and consist of raised pathways constructed of pavers or other contrasting material.

~~F. General Design of Parking Areas~~

~~1. Vehicular accommodation area~~

- ~~a. Safety in relation to streets. Every off-street vehicular accommodation area shall be designed so it has access to a public street without impeding vehicular movement in that street. Vehicle accommodation areas, other than for single-family dwellings and duplexes on local or minor streets, shall be designed so that vehicles exit such areas without backing onto a public street.~~
- ~~b. Pedestrian safety. Vehicular accommodation areas shall be designed so that vehicles can proceed without posing a significant danger to pedestrians or other vehicles. The permit-issuing authority may allow driveways handling two-way traffic to be built to one-way traffic standards where aisles will be less than sixty feet in length and where the number of parking spaces served will be fewer than five spaces.~~
- ~~c. Drainage. Except where the authority determines that adequate capacity in the storm drainage system to which the site is draining exists and is willing to accept the increase volume in runoff, no vehicle accommodation area shall be constructed in such a manner that a significant volume of surface water from the lot will be drained onto the public street or buildings. No vehicle accommodation area shall be constructed in such manner that will increase the quantity or decrease the quality of the runoff to adjacent lots.~~
- ~~d. Lighting. Adequate lighting shall be provided for vehicle accommodation areas that are used at night. Parking lights shall not exceed 18 feet in height. Lighting shall not interfere with the use of nearby properties or the safe use of public streets. All lighting is to be compliant with Dark Sky lighting standards.~~
- ~~e. Landscaping. All vehicle accommodation areas shall be landscaped. Said landscaping shall be in compliance with all other requirements of this ordinance.~~

- ~~i. The primary landscaping material used in parking areas shall be trees which provide shade or are capable of providing shade at maturity.~~
 - ~~ii. Landscaping areas shall be reasonably dispersed throughout, located so as to divide and break up the expanse of paving. The area designated as required setbacks shall not be calculated as required landscaping area.~~
 - ~~f. Screening. Plantings which meet the standards for screening of this ordinance will be used to screen vehicle accommodation areas other than those serving single family and duplex dwellings from an adjacent residential district or use. Fencing may be substituted for plantings with the approval of the Zoning Administrator.~~
 - ~~g. Reductions for protecting trees. The minimum number of spaces required may be reduced where the permit issuing authority has determined that the reductions are necessary to preserve a healthy tree or trees with a three-inch or greater diameter from being damaged or removed and where the site plan provides for the retention of said tree or trees.~~
 - ~~h. Handicapped spaces. Any use shall be required to provide handicapped spaces in accordance with the provisions of the Americans with Disabilities Act. All handicapped spaces shall be identified by appropriate restrictive signing and markings.~~
 - ~~i. Compact spaces. In parking areas containing ten or more spaces, up to 35 percent of the required parking spaces may be set aside for the exclusive use of compact cars (being defined as cars 100 inches or less). Compact car spaces must be clearly marked and designated as such.~~
 - ~~j. Bicycle racks and motorcycle pads. The number of spaces required by this section may be reduced by one space for each bicycle rack for five or more bicycles and each motorcycle pad for two or more motorcycles which are provided up to a total of 5 percent of the number of spaces.~~
 - ~~k. Marking and maintenance. Parking stalls in paved areas shall be marked as such. Vehicular accommodation areas shall be properly maintained in all respects. Without limiting the foregoing, landscaping shall be kept healthy and well maintained, surfaces shall be free of potholes, and lines marking spaces shall be distinct and clear.~~
 - ~~l. Vehicles in working condition. All off street parking facilities shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work, except for emergencies, no storage of merchandise, and no motor vehicle parked for the sole purpose of sale shall be permitted in any required vehicle accommodation area.~~
- ~~2. Parking stalls and aisle dimensions~~
- ~~a. Normal. A required off street parking space shall include a rectangular area with a length of at least 18 feet and a width of at least 9 feet, exclusive of access drives or aisles, ramps, columns, or office or work parking area. Such space shall have a vertical clearance of at least 6½ feet. Aisles shall not be less than 18 feet for 90° parking nor less than 13 feet for 45° parking. Angles shall be measured between centerline of the parking space and centerline of the aisle. For parallel parking, the length of the space shall be increased an additional two feet and the width increased by one foot.~~

- b. ~~Compact. A compact car parking space shall have a minimum length of 16 feet and a minimum width of 8½ feet.~~

~~3. Surfacing~~

- a. ~~Paved parking areas. All paved parking areas shall meet the following requirements:~~
 - i. ~~a minimum depth of six inches of number 21A aggregate base and a minimum of one and one half inches of asphalt; or~~
 - ii. ~~six inches of concrete on appropriate base; or~~
 - iii. ~~four inches of brick or porous paving block on four inches of number 21A aggregate base.~~
 - iv. ~~Land development shall minimize impervious cover to promote infiltration of storm water into the ground consistent with the use or the development permitted.~~
 - (a) ~~Grid and modular pavements may be used for any required parking area, alley, or other low traffic driveway unless otherwise approved by the Zoning Administrator.~~

- 4. ~~Standards for non paved areas. Whenever a vehicle accommodation area is exempt from the paved parking requirements, the permit-issuing authority:~~
 - a. ~~may require that landscaped aisles or special separations be provided every three or more spaces where it finds it is desirable to ensure that the parking stalls will be readily identifiable to the users, and~~
 - b. ~~may require that the perimeter of the accommodation area, encompassing but not limited to the unpaved parking stalls and the side of any unpaved drive or aisle leading to said stalls, be rimmed or edged with landscape timbers, railroad ties, brick, or curbing of adequate size where it finds that it is desirable to prevent erosion or the washing away of the parking area.~~

5. ~~Porous paving materials may be used. The permit-issuing authority may require that porous paving materials be substituted for other surfaces in any portion of an accommodation area where it finds it is necessary to protect the root system of a tree or trees from damage.~~

H. Compact parking spaces.

- 1. Developments where 30 or more parking spaces are provided shall be required to provide compact parking spaces, as follows:
 - a. A minimum of five spaces, or ten percent of the total number of parking spaces, whichever is greater, shall be set aside for compact cars.
 - b. A maximum of 25 percent of the total required parking spaces may be set aside for compact cars, up to a maximum of 50 spaces, whichever is less.
 - c. Compact parking spaces shall be identified by pavement markings and/or by appropriate signage.
 - d. Parking spaces for compact cars shall not be less than eight feet wide and 16 feet deep.

Section 4.5.1 Table of Parking Standards

	<u>Nature of Use</u>	<u>Parking Standards</u>
A.	Park and Open Space:	
1.	Park and playground	as determined by authority
2.	Golf course	36.0 spaces per 18-hole course plus 1 space per employee
3.	Accessory building	as determined by authority
B.	Agricultural	
1.	Agricultural, as defined	1.0 space per employee
C.	Residential	
1.	Single family dwelling	2.0 spaces per dwelling unit
2.	Two family dwelling	2.0 spaces per dwelling unit
3.	Townhouse	2.0 spaces per dwelling unit
4.	Multi family dwelling	1.0 space per one bedroom dwelling unit; otherwise 2.0 spaces per dwelling unit
5.	Mobile home	2.0 spaces per dwelling unit
D.	Care Facility/Institutional	
1.	Library	1.0 space per 300 sf GFA (Gross Floor Area)
2.	Museum	1.0 space per 300 sf GFA
3.	School	
a.	Nursery	1.0 space per employee
b.	Elementary	1.0 space per employee
c.	Middle	1.0 space per employee
d.	Junior	1.0 space per employee
e.	Other	.25 space per student plus 1.0 space per employee
4.	Instructional school	.5 space per student plus 1.0 space per employee
5.	Church	
a.	Parish house; Educational/ Social annex	.25 space per seat
b.	Place of Worship	.25 space per seat
6.	Hospital	2.0 spaces per bed
7.	Cemetery	20 spaces per chapel or .25 space per seat
8.	Funeral home	20 spaces per chapel or .25 space per seat, whichever is greater
E.	Residential/Commercial	
1.	Home occupation	see Section 4.8.C Residential Standards
2.	Bed and breakfast	1.0 space per bedroom plus 1.0 space per owner/resident (see Section 3.2.C 4 c)
3.	Rooming house	1.0 space per bedroom plus 1.0 space per employee
4.	Boarding house	1.0 space per bedroom plus 1.0

		space per employee
5.	Hotel and motel	1.0 space per bedroom plus 1.0 space per employee
F.	Offices	
1.	Office	
a.	Professional	1.0 space per 300-sf GFA
b.	Other	1.0 space per 300-sf GFA
2.	Principal Office/Medical	
a.	Physician	1.0 space per 200-sf GFA
b.	Surgeon	1.0 space per 200-sf GFA
c.	Dentist	1.0 space per 200-sf GFA
3.	Bank	
a.	Standard	1.0 space per 200-sf GFA
b.	Drive-in	1.0 space per 200-sf GFA
		(stacking as per Section 4.5.B)
4.	Real estate	1.0 space per 250-sf GFA
G.	Retail	1.0 space per 200-sf GFA
H.	Restaurant	
1.	Standard (no drive in)	1.0 space per 100-sf GFA
2.	Carry out	1.0 space per 100-sf GFA
3.	Fast food (no drive in)	1.0 space per 100-sf GFA
4.	Drive in	1.0 space per 65-sf GFA
5.	Delivery only/catering	1.0 space per employee
		and 1.0 space per each delivery vehicle
I.	Service/General	1.0 space per 275-sf GFA
J.	Entertainment	
1.	Private club	1.0 space per 3 seats
2.	Club and lodge	1.0 space per 3 seats
3.	Auditorium/assembly hall	1.0 space per 3 seats
4.	Theater	1.0 space per 3 seats
5.	Commercial recreation/entertainment	1.0 space per 3 seats
6.	Recreation facility	1.0 space per 3 seats
K.	Service/Manufacturing	
1.	Sign printing shop	1.0 space per 400-sf GFA
2.	Upholstery shop	1.0 space per 400-sf GFA
3.	Cabinet and furniture	1.0 space per 400-sf GFA
4.	Printing/publishing	1.0 space per 400-sf GFA
5.	Blacksmith shop	1.0 space per 400-sf GFA
L.	Motor Vehicles	
1.	Convenience store	1.0 space per 200-sf GFA
2.	Auto service station	2.0 spaces per service island plus 1.0 space per employee
3.	Car wash	3.0 spaces per washing bay
4.	Auto/trailer sales	3.0 spaces per employee
5.	Automobile service	1.0 spaces per employee plus

4.0 spaces per bay

M. Wholesale

1. Nursery 1.0 space per 400 sf GFA
2. Machinery
 - a. Sales 1.0 space per 500 sf GFA
 - b. Service 3.0 spaces per service bay plus 2

N. Utilities

1. Transportation 1.0 space per 200 sf GFA
2. Public utilities and service 2.0 spaces per employee
3. Public utility generating, booster, or relay stations, transmission lines and tower, for maintenance of public utilities, including railroads and facilities and water and sewerage facilities 1.0 space per employee

O. Storage:

1. Monumental stone works 1.0 space per 1,500 sf GFA
2. Coal, wood yards, lumber yards, feed and seed 1.0 space per 1,500 sf GFA
3. Frozen food locker 1.0 space per 1,500 sf GFA

P. Manufacturing

1. Manufacturing 1.0 space per 500 sf GFA

I. Stacking spaces for drive-through service windows and drive-through facilities.

1. Stacking spaces shall be provided for any use having a drive-through service window or areas having drop-off and pick-up areas in accordance with the following:
 - a. Inbound stacking spaces shall be provided before the first service window as stipulated below and at least one outbound stacking space shall be provided after each service window of a drive-through facility.
 - b. Each stacking space shall be a minimum of 22 feet long.
 - c. Designated stacking spaces shall not interfere with circulation of the lot or free movement or access to parking spaces.
2. Banks with drive-through facilities shall provide a minimum of six spaces before each service position and one outbound space after the service window.
3. Restaurants with drive-through service windows shall provide a minimum of ten stacking spaces for inbound drive-through customers and one additional outbound space after each service window.
4. Other facilities with drive-through service windows shall provide three stacking spaces for each window or drive-through service facility.
5. Drive-through service window lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.
6. Stacking lanes shall be a minimum of 8.5 feet adjacent to the service window.
7. All drive-through service windows shall be provided with a bypass lane with a maximum width of 8.5 feet.

8. All stacking lanes shall be at least 75 feet from an intersection with the nearest street or internal driveway. The distance is measured from the back of the stacking space nearest the entrance to the curb line of the nearest intersection.
9. Pedestrian pathways crossing drive-through lanes shall be clearly signed and identified using alternative materials or raised crosswalks. Painted crosswalks alone are not permitted.

~~Q. Storage and Stacking Spaces Required. Whenever a use involves the storage or stacking of vehicles awaiting service, the development shall also provide a sufficient number of storage spaces or adequately sized stacking lanes to accommodate the peak hourly demand for the peak day in a typical week for said storage. The following uses are presumed to require the following number of storage spaces or stacking area:~~

~~Typical Use uses with a drive-in window including but not limited to banks and drive-in restaurants.~~

~~Space Required lanes sufficient to stack six automobiles per window including, in the event of a staged drive in, three automobiles beyond the stage farthest from the window without interfering with the use of the adjacent road or street.~~

~~Type Use Vehicle repair uses including but not limited to enclosed auto repair and boat and trailer repair.~~

~~Space Required four spaces per service bay or repair area.~~

~~Any stacking lane or storage space shall be required to be surfaced to the same standards as the paved parking area with which it is associated.~~

J. Landscaping in parking lots.

1. Interior landscaping for off-street parking areas shall be required for all surface parking lots designed for 20 or more spaces. The following requirements shall apply.

a. Landscape islands shall be located no farther apart than every ten parking spaces and at the terminus of all rows of parking. Each landscaped island shall be at least 200 square feet in area with a minimum width of ten feet.

b. There shall be at least one overstory tree, ten low shrubs and a minimum of 60 percent living ground cover, sod, and/or annual or perennial color in each landscaped island. Shrubs, sod and/or living ground cover shall not to exceed three feet in height.

c. Vehicles shall be separated from sidewalks, driveways, and streets in public rights-of-way by wheel bumpers and by a strip of land at least ten feet wide, reserved as open space, and planted in grass containing at least one understory or overstory tree, as appropriate, and ten shrubs per 50 linear feet, and a minimum of 80 percent living ground cover, sod, and/or annual or perennial color in the landscape strip surface area. Wheel bumpers shall be placed a minimum of 48 inches from the nearest tree trunk.

d. Head-to-head parking shall provide a five-foot grass strip with curb. The grass strip may be counted as part of the landscaped areas and shall have one tree every 50 feet containing at least one overstory tree, and ten shrubs, per 50

linear feet, and a minimum of 70 percent living ground cover, sod, and/or annual or perennial color in the landscape strip surface area.

e. *Perimeter landscape strips.* The perimeter of a surface parking lot shall provide a five-foot wide landscape strip where such parking lot abuts side or rear property lines. The perimeter landscape strip shall be planted with a single row of overstory trees of a species appropriate for buffers and spaced every 40 linear feet of landscape strip, and evergreen shrubs spaced every 5 linear feet of landscape strip. The perimeter landscape strip shall be continuous except for near perpendicular crossings of driveways and sidewalks.

f. *Landscaped areas in parking lots shall provide drainage and irrigation that ensures full drainage to the storm drainage system.*

g. *See the Cape Charles Master Tree Plan for trees that shall and shall not be permitted within parking lot landscape areas.*

2. The minimum number of spaces required may be reduced where the Zoning Administrator has determined that the reductions are necessary to preserve a healthy tree or trees with a three-inch or greater diameter from being damaged or removed and where the site plan provides for the retention for said tree or trees.

3. *Screening.* Plantings which meet the standards for screening as approved by the Zoning Administrator will be required to screen vehicle accommodation areas other than those serving single-family and duplex dwellings from an adjacent residential district or use. Fencing may be substituted for plantings with the approval of the Zoning Administrator.

K. Access management.

1. *Driveways.*

a. *Interior driveway.* Where 90-degree parking is utilized, all interior driveways shall be a minimum of 22 feet in width. If 45- or 60-degree angle parking is used, then the interior driveway shall be at least 12 feet in width. Where parallel parking is utilized or there is no parking, interior driveways shall be a minimum of 10 feet in width for one-way traffic and 20 feet in width for two-way traffic.

b. *Driveways and drive aisles are not permitted between the sidewalk and a building and shall be perpendicular to any adjacent street.*

c. *All developments other than single-family detached dwellings shall have pedestrian walkways a minimum width of five feet connecting ground level parking to the public sidewalks and to all building entrances.*

Section 4.6 — Loading and Unloading

L. Provisions for off-street loading.

1. This subsection shall apply to all activities related to loading and unloading.

a. *Loading activities within 150 feet of residential uses shall only be permitted to undertake said activities Monday through Friday from 7:00am to 10:00pm and on Saturdays from 9:00am to 9:00pm.*

b. In no case shall loading activities hinder or obstruct free movement of vehicles, and pedestrians over a street, sidewalk, alley, or interrupt parking lot circulation.

c. All off-street loading activities and access shall be provided with an asphalt or concrete surface, or shall be “grasscrete” or “grasspave” or other pervious paving systems as approved by the Zoning Administrator.

d..

e. Loading structures and bays.

1. Buildings or structures shall be designed so that the loading areas are not visible from any adjoining residential district or any public right-of-way.

2. When required, one or more off-street loading spaces shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building or structure.

3. A loading space shall have a minimum dimension of 12 feet wide and 35 feet deep.

4. All loading spaces shall maintain overhead clearance of at least 14 feet.

5. All off-street loading spaces shall have access from an alley, or if there is no alley, from a street.

f. Minimum loading space requirements for non-residential uses:

<u>Gross floor area</u>	<u>Required loading spaces</u>
<u>0 – 49,000 square feet</u>	<u>1</u>
<u>49,000 – 100,000 square feet</u>	<u>2</u>
<u>100,000 – 160,000 square feet</u>	<u>3</u>
<u>160,000 – 240,000 square feet</u>	<u>4</u>
<u>240,000 – 320,000 square feet</u>	<u>5</u>
<u>320,000 – 400,000 square feet</u>	<u>6</u>
<u>Each 90,000 above 400,000 square feet</u>	<u>1</u>

~~A. Loading and Unloading Areas Required. Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area shall be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner. This section also pertains to uses that generate a need for consumer pick up.~~

~~B. Number of Loading Spaces Required. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are anticipated to use this area. The following indicates the number and size of spaces that are presumed to satisfy this requirement; however, the permit issuing authority may require more or less loading and unloading area where it finds that such an area is more appropriate for the development.~~

~~Uses which normally handle large quantities of goods including but not limited to the following categories:~~

~~Schools
Churches
Care facilities
Hospitals
Retail sales
Wholesale sales
Storage
Manufacturing
Agricultural~~

Gross Floor Area (GFA)	Number of Spaces
— 2,500 — 19,999 sf	1
— 20,000 — 39,999 sf	2
— 40,000 — 99,999 sf	3

~~Uses which do not normally handle large quantities of goods presumably shall provide off-street loading facilities in the following amounts:~~

Gross Floor Area (GFA)	Number of Spaces
— 5,000 — 79,999 sf	1
— 80,000 — 200,000 sf	2
Each additional 200,000	1

~~C. Location. Loading and unloading areas shall be located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from the public right of way and complete loading and unloading operations without obstruction or interfering with on-site parking and movement of vehicles in the vehicle accommodation area. Loading and unloading areas shall be marked and designated with appropriate restrictive signage.~~

~~D. Loading Areas. Sites shall be designed and buildings shall be oriented so that loading areas are not visible from any of the project perimeters adjoining any agricultural or residential district or any public right of way.~~

M. Dumpsters.

1. A solid fence on three sides shall enclose all dumpsters.
 - a. The height of the fence shall be equal to or higher than the height of the dumpster, in accordance with Section 4.2.G.
 - b. The visible material of the fence shall be made up of brick, stucco, or stone.
2. The operable side of the dumpster shall be concealed with a gate equal to or higher than the height of the dumpster. The gate shall be opaque and constructed of durable materials.
3. Dumpsters shall be placed in the rear yard and shall be located a minimum of five feet from property lines.
4. In no case shall loading activities hinder or obstruct the free movement of vehicles, and pedestrians over a street, sidewalk, alley, or to interrupt parking lot circulation.
5. Service activities within 150 feet of residential uses shall only be permitted Monday through Friday between 7:00am to 10:00pm and on Saturdays from 9:00am to 9:00pm.

6. Access to dumpsters shall be provided via a paved, dust-free surface.
7. Temporary construction trash and recycling dumpsters, which are not enclosed, shall be permitted up until such time as a Certificate of Occupancy is issued.

Definitions

Commercial vehicle: Limousine, flatbed truck, dump truck, tow truck, bus, school bus, transport wrecker, cab-on-chassis truck, tractor trailer, wheeled attachment, earth-moving machinery, semi-trailer, and any vehicle over 20 feet in length, eight feet in height, or seven feet in width.

Driveway: A vehicular connection between the right-of-way of a street and to a vehicle parking, loading, or maneuvering facility, lots, building sites, uses, or other divisions of land and not intended to be public ingress and egress. A driveway is not considered a street.

Parcel: See *Lot*.

Pedestrian walkway: A walking surface similar to a sidewalk, which facilitates the safe, unobstructed and convenient flow of pedestrians internally on a private property.

Principal building: A building in which is conducted the principal permitted use(s) of the lot on which said building is situated.

Residential property: All property used for single-family detached, single-family attached, or multifamily residences, or mixed-use development that contains one or more dwelling units.

Child and personal care uses: Any establishment that provides regular shelter, care, activity, and supervision (with or without academic instruction) for five or more children.

Construction: Any site or building preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

Drive-through establishment/restaurant: A business establishment so developed that its retail or service character includes providing a driveway approach and service window for motor vehicles so as to serve patrons as they are seated in the motor vehicle and passing by the service window rather than serving them from within a building.

Dwelling, condominium: A single, separately owned dwelling unit in a multi-unit development or structure, with jointly owned and shared areas and facilities.

Dwelling, duplex: A building designed as a single structure, containing two separate dwelling units, has direct access to the outside, and each of which is designed or arranged to be occupied by two families living independently of each other.

Dwelling, multifamily: A building designed for and containing two or more dwelling units.

Dwelling, single-family: A structure containing not more than one dwelling unit designed for residential use and not attached to another dwelling unit.

Dwelling, single-family attached (townhouse): A dwelling unit which is located on an individual lot of record and which is attached to another dwelling unit or any adjoining lot by a common wall.

Dwelling, single-family detached: A single-family dwelling that is located on an individual lot of record.

Event center: A multi-purpose facility generally used for meetings, parties, banquets, weddings, and other social gatherings, conventions, and the display of merchandise by a variety of industrial groups, professional groups, social groups and trade organizations.

Extended-stay motel/hotel: Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes for guests and contain kitchen facilities for food preparation, including but not limited to, such facilities as refrigerators, stoves, and ovens. May also be known as "apartment hotels."

Floor area: The gross horizontal areas of a building, including mezzanines and lofts, exclusive of garages, parking structures, basements, open balconies and porches, and equipment and service areas, measured from the exterior face of the exterior walls of a building.

Gross floor area (GFA): The total covered floor area inside the building envelope, including exterior walls, and excluding the roof.

Guest room: An accommodation combining living, sleeping, sanitary, and storage facilities within a hotel, motel, boarding house or extended stay (extended stay includes kitchen facilities).

Innovator space: Space in an existing or new building that is designed to support innovative design, fabrication and wholesale or retail sales of small articles that are unique in design and employ methods of low volume, high value-added production that employ innovative technology and/or artistic skill that are not hazardous or noxious.

Institutional uses: A nonprofit or quasi-public use, such as a religious institution, library, public or private school, hospital, or government owned or government operated structure or land used for public purpose.

Owner: The legal or beneficial titleholder of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Parking lot or parking garage: An area or building designated and designed for the temporary storage of vehicles.

Parking space: A marked or striped usable hard-surfaced area enclosed within a main or accessory building, or unenclosed, permanently reserved for the temporary storage of one vehicle.

Place of worship: A building where persons regularly assemble for religious purposes and related social events and which is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Premises: Any building, lot, parcel of land, or portion of land whether improved, or unimproved including adjacent sidewalks and parking strips.

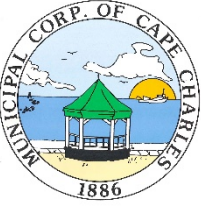
Private: Property owned by individuals, corporations, and other organizations and not by city, county, state or federal governments.

Project: The entire proposed development.

Public: The term "public," when used as a modifier shall mean "government-owned" or "government-operated."

Regulation: Any rule, development standard, or other requirement adopted by the governing body pursuant to the requirements of this Zoning Ordinance.

Temporary structure: A structure without any foundation or footing and removed when the designated time period, activity, or use of which the temporary structure was erected has ceased.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Cape Charles Community Trail, Phase 3		AGENDA DATE February 6, 2020
	SUBJECT/PROPOSAL/REQUEST: Consider construction contract award or defer and rebid.		ITEM NUMBER:
	ATTACHMENTS: Cost estimates.		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek, Project Manager	REVIEWED BY: Smitty Dize, Mayor	

BACKGROUND:

Council was briefed on the contracting status for construction of Phase 3 of the Community Trail at the January 16, 2020 meeting. Two bids were received and opened on November 26, 2019. Excel Paving was the low bidder at \$722,225.90 for the base work (excluding the park entrance). Conrad Brothers bid was \$120,343 higher. The low bid for the base work was more than 24% higher than the Engineer's estimate of \$546,355. As the available funding is insufficient, staff and VDOT had been focusing on a path to award the base work only. Shortly before the January meeting, VDOT informed staff they had determined that Excel's bid was non-responsive since they had not submitted required Disadvantaged Business Enterprise documentation in a timely manner. Consequently, VDOT will not approve contract award to Excel. The significantly higher bid by Conrad Brothers makes it more difficult to identify the additional funding needed to allow contract award. Council requested that options be developed for consideration.

DISCUSSION:

A range of construction project estimates is provided in the attachment. The worst case is estimated at about \$1 million, with a Town funding shortfall of about \$80K after additional Transportation Alternatives Program (TAP) grant funds are transferred to the project. The probable estimate is about \$930K, with a Town funding shortfall of about \$60K. The reduced scope estimate is about \$760K, with a Town funding shortfall of about \$50K. Scope reductions would need to be implemented via change order after contract award.

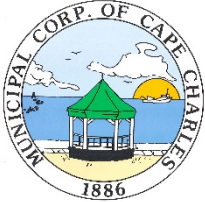
Staff has identified three reasonable sources to fund the shortfall:

1. Remainder of library building third floor rehabilitation; \$80K. Would forgo use for other capital project needs being considered during the mid-year budget review.
2. Defer 13 light poles from approved harbor projects to July; \$45K. Total of \$253K budgeted with recent transfer. Would need to be re-budgeted in FY 2021.
3. Trail Phase 2 close out. \$200K budgeted (\$160K TAP, \$40K Town). Risk if we settle contractual dispute and need to pay before June 30.

An aggressive approach would be to transfer additional funding to the project and proceed with contract award after obtaining VDOT approval. However, the recent schedule delays would likely result in work commencing in March and extending into July. This is not ideal during the tourist season. A more prudent approach would be to rebid the project with contract award planned for September or October. Additional consultant and advertising costs would be incurred for rebidding. Funds for the construction phase would need to be re-budgeted in FY 2021.

RECOMMENDATION:

That Council consider the above and provide direction to staff.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Harbor Parking Lot Turnaround		AGENDA DATE February 6, 2020
	SUBJECT/PROPOSAL/REQUEST: Construction contract award.		ITEM NUMBER:
	ATTACHMENTS: None.		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Bob Panek, Project Manager	REVIEWED BY: Smitty Dize, Mayor	

BACKGROUND:

Council approved a project to install concrete paving at the Harbor parking lot turnaround in front of the Shanty restaurant. This will be a semi-circle around the Watermen's Memorial. This project is part of the \$253K available for Town Harbor rehabilitation and improvement projects after the recent budget transfer approved by Council. An invitation for bids was advertised in the Eastern Shore Post and on the Town website, with bids due on January 28, 2020.

DISCUSSION:

Only one bid was received:

<u>Bidder</u>	<u>Base Bid</u>	<u>Bid Alternate</u> (brick stamping)
Contracting Solutions, Inc., Chesapeake	\$47,696.56	\$18,247.67

The bid is about three times the estimate based on concrete work recently done for the Town. Awarding the contract at this price, even just the Base Bid work, would consume too much of the funding available for higher priority Harbor rehabilitation and improvement projects. Rebidding the project and attempting to attract more bidders, particularly local companies, would be a better alternative.

RECOMMENDATION:

Provided for information only.