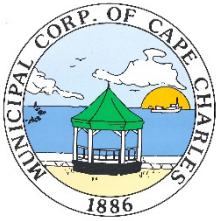




TOWN COUNCIL
Regular Meeting
December 19, 2024
Cape Charles Civic Center
5:00 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Swearing in of the Newly Elected Officials
4. Recognition of Visitors / Presentations / Recognitions
 - A. Proclamation Honoring Vice Mayor Bennett's Service to Cape Charles
5. Public Comments (3 minutes per speaker)
6. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of October 31, 2024 Financial Report](#)
7. Unfinished Business:
 - A. None
8. New Business:
 - *A. [Reappointment of Wetlands Board Member](#)
 - *B. [Adoption of Updated Zoning Ordinance & Amended Zoning Map](#)
 - *C. [Town Code Amendments Related to Short-Term Rentals](#)
9. Town Manager Comments
10. Mayor & Council Comments (5 minutes per speaker)
11. Announcements
 - December 24-25, 2024 – Town offices closed for Christmas Holiday
 - January 1, 2025 – Town offices closed for New Year's Day
 - January 2, 2025 – Town Council Work Session – FY 2025 Mid-Year Budget Review
 - January 9, 2024 – Town Council Executive Session – Interviews of Town Manager Candidates
 - January 16, 2024 – Town Council Regular Meeting
 - January 20, 2024 – Town Offices Closed for Martin Luther King, Jr Day
 - January 30, 2024 – Town Council Public Hearing & Special Meeting – FY 2025 Mid-Year Budget
12. Adjournment



DRAFT
TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
November 21, 2024
6:00 PM

At approximately 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Public Hearing and Regular Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman, and Councilwomen Ashworth and Holloway. Councilman-elect Clayton Newman was also in attendance. Staff in attendance were Town Manager John Hozey, Project Manager Bob Panek, Treasurer Marion Sofield, Police Officer Billy Lewis, Planner/Zoning Administrator Katie Nunez, Code Official Jeb Brady, Assistant to the Town Manager Courtney Neale and Town Clerk Libby Hume. There were 14 members of the public physically in attendance, and 18 viewers on Facebook.

A moment of silence was observed followed by the recitation of the Pledge of Allegiance.

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

A. There were no visitors, presentations or recognitions this evening.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Donna Olney Kohler, resident/business owner

Ms. Kohler addressed the council regarding short-term rentals (STRs). (Please see attached.)

Ed Wells, resident

Mr. Wells stated that the first goal in the town's Strategic Plan was to retain the small-town character of Cape Charles. This was not the right ordinance for the town. We have hundreds of STRs at this time. How many more did we want? The committee working on this issue never pursued the density issue. A proposed by-right ordinance gave unlimited access to the historic district. What would happen to the small-town charm and quality of life? The Town needed to have control of the district. This ordinance did not serve the best interest of the Town.

Sam Jones, resident

Mr. Jones addressed the Council regarding STR regulations. (Please see attached.)

Walter Bronson, resident

Mr. Bronson began by congratulating those who were recently elected to the Town Council. He went on to state that he agreed with the comments so far that allowing STRs by-right was a mistake. The Town needed to maintain some degree of control. Hundreds of STRs had been allowed to operate illegally. If Council wanted to grandfather them, it was fine, although he was not in favor of it. New applications should be permitted by conditional use, not by-right. He heard at nauseum the impact of STRs on communities. Limiting occupancy to 10 was a nice number and could help, but it would not end things. A conditional use permit process was needed for all new applications.

Elise McMath, resident

Ms. McMath began by congratulating Tara Ashworth on her appointment to the Town Council. She went on to address Council regarding STR regulations. (Please see attached.)

Town Clerk Libby Hume read comments submitted by Bonnie Moore, Patricia Cobb, Jason Mann, William and Karen Lowe, and Raffaele Allen. (Please see attached.)

There were no other comments to be heard, nor any other comments received in writing prior to the meeting.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to approve the agenda format as presented. The motion was approved by unanimous vote.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to approve the minutes from the October 3, 2024 Town Council Public Input Session, October 17, 2024 Town Council Public Hearings & Regular Meeting, October 23, 2024 Town Council Work Session, November 7, 2024 Town Council Special Meeting, and November 7, 2024 Town Council Work Session as presented, and to approve the October 21, 2024 Planning Commission/Town council Joint Public Hearing & Planning Commission Special Meeting minutes after it was truncated for the public hearing portion only. The motion was approved by unanimous vote.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to approve the September 30, 2024 Financial Report as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. *Short-Term Rental Regulations:*

Councilman Butta disclosed that he owned a STR in Cape Charles and he would act in the best interest of the Town.

Mayor Charney disclosed that he managed 4 STRs and that he would act in the best interest of the Town.

Planning & Zoning Director Katie Nunez stated that the Cape Charles Town Council and Planning Commission held a joint public hearing on October 21, 2024 on Zoning Text Amendment (ZTA) 2024-01 – Short Term Rental Zoning Ordinance and significant public input was received during the meeting. Katie Nunez reviewed the Planning Commission recommendation and noted a possible conflict with the Building Code regarding occupancy limits.

Town Manager John Hozey stated that when the Planning Commission changed the age of children excluded from the occupancy count from 5 to 12 years of age, it opened up other issues that impacted the Building Code. He recommended adding language to C.5 stating that “*occupancy shall not exceed any limit set by the Uniform Building Code or local building official.*”

Councilman Grossman added that when he read the staff report, he met with Code Official Jeb Brady and Katie Nunez and generated changes to occupancy.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt the Short-Term Rental Ordinance as shown in the staff report which included the Planning Commission recommendations.

Council went on to review the document section by section. There was much discussion. (Please see attached for the updated ordinance based on the evening’s discussion.)

Occupancy: i) Code Official Jeb Brady stated that the building code did not address age and expressed his concern of exempting children 12 years and younger from the occupancy count, adding that if a house had a third floor attic, bunk beds could be packed in the area for children, which could be a safety issue in case of fire. He did not feel comfortable with exemptions based

on age; ii) John Hozey stated that item C.5 had been updated with language suggested by Councilman Grossman addressing this issue *"There shall be no more than two lodgers per bedroom, plus two; with the maximum number of overnight lodgers per dwelling being no greater than ten. Occupancy shall not exceed any limit set by the Uniform Building code or local building code official. Occupancy of greater than the above per STR may be approved through a Conditional Use Permit, provided the property can accommodate sufficient off-street parking, the property meets any other life safety requirements as may reasonably be required for such higher occupancy, and the property does not exceed the Uniform Building Code or local building code official limitations."*

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to amend item C.5 adding the suggested language as discussed. The motion was approved by majority vote with Councilwoman Ashworth opposed.

Violations: i) John Hozey stated that an issue was identified this afternoon by Councilwoman Ashworth related to the number of violations. Although the committee recommended that a maximum of three violations would be allowed before action was taken, Council had previously made the change to no more than two violations. Items E.1.h and E.1.i would be corrected to reflect this; ii) Councilwoman Holloway expressed her concern with item E.1.f and asked what it meant. She noted that this was also a question brought up by Ms. Lowe in her comments. Katie Nunez responded that this covered any violations under the zoning ordinance such as installing a shed without a permit. Once reported or noticed by staff, the property owner would be contacted and provided with time to submit their application or otherwise resolve the violation. If the property owner did not respond, that would be considered as failure to resolve the violation and the process would move forward to potentially revoke the STR permit. Vice Mayor Bennett asked why this needed to be included in the STR ordinance; iii) There was some discussion about item E.1.g. and the issue with nuisance or noise violations. These violations would be issued to the offending party, but would there be any impact to the STR owner? It was agreed that the Town could not hold the STR owner liable for something they were unaware of. John Hozey stated that there was still work to do on the process once Council made their decision regarding the ordinance. Councilman Butta asked if the number of nuisance/noise complaints could be added to the weekly reports so everyone could see the issues. John Hozey responded that noise ordinance violations could be broken out in the weekly reports.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to amend items E.1.h and E.1.i removing "or more" from the language. The motion was approved by unanimous vote.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to strike item E.1.f from the ordinance. The motion was approved by majority vote with Councilman Grossman opposed.

Other: Councilman Holloway brought up the possibility of requiring all registered STR owners and property managers to participate in an annual learning panel hosted by the Town. The session would be recorded so all new STRs registered throughout the year could view the session prior to obtaining their business license/STR permit. The panel could include i) the zoning official discussing zoning components such as occupancy, trash cans, etc.; ii) the code official discussing the inspection process and items that they looked for; iii) someone from the insurance industry discussing the importance of having the right insurance for operating an STR; iv) a representative from the vacation homeowners group discussing the "good neighbor" policy and ways to help visitors understand the parking limitations and community standards; v) a representative from the treasurer's office explain how to submit transient occupancy taxes (TOT), obtaining a business license, etc.; vi) a police officer to explain noise concerns, etc. John

Hozey agreed that this was a great idea and the STR owner or property managers would certify that the training material had been reviewed.

Motion made by Councilwoman Holloway, seconded by Vice Mayor Bennett, to add a new item requiring annual certification of town-prepared training information. The motion was approved by unanimous vote.

Conditional Use Permit: i) Councilman Grossman reintroduced the possibility of requiring a CUP for STRs. He noted that a requirement for a CUP was included in the ordinance for occupancy greater than the 10 person limit up to what was permitted by the building code, but he felt that after hearing comments from the citizens a requirement was needed to have all STRs go through the CUP process or at least, requiring all new STRs be approved by CUP. A CUP forced the Town to go through public hearings to obtain input from the residents and other processes. There were other jurisdictions that required CUPs for STRs, but the committee decided not to take this route. Vice Mayor Bennett added that he heard the residents tonight and that all current STRs could be grandfathered with all new STRs required to obtain CUPs. He asked what actually would be grandfathered. John Hozey stated that the only way to consider CUPs was for new STRs only as it would be impossible for the Town to push through 300+ STRs through the CUP process. If Council wanted to require CUPs, the ordinance needed to be amended changing the process from by-right to CUP along with a grandfathering clause that would set parameters to what actually would be grandfathered in. The current requirements for an STR permit were that the STR had a current business license and remittance of TOT within the last 12 months; ii) Jeb Brady suggested a third requirement be a rental occupancy certificate; iii) Councilman Butta expressed his concern about the Harbor District which currently had two existing STRs. Those could be grandfathered, but he was hesitant with including the Harbor Area in this ordinance since the Town did not have a current Harbor Development Master Plan. After the development of a plan, Council could revisit this ordinance related to the Harbor District; iv) Councilwoman Holloway stated that an implementation date needed to be determined noting that the Town had never approved anything such as this with an immediate effective date. John Hozey stated that section 4.12.A.4 provided a one-year grace period from the adoption date of the ordinance to come into compliance; v) Councilman Grossman stated that in Article III, all items should be moved from "Accessory Uses" to "Conditional Uses."

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to amend Article III moving all Short-Term Rentals from accessory uses to conditional uses. The motion was approved by majority vote with Councilwoman Ashworth and Councilman Buchholz opposed.

John Hozey reviewed the STR Regulation Implementation & Enforcement estimated costs, explaining that a robust software package was needed.

Mayor Charney asked for a vote on the motion to adopt Ordinance 20241121 Amending Cape Charles Zoning Ordinance to Add a New Section in Article IV Creating Short-Term Rental Zoning Ordinance and Amend Certain Sections of the Zoning Ordinance to Address Short-Term Rentals with the revisions to the zoning ordinance as amended this evening.

The motion was approved by majority vote. Roll call vote: Ashworth, no; Bennett, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes.

B. *Waste Collection and Disposal Services Contract Award:*

John Hozey stated that an invitation for bids for Waste Collection and Disposal Services was advertised on October 17, 2024 with a bid submittal deadline of November 7th. One bid was received from Davis Disposal Co., Inc which was our current service provider. The base bid came in at \$19.52 per container for once a week collection and disposal which was the same as our current contract. The price for two dumpsters behind the library building were \$300 for a four-

yard dumpster and \$326 for an eight-yard dumpster. There was sufficient funds budgeted to cover the increase for the remainder of the fiscal year. The contract was for one year with three one-year renewal options.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to award the Waste Collection and Disposal Services contract to Davis Disposal Company and authorize the town manager to execute the contract. The motion was approved by unanimous vote.

C. December 19, 2024 Town Council Meeting Time Change Resolution:

John Hozey stated Town elections were held on November 5, 2024 for three Council seats. For previous elections, Northampton County Circuit Court Clerk Traci Johnson attended the December Town Council meeting to officially swear in the new Council members. Ms. Johnson had a conflict for December 19th at 6:00 p.m. but provided an alternate time of 5:00 p.m. for the swearing in ceremony. Council was polled at their November 7th Special Meeting and agreed on a time change for the December 19th Regular Meeting. Pursuant to § 15.2-1416 of the Code of Virginia, if the governing body wished to change the location, day and/or time of their regular meetings, the governing body must pass a resolution as to such future meeting day, place or time. The resolution must also be posted and published in the newspaper.

Motion made by Vice Mayor Bennett, seconded by Councilman Butta, to adopt Resolution 20241121 Changing the Time of the December 19, 2024 Cape Charles Town Council Regular Meeting. The motion was approved by unanimous vote. Roll call vote: Ashworth, yes; Bennett, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes.

D. Appointment of a Town Council Representative to the Library Board:

John Hozey stated that a number of the Town's Boards and the Planning Commission included a representative from the Town Council. The Library Board oversaw the Cape Charles Memorial Library and consisted of seven members, including the Town Council representative. Former Councilman Andrew Follmer was the Town Council representative to the Library Board until his resignation effective August 31, 2024. The Town held elections on November 5, 2024 for three Council seats, and at their November 7th Special Meeting voted to file a petition with the Northampton County Circuit Court requesting the interim appointment of Tara Ashworth, the non-incumbent candidate receiving the highest number of votes, to fill the vacancy on the Town Council until the end of the current term expiring on December 31, 2024. Ms. Ashworth was a current member of the Library Board and could perform a dual role until the appointment of a new member to this Board. Interviews would be held on December 12th to appoint a new member to the Library Board.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to appoint Councilwoman Tara Ashworth as the Town Council representative to the Library Board. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows:

- i) He had previously mentioned the difficulty with conversion of the personal property tax file from Northampton County. He commended the finance department for getting the bills out. Due to the delay, the personal property tax payment due date was extended to December 30th. As a reminder, real estate tax payments were still due on December 5th.
- ii) New hires: Jeremiah Camp started as a seasonal employee in the public works department but was hired as a full-time member of the crew on October 15th. Courtney Neale started as his new assistant on October 17th. Raymond Ivy started as a new police officer on November 4th. On November 11th, Paula Davis started in a part-time capacity as the new harbormaster and Michael Tyler Brown as the new assistant harbormaster. They will both go full-time in December.

- iii) A Council Executive Session was scheduled for December 12th to interview candidates to fill board vacancies.
- iv) He was expecting a report from Baker Tilley this weekend. An executive session was scheduled for December 5th to review the top town manager candidates.

MAYOR AND COUNCIL COMMENTS

Councilman Buchholz gave a big shout out to Jeb Brady and Katie Nunez for their 411 session. It was a very good session and the Town might need to do similar sessions for other processes as well, possibly for STRs. It was well done and well received.

Councilwoman Holloway agreed with Councilman Buchholz adding that she learned a lot of things especially the history of zoning.

Councilman Butta stated that he needed assistance with Virginia American Water (VAW). He called them about two weeks ago to notify them of water pouring out of the water meter. This was after the meter had been replaced. VAW was supposed to send someone. He called again on Thursday, Friday and the following Monday. As of today, water was still coming out of the meter. After numerous calls to VAW, there was still no resolution. John Hozey asked that he be notified regarding issues like this. Generally speaking, VAW had been responsive but there had been several instances with issues.

There were no additional comments.

Mayor Charney read the announcements.

Motion made by Councilman Buchholz, seconded by Councilman Grossman, to adjourn the Town Council Regular Meeting. The motion was approved by unanimous vote.

The Regular Meeting adjourned at 7:46 p.m.

Mayor Charney

Town Clerk

**November 21, 2024 Town Council Regular Meeting
Comments and Information Provided in Writing**

Donna Olney Kohler, resident

Good evening,

My name is Donna Olney Kohler and I live at 711 Tazewell Avenue. Since May 2010, my home has operated with a Conditional Use Permit as Fig Street Inn.

I would like to start off by reiterating that I am not against Short Term Rentals. Their business model is different than mine; their guest is different than mine. We are not in competition.

Short term rentals are businesses that have a huge economic impact on our community, with the majority located in residential districts.

This Council has made it very clear that residential districts are not for the proliferation of commercial entities. Allowing Short Term Rental as a by-right use is the epitome of converting residential districts to commercial.

A Conditional Use Permit process for STRs in residential districts allows the Town to look at each property on a case by case basis to determine occupancy, parking, demand on water and sewer, signage, and other sensible regulations such as proof of commercial insurance.

I recognize that this is a significant undertaking for Town staff and resources but our number one priority is what is best for our Town, and not what is simplest or fastest to execute.

I ask the Town Council to support our Comprehensive Plan and continue with its commitment to residential districts for residential purposes, and not allow by-right for Short Term Rental businesses.

Implementation of a Conditional Use Permit process for STRs is supported by previous Council discussions, decisions, and precedents.

I thank you for your time.

Sam Jones, resident

Mr. Mayor and Town Council members:

My name is Sam Jones and my wife Julie and I live at 538 Monroe Avenue. I write to follow-up on my comments at the recent joint public hearings on prospective short-term rental and zoning regulations.

As stated previously I served as the Cape Charles Historic District Civic League representative on the Town Manager's committee on STR regulations. While the committee considered requiring a conditional use permit for any new STR applications, we rejected that approach in lieu of recommending that the town place a limit on the total number of STRs in town. The intent of a limit was to address the sense that certain streets or blocks within streets were being overwhelmed by properties transitioning to STRs and negatively impacting the overall sense of community and small town feel of the town.

The Town Council subsequently rejected the committee's recommendation to limit the overall number of STRs in town. As a result, while a number of regulations are proposed to guide the operation of STRs, there is nothing in the current proposal that allows your citizens to have input into whether an STR is appropriate within a given block or street. During your discussions, at least two of your members expressed concern about the density of STRs within blocks going forward. I would say that allowing the operation of an STR as a "by-right" business within a residential district will make it much more difficult for future town councils to address the density issue.

Therefore, to allow for transparency, citizen awareness and citizen input, I recommend that the Town Council require a conditional use permit for any new STR application. People will argue that CUPs take too much time and work. I would argue that the decision to allow a business in a residential area that is likely to generate

tens of thousands of dollars in revenue deserves a thoughtful review rather than just paying for a license, filling out some paperwork and getting an inspection.

The issue of STRs has been floating through past Council agendas since at least 2019 so clearly there is time to adjust the current proposal.

Thank you for your consideration of this request.

Elise McMath, resident

Elise McMath 304 Tazewell. Thank you for the opportunity to speak tonight. I've already shared my own reasons for supporting a conditional use process over the by-right use at the joint hearing Monday, so instead, I'd like to focus on two important points: 1) community engagement and 2) the framing of the ten-person occupancy limit as a compromise.

First, it's clear that the town's efforts to engage the community on this issue could be more robust. After the initial town hall, where the consensus was that capping the number of STRs wasn't a preferred option for regulating STRs, there hasn't been much opportunity for further input or education on the proposed regulations. Many residents are still uninformed about the decisions being made, and we're facing a rush to adopt an ordinance that treats STRs as a by-right use.

Meaningful community engagement goes beyond one town hall or an email newsletter. It's about actively reaching out, educating residents, and creating multiple opportunities for people to provide feedback. As a small town, we have a unique opportunity to foster this type of dialogue. It's disappointing that more efforts haven't been made to ensure that all voices are heard before moving forward with these regulations.

Second, the ten-person occupancy limit has been framed as a compromise, but it doesn't feel like a true compromise. A real compromise brings together input and concessions from both sides. This regulation, however, doesn't fully address the concerns of residents in the historic district who live on blocks with particularly high STR density, like the unpredictable parking situations the Bronsons and the Joneses face during peak season. It also doesn't fully consider the feedback from STR owners who raised concerns about the one-size-fits-all nature of these regulations being in the zoning ordinance. A conditional use process would allow for more flexibility to address these issues on a case-by-case basis, which could better balance the needs of everyone in the community.

If the Council believes the ten-person occupancy limit is the right solution, I encourage you to validate that with this year's community survey. I know Councilman Grossman raised concerns about including STR related questions in this year's survey because it could risk opening the can of worms, but those conversations are necessary for finding solutions that work for everyone and for bridging the divides in the community that seem to be growing. Cape Charles deserves thoughtful leadership that is willing to do the hard work needed to meet the needs of residents on all sides of this issue. I urge the Council to pause, hold additional town halls, and work toward a solution that considers the needs of all parties involved.

Thank you.

Bonnie Moore, property owner

Hello, and thank you for your diligent work on STRs.

Please consider modifying the language so that a house of any number of bedrooms could be eligible for a conditional use permit. The way it's currently written is for 5+ bedrooms, leaving those with fewer bedrooms no options to explain their unique house and parking and have the possibility of a CUP. It doesn't mean you'd have to approve every request, but would at least allow people to make a request.

An idea I've heard come up of an occupancy of two per bedroom plus an additional two was great, and I hope you consider including it. The building code will calculate a maximum occupancy, so there should not be concerns of maxing out a property with adults PLUS a gaggle of children. The 2 per bedroom plus 2 would prevent a lot of special requests from being made and overwhelming the town.

Thank you for the modification to exclude children under 12 from the occupancy count. This will allow me to more easily follow the regulations.

Patricia Cobb, resident

As a full time cc resident for 7years and homeowner for 30 years, I have seen many changes. The short term rentals and tourism have fueled our economy and brought wonderful businesses. That is the positive. I do feel like there needs to be more oversight regarding the short term rentals for all the reasons that have been discussed. The conditional use option should be considered. Maybe a Happy medium could be achieved.

Jason Mann, resident

I am writing to express my and my family's opinion on STR's. We are full time residents, and pro short term rentals. We believe the current standards are sufficient, and see no need for change. We would not have made the move to live full time in CC if it wasn't for the growth that the revenue from STR's has created. Common sense enforceable rules should always be considered for everyone who is staying in town whether full time or visiting. We love our visitors!

William and Karen Lowe, residents

STR Zoning Ordinance Regulations

1. Could the Council make it clear to everyone the intent of item 4.12 (C) on the number of lodgers per bedroom? Could there be three or more lodgers (over the age of 12) in a bedroom of sufficient square footage to meet state building codes?
2. Could the Council make it clear to all the intent of item 4.12 (C), as to maximum number of lodgers per house. Is it a total of ten over age 12 or 10 individuals of any age?
3. Under the section on violations, the proposed change : In the new section 4.12 (E) Violations, Item (1) (f), add as shown: "Other non-STR applicable town zoning violations."

Does the council really mean that if a resident was charged with a violation concerning a "Historic District Violation", such as making a repair on a Residence that did not require a building permit but did require Historic District Committee approval, the property owner would have trouble resolving this in 24 hours and could be denied or possibility have it revoked. Why are all zoning violations involved in the STR permit?

Thank you for your consideration.

Raffaele Allen, resident

Dear Mayor, Members of the Town Council and Mr. Hozey,

I am writing to express my concerns about the proposed regulation limiting short-term rental occupancy to two persons per bedroom. While I understand the importance of maintaining order and safety in our community, I believe this proposal will have unintended consequences that could severely impact our local economy, residents, and homeowners.

Our town thrives as a family-oriented vacation destination, with the vast majority of visitors being families seeking to enjoy our unique environment. A strict two-person-per-bedroom limit would be overly restrictive and out of touch with the very nature of our vacation market, where multi-generational families and multiple families often travel together. This policy would drastically reduce the availability, affordability, and attractiveness of short-term rental properties in Cape Charles, as many families would find it impractical or impossible to rent in compliance with such a rule.

At the last planning commission meeting that I attended it appeared that a few commissioners were open to adjusting the occupancy limit to something more reasonable. Research has shown that other municipalities enforce a 2 person per bedroom limit with a 2-person flex. This would be far more in tune with the nature of our vacation market. By example, a 3-bedroom home like mine would then allow for a total occupancy of 8 vs 6. 8 occupants in a 3-bedroom home is very comfortable and extremely common.

Additionally, while I appreciate the commissions change on the age restriction from 5 to 12, I still believe this to be overly limiting and nearly impossible to enforce. I truly believe that this will significantly impact our marketability considering the family friendly nature of Cape Charles.

I do not believe I need to belabor all the significant impacts these restrictive policies will have on our local economy. I truly hope you take to heart the above suggestions as they are very reasonable and far easier to enforce.

Respectfully,
Raffaele Allen

Short-Term Rentals Ordinance as adopted:

DOCUMENT LEGEND¶

Deletions of current zoning ordinance text are shown as "~~Black Strike thru~~"¶

Addition of whole sections or paragraph of zoning text are shown as "*Black-Italic*"¶

Additions of a word or words to a sentence are shown as "*Black-Italic-Underline*"¶

Council Amendments: ~~RED-UNDERLINE or STRIKETHROUGH~~ for additions and deletions¶

TOWN OF CAPE CHARLES ZONING ORDINANCE

ARTICLE II - GENERAL PROVISIONS

Section 2.9 Definitions

Delete "~~Dwelling Seasonal is a dwelling unit not used as a principal residence that may be occupied weekends and for brief periods during the year.~~"

Add "***Operator** means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.*"

Add "***Short-term rental** means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. This does not include a hotel, motel or bed and breakfast.*"

Zoning: Article III District Regulations

Section 3.2 Residential District R-1

Add new Section 3.2.D ~~**Accessory Uses. Conditional Uses**~~

1. Short-term Rental in accordance with Section 4.15-12

Any short-term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.

Section 3.3 Residential Mixed District R-2

In Section 3.3.D ~~**Accessory Uses. Conditional Uses**~~

1. Add 6. Short-term Rental in accordance with Section 4.15-12

Any short-term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.

Section 3.4 Residential Multi-Family District R-3

In Section 3.4.D ~~**Accessory Uses. Conditional Uses**~~

1. Add 9. Short-term Rental in accordance with Section 4.15-12

Any short-term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.

Section 3.5 Commercial Residential CR

Add new Section 3.5.D ~~**Accessory Uses. Conditional Uses**~~

1. Short-term Rental in accordance with Section 4.15-12

Any short-term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.

Section 3.6 Commercial District C-1

In Section 3.6.H ***Accessory Uses. Conditional Uses***

1. Add 4. Short-term Rental in accordance with Section 4.15-12

Any short-term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.

Section 3.7 Commercial District C-2

Add new Section 3.7.D *Accessory Uses. Conditional Uses*

1. Short-term Rental in accordance with Section 4.15-12

Any short-term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.

Section 3.8 Commercial District C-3

Add new Section 3.8.C *Accessory Uses. Conditional Uses*

2. Short-term Rental in accordance with Section 4.15-12

Any short-term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.

Section 3.9 Harbor District

Add new Section 3.9.F *Accessory Uses. Conditional Uses*

1. Short-term Rental in accordance with Section 4.15-12

Any short-term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.

Section 3.16 Bay Crossing Planned Unit Development (Bay Crossing PUD)

Add to:

B. Permitted Uses. The following uses shall be permitted by right, subject to the yard, height, coverage and density requirements contained herein: all uses permitted by-right and as accessory uses in the R-3 District except short-term rentals, and Electric Vehicle Charging Station(s). Notwithstanding the foregoing, the following items from the Zoning Ordinance shall be not applicable (i) Item #35 from the C-1 District (any use allowed in the S-C District) and (ii) Item C from the C-1 District.

Zoning: Article IV General Regulations Applicable to All Districts

Section 4.2 Exceptions to the Regulations:

Section 4.2.J Accessory Dwellings

#2. Occupancy characteristics

DELETE: a. Transient Occupancy (also referred to as Short Term Rentals [STRs]) means

~~any person(s) who, for any period of not more than thirty (30) consecutive days, either at his own expense or at the expense of another, lodges or obtains lodging at any hotel, motel, tourist home, or other facility. Accessory Dwelling Units may not be rented on a Transient Occupancy basis.~~

Amend by adding: a. b. Length of stay – Accessory Dwelling Units may not be rented as a short-term rental. An accessory dwelling unit may be occupied by any person or persons for a period no less than thirty (30) consecutive calendar days either paying a fee for such occupancy at his own expense or at the expense of another (30-day rental or greater). Upon request from any building, zoning, finance, or public safety official acting on behalf of the

Town of Cape Charles, the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested in writing.

Section 4.5 Off-Street Parking and Loading Standards

Section 4.5 (B) (3) (a) (9) – the Table on Minimum Parking Space Requirements

Amend by deleting: 9. Bed and breakfasts, ~~other temporary residences renting by the day or week~~

ADD New Section: 4.12 Short-Term Rental (STR) Regulations

A. Purpose and intent

1. The purpose and intent of this section is to regulate Short-term rentals (STRs). STRs are common in America today, including in the town. However, given that they are commercial uses which must co-exist with residential uses, and often in neighborhoods not designed for commercial activity, limits and regulations are needed. This article is intended to provide the requirements to allow these certain limited commercial uses in town zoning districts containing residential uses per Article III.

2. The regulations for short-term rentals are designed to accommodate an STR owner's and operator's limited commercial use in a way that is safe for the guest, meets town requirements, does not change the character of the town, and fits in with the districts in which STRs operate.

3. This Section is intended to work in tandem with the town's business license requirements as contained in the Town Code, as a measure for the town to monitor the number of STRs and enforce regulations.

4. Owners and operators are allowed a one-year grace period, from the date Zoning Ordinance No. 20241121A is adopted, to come into compliance. However, this grace period is not intended to limit or change existing rules and regulations, including but not limited to requirements to obtain a business license, pay taxes, and comply with the building code.

B. Permitting Requirements

1. A short-term rental unit shall not be operated until an annual business license is issued in accordance with Town Code Chapter 18, Article II by the Finance Department.

2. A short-term rental unit shall not be operated until a Short-Term Rental (STR) zoning permit is issued by the Planning Department. The application for a zoning permit will require, as a minimum, the following:

- a. Name of owner and operator of the short-term rental property*
- b. Address of the short-term rental property*
- c. Town business license number*
- d. For operators that are a lessee or sublessee, an attestation that the property owner has granted permission for use of such property as a short-term rental*
- e. Contact information for all owner(s), operator(s), and property management companies (if applicable), to include: names, telephone numbers, mailing addresses, and e-mail addresses. If ownership is via partnership or corporation, a list of all partners, officers, and shareholders (as appropriate) must be provided with the same contact information*
- f. Contact information, ~~which will be publicly available~~, for a 24 hour/7 day a week contact who is the responsible party to address immediate concerns associated with a short-term rental, and who has the authority to act as the owner's and operator's agent*
- g. If the property is governed by a homeowners' or condominium association, proof that authorization to operate the short-term rental was provided by the homeowners' or condominium association*
- h. **Certification that Town prepared STR training information has been reviewed annually***

3. Short-term rental zoning permits will be valid for one year and may be renewed each subsequent year, if there were no permit violations, and upon approval of the associated annual business license and re-inspection.

4. Any change to information on the short-term rental zoning permit application will require notification to the Planning Department within 10 business days.
5. Any change in ownership of the property or short-term rental owner or operator will require a new application for the business license, short-term rental zoning permit, and inspection within 20 business days.
6. An owner (which includes, but is not limited to, corporations or partnerships, and entities or individuals that are stockholders, members or partners in corporations, companies, or partnerships) may only operate up to five short-term rental units within the entire town.
7. An operator is not prohibited from offering a property as a short-term rental solely on the basis that such operator is a lessee or sublessee, provided that the property owner has granted permission for such property's use as a short-term rental. However, a lessee or sublessee is limited to one short-term rental within the town. An operator will be required to meet any subleasing requirements, if any, from any applicable homeowner's or condominium association.

C. Additional Requirements

1. Every short-term rental is required to submit transient occupancy tax (TOT) in accordance with Town Code Chapter 18, Article V.
1. Short-term rentals are only permitted in those districts as specified in Article III.
3. Simultaneous short-term rentals under separate contracts in the same dwelling are prohibited.
4. Commercial gatherings providing direct or indirect compensation, including but not limited to luncheons, banquets, parties, weddings, charitable fund-raising, commercial or advertising activities, or other similar occurrences are prohibited.
5. Occupancy: ~~Excluding children five twelve (12) years of age or younger, There shall be no more than two lodgers per bedroom, plus two; with the maximum number of overnight lodgers per dwelling being no greater than ten. Occupancy shall not exceed any limit set by the Uniform Building Code or local building code official.~~
Occupancy of greater than ~~10 lodgers per STR above~~ may be approved through a Conditional Use Permit, provided ~~the structure possesses more than five qualifying bedrooms~~, the property can accommodate sufficient off-street parking, ~~and~~ the property meets any other life safety requirements as may reasonably be required for such higher occupancy, ~~and the property does not exceed the UBC or local building code official limitations.~~
- The town retains the right to investigate violations and complaints of permit violations, and to periodically contact STR lodgers to determine occupancy. If town investigators determine that a violation has occurred, notice of such violation will be provided to the STR zoning permit holder or agent who will be responsible to cure the violation.
6. The business license and emergency information must be conspicuously posted inside each rental, including the 24/7 contact information for the STR responsible party.
7. Signage is to comply with Article IV, Section 4.1.
8. Refuse requirements: one- and two-bedroom dwelling units used as short-term rental units will require one trash receptacle; three or more-bedroom units will require two receptacles, or more as may be required by a Conditional Use Permit. Owners and operators are required to maintain the receptacles so that they do not overflow.
9. Lodgers and their guests will be required to observe noise requirements contained in Town Code Chapter 20, Article I, Section 20-3.
10. Safety Equipment: Operable smoke detectors, fire extinguishers, and carbon monoxide detectors shall be present in compliance with the Virginia Uniform Statewide Building Code.
11. Under no circumstances shall the issuance of a certificate of zoning compliance (permit for short-term rental) by the Administrator (town) be construed as abrogating, nullifying or invalidating any other provision of Federal, State or local law: any deed covenant or property right; or any homeowners' or condominium association bylaw, or rule.

D. Inspections

- 1. An initial inspection will be required for all short-term rentals in accordance with Town Code Chapter 8, Section 8-4.**
- 2. An annual re-inspection by the building code official or designee is required when filing for a short-term rental business license renewal.**
- 3. The Building Code Official or designee maintains the right to inspect a short-term rental, based on complaints or reasonable suspicion, to verify that the rental is being operated in accordance with the Virginia Uniform Statewide Building Code, the permit, and other applicable laws and regulations.**

E. Violations

- 1. A Short-Term Rental (STR) zoning permit may be denied for any of the following violations:**
 - a. Failure to obtain/maintain a town business license**
 - b. Failure to pay all town real property taxes**
 - c. Failure to pay all business taxes from the prior year**
 - d. Failure to file and pay (if applicable) payment of transient occupancy taxes due the town for the previous three months or more**
 - e. Falsifying town forms or applications**
 - ~~f. Other applicable non-STR town zoning violations~~**
 - g. Failure to provide responsive actions to issues raised to the 24/7 contacts, as determined through town investigations**
 - h. Two ~~or more~~ violations of safety/building code requirements within the same calendar year, that are not cured following reasonable notice**
 - i. Two ~~or more~~ violations of occupancy limits within the same calendar year, that are not cured following reasonable notice**

Reasonable notice is satisfied when an authorized town official notifies the zoning permit holder or agent of a condition violating requirements of this section, and 24 hours pass without resolution of the violation.

Note: individual nuisance or noise violations will be issued directly to the offending party in addition to any consequence to the zoning permit holder.

Violations may be investigated by the Town Manager, Treasurer, Zoning Administrator, Building Code Official, Police Chief or their designees as appropriate. Once investigated, violations pursuant to this section will be issued by the Zoning Administrator.

- 2. An owner or operator, whose Short-Term Rental (STR) zoning permit has been denied pursuant to this Section, shall not be eligible to obtain another STR zoning permit for the subject short-term rental for the entire succeeding calendar year. Thereafter, the owner or operator will be required to apply for a new business license, STR zoning permit, and an inspection.**

- 3. Before the denial of Short-Term Rental (STR) zoning permits is made effective, the town shall give written notice to the short-term rental owner or operator as noted on the STR zoning permit. The notice of permit denial under the provisions of the section shall contain:**

- a. A description of the violations constituting the basis of the denial, suspension or revocation;**
- b. If applicable, a statement of acts necessary to correct the violation(s); and**
- c. A statement that the owner may have a right to appeal the notice of a permit denial within 30 days in accordance with Code of Virginia Section 15.2-2311 (A) and that the decision of permit denial shall be final and unappealable if not appealed within 30 days.**

STR Regulation Implementation & Enforcement

One-time start-up costs

Software package:	\$12,000
Computers/Equipment:	\$2,500
Golf Cart:	<u>\$11,500</u>
	\$26,000

Annual recurring costs

Software package subscription:	\$45,000
Enforcement officer salary/benefits:	\$51,000
Misc.	<u>\$500</u>
	\$96,500

Recurring cost recovery

Current inspection fee: \$150 per STR per year

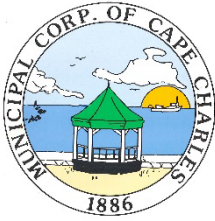
New annual costs: \$96,500/230 STRs = \$420 per STR, per year

New total combined STR permit fee: \$570 per STR per year* (to start)

* Note this would be in addition to all current business license fees and appropriate transient occupancy taxes

(If Bay Creek were included, new cost per STR would drop to \$300)





DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center
November 21, 2024
Immediately Following the Regular Meeting

At 7:54 p.m. Mayor Adam Charney, having established a quorum, called to order the Executive Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman, and Councilwomen Ashworth and Holloway. Also, in attendance were Town Manager John Hozey, Project Manager Bob Panek and Councilman-elect Clayton Newman.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia for the purpose of: 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: Discussion of Possible Sale and/or Purchase of Real Property and Receiving Town Council Guidance on Negotiating Terms

There were no members of the public in attendance.

Council went into executive session at 7:55 p.m.

Motion made by Councilman Buchholz, seconded by Councilman Butta, to return to open session. The motion was approved by unanimous vote.

The open portion of the meeting resumed at 8:38 p.m. There were no members of the public waiting to return to the meeting.

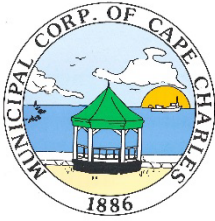
Certification, to the best of each member's knowledge, that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed,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

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

The Executive Session adjourned at 8:39 p.m.

Mayor Charney

Town Clerk



DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center
December 5, 2024
6:00 PM

At 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Executive Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman, and Councilwomen Ashworth and Holloway. Also, in attendance were Town Manager John Hozey and Councilman-elect Clayton Newman.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia for the purpose of: 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: Reviewing Town Manager Application Packages and Selecting Candidates for Interviews

There were no members of the public in attendance.

Council went into executive session at 6:01 p.m.

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to return to open session. The motion was approved by unanimous vote.

The open portion of the meeting resumed at 7:16 p.m. There were no members of the public waiting to return to the meeting.

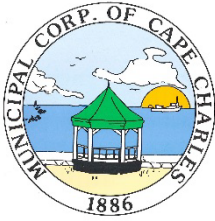
Certification, to the best of each member's knowledge, that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed,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

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

The Executive Session adjourned at 7:17 p.m.

Mayor Charney

Town Clerk



DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center
December 12, 2024
6:00 PM

At 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Executive Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Councilmen Buchholz, Butta and Grossman, and Councilwomen Ashworth and Holloway. Vice mayor Bennett was not in attendance. Also, in attendance were Town Manager John Hozey, Councilman-elect Clayton Newman and Town Clerk Libby Hume.

Motion made by Councilman Grossman, seconded by Councilwoman Ashworth, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia for the purpose of: 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: Interviews to Fill Vacancies on Town Boards

Councilman Grossman stated that he would recuse himself from the Library Board interviews as his wife, Barbara, had applied for this board and was one of the candidates being interviewed. He would return after the third candidate, who was also being considered for the Board of Zoning Appeals (BZA). He asked that Council provide him with information regarding this candidate related to the BZA upon his return to the meeting. Councilman Grossman left the meeting at 6:01 p.m.

There were no members of the public in attendance.

Council went into executive session at 6:01 p.m.

Councilman Grossman returned to the meeting at 6:42 p.m.

Motion made by Councilman Grossman, seconded by Councilwoman Ashworth, to return to open session. The motion was approved by unanimous vote.

The open portion of the meeting resumed at 8:17 p.m. There were no members of the public waiting to return to the meeting.

Certification, to the best of each member's knowledge, that (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: Ashworth, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes.

Motion made by Councilwoman Ashworth, seconded by Councilman Buchholz, to appoint Barbara Grossman to the Library Board effective immediately, Elise McMath to the Board of Zoning Appeals effective immediately, Brian Murray as an alternate to the Board of Zoning Appeals, Alan Clark to the Wetlands Board effective immediately, Joan Cooper to the Historic

District Review Board effective December 19, 2024 and Ken Monarch to the Historic District Review Board effective January 8, 2025. The motion was approved by unanimous vote.

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

The Executive Session adjourned at 8:20 p.m.

Mayor Charney

Town Clerk

DRAFT

October 2024 Treasurer's Report

Page 1 – Cash Position

- Due to the sale of the utilities, it is no longer necessary to hold our facility fees in reserve in a separate account. During January 2025, we will transfer the funds from the Virginia Investment Pool Liquidity Account - Facility Fee Reserve (Utilities) account - into another of our Virginia Investment Pool Liquidity accounts, to consolidate our cash account reporting.
- The unassigned VIP account earned \$52,217 in interest income during October.

Page 2 – Revenues vs. Expenditures

- The current month's General Fund expenditure line item shows a large jump due to the \$250,000 expenditure made during the month of October to Cape Charles Volunteer Fire Company for the purchase of a new fire truck.
- \$466,751 of revenue is reported for the month of October (General Fund) is primarily the result of pre-paid real estate taxes. Real estate tax bills were sent out mid-October and the taxes were posted on our books at that time.
- The net revenue in the public utilities fund (\$39,631) is as the result of reimbursements from Virginia American Water.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
October 31, 2024

<u>Cash on Hand</u>	<u>9/30/2024</u>	<u>10/31/2024</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$54,053	\$212,540	\$158,487
Atlantic Union Bank Money Market Account	\$927,092	\$779,342	-\$147,750
LGIP Account 1 - 0565 - Unrestricted	\$116,310	\$116,806	\$496
LGIP Account 2 - 0195 - Unrestricted	\$339,572	\$341,148	\$1,576
Virginia Investment Pool Liquidity Unassigned - 5003	\$12,215,273	\$12,267,489	\$52,217
Virginia Investment Pool 1-3 Year Unassigned 0001	\$1,082,052	\$1,075,812	-\$6,240
Total Cash On Hand	\$14,734,352	\$14,793,137	\$58,785

<u>Restricted and Reserved Cash Balances</u>	<u>9/30/2024</u>	<u>10/31/2024</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,120	\$30,120	\$0
Atlantic Union Checking Account Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Account - E-Summons Revenue Rsrvd	\$15,029	\$15,125	\$96
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$3,853,516	\$3,869,989	\$16,473
Total Cash Held in Reserve	\$3,910,227	\$3,926,796	\$16,569

Total Cash - All Accounts	\$18,644,579	\$18,719,933	\$75,354
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MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
October 31, 2024

REVENUE VS. EXPENDITURES

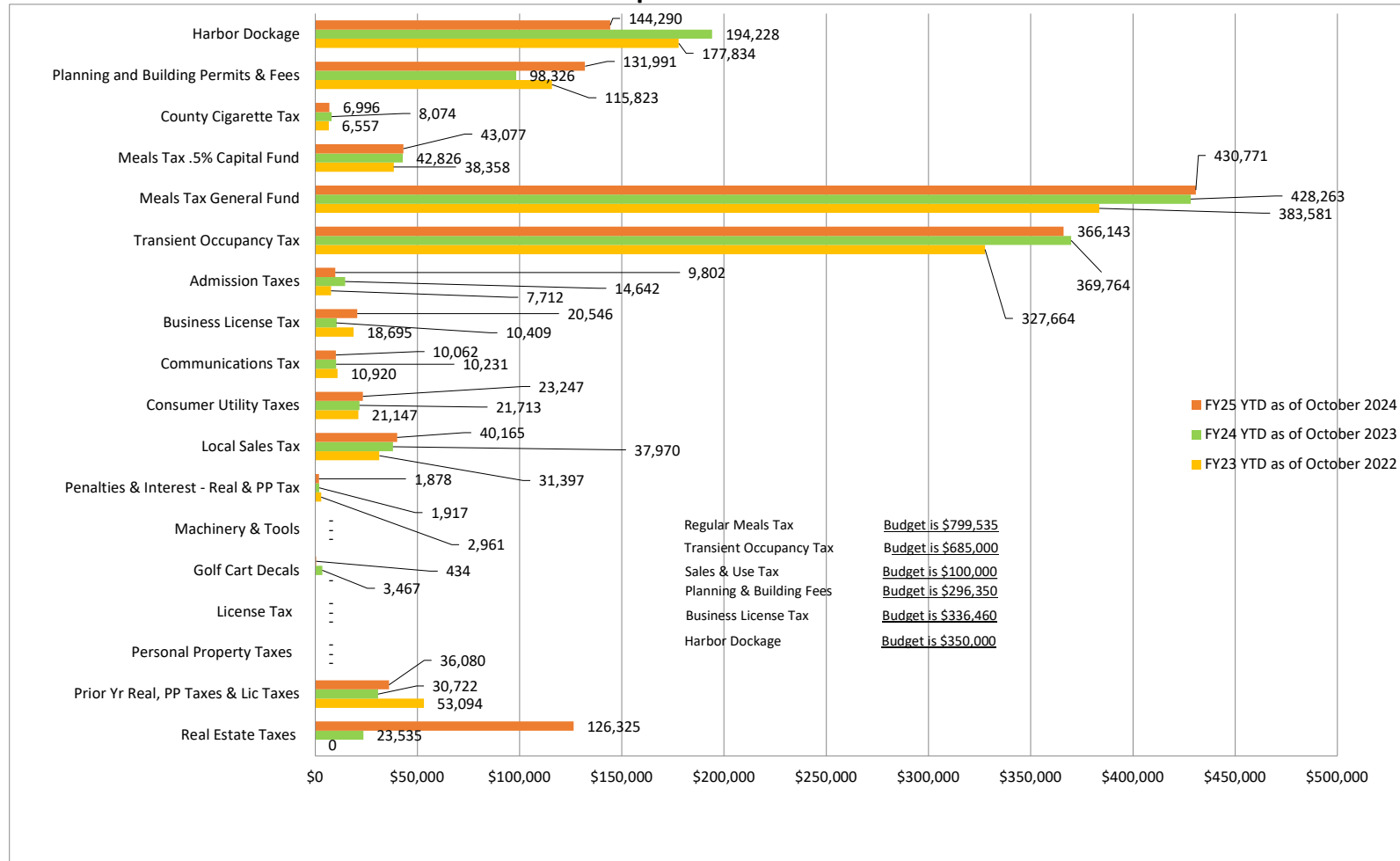
FUND	CURRENT MONTH	CURRENT YEAR-TO-DATE	ANNUAL BUDGET	% REALIZED/ EXPENDED FY25
GENERAL Fund				
REVENUE	\$466,751	\$1,707,984	\$5,374,101	31.78%
EXPENDITURES	\$515,687	\$1,779,203	\$5,374,101	33.11%
NET	(\$48,935)	(\$71,219)	\$0	
GENERAL Capital Fund				
REVENUE	\$8,456	\$133,810	\$10,790,806	1.24%
EXPENDITURES	\$534	\$3,702	\$10,790,806	0.03%
NET	\$7,922	\$130,108	\$0	
GENERAL Debt Service Fund				
REVENUE	\$0	\$0	\$25,121	0.00%
EXPENDITURES	\$0	\$5,146	\$25,121	20.48%
NET	\$0	(\$5,146)	\$0	
GENERAL Special Activities Fund				
REVENUE	\$38,669	\$54,104	\$25,500	212.17%
EXPENDITURES	\$60	\$16,710	\$25,500	65.53%
NET	\$38,609	\$37,394	\$0	
PUBLIC UTILITIES Fund				
REVENUE	\$17,192	\$75,220	\$9,576,514	0.79%
EXPENDITURES	-\$22,439	\$2,720	\$9,576,514	0.03%
NET	\$39,631	\$72,500	\$0	
HARBOR Fund				
REVENUE	\$48,595	\$370,978	\$1,162,576	31.91%
EXPENDITURES	\$44,813	\$344,539	\$1,162,576	29.64%
NET	\$3,782	\$26,439	\$0	
SANITATION Fund				
REVENUE	\$28,591	\$115,228	\$345,884	33.31%
EXPENDITURES	\$25,942	\$107,890	\$345,884	31.19%
NET	\$2,649	\$7,338	\$0	

FY 25 Capital Improvement Project Tracking Report

As of:
10/31/2024

	<u>FY25 Status or Start Date</u>	<u>% of Current Year Budget</u>	<u>FY25 Budgeted</u>	<u>QTR 1 Expended</u>	<u>QTR 2 Expended</u>	<u>QTR 3 Expended</u>	<u>QTR 4 Expended</u>	<u>FY25 YTD Expended</u>	<u>(Over)/Under Budget</u>
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	<u>Completed in FY24</u>		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-
Municipal Space Replacement	<u>In Process</u>	0%	\$ 3,250,000	\$ -	\$ -	\$ -	\$ -	\$ -	3,250,000
Welcome Center Design & Construction	<u>In Process</u>	0%	\$ 750,000	\$ -	\$ -	\$ -	\$ -	\$ -	750,000
Library Upgrade & Condoization	<u>In Process</u>	1%	\$ 250,000	\$ 2,895	\$ 450	\$ -	\$ -	\$ 3,345	246,655
Beachfront Revitalization	<u>Pending</u>	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	45,000
Beach Restroom/Bathhouse	<u>Pending</u>	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	45,000
Sidewalk Infill	<u>Pending</u>	1%	\$ 50,000	\$ 274	\$ 84	\$ -	\$ -	\$ 358	49,642
Mason Ave. Electrical	<u>Pending</u>	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	40,000
Subtotal			\$ 4,430,000.00	\$ 3,169	\$ 534	\$ -	\$ -	\$ 3,702	\$ 4,426,298
Harbor Fund									
Inner Harbor Bulkhead Rehab, Phase 3	<u>Pending</u>	2%	\$ 221,537	\$ 4,750	\$ -	\$ -	\$ -	\$ 4,750	216,787
Fixed Dock Rehab	<u>Pending</u>	6%	\$ 20,000	\$ 1,287	\$ -	\$ -	\$ -	\$ 1,287	18,713
Replace Boardwalk With Concrete	<u>Pending</u>	0%	\$ 43,000	\$ -	\$ -	\$ -	\$ -	\$ -	43,000
Subtotal			\$ 284,537	\$ 6,037	\$ -	\$ -	\$ -	\$ 6,037	\$ 278,500
TOTAL			\$ 4,714,537	\$ 9,206	\$ 534	\$ -	\$ -	\$ 9,739	\$ 4,704,798

Specific Sources of Revenue as of 10.31.2024



 TOWN OF CAPE CHARLES	AGENDA TITLE: Reappointment of Wetlands and Coastal Dune Board Member		AGENDA DATE: December 19, 2024
	SUBJECT/PROPOSAL/REQUEST: Reappointment of a member to the Wetlands and Coastal Dune Board		ITEM NUMBER: 8A
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

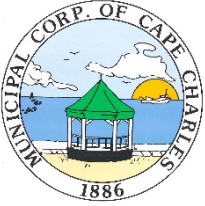
The Wetlands & Coastal Dune Board reviews applications for certain activities in wetlands and dune areas. The Boards meets as needed and consists of five members each serving five-year terms.

DISCUSSION:

Mr. William Robertson was appointed to the Wetlands Board & Coastal Dune Board in April 2023 to complete a term which expired on November 12, 2024. Mr. Roberston expressed his interest in continuing his service on the Board.

RECOMMENDATION:

Staff requests Council review and, if deemed appropriate, reappoint Mr. William Robertson to the Wetlands and Coastal Dune Board for another term.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Zoning Text Amendment (ZTA) 2024 -02 & Zoning Map Amendments (ZMAs) 2024 -02 thru 84		AGENDA DATE December 19, 2024
	SUBJECT/PROPOSAL/REQUEST: Discussion and Possible Adoption of ZTA and ZMAs		ITEM NUMBER: 8B
	ATTACHMENTS: Attachment 1: Town Council Ordinance 20241219A Attachment 2: Planning Commission Excel Tracking Sheet of Zoning Text Amendment recommended changes Attachment 3: Zoning Map Amendments – Full List by Tax Map # Attachment 4: E-mail from Neville Reynold with proposed change from Cape Harbor Holding, LLC to Harbor-Light Industrial Permitted Uses category Attachment 5: Town Council Short Term Rental Ordinance with 2024-12-19 Work Session Changes Incorporated		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Planning Director & Zoning Administrator		REVIEWED BY: John Hozey, Town Manager

A joint public hearing was held on November 18, 2024 on Zoning Text Amendment 2024-02 application from the Town of Cape Charles for a comprehensive review and revision of Cape Charles Zoning Ordinance to bring the document into alignment with the update of the Comprehensive Plan including editorial changes for improved clarity and for reason required by public necessity, conveniences, general welfare, and good zoning practice.

ZTA 2024-02 – REDLINED ZONING TEXT AMENDMENT ORDINANCE dated October 30, 2024: <https://www.capecharles.org/docview.aspx?doctype=fd&docid=31804>

ZTA 2024 – 02 – ZONING TEXT AMENDMENT ORDINANCE with changes incorporated as of October 30, 2024: <https://www.capecharles.org/docview.aspx?doctype=fd&docid=31811>

- 1) Article II – General Provisions: update the district references; change the Violation and Penalty section to a civil penalty; remove Change of Use Section regarding Non-Conforming Building or Structure; remove Occupancy of Vacant Non-Conforming Buildings or Structures; Update the Board of Zoning Appeals Powers and Duties to Code of Virginia requirements; move the Definitions Section to new Appendix A
- 2) Article III – District Regulations: converted the dimensional information for each district into digestible charts and standardize each district to have a By-Right Use, Accessory Use and Conditional Use Category and move all Development Standards to a new section in Article IV.
 - a) Delete Residential Estate District (R-E)
 - b) Residential -1 District:
 - Add by-right use of (a) Duplex Dwellings, provided off-street parking is provided, (b) condominium dwellings; (c) cooperative dwellings; (d) manufactured home dwellings, (e) Group Homes, per Code of VA §15.2-2291; delete dog pens; and move Home Occupations and Accessory Dwelling Units to Accessory Units, and (f) Short Term Rentals
 - Add Accessory Uses of (a) home occupations and Accessory Dwelling Units and accessory buildings and electric vehicle charging stations;

- Delete from Conditional Uses (a) libraries, museums, and office & meeting spaces for civic organizations; public utilities and services; neighborhood community center; and Adaptive Reuse of existing structures.
- c) Residential-2 District:
 - Add by-right use of condominium, cooperative, and manufactured home dwellings; Group Homes; Short Term Rentals
 - Streamline the Accessory Uses and Conditional Uses
- d) Residential-3 District:
 - Add by-right use of duplex, condominium, cooperative, manufactured home dwellings; Group Homes; parks & playgrounds; Short Term Rentals
 - Streamline the Accessory Uses and Conditional Uses
- e) Commercial Residential CR
 - Add by-right use of duplex, townhouse, condominium, cooperative, and manufactured home dwellings; Group Homes; Short Term Rentals; consolidated commercial and community uses
 - Added Accessory Uses section and streamlined Conditional Uses
- f) Commercial District C-1: streamline By-Right, Accessory and Conditional Use categories
- g) Commercial District C-2: streamline By-Right, Accessory and Conditional Use categories
- h) Commercial District C-3: streamline By-Right, Accessory and Conditional Use categories
- i) Restructure Harbor District into Harbor-Commercial and Harbor-Light Industrial
- j) Industrial District M-1 – Delete
- k) Industrial District M-2 with some modifications
- l) Retain Planned Unit Developments (PUD) with some modifications
- m) Delete General Business/Light Industrial H-1 (GBI H-1) – partially consolidated with new Harbor-Light Industrial
- n) Retain Open Space District with some modifications
- o) Retain Bay Crossing Planning Unit Development (Bay Crossing PUD) with minor modification
- 3) Article IV – General Regulations Applicable to All Districts
 - Revised Home-Based Occupation
 - Deleted Sign Regulation and replaced with new Sign Regulation section
 - Exceptions to the Regulations – clarifications and minor corrections
 - Revisions to the Conditional Use Permits Procedures, Off-Street Parking and Loading Standards, Demolition Policy, Swimming Pool Regulations
 - Delete Section 4.4 (E) – Exterior Lighting and replace with new section “Outdoor Lighting”
 - Add new section “Solar Panels-Performance Standards/Design Regulations”
 - Delete Section 4.11 Wind Turbines
 - Add 2 new section containing all of the Performance Design Standards (one Commercial and one Residential) that was formally located in Article III & add new section regarding Sidewalk Development for Infill Lot Development
 - Add new section regarding “Accommodations Relative to the Americans with Disabilities Act and the Fair Housing Act”
 - Add new section regarding “Short Term Rental Regulations”
- 4) Article VI – Flood Plain District – delete current version and replace with new Model Ordinance with modifications.
- 5) Article VIII - Historic District Overlay
 - Revision to Section 8.17 – update reference to include new section on Solar Panels Standards in Article IV
 - Revision to Section 8.21 – Demolition: Alternate Procedure: Offer to Sell
 - Revision to Section 8.22 – Maintenance and Repair Required
 - Revision to Section 8.33 – Appeals; Decision of the Historic District Review Board to be

consistent with the Historic District Guidelines

- 6) Article IX – Revise to delete “Historic” from the title and throughout this section
- 7) Appendix A – Subdivision Ordinance – revisions for consistency with Code of Virginia
- 8) Appendix B – Site Plan Ordinance
- 9) Appendix C – Coastal Primary Sand Dunes Ordinance – revisions to address consistency with Code of Virginia
- 10) Appendix D: Erosion and Sediment Control Ordinance – Delete current version and replace with new Model Ordinance with modifications
- 11) Appendix E: Wetlands Ordinance – revisions to address consistency with Code of Virginia
- 12) New Appendix – to contain Definitions that was a section previously in Article II

BACKGROUND:

In late 2022, as work was concluding on the Town’s Five-Year Update to the Comprehensive Plan, we began a review of the Cape Charles Zoning Ordinance. We utilized the services of Summit Engineering for a portion of this process. The review was focused: 1) to ensure that the Zoning Ordinance is not in conflict with the newly adopted Comprehensive Plan and actually carries out the goals and objectives of the Comprehensive Plan; and 2) a full review of the Zoning Ordinance (initially adopted in January 1977 with incremental updates to sections, as needed) to ensure that we are in compliance with state law and are correcting any issues or concerns that the Town has noted as part of its administration of the document over the years and to receive recommendations from the consultant on possible amendments, based upon best practices observed from their experience in the field.

There have been 15 work sessions over the last 2 years, either by the Planning Commission alone or as a joint meeting with Town Council to review and confirm the changes being considered throughout the entire document. As part of this work, the Planning Commission has utilized two subcommittees: 1) focused on a review of the document from a housing perspective; and 2) focused on a review of the sign ordinance. Additionally, there has been a parallel work effort in the development of a Short Term Rental Zoning Ordinance that Town Council adopted on November 21, 2024. The STR Zoning Ordinance, when it was initially advertised, was also then included as a placeholder in the larger Zoning Ordinance Text Amendments that were beginning its public hearing review.

HOUSING–ZONING ORDINANCE MEETINGS	SIGN ORDINANCE MEETINGS	GENERAL ZONING ORDINANCE REVIEW MEETINGS
1/30/2023	7/11/2023	4/4/2023
2/7/2023	12/5/2023	8/21/2023 (Joint)
3/27/2023	1/11/2024	9/28/2023 (Joint)
	2/6/2024	10/24/2023 (Joint)
	2/21/2024	4/15/2024 (Joint)
		6/4/2024 (Joint)
		8/22/2024 (Joint)

PLANNING COMMISSION REVIEW AND RECOMMENDATION

Following the public hearing, the Planning Commission commenced their review and continued it at their meeting on December 3, 2024. An EXCEL Tracking Chart was compiled with two categories:

- 1.) All of the changes that were grammatical/spelling/numbering or some other minor correction that was not substantive – this is shown on the spreadsheet in the Last Column as “ACCEPTED” – staff is making these corrections in the master REDLINE DRAFT dated October 30, 2024.
- 2.) Any changes that were substantive in nature are shown with a pink highlight. For ease of reference, the Planning Commission used the “Zoning Ordinance with all Changes Incorporated” that was provided in your Public Hearing Red Binder and the tracking chart is based upon that document, including the page number references. There is a column with Page Number, Paragraph Info, Planning Commission Vote for Recommended Amendments and COMMENTS.
- 3.) Additionally, the Planning Commission reviewed the Zoning Map Amendments 2024-02 thru 2024-84. Staff provided clarification and confirmation about the two properties that are condo buildings and each condo owner property had to be listed separately for public hearing purposes and confirmed that the railroad parcel (TM#83A3-A-9) will have split zoning where a portion of this parcel adjunct to Mason Avenue between Peach St and Nectarine Street will be C-1 with the bulk of the parcel zoned Harbor-Commercial. Attached is a full listing of the ZMAs by Tax Map Parcel with columns showing current zoning and proposed zoning.

The Planning Commission reviewed all of the items contained on this chart and is recommending approval of ZTA 2024-02 with the amendments listed on the Tracking Chart highlighted in PINK & ZMA 2024-02-thru 2024-84. This was motioned by Commissioner Grossman and was seconded by Commissioner Holloway and was passed with 6 in favor and one opposed (Commissioner Ashworth).

Please note that the chart references the Short Term Rental (STR) Ordinance that is currently in the 2024-02 ZTA BINDER with the notation that Town Council has taken a vote on the STR Ordinance on November 21, 2024 and that the Town Council will need to make a further amendment to incorporate the STR Ordinance as adopted on 11/21/2024.

STAFF- ADDITIONAL REPORT REGARDING STR ORDINANCE

On Monday, December 9, 2024, Town Council met with staff for a work session to discuss the Short Term Rental Ordinance that was adopted on November 21, 2024. As a result of that work session, Town Council has indicated a consensus to make changes to that document. Therefore, Town Manager John Hozey has prepared a document entitled “Town Council Amended Short Term Rental Ordinance” with the 12/9/2024 Work Session Changes incorporated – these changes are shown in RED FONT. Additionally, there are three items that are shown in a GOLD FONT which were discussed at the meeting, but it was unclear if the Council reached consensus positions on these three items, so we are looking to confirm Town Council’s position on these three items as well.

PLEASE NOTE: If the Town Council votes to amend the ZTA to incorporate this document discussed in the paragraph above, in whole or with any proposed and accepted amendments to it, then this will fully replace the Short Term Rental Ordinance that was adopted on November 21, 2024.

TOWN COUNCIL ACTION

Town Council is requested to do the following – *Motion to adopt the Town Council Ordinance #20241219A* (see attached) and then take up amendments to the Zoning Text Amendment (ZTA) 2024-02 and Zoning Map Amendment (ZMA) 2024-02 thru 2024-84, if there are any, in the following order:

- 1) *Make an amendment to the main motion to approve the recommendation from the Planning Commission with the proposed amendments (attached) on the Tracking Chart highlighted in PINK; DISCUSS and VOTE on this amendment; and then,*
- 2) *Offer all Town Council members the opportunity to propose any amendments of their own to the ZTA 2024-02 ordinance. Please take each of these up individually to DISCUSS and VOTE on each amendment from the Town Council member(s), which would all be amendments to the main motion; and then,*
- 3) *Consider the request (e-mail attached) from Cape Harbor Holdings, LLC thru their engineer, Neville Reynolds, to add two uses to the Permitted Uses category for the Harbor-Light Industrial Zoning District:*
 - *Port facilities and bulk handling and storage of materials such as stone, sand, timber, steel, etc.*
 - *Manufacture and repair of vessels such as concrete floating docks, barges and ships*

If supportive of this request, make an amendment to the main motion to add these two uses to the Harbor-Light Industrial Zoning District (in Article III), Permitted Uses category and VOTE; and then.

- 4) *Consider the Town Council STR Ordinance with the December 9, 2024 Work Session discussion incorporated into the document by making an amendment to the main motion to adopt this as a whole (RED GOLD and BLACK FONT text) document, and then discuss if the items in RED FONT are the intended changes from the Work Session Discussion on 12/9/2024; and then discuss the items in GOLD FONT and what position the Council has on these items (i.e., agree and leave in or disagree and omit) and then VOTE; and then finally,*
- 5) *Consider the Zoning Map Amendment (ZMA) 2024-02-thru 2024-84, and make an amendment to the main motion (if there are any), discuss and VOTE; otherwise, you don't have to do anything further with this item since it is already on the floor as part of the main motion;*
- 6) *FINAL VOTE on the main motion for ORDINANCE #20241219A as amended through (1 thru 5 above)*

ATTACHMENTS:

Attachment 1: Town Council Ordinance 20241219A

Attachment 2: Planning Commission Excel Tracking Sheet of Zoning Text Amendment recommended changes

Attachment 3: Zoning Map Amendments – Full List by Tax Map #

Attachment 4: E-mail from Neville Reynold with proposed change from Cape Harbor Holding, LLC to Harbor-Light Industrial Permitted Uses category

Attachment 5: Town Council Short Term Rental Ordinance with 2024-12-19 Work Session Changes Incorporated

ORDINANCE 20241219A

AMENDING CAPE CHARLES ZONING ORDINANCE by REPLACING it WHOLLY WITH ZONING TEXT AMENDMENT 2024-02 & ZONING MAP AMENDMENTS 2024-02 thru 2024-84

WHEREAS, the Cape Charles Zoning Ordinance is a compilation of ordinances establishing zoning regulations for the Town of Cape Charles and providing for the administration and enforcement of the regulations; and

WHEREAS, the Zoning Ordinance classifies the territory under the Town's jurisdictions into districts and within each district a set of regulations for the use of land, buildings, structures, and their size, construction, etc; and

WHEREAS the Town Council initiated a full review and revision of the Town's Zoning Ordinance, starting in January 2023, including the Zoning Map to ensure consistency with the Town's adopted Five Year Comprehensive Plan Updated dated December 15, 2022;

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice, joint public hearings were held by the Planning Commission and Town Council on November 18, 2024, and the Planning Commission reviewed and deliberated the proposed zoning ordinance amendment, and approved by majority vote, making recommendation for Town Council approval with revisions to the zoning ordinance amendment (as attached);

WHEREAS, additional amendments were also discussed by Town Council at their meeting on December 9, 2024, including the Short Term Rental (STR) Zoning Ordinance which replaces what the Town Council adopted on November 21, 2024;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Cape Charles that, for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Zoning Ordinance & Zoning Map is wholly adopted as shown in the attached, to become effective immediately.

Adopted by the Town Council of the Town of Cape Charles on December 19, 2024.

By: _____
Mayor Charney

Attest:

Town Clerk

Planning Commission Proposed Amendments and Accepted Changes (12/6/2024) - In Advance of 12/19/2024 Meeting					
Page Number (CV)	Paragraph	Planning Commission Vote for Recommended Amendments	Change	Comment	Action
Article I					
2	C.		G	Add ";" at end	Accepted
2	D.		G	Add 'and' at end	Accepted
Article II					
4	2.3.1		T	The letter "C" and the term "COM" represents... The letter "H" represents change to 'the term HARB represents...' The term "PUD" or "PD" represents... Unless ACC PUD uses PD, I suggest PD be omitted.	Accepted
5	2.3.2		G	Header and paragraph letters are missin in the clean copy	Accepted
6	2.4.1		G	No need to highlight (4) in red	Accepted
6	2.4.1.B.2		G	Add 'and' at end	Accepted
9	2.4.3.A.4		G	Separate out item 5 which is combined with item 4, and renumber.	Accepted
11	2.5.6-50		G	Delete item 2.5.4-50	Accepted
15	2.7.2.B	Delete Such public hearing shall be held not less than six nor more than 21 days after the second advertisement appears. Add bolded text in adjacent column	T	Suggest rewording to agree with statute for correctness and clarity; "published once a week for two successive weeks in some nespaper having general circulation in the town, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the date for the meeting referenced in the notice . Such public hearing shall be held not less than six seven not more than 21 days after the second advertisement appears.	Amendement /Accepted
17	2.9		G	Deletion of red	Accepted
Article III					
18	3.1.A	Delete aspects of this paragraph. "and to restrict all activities of a commercial nature as described in Section 3.6_A of this ordinance, know as Commercial Districts C-1, C-2 and C-3 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 Add Bolded text	T	Reference to 3.6_A is now incorrect and C-1 does not even have this quote. At least I cann find. Suggest: "and to restrict all activities of a commercial nature as described in Section 3.6_A of this ordinance, know as Commercial Districts C-1, C-2 and C-3 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	Amendment/ Accepted
18	3.1.C.2		G	4.2 (J) should be 4.1 (J) (Change was made throughout)	Accepted
18	3.1.C.4		G	4.15 should be 4.14 (Change was made throughout)	Accepted

Page Number (CV)	Paragraph	Planning Commission Vote for Recommended Amendments	Change	Comment	Action
18	3.1.D.1	Amend and move from 3.1.D.1, 3.4.B.8 to Section 4.15. Bed and breakfasts, provided the following requirements are met: a. The owner and family must occupy the residence. The owner and his/her appointed agent are responsible for supervising guests. b. The single-family dwelling appearance must be maintained. c. Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Section 4.5.1 (Table of Parking Standards) using both on and off-street parking areas. d. The number of accommodations shall be subject to recommendation by the Planning Commission and approved by the Town Council. Must be in Compliance with Article 4.15	T	We had talked about pulling the B&B requirements into Section 4.	Amendment/ Accepted
19	3.1.E		G	Reference is made to 4.2, should be 4.1 €	Accepted
20	3.1.F	Add development standards as item 4 to be in compliance with Section 4.12.	T	Developmental Standards moved to Section 4.12 as desired. Suggest: <i>4. Development standards are found in Section 4.12.</i>	Amendment/ Accepted
23	3.3.E		T	Multi-Family Project Table - We agreed to move "max development of eight townhouses..." under item F. Additional Development Requirements. Make item 3.	Accepted
23	3.3.F		G	Off-street parking statement should be numbered item 2.	Accepted
24	3.4.B.8		T	Note that no caveats are provided here for B&Bs. Suggest added to Section 4.2.	Accepted
24	3.4.C	Adding 3.4.C item 6 as follows, "Uses which are customary accessory and clearly incidental and subordinate to the principal use and structure."	T	We dropped "Uses which are customary accessory and clearly incidental and subordinate to the principal use and structure." and should be included as item 6.	Amendment/ Accepted
25	3.5.B.1		T	We need to remove in first sentence 'of the Harbor District' now that the map is being changed.	Accepted
25	3.5.B.1.h		G	Add period at end of sentence.	Accepted
26	3.5.D		T	We should be adding home occupation. Suggest: <i>3. Home occupation per Section 4.0 in the residential uses.</i>	Accepted
26	3.5.F		G	Remove the comma after 0 in table.	Accepted
26	3.5	Amend and add Item H to include developmental standards to be in compliance with Article 4.13	T	Need to add Item G and include developmental standards statement referencing 4.13	Amendment/ Accepted

Page Number (CV)	Paragraph	Planning Commission Vote for Recommended Amendments	Change	Comment	Action
26	3.5.A		G	Additional Requirements should be item G	Accepted
27	3.5.A.2		G	Reference to Director of Planning & Zoning should be changed to Zoning Administrator for consistency.	Accepted
27	3.7		G	There is no Section 3.6. Either change numbering or provide as follows: <i>Section 3.6 - Reserved</i> Suggest the latter and retain numbering as is.	Accepted
28	3.7.C		T	We should be adding home occupation. Suggest: <i>3. Home occupation per Section 4.0 in the residential uses.</i>	Accepted
28	3.7.E		G	Reference should be 4.13.	Accepted
28	3.7.F		G	We should add "Additional sign details are provided in Article V."	Accepted
29	3.8.C		T	We should be adding home occupation. Suggest: <i>3. Home occupation per Section 4.0 in the residential uses.</i>	Accepted
29	3.8	Add developmental standards as item 3 to be in compliance with Section 4.13	T	Add F, Developmental Standards para.	Amendment/ Accepted
29	3.8.F		G	Renumber F to G	Accepted
29	3.8.F.2		T	Should add reference to Article V for signs.	Accepted
29	3.9		G	Title to section should be Harbor-Commercial	Accepted
30	3.9.A		G	Third paragraph is not presented as a complete sentence. Suggest: "The district's intent is to permit retail and commercial businesses generally found in a retail business area and that would be complementary to..."	Accepted
30	3.9.C		T	We should be adding home occupation. Suggest: <i>5. Home occupation per Section 4.0 in the residential uses.</i>	Accepted
32	3.9		T	There are no developmental standards. Should we reference 4.13?	Accepted
32	3.9		T	There are no Additional Requirements. Suggest similar to other districts: Utilities are to be underground Reference Article V for signs.	Accepted
32	3.10		G	Third paragraph is not presented as a complete sentence. Suggest: 'The district's intent is to permit	Accepted
32	3.10.B		T	We dropped two items that were previously agreed to at August 6, 2024 meeting. Suggest adding back under permitted uses. Adult and/or Child daycare center Educational institute	Accepted
33	3.10.B.9		T	Outdoor storage contains landscaping requirements the reference Appendix A.If this App A to Accawmacke PUD, then that needs to be inserted.	Accepted

Page Number (CV)	Paragraph	Planning Commission Vote for Recommended Amendments	Change	Comment	Action
33	3.10.D.6		T	This item pertains to both permitted and conditional uses but is buried under conditional uses only. Suggest moving under permitted uses as item 23 and modify to delete'conditionall uses'.	Accepted
	3.10.D	Add as a new CUP Use: Indoor Recreational, Business	T	Add as a new CUP use: Indoor Recreational, Business	Amendment/ Accepted
34	3.10.F.1.b		G	Item 1 buffer refers to Acc PUD. Clarify b as follows: 'When a zoning lot within the Harbor-Light Industrial District adjoins an Accawmacke Plantion PUD C district, the following...'	Accepted
36	3.10.F.6		G	4.5 should be 4.4 for outdoor lighting.	Accepted
36	3.10.F		T	We should add underground utilities to Additional Requirements?	Accepted
36	3.11.A.2		G	Delete to eat	Accepted
37	3.11.F.8		T	We agreed to delete 'or rail' and 'rail or'. Need to delete.	Accepted
38	3.12.B.1		G	Reference to Harbor should be 'Harbor-Commercial' (Changed throughout)	Accepted
39	3.12.E.2		T	References need correction: 3.12.B.2.iii to 3.12.G.b.iii 3.12 L to 3.12.I	Accepted
41	3.12.G.2.b.i 3.12.G.2.b.ii		G	five' to five foot forty' to forty foot six' to six foot five' to five foot 10 to 10'	Accepted
45	3.13.E.2 3.13.F		G	3.2 to 3.1	Accepted
46	3.14.A		G	thru to through	Accepted
46	3.14.B	To delete in Section 3.14.B, Item 35 from the C-1 district, (any use allowed in the S-C District), delete (and, (ii)), and change Item C to E.	T	The items listed as not to be applicable from C-1, having been changed. Item #35 is gone. Item C (Conditional Uses) is now Item E and has now included charging stations. Need to determine if these two items need to be modified.	Amendment/ Accepted
48	3.14.E.1.iv		G	Need to drop 'RE or' since this district has been eliminated.	Accepted
Article IV					
49	4.0.B.5		G	small to smell	Accepted
49	4.0.B.8	Add new Item 8, Home occupations must be constructed wholly within the building or structure shall not exceed 50 percent of the total floor area.	T	Need to move requirements contained in definition to new item 8. 8. Home occupations must be constructed wholly within the building or structure and shall not exceed 50 percent of the total floor area, and the residential appearance of the building or structure must be maintained. The latter part stricken is already covered in items 1 and 2.	Amendment/ Accepted

Page Number (CV)	Paragraph	Planning Commission Vote for Recommended Amendments	Change	Comment	Action
49	4.0.C	If the home-based occupation meets the above requirements and the Home-Based Occupation Affidavit is signed, zoning clearance shall be granted. Storage of travel or recreational trailers in an enclosed accessory building is permitted in any district provided that no living quarters are occupied within the trailer. Applicants shall demonstrate that the proposed fencing is consistent with the nature of and/or the security requirements of the business.		If the home-based occupation meets the above requirements and the Home-Based Occupation Affidavit is signed, zoning clearance may shall be granted.	Amendment/ Accepted
50	4.1.B1			Storage of travel or recreational trailers in an enclosed accessory building is permitted in any district provided that no living quarters are maintained occupied within the trailer.	
53	4.1.G.3		G	Applicants shall demonstrate that the proposed fencing is consistent with the nature of and the security requirements of the business.	Amendment/ Accepted
53	4.1.G.3		G	4.2 to 4.1, keep G1 and 2.	Accepted
53	4.1.J		T	We allow acc dwelling in R-3. Add R-3.	Accepted
54	4.1.J.3.c		G	4.2 to 4.1, keep J (1) and (2).	Accepted
55	4.1.L		G	No need for caps to letters	Accepted
55	4.1.L		G	No need to bold Admin review and approval.	Accepted
55	4.32		G	4.32 to 4.2	Accepted
57	4.32.D.2		Q	Are we really expecting ZA to notify TC when CUP approaches 1 year?	Discussion Held
57	4.32.E		G	No need to include (1) after one.	Accepted
57	4.32.E.5		G	Remove the item 5 number and move paragraph out to margin and number as F.	Accepted
58	4.32.F		G	Item F changed to G.	Accepted
60	4.4.3		G	Cutoff to Cut-off for consistency.	Accepted
60	4.4.4		G	Full to full	Accepted
61	4.4.4.D		T	This item limits light pole height for parking lots to 25 feet. This conflicts with 4.5.G.8 which contain 20 ft (<100 spaces) or 35 ft (>100 spaces). Need to rectify what we want.	Amendment/ Accepted
62	4.4.6		G	4.5.4 to 4.4.4	Accepted
63	4.5.B		G	The numbering for this section needs to revert back to original numbering. 1. a. b. 2. a. b. 3.	Accepted

Page Number (CV)	Paragraph	Planning Commission Vote for Recommended Amendments	Change	Comment	Action
64	Table 4.5 Item a.1	Add Item 10, Duplexes in all Residential Districts, "requires off-street parking, 1 space per each side of the duplex"	T	We now allow duplexes with parking restrictions. Therefore the min. space column should add "Duplexes in R-1 District built after () requires offstreet parking."	Amendment/ Accepted
68	4.5.E.2		Q	Should 11 feet deep be 13? That is what my notes show.	
69	4.5.G.8	Delete 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 and add the following "shall be in compliance with Section 4.4"	T	Delete 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 and add the following "shall be in compliance with Section 4.4"	Amendment/ Accepted
70	4.5.G.8		G	Reference made to Dark Sky lighting standards. Recommend adding reference at end. "(See Section 4.4)"	Accepted
73	4.5.M.1		G	4.2.G to 4.1.G	Accepted
74	4.6.B		G	4.7.C to 4.6.C	Accepted
76	4.8	Change "Satellite Dish to Communication/Data Equipment"	T	Change "Satellite Dish to Communication/Data Equipment"	Amendment/ Accepted
77	4.8.A.1	Added (no greater than 2 feet in diameter)	T	added (no greater than 2 feet in diameter)	Amendment/ Accepted
76	4.9.A	Add "If the property is located in the Historic District Overlay, then the owner must follow Section 8.21. If the property is located in the Historic Harbor Area Overlay District, then the owner must follow Section 9.21."	T	Both historic overlay and historic harbor area overlay have requirements on demolition. The edited version is different from clean version. Need to add "If the property is located in the Historic District Overlay, then the owner must follow Section 8.21. If the property is located in the Historic Harbor Area Overlay District, then the owner must follow Section 9.21."	Amendment/ Accepted
76	4.9.B	Add "If within the Historic Harbor Area Overlay District, then the owner must follow Section 9.22."	T	Need to address Historic Harbor Area Overlay District also. Add "If within the Historic Harbor Area Overlay District, then the owner must follow Section 9.22."	Amendment/ Accepted
76	4.9.B.4		G	Last paragraph is not part of item 4 and needs to be brought out to margin.	Accepted
77	4.11.a		G	panel/s to panels	Accepted
78	4.12		Q	Developments stds orginally only were contained in R-1 and CR. Do these also apply to r-2 and R-3?	Discussion Held
83-87	4.14	Added STR Ordinance Section 4.14		Superceded by adoption of ordinace language during 11/21/24 TC meeting.	Amendment/ Accepted
Article V					
92	4.0		G	Title on edited version is there but not on clean versions. Add "Section 4.0 - Permit not required"	Accepted

Page Number (CV)	Paragraph	Planning Commission Vote for Recommended Amendments	Change	Comment	Action
93	6.0.C.1.a		G	Last paragraph should be b. and indented.	Accepted
94	7.0.D.2		G	Last paragraph should be 3. and indented.	Accepted
138 edited	11.2 Wall Sign		T	For wall signs we agreed to add glass. Suggest ",including glass" at end	Accepted
139 edited	11.2 Temporary		T	Wall was changed to window in title. But definition is contained in Other column. Window is discussed under Temporary. Change Wall in title to Window and move definition into Temporary column.	Accepted
139 Edited	11.2 Temporary		Q	My notes show a change of max 3 to 5 under Temporary	Discussion Held
141 edited	11.3 Wall sign		T	For wall signs we agreed to add glass. Suggest ",including glass" at end	Accepted
142 edited	11.3 Other	Add following language, "window signs shall not exceed more than 50% of window size."	T	Window definition was added under Other but there is no criteria listed for size/number . Window is addressed at the bottom of Temporary column. Article VI	Amendment
109	6.1.4		G	Remove footnote 2	Accepted
110	6.2.1.a		G	Change chief executive officer to Town Manager	Accepted
114	6.2.4		G	Change county to town in first line	Discussion Held
114	6.2.5		G	"revised by the Cape Charles where" to "revised by the Town of Cape Charles where"	Accepted
114	6.2.6		G	Change Zoning Officer to Zoning Administrator	Accepted
114	6.2.6		G	Change "his own technical evidence if her so desires" to "their own techincial evidence if they so desire."	Accepted
115	6.3.1.A		G	2nd paragraph - The Town of Cape Charles may	Accepted
116	6.3.1.A.1.a	Changed references to be consistent throughout	T	Many references throughout to Article III and Article 4. Need to determine appropriate references. I could not figure out appropriate references.	Amendment/ Accepted
117	6.3.1.A.2.3		T	18 inches is italicied. Decision needed? Same also on page 119.	Accepted
117	6.3.1.A.2.2		G	with the Cape Charle's endorsement	Accepted
119	6.3.1.A.6.e		G	Remove footnote 10	Accepted
120	6.3.2		Q	Will we have a Floodplain District map overlay and where found? Is this the same as Flood Insurance Rate Map FIRM posted under Planning and Zoning?	Discussion Held
124	6.4.3.E.1.b		T	600 square feet is italicised. Decision needed?	Accepted
131	6.7.GG		T	Date of February 2, 1983 is underlined in red. Does this date need to be confirmed?	Accepted

Page Number (CV)	Paragraph	Planning Commission Vote for Recommended Amendments	Change	Comment	Action
Article VII					
134	7.2.A		Q	Some state statutes are underlined and others not. Do these need to be checked? If not, remove underline through entire article.	Discussion Held
134	Previous 7.3		T	All definitions were moved to Appendix for definitions except two: Agricultural Lands and Plan of Development. These are both used and need to go into the Appendix.	Accepted
134	7.3		G	Since 7.2 Definitions dropped out, all references within this article need to be changed, example 7.3.D Section 7.10 should be 7.9. Too numerous to list separately.	Accepted
Article VIII					
166	8.33		G	There are crossed out words that have remained in the clean version. Need to delete.	Accepted
Article IX					
180	9.34	Delete "in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Harbor Area Review Board." Replace with, "will rely solely on the written record of decision from the Harbor Area Review Board and will refer to the Harbor Guidelines once adopted, to determine if they were appropriately applied. The Town Council, through their appeal hearing, is determining only if a procedural or application error has occurred.	T	The part starting with "In exercising its powers" should mimic those words contained in 8.33 for HDRB appeals.	Amendment/ Accepted
181	9.38		G	"defined in Appendix A Definitions of this Ordinance" to be consistent with 8.37.	Accepted
Appendix A					
182			T	Opening paragraph needs to add Floodplain Ordinance (Article VI) . Note that there is some overlap of some definitions where wording is sometimes slightly different.	Accepted
183			Q	My notes indicated that Administrator, The Zoning Administrator wording was to change.	Accepted
183			T	Agricultural Lands needs to be re-inserted. Found in VII	Accepted
184			T	Apartment House was to be removed. Not used in any zoning ordinance.	Accepted

Page Number (CV)	Paragraph	Planning Commission Vote for Recommended Amendments	Change	Comment	Action
185		Delete, "Owner or manager is a permanent dweller residing on site."	T	Bed & Breakfast - Need to removed developmental standards found in second sentence. Should appear in Article IV.	Amendment/ Accepted
186			T	Billboard was to be removed as it is not used in ordinances.	Accepted
186		Delete Boarding Houses and Rooming House from Table 4.5	T	Boarding Houses and Rooming House was deleted but is used in Table 4.5.	Amendment/ Accepted
186			G	Building, Accessory - change 4.2(J) to 4.1(J)	Accepted
189			G	Cooperative - of the Code of Virginia	Accepted
192			G	Flood or Flodding: indent A,B and C and make smaller case. This would be consistent with Floodpain Ordinance definition.	Accepted
195			T	Home Occupation - seconde sentence was to move to 4.0 as item 8.	Accepted
198			T	Manufactured Home - this should be dropped since it is already capture under Dwelling, Manufacted Homes.	Accepted
208			G	Story, Half - remove last bullet	Accepted
210		Add Temporary Family Health Care Structure to Appendix A as follows "means a transoportable residential strucutre, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person meeting criteria state in §15.2-2292.1."	T	We address Temporary Family Health Care structures allowed by code in Article IV with state code refence. We sould add to definitions: "Temporary family health care structure means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person meeting criteria stated in §15.2-2292.1."	Amendment/ Accepted
Appendix B					
234	7.7		Q	Do we need to add to this revision list? (all of this will be revised once new document is adopted by the town council)	
Appendix C					
236	4.A		G	7.11 should be 7.10. 7.4.A should be 7.6.A.	Accepted
Appendix D					
245	6		T	"least once a week for seven days prior to" - is this correct?	Accepted
Appendix F					
267			Q	Do we need to add to this revision list? (all of this will be revised once new document is adopted by the town council)	
Appendix G					
269	1.3		G	Appendix X should be Appendix A	Accepted
Additional Changes					

Page Number (CV)	Paragraph	Planning Commission Vote for Recommended Amendments	Change	Comment	Action
		Add Spoil Site in Section 3.13 as Conditional Use		90-A-6 (Virginia Port Authority). This is going to Open Space but the table comment was that Open Space had to have text amended to add spoil site as a Conditional Use.	Amendment/ Accepted
		Add Tower Communication in Section 3.13 as a Conditional Use		83A3-A-15 (same as above)	Amendment/ Accepted
		Add Municipal Storage as a Permitted Use in Section 3.13.		83A3-A-15 (Municipal Storage) This is going to Open Space but the table noted that the text had to address Municipal Storage.	Amendment/ Accepted
				Incorporate the Town Council Amended Short Term Rental Ordinance as per the 11/19/2024 Meeting	

From: [Neville Reynolds](#)
To: [Katie Nunez](#)
Cc: [James Gunn](#)
Subject: RE: [External] Follow up info from Today's meeting
Date: Thursday, December 5, 2024 8:38:10 AM

Good morning Katie,

I've been traveling and missed your request for changes on the 3rd. Hopefully its not too late. Please include language in Harbor Light-Industrial zoning designation that allows for:

1. Port facilities and bulk handling and storage of materials such as stone, sand, timber, steel, etc.
2. Manufacture and repair of vessels such as concrete floating docks, barges and ships.

These are things included in the M2 zoning and were the basis of property purchase and development. We want to ensure that these uses are granted by-right.

Thank you for your consideration.

Regards,
Neville

R. Neville Reynolds, PWS

Senior Principal

P [757.279.2825](tel:757.279.2825) | M [804.695.4344](tel:804.695.4344)

www.vhb.com

From: Katie Nunez <knunez@capecharles.org>
Sent: Monday, December 2, 2024 5:33 PM
To: Neville Reynolds <RREYNOLDS@VHB.com>
Cc: James Gunn <jjim@coastaldesign.net>
Subject: [External] Follow up info from Today's meeting

Neville & Jim:

Below are the links to the proposed Cape Charles Zoning Ordinance – one is the clean copy with all proposed changes incorporated and the other shows all of the proposed changes (deletions, additions, etc). If there is any chance you can get me your proposed suggestions of uses to be added or clarified for the Harbor-Light Industrial Zoning District by end of tomorrow (Tuesday, December 3, 2024), then I can provide it to the Planning Commission for their consideration as well as to the Town Council at their meeting on December 19, 2024.

I have also attached the subdivision application form as well. Let me know if you need anything else.

Proposed Cape Charles Zoning Ordinance:

<https://www.capecharles.org/docview.aspx?doctype=fd&docid=31811>

Proposed Cape Charles Zoning Ordinance REDLINED:

<https://www.capecharles.org/docview.aspx?doctype=fd&docid=31804>

Katie

Katie H. Nunez, Planning Director & Zoning Administrator

Town of Cape Charles

2 Plum Street, Cape Charles VA 23310

757-331-2036 (office) | 757-695-0787 (cell)

www.capecharles.org

knunez@capecharles.org

CHART OF ZONING MAP AMENDMENTS 2024-02 thru 84

ZMA #	TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING
2024-02	90-19-B	Owner: Town of Cape Charles 16.21 acres or 706,161.78 sq. ft. Off Old Cape Charles Road- & Cassatt Parkway	RE	R-3
2024-03	90-19-B1	Owner: Virginia American Water Company (VAW) 1.44 acres or 62,729.79 sq. ft. Known as the Keck Well Site	RE	Open Space (OP)
2024-04	90-3-A2	Owner: Donald Lee 1.55 acres or 67,693.49 sq. ft. 2449 Old Cape Charles Road	RE	R-3
2024-05	90-12-Y	Owner: Brian Chandler Burke 1.1 acres or 47,857.32 sq. ft. 2461 Old Cape Charles Road	RE	R-3
2024-06	90-12-Z	Owner: Spath Squared LLC 1.1 acres or 47,934.02 sq. ft. Old Cape Charles Road	RE	R-3
2024-07	90-A-6	Owner: The Virginia Port Authority 44.41 acres or 1,934,450.76 sq. ft. Pit for Beach Dredging Spoils Site	M-1	Open Space
2024-08	90-A-90-A-4C	Owner: Commonwealth of Virginia Department of Conservation & Recreation 21.62 acres or 941,701.49 sq. ft.	GBI-H-1	Open Space
2024-09	90-13-A	Owner: Commonwealth of Virginia Department of Conservation & Recreation 21.48 acres or 935,546.37 sq. ft.	Harbor	Open Space
2024-10	90-A-1A6	OWNER: Cherrystone investments, LLC 1.85 acres or 80,577.68 sq. ft.	Harbor	Harbor – Light Industrial
2024-11	90-8-1A4	OWNER: Northampton County Board of Supervisors 2.18 acres or 94,766.52 sq. ft.	GBI-H1	Harbor – Light Industrial
2024-12	90-8-1A3	OWNER: Cape Charles Properties, LLC 8.38 acres or 365,221.75 sq. ft.	GBI-H1	Harbor – Light Industrial
2024-13	90-20-1	OWNER: Fujifilm Wako Chemicals USA Corporation 301 Patrick Henry Ave. 2.75 acres or 119,701.17 sq. ft.	Harbor	Harbor – Light Industrial
2024-14	90-8-1A1	OWNER: Cape Charles Properties, LLC 11.79 acres or 513,729.51 sq. ft.	GBI-H1	Harbor-Light Industrial
2024-15	90-8-1A5	OWNER: Cape Charles Properties, LLC 56.02 acres or 2,440,242.97 sq. ft.	GBI-H1	Harbor- Light Industrial
2024-16	90-A-1B	OWNER: Upfront Storage, LLC 5 acres or 217,639.59 sq. ft.	GBI-H1	Harbor – Light Industrial
2024-17	90-A-1A	OWNER: Cape Charles Properties, LLC 18.13 acres or 789,711.55 sq. ft.	GBI-H1	Harbor – Light Industrial
2024-18	83A3-11-2	OWNER: Cape Harbor Holding Company, LLC 1101 Bayshore Lane 17.18 acres or 784,426.9 sq. ft	M-2	Harbor – Light Industrial
2024-19	83A3-11-1	OWNER: Cape Harbor Holding Company, LLC 2.52 acres or 109,751.96 sq. ft.	Harbor	Harbor – Light Industrial
2024-20	83A3-A-20	OWNER: Cape Marine Services, LLC 1021 Bayshore Road 1.6 acres or 69,610.36 sq. ft.	Harbor	Harbor- Light Industrial
2024-21	83A3-A-19	OWNER: Cape Marine Services, LLC 1011 Bayshore Road 1.42 acres or 61,991.94 sq. ft.	Harbor	Harbor – Light Industrial
2024-22	83A3-A-19A	OWNER: HUSH HUSH LLC 1011 Bayshore Road 5,605 square ft.	Harbor	Harbor - Commercial
2024-23	83A3-A-12	OWNER: Cape Marine Services .99 acres or 43,274.03	Harbor	Harbor – Light Industrial
2024-24	83A3-A-11	OWNER: Coast Guard Yacht Center 1 Marina Way 2.2 acres or 95,637.52	Harbor	Harbor – Light Industrial
2024-25	83A3-A-17	OWNER: Cape Marine Services, LLC 1100 Bayshore Rd. 12.6 acres or 547,500.56 sq. ft.	Harbor	Harbor – Light Industrial
2024-26	83A3-A-15	OWNER: CTI TOWERS ASSETS II LLC 1.72 acres or 74,866.29 sq. ft.	Harbor	Open Space
2024-27	83A3-A-13	OWNER: CTI TOWERS ASSETS II LLC .26 acres or 11,283.33 sq. ft.	Harbor	Open Space
2024-28	83A3-A-14D	OWNER: Cape Charles Rosenwald School Restoration Initiative, Inc Old Cape Charles Road 8.72 acres or 379,843.33 sq. ft.	Harbor	Commercial-1
2024-29	90-A-9	OWNER: Canonie Atlantic Company 28.94 acres or 1,260,667.69 sq. ft.	M-2	PUD
2024-30	83A3-A-14C	OWNER: Town of Cape Charles 2.72 acres or 118,361.03 sq. ft.	Harbor	Commercial-1

ZMA #	TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING
2024-31	83A3-A-14A	OWNER: Town of Cape Charles 1.43 acres or 62, 436.83 sq. ft,	Harbor	Open Space
2024-32	83A3-A-14B	OWNER: Virginia American Water (VAW) 500 Bayshore Road 4.72 acres or 205,442.13 sq. ft.	Harbor	Open Space
2024-33	83A4-A-24	OWNER: Wilhemnia Bosse .46 acres or 20,253.43 sq. ft.	Harbor	Commercial-1
2024-34	83A3-A-9	OWNER: Canonie Atlantic Company 42.15 acres or 754,170.41 sq. ft.	Harbor	Harbor- Commercial for bulk of parcel except Commercial-1 (for approx.. 2,085 sq. ft along Mason Avenue between Peach St. and Nectarine St. for a depth southward of 120 feet)
2024-35	83A3-A-10	OWNER: Town of Cape Charles 17.31 acres or 118,361.03 sq. ft.	Harbor	Harbor- Commercial
2024-36 2024-37	83A3-A-5 83A3-A-5A	OWNER: Cape Charles RF, LLC 7.26 acres or 312,100.06 sq. ft. 1.271 acres or 43,522.18 sq. ft.-	Harbor	Harbor- Commercial
2024-38	83A3-2-2-88 83A3-2-2-87 83A3-2-2-84	OWNER: 1 Mason Avenue, LLC 1 Mason Avenue 16,880 sq. ft.	Harbor	Harbor- Commercial
2024-39	83A3-A-6	OWNER: Port of Cape Charles Development Corp 216 Mason Avenue .48 acres or 21,065.86 sq. ft	Harbor	Commercial-1
2024-40 2024-41 2024-42 2024-43 2024-44 2024-45 2024-46 2024-47 2024-48 2024-49 2024-50 2024-51 2024-52 2024-53 2024-54 2024-55 2024-56 2024-57 2024-58	83A3-4- XXXX 83A3-4-220BO 83A3-4-222BO 83A3-4-224BO 83A3-4-226BO 83A3-4-228BO 83A3-4-230ABO 83A3-4-230BBO 83A3-4-230CBO 83A3-4-230DBO 83A3-4-230EBO 83A3-4-230FBO 83A3-4-230GBO 83A3-4-230HBO 83A3-4-230IBO 83A3-4-232BO 83A3-4-234BO 83A3-4-238BO 83A3-4-240BO	OWNER: VARIOUS OWNERS 220 – 236 Mason Avenue & 230 Mason Avenue (CONDO BUILDING) 28,604 sq. ft or .66 acres	Harbor	Commercial-1
2024-59 2024-60 2024-61 2024-62 2024-63 2024-64 2024-65 2024-66 2024-67 2024-68 2024-69 2024-70 2024-71 2024-72 2024-73 2024-74 2024-75 2024-76 2024-77 2024-78 2024-79 2024-80 2024-81 2024-82 2024-83 2024-84	83A3-4-3001ABO 83A3-4-3001BBO 83A3-4-3001CBO 83A3-4-3001DBO 83A3-4-3002ABO 83A3-4-3002BBO 83A3-4-3002CBO 83A3-4-3002DBO 83A3-4-3002EBO 83A3-4-3002FBO 83A3-4-3002GBO 83A3-4-3002HBO 83A3-4-3003ABO 83A3-4-3003BBO 83A3-4-3003CBO 83A3-4-3003DBO 83A3-4-3003EBO 83A3-4-3003FBO 83A3-4-3003GBO 83A3-4-3003HBO 83A3-4-300A 83A3-4-300B 83A3-4-300C 83A3-4-300D 83A3-4-300E 83A3-4-300F	OWNER:VARIOUS OWNERS (CONDO BUILDING) 28,757 sq. ft. or .66 acres 300 Mason Avenue	HARBOR	Commercial-1



Town Council Amended Short Term Rental Ordinance

Deletions appear as ~~Strikethroughs~~

Additions appear as **Red Italic**

Additions needing confirmation appear as **Gold Italic**

TOWN OF CAPE CHARLES ZONING ORDINANCE

ARTICLE II - GENERAL PROVISIONS

Section 2.9 Definitions

Add “Operator means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.”

Add “Short-term rental means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. This does not include a hotel, motel or bed and breakfast.

Zoning: Article III District Regulations

Section **3.1** Residential District R-1

Add new Section 3.1. C Accessory Uses ~~Conditional Uses~~

1. Short-term Rental in accordance with Section 4.14

~~Any short-term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.~~

Section **3.2** Residential Mixed District R-2

In Section **3.2.C Accessory Uses** ~~Conditional Uses~~

1. Add 6. Short-term Rental in accordance with Section 4.14

~~Any short-term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.~~

Section **3.3** Residential Multi-Family District R-3

In Section **3.3.C Accessory Uses** ~~Conditional Uses~~

1. Add 9. Short-term Rental in accordance with Section 4.14

~~Any short term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.~~

Section **3.4** Commercial Residential CR

Add new Section 3.4.C Accessory Uses Conditional Uses

1. Short-term Rental in accordance with Section 4.14

~~Any short term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.~~

Section **3.5** Commercial District C-1

In Section 3.5.D Accessory Uses Conditional Uses

1. Add 4. Short-term Rental in accordance with Section 4.14

~~Any short term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.~~

Section **3.6** Commercial District C-2

Add new Section 3.6.C Accessory Uses Conditional Uses

1. Short-term Rental in accordance with Section 4.14

~~Any short term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.~~

Section **3.7** Commercial District C-3

Add new Section 3.7.C Accessory Uses Conditional Uses

2. Short-term Rental in accordance with Section 4.14

~~Any short term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.~~

Section **3.8** Harbor District

Add new Section 3.8.C Accessory Uses Conditional Uses

1. Short-term Rental in accordance with Section 4.14

~~Any short term rental (STR) that possessed a valid Town business license, certificate of rental occupancy and inspection, and remitted transient occupancy taxes to the Town during the twelve (12) months immediately preceding the effective date of this ordinance is considered grandfathered, but must meet the conditions of Section 4.12.~~

Section **3.13** Bay Crossing Planned Unit Development (Bay Crossing PUD)

Add to:

B. Permitted Uses. The following uses shall be permitted by right, subject to the yard, height, coverage and density requirements contained herein: all uses permitted by-right and as accessory uses in the R-3 District **except short-term rentals**, and Electric Vehicle Charging Station(s). Notwithstanding the foregoing, the following items from the Zoning Ordinance shall not be applicable (i) Item #35 from the C-1 District (any use allowed in the S-C District) and (ii) Item C from the C-1 District.

Zoning: Article IV General Regulations Applicable to All Districts

Section **4.1** Exceptions to the Regulations:

Section **4.1.J** Accessory Dwellings

#2. Occupancy characteristics

Amend by adding a. Length of stay – ***Accessory Dwelling Units may not be rented as a short-term rental.*** An accessory dwelling unit may be occupied by any person or persons for a period no less than thirty (30) consecutive calendar days either paying a fee for such occupancy at his own expense or at the expense of another (30-day rental or greater). Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles, the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested in writing.

Section 4.5 Off-Street Parking and Loading Standards

Section 4.5 (B) (3) (a) (9) – the Table on Minimum Parking Space Requirements

Amend by deleting: 9. Bed and breakfasts, ~~other temporary residences renting by the day or week~~

ADD New Section: 4.14 Short-Term Rental (STR) Regulations

A. Purpose and intent

1. The purpose and intent of this section is to regulate Short-term rentals (STRs). STRs are common in America today, including in the town. However, given that they are commercial uses which must co-exist with residential uses, and often in neighborhoods not designed for commercial activity, limits and regulations are needed. This article is intended to provide the requirements to allow these certain limited commercial uses in town zoning districts containing residential uses per Article III.

2. The regulations for short-term rentals are designed to accommodate an STR owner's and operator's limited commercial use in a way that is safe for the guest, meets town requirements, does not change the character of the town, and fits in with the districts in which STRs operate.

3. This Section is intended to work in tandem with the town's business license requirements as contained in the Town Code, as a measure for the town to monitor the number of STRs and enforce regulations.

4. Owners and operators are allowed a one-year grace period, from the date Zoning Ordinance No. 20241121A is adopted, to come into compliance, **and pay the zoning permit fee**. However, this grace period is not intended to limit or change existing rules, ~~and~~ regulations, **or fees**, including but not limited to requirements to obtain a business license, pay taxes, and comply with the building code.

B. Permitting Requirements

1. A short-term rental unit shall not be operated until an annual business license is issued in accordance with Town Code Chapter 18, Article II by the Finance Department.

2. A short-term rental unit shall not be operated until a Short-Term Rental (STR) zoning permit is issued by the Planning Department, **who shall have ninety (90) days to act on an application**. The application for a zoning permit will require, as a minimum, the following:

- a. Name of owner and operator of the short-term rental property
- b. Address of the short-term rental property
- c. Town business license number
- d. For operators that are a lessee or sublessee, an attestation that the property owner has granted permission for use of such property as a short-term rental
- e. Contact information for all owner(s), operator(s), and property management companies (if applicable), to include: names, telephone numbers, mailing addresses, and e-mail addresses. If ownership is via partnership or corporation, a list of all partners, officers, and shareholders (as appropriate) must be provided with the same contact information
- f. Contact information, for a 24 hour/7 day a week contact who is the responsible party to address immediate concerns associated with a short-term rental, and who has the authority to act as the owner's and operator's agent; **and certification that this contact information has been provided to all current adjacent property owners each permit period**
- g. If the property is governed by a homeowners' or condominium association, proof that authorization to operate the short-term rental was provided by the homeowners' or condominium association
- h. Certification that Town prepared STR training information has been reviewed annually
- i. **Certification of a town site review to determine the availability of off-street parking**

3. Short-term rental zoning permits will be valid for one year and may be renewed each subsequent year, if there were no permit violations, and upon approval of the associated annual business license and re-inspection.

4. Any change to information on the short-term rental zoning permit application will require notification to the Planning Department within 10 business days.

5. Any change in ownership of the property or short-term rental owner or operator will require a new application for the business license, short-term rental zoning permit, and inspection within 20 business days.

6. An owner (which includes, but is not limited to, corporations or partnerships, and entities or individuals that are stockholders, members or partners in corporations, companies, or partnerships) may only operate up to five short-term rental units within the entire town.

7. An operator is not prohibited from offering a property as a short-term rental solely on the basis that such operator is a lessee or sublessee, provided that the property owner has granted permission for such property's use as a short-term rental. However, a lessee or sublessee is limited to one short-term rental within the town. An operator will be required to meet any subleasing requirements, if any, from any applicable homeowner's or condominium association.

C. Additional Requirements

1. Every short-term rental is required to submit transient occupancy tax (TOT) in accordance with Town Code Chapter 18, Article V.

1. Short-term rentals are only permitted in those districts as specified in Article III.

3. Simultaneous short-term rentals under separate contracts in the same dwelling are prohibited.

4. Parking: The town will conduct a site review for each STR to determine if off-street parking is available. If the town determines that off-street parking is available, such spaces shall be designated, signed, and used by that STR's clients. No negative consequence pursuant to this requirement shall result against an STR zoning permit application if the town determines that off-street parking is unavailable.

5. Commercial gatherings providing direct or indirect compensation, including but not limited to luncheons, banquets, parties, weddings, charitable fund-raising, commercial or advertising activities, or other similar occurrences are prohibited.

6. Occupancy: There shall be no more than two lodgers per bedroom, plus two; with the maximum number of overnight lodgers per dwelling being no greater than ten. Occupancy shall not exceed any limit set by the *Virginia Uniform Statewide Building Code (VA USBC)* or local building code official. *This shall be identified as the Base Occupancy for STRs (BOSTR).*

Occupancy of greater than above may be approved ~~through a Conditional Use Permit~~, provided, the property can accommodate sufficient off-street parking *consisting of one spot for every two additional lodgers over the base occupancy for STRs (BOSTR)*, the property meets any other life safety requirements as may reasonably be required for such higher occupancy, and the property ~~does~~ *will* not exceed the *VA USBC* or local building code official limitations.

The town retains the right to investigate violations and complaints of permit violations, and to periodically contact STR lodgers to determine occupancy. If town investigators determine that a violation has occurred, notice of such violation will be provided to the STR zoning permit holder or agent who will be responsible to cure the violation.

7. The business license and emergency information must be conspicuously posted inside each rental, including the 24/7 contact information for the STR responsible party.

8. Signage is to comply with Article IV, Section 4.1.

9. *Refuse requirements: one- and two-bedroom dwelling units used as short-term rental units will require one trash receptacle; three- or four-bedroom units will require two receptacles; **five or more bedrooms will require three receptacles.** ~~or more as may be required by a Conditional Use Permit.~~ Owners and operators are required to maintain the receptacles so that they do not overflow.*

10. *Lodgers and their guests will be required to observe noise requirements contained in Town Code Chapter 20, Article I, Section 20-3.*

11. *Safety Equipment: Operable smoke detectors, fire extinguishers, and carbon monoxide detectors shall be present in compliance with the Virginia Uniform Statewide Building Code.*

12. *Under no circumstances shall the issuance of a certificate of zoning compliance (permit for short-term rental) by the Administrator (town) be construed as abrogating, nullifying or invalidating any other provision of Federal, State or local law: any deed covenant or property right; or any homeowners' or condominium association bylaw, or rule.*

D. Inspections

1. *An initial inspection will be required for all short-term rentals in accordance with Town Code Chapter 8, Section 8-4.*

2. *An annual re-inspection by the building code official or designee is required when filing for a short-term rental business license renewal.*

3. *The Building Code Official or designee maintains the right to inspect a short-term rental, based on complaints or reasonable suspicion, to verify that the rental is being operated in accordance with the Virginia Uniform Statewide Building Code, the permit, and other applicable laws and regulations.*

E. Violations

1.A *Short-Term Rental (STR) zoning permit may be denied for any of the following violations:*

- a. *Failure to obtain/maintain a town business license*
- b. *Failure to pay all town real property taxes*
- c. *Failure to pay all business taxes from the prior year*
- d. *Failure to file and pay (if applicable) payment of transient occupancy taxes due the town for the previous three months or more*
- e. *Falsifying town forms or applications*
- f. *Failure to provide responsive actions to issues raised to the 24/7 contacts, as determined through town investigations*
- g. *Two violations of safety/building code requirements within the same calendar year, that are not cured following reasonable notice*
- h. *Two violations of occupancy limits within the same calendar year, that are not cured following reasonable notice*

Reasonable notice is satisfied when an authorized town official notifies the zoning permit holder or agent of a condition violating requirements of this section, and 24 hours pass without resolution of the violation.

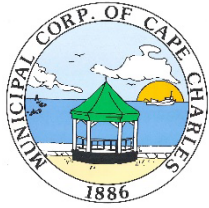
Note: individual nuisance or noise violations will be issued directly to the offending party in addition to any consequence to the zoning permit holder.

Violations may be investigated by the Town Manager, Treasurer, Zoning Administrator, Building Code Official, Police Chief or their designees as appropriate. Once investigated, violations pursuant to this section will be issued by the Zoning Administrator.

2. An owner or operator, whose Short-Term Rental (STR) zoning permit has been denied pursuant to this Section, shall not be eligible to obtain another STR zoning permit for the subject short-term rental for the entire succeeding calendar year. Thereafter, the owner or operator will be required to apply for a new business license, STR zoning permit, and an inspection.

3. Before the denial of Short-Term Rental (STR) zoning permits is made effective, the town shall give written notice to the short-term rental owner or operator as noted on the STR zoning permit. The notice of permit denial under the provisions of the section shall contain:

- a. A description of the violations constituting the basis of the denial, suspension or revocation;***
- b. If applicable, a statement of acts necessary to correct the violation(s): and***
- c. A statement that the owner may have a right to appeal the notice of a permit denial within 30 days in accordance with Code of Virginia Section 15.2-2311 (A) and that the decision of permit denial shall be final and unappealable if not appealed within 30 days.***



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Ordinance 202401219B – Updating the municipal code to account for short-term rentals

AGENDA DATE
December 19, 2024

SUBJECT/PROPOSAL/REQUEST: Approval of Ordinance 202401219B

ITEM NUMBER:
8C

ATTACHMENTS: Ordinance 202401219B

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
John Hozey, Town Manager

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

As part of a nearly two-year-long effort to establish regulations for the operation of short-term rentals (STRs) in town, many proposals were brought forward and recently approved in the Town’s zoning ordinance. However, while the bulk of these regulations reside in the zoning ordinance, a few house-keeping items need to reside in the regular municipal code. The items identified in this ordinance will complete the full package of STR regulations as previously discussed.

ITEM SPECIFICS:

Chapter 24 – Solid Waste: The new zoning STR ordinance requires STRs with more than two bedrooms to have a second trash container. The new provision in this ordinance would allow that second container to be removed if the unit was not used as an STR for more than 90 days. Also, Since we needed to address this chapter to accommodate the above, we are using this opportunity to also perform a chapter-wide general update. This update includes changes in process that have occurred over the years, as well as some terminology and phrasing changes. We’ve also updated the fine for a violation from \$20 to \$40 (last changed in 2000).

Chapter 8 – Buildings and Building Regulations: The primary change here is to specify where rental inspections will be required so that they align with all areas now authorized to operate STRs under the new zoning ordinance.

Chapter 18 - Licenses, Taxation, And Miscellaneous Regulations: This addition just adds STRs to the list of businesses for licensing purposes.

RECOMMENDATION:

Staff recommends approval of Ordinance 20241219B.

ORDINANCE 20241219B
REVISION OF TOWN CODE SECTIONS RELATED
TO SHORT-TERM RENTALS

WHEREAS, over the last two years, the Cape Charles Town Council and staff have been working to establish regulations for the operation of short-term rentals within the town's limits; and

WHEREAS, while the bulk of these regulations reside in the Cape Charles Zoning Ordinance, it is necessary for several items to be included in the Cape Charles Town Code in Chapter 8 – Buildings and Building Regulations, Chapter 18 – Licenses, Taxation, and Miscellaneous Regulations, and Chapter 24 – Solid Waste; and

WHEREAS, the items identified in these chapters will complete the full package of the short-term rental regulations; now

THEREFORE BE IT ORDAINED by the Town Council of Cape Charles, this 19th day of December, 2024, that Chapters 8, 18 and 24 the Cape Charles Town Code be revised per the attached.

Adopted by the Town Council of Cape Charles on December 19, 2024.

By: _____
Mayor

ATTEST:

Town Clerk

Chapter 8 - BUILDINGS AND BUILDING REGULATIONS

Modify Sec. 8-4. - Rental certificates of occupancy.

There is hereby adopted an inspection process and certificate of occupancy issuance for residential rental properties ~~within the town limits of the town~~ within R-1, R-2, R-3, Harbor, C-1, C-2, C-3, CR, or the Accawmacke Plantation PUD. No owner, agent, or person in charge of a dwelling unit in the town shall allow any person to occupy the dwelling unit as a tenant or lessee or for a valuable consideration unless such dwelling unit shall have been inspected immediately prior to occupancy and shall have been determined to be in compliance with the provisions of this article and the Virginia Uniform Statewide Building Code (USBC). Failure to obtain such inspection shall be considered a violation of this article and shall result in a penalty, as set out in section 8-5. Each day in which the owner, agent, or person in charge fails to obtain an inspection after occupancy shall be considered a separate offense. Such compliance shall be evidenced by a rental certificate issued by the town. No such inspection shall be required within 365 days of the date of the last rental certificate of occupancy. A new certificate of occupancy may be required every two calendar years in the event the same tenant remains for two or more years. Dwellings used as short-term rentals will require an inspection annually.

Modify Sec. 8-5. - Penalty for violation.

(a) A violation of the requirements in section 8-4 is punishable by a civil penalty as indicated in this section.

(1) Failure to obtain rental certificate of occupancy:

- a. First offense: \$100.00.
- b. Each subsequent offense: \$150.00.

(b) Each 10 days during which a violation is found to exist shall be a separate offense; however, ~~in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in a ten day period and~~ in no event shall a series of such violations result in civil penalties of more than \$3,000.00.

Modify Sec. 8-6. - Issuance of certificates.

(a) In order to implement the provisions of section 8-4, the owner, agent or other person authorized to rent a dwelling unit (hereinafter referred to as the applicant) shall request in writing from the code official a prompt inspection of such dwelling or dwelling unit. This inspection shall be conducted within ~~five~~ twenty business days of the written request unless a temporary waiver is granted to the applicant. If such inspection establishes that the dwelling or dwelling unit complies with all of the provisions of this article, there shall be issued a rental certificate of occupancy indicating the maximum number of occupants who may lawfully occupy it under the provisions of this article. One copy of such certificate shall be given to the applicant and a second copy shall be posted by the inspector inside the main entrance door of the certified premises or in a conspicuous place nearby and shall not be removed by or at the direction of anyone other than the tenant.

(b) A request for inspection for a dwelling unit used as a short-term rental will occur upon initial application of a business license and short-term rental zoning permit or for an annual business license renewal.

~~(b)(c)~~ Failure on the part of the building official to award a certificate due to specific violations of this article is not inclusive evidence that a violation of Virginia Residential Landlord and Tenant Act (Code of Virginia, § 55.1-1200 et seq.) has occurred.

Sec. 8-7. - Reinspection.

If a dwelling or dwelling unit fails to comply with the provisions of this article, the building code official shall furnish the applicant with a written list of specific violations. The violations will be corrected prior to issuance of a certificate of occupancy and the premises being occupied.

Chapter 18 - LICENSES, TAXATION, AND MISCELLANEOUS REGULATIONS

ARTICLE II. - BUSINESS AND PROFESSIONS LICENSE TAX

DIVISION 1. – GENERALLY

Sec. 18-41. - Application.

(a) Application for a license required by this chapter shall be filed in the office of the town treasurer. The treasurer shall complete the application form fully, including all such information as the town treasurer may require.

(b) All applications for licenses must be filed by January 31 of each year.

(c) Every applicant for a license to conduct any business, profession, trade or occupation under the provisions of this chapter shall furnish the town clerk, in writing, with the applicant's correct residence address, the nature of the business, profession, trade or occupation to be pursued, the name of the business, the place where it is to be pursued and, where specified in this chapter, a record of gross receipts or expenditures or gross purchases, verified by oath, for the next preceding year, on forms prescribed by the town treasurer. In the event of a failure or refusal to file with the town clerk the information necessary to enable the town clerk to assess a license tax on the basis provided by this chapter, the town clerk shall not issue the license or assess the tax until all necessary information has been filed to enable the town clerk to assess the tax.

Sec. 18-42. - License as personal privilege.

Every license issued under this chapter shall be deemed to confer a personal privilege to transact, carry on or conduct the business, profession, trade or occupation in the town, and such privilege shall not be exercised except by the person licensed. Transfer of such license, except as authorized in this chapter, shall be invalid and shall not relieve the transferee from the obligation of procuring a license in accord with the provisions of this chapter.

Sec. 18-43. - Display or carrying of license.

(a) The license form or sign issued to show payment of the license taxes imposed by any section of this chapter shall be displayed in a conspicuous place at the regular place of business of the licensee and shall be produced by the licensee on the request of any authorized enforcement officer of the town.

(b) Any licensee who maintains no regular place of business shall carry, on or about said licensee's person, the license form or sign issued to show payment of the license tax, which license form shall be produced by the licensee on request of any authorized enforcement officer of the town.

Sec. 18-44. - Tax year.

The license tax year shall run from January 1 to December 31 of each calendar year.

DIVISION 2. - LICENSE TAX SCHEDULE

Modify Sec. 18-84. - Financial, real estate and professional services.

(a) The license tax imposed on a person engaged in a financial, real estate or professional service is as established by the town.

(b) Any person rendering a service for compensation in the form of a credit agency, an investment company, a broker or dealer in securities and commodities or a security or commodity exchange, unless such service is specifically provided for under another section of this article, is engaged in a financial service, for the purposes of

this section. Those deemed to be engaged in rendering financial services include, but are not limited to, those engaged in the following:

- (1) Buying installment receivables.
- (2) Chattel mortgage financing.
- (3) Consumer financing.
- (4) Credit card services.
- (5) Factors.
- (6) Financing accounts receivable.
- (7) Industrial loan companies.
- (8) Installment financing.
- (9) Loan or mortgage companies.
- (10) Loan or mortgage brokers.
- (11) Safety deposit box companies.
- (12) Security and commodity brokers and services.
- (13) Stockbrokers.
- (14) Working capital financing.

Any person, other than a national bank or bank or trust company organized under the laws of the state, or a duly licensed and practicing attorney at law, who engages in the business of buying or selling for others, on commission or for other compensation, shares in any corporation or bonds, notes or other evidences of debt is a stockbroker. The fact that orders are taken subject to approval by a main office does not relieve the broker from license taxation under this section. Also, an insurance company engaged in selling mutual funds is a broker as to that portion of its business.

(c) For the purposes of this section, any person rendering a service for compensation as lessor, buyer, seller, agent or broker, is providing a real estate service, unless such service is specifically provided for under another section of this article. Those deemed to be rendering real estate services include, but are not limited to:

- (1) Real estate agents, brokers and managers.
- (2) Appraisers of real estate.
- (3) Escrow agents, real estate.
- (4) Fiduciaries, real estate.
- (5) Rental agents for real estate.
- (6) Real estate selling agents.
- (7) Lessors of real property.

(8) Owners operating short-term rentals

Chapter 24 SOLID WASTE¹

ARTICLE I. IN GENERAL

Sec. 24-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ashes means the residue resulting from the burning of coal and other fuels, or any other items.

Building and construction materials means any material such as lumber, wire, pilings, sheetrock, shingles, brick, plaster, gutters, pipes, concrete, asphalt, stones, topsoil, dirt, dredge spoil, or other substances accumulated as a result of the construction, repair, alteration, or demolition of infrastructure, including, but not limited to, buildings, highways, utilities, streets, sidewalks, or similar structures, dredging, or land-clearing activities.

Bulk container, dumpster means a metal receptacle or container designed and constructed for the storing of garbage and other permitted refuse until its collection for disposal. Said receptacle or container shall be not less than four cubic yards nor larger than eight cubic yards, made of watertight construction with doors opening on two sides and/or top, and constructed so that it can be emptied mechanically by specially equipped trucks.

Bulky refuse means items of refuse such as stoves, refrigerators, and other large appliances, furniture, bedding, mattresses, brush, vegetative waste, motor vehicle parts, tires, and similar items which are acceptable for collection by the town but which because of their size, bulk, or weight require special collection procedures and fees other than those required and provided for garbage and rubbish.

Business trash means any waste accumulation or dust, paper and cardboard, excelsior, rags, or other accumulations, other than hazardous waste, garbage, or household refuse, which are usually attendant to the operation of stores, offices, and similar businesses.

Commercial refuse means the refuse generated, produced, or accumulated upon commercial establishments.

Container means a receptacle designed and required or permitted by this chapter for the purpose of storing garbage and rubbish until its collection for disposal.

Debris means trash, junk, discarded or abandoned parts of vehicles, appliances or machinery, and shall include, but is not limited to, the open outdoor storage of personal property of any kind, such as appliance parts, furniture, interior or exterior equipment or machinery, antiques, collectables, glassware and crockery, or any other material or substance which may provide a harbor for snakes, rats, or any other animals or any condition which may be a fire hazard or breeding place for mosquitoes, give off obnoxious or offensive odors, or endanger the health or safety of the residents of the town. The term "debris" shall not include any of the above property openly stored in a junkyard as defined and permitted pursuant to the zoning ordinance.

Garbage means the byproduct of animal or vegetable foodstuffs resulting from the handling, preparation, cooking, and consumption of food or other material which is subject to decomposition, decay, putrefaction, or the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for insects or animals.

Hazardous waste means any substance, material, solid waste, or combination of solid waste which, because of its quantity, concentration or physical, chemical or infection characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or

¹State law reference(s)—Virginia Waste Management Act, Code of Virginia, § 10.1-1400 et seq.; waste and recycling, Code of Virginia, § 15.2-927 et seq.

- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

For purposes of this chapter, the term "hazardous waste" shall include, but is not limited to, materials such as poison, acids, asbestos material, caustics, chemicals, infectious materials, offal, fecal matter, biological materials, petroleum, petroleum products, flammable materials, compressed gases, radioactive materials, and explosives.

Household trash means every waste accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

Industrial waste means all waste, including solids, semi-solids, sludges, and liquids, created by factories, processing plants, or other manufacturing enterprises.

Occupied premises means any premises being put to actual use, as distinguished from idle or vacant premises, or premises where human beings work or live as a usual place of abode.

Out of view of the public means stored behind the plane of the front wall of the residence or building being serviced, except when otherwise designated by necessity by the town manager or the manager's designee.

Public container means a container for general, intermittent use only for refuse generated, produced, or accumulated in public spaces.

Refuse means all putrescible and nonputrescible solid waste accumulations, whether combustible or noncombustible, consisting of garbage, rubbish, small dead household pets, household trash, vegetative waste, yard trash, and business trash as herein defined, and other discarded materials resulting from industrial, commercial, domestic, and community activities, but excluding hazardous refuse, body wastes, and the sludges, screenings, pumpings, and residue from cesspools, septic tanks, and sewage.

Residential refuse receptacle means a metal or plastic container for refuse, of substantial construction, with a tight-fitting lid, and provided with wheels or handles sufficient for safe and convenient handling for collection.

Rubbish means all nonputrescible solid refuse or waste consisting of both combustible and noncombustible wastes, such as household trash, yard waste, street sweepings, and discarded materials, but excluding garbage, bulky refuse, vegetative waste, dead animals, and refuse not acceptable for collection by the town under this chapter, such as hazardous refuse, construction, or demolition materials and debris, motor vehicles, body wastes, and the sludges, screenings, pumpings, and residue from cesspools, septic tanks, or sewage.

Small dead animals means dead cats, dogs, small household pets, and other animals of similar size.

Unoccupied premises means any premises not being put to some actual use or vacant or idle or upon which no person works or lives as such person's usual place of abode.

User or applicant means the owner or occupant of the property.

Vegetative waste means waste accumulation of tree branches, tree limbs, parts of trees, bark, roots, stumps, bushes, or shrubbery generated by yard and lawn care or land-clearing activities.

Yard waste, yard trash means waste accumulations of lawn, grass, or shrubbery cuttings or clippings and dry leaf rakings, all of which shall be free of dirt, rocks, large branches, and bulky or noncombustible material.

(Code 2002, § 58-1; Ord. of 2-8-2000; Ord. No. 20111110, 10-11-2011)

Sec. 24-2. Administration and enforcement of chapter.

- (a) *Duty of town manager.* The administration and enforcement of the provisions of this chapter, including provisions for refuse collection through the town, by both private contractors and the town, shall be the duty of the town manager and the manager's designee.
- (b) *Notice of violation, summons—Authority to issue.* All provisions of this chapter shall be enforced by the town manager or the manager's designee; provided, however, that sections 24-7, 24-8, 24-10, and 24-11 may also be enforced by police officers and building/code enforcement officials. In their enforcement of this chapter,

such code enforcement officials shall exercise all authority of police officers, including, without limitation, the authority to issue notices of violation and to issue summonses directing the appearance before a court of competent jurisdiction of any person alleged to have violated any provisions of this chapter.

(c) *Notice of violation, summons—Method of issuance.*

- (1) Upon finding or observing a violation of any of the provisions of this chapter, the town manager, the police officer, or building/code enforcement official shall issue a notice for a violation to the owner, operator, occupant, or other person causing or permitting such violation. Service of the notice of violation shall be by delivering a copy of the notice to whom it is directed in person. Said notice shall contain the date and nature of the violation. Additionally, said notice shall require the immediate cessation of the violation and shall provide for time within which remedial measures are to be taken to correct said violation. If the party cannot be found, posting of the notice in a conspicuous location upon the land or premises and notice mailed by first-class mail to the last-known address of the person to whom it is directed shall be deemed adequate under this chapter.
- (2) The party to whom a notice is directed pursuant to this section may, within three days after such notice is served, report to the town administrative office and pay, as a penalty for and in full satisfaction of the violation, the sum of \$40.00. Upon failure to comply with a notice of violation, a summons shall be issued against and served on the party directing said party to appear before the county general district court, on the date and at the time specified in the summons, to answer for the violation alleged the date and nature of which shall be set forth in the summons.
- (3) In cases where the town manager, a police officer, or building/code enforcement official observes a violation in progress, a summons may be issued against and served on the person committing the violation directing said person to appear before the county general district court without the necessity of issuing a notice of violation.

(Code 2002, § 58-2; Ord. of 2-8-2000)

Sec. 24-3. Violations of chapter.

- (a) Unless otherwise specifically provided, a violation of any provisions of this chapter shall constitute a Class 4 misdemeanor. In any case where building and construction materials, hazardous waste, debris, or refuse is deposited, transported, transferred, or stored in or upon any public or private property in the town, without acquiring all permits under applicable town, state, and federal laws, the mere cessation of such activities shall not be deemed sufficient to correct the violation. Said violation shall not be deemed corrected until such time that all required permits and approvals have been obtained or until such time as the building and construction materials, hazardous waste, debris, or refuse have been removed from the subject property and disposed of in a lawful manner.
- (b) In addition to and not in lieu of the penalties prescribed in this section, the town may apply to the county circuit court for an injunction against the continuing violation of any of the provisions of this chapter and may seek any other remedy authorized by law.

(Code 2002, § 58-3; Ord. of 2-8-2000; Ord. No. 20111110, 10-11-2011)

Sec. 24-4. Construction or use of commercial-type incinerators for burning solid waste.

It shall be unlawful for any person to construct or use any commercial-type incinerator for the burning of rubbish or other readily combustible solid waste material in any zoning district of the town.

(Code 2002, § 58-4; Ord. of 2-8-2000)

Sec. 24-5. Containers utilized by commercial establishments.

The owner, manager, or occupant of any commercial establishment shall provide refuse containers for the commercial establishment and grounds and shall maintain such containers and place them for collection in accordance with the provisions of this chapter. All containers shall at all times be clean, neat, and in a good state of repair. Cleaning up materials spilled from containers when emptying shall be the responsibility of the property owner, manager, or occupant.

(Code 2002, § 58-5; Ord. of 2-8-2000)

Sec. 24-6. Hazardous waste shall not to be placed in collection containers ; special care and preparation required before placing certain refuse items in containers.

No hazardous waste, contagious disease refuse, or any other refuse that may cause a public health hazard shall be placed in any container used for collection by the town or collection by any private agency. The following are several types of special refuse items which shall be given special care and preparation before disposing of the same in any refuse container:

- (1) *Hypodermic instruments and other sharp articles.* No person shall dispose of or discard any hypodermic syringe, hypodermic needle, or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying, or otherwise rendering the same inoperable and incapable of reuse. Such hypodermic syringe, needle, instrument, or device shall not be disposed of without safeguarding by wrapping or securing the same in a suitable manner so as to avoid the possibility of causing injury to the collection personnel.
- (2) *Ashes.* Ashes that are to be collected by the town or private collectors must have been wetted and cooled to the touch prior to collection. Ashes shall be placed in suitable containers of such size and weight as stipulated in section 24-50 and shall not be placed with the normal refuse unless separately wrapped so that they will not cause injury to the collection personnel.
- (3) *Pressurized cans.* All pressurized cans containing pesticides or any other dangerous materials shall be released of all pressure before being deposited in a container for collection by the town or any private collection agency.
- (4) *Glass.* All broken glass or any type of glass that may cause injury to refuse collection personnel shall be separately wrapped to prevent injury and placed with the normal refuse.
- (5) *Pesticides.* All pesticide containers and other poisonous containers shall be emptied and the contents thereof shall be disposed of in a lawful manner before being placed for collection.
- (6) *Animal waste.* Animal waste from domesticated animals such as dogs, cats, or birds shall be wrapped separately from other refuse in a manner to prevent spillage prior to placing the same in a refuse container.

(Code 2002, § 58-6; Ord. of 2-8-2000; Ord. No. 20111110, 10-11-2011)

Sec. 24-7. Disposal of refuse and debris from construction, demolition, etc.; operations.

- (a) The town shall not be responsible for the collection or hauling of building and construction materials originating from private property preliminary to, during, or subsequent to the construction, repair, alteration, or demolition of infrastructure, dredging, or land-clearing activities. Such material shall be removed by the owner of the property or by the contractor and disposed of in a lawful manner. No inspection certificate or certificate of occupancy shall be issued until such material has been removed by the

owner or contractor. In addition, all contractors must provide refuse containers for construction debris and litter to be deposited in at the end of each working day.

- (b) Building and construction materials, refuse, or other debris deposited upon any public or private property as a result of the construction, repair, alteration or demolition of infrastructure, dredging, or land-clearing activities shall be immediately removed by the contractor and disposed of in a lawful manner. If containers are not used, material must be removed from the site daily. Construction sites shall be kept clean and orderly at all times.
- (c) The prime contractor or developer of a construction, demolition, dredging, or land-clearing activities site shall be held responsible for maintaining the site as required by this section.

(Code 2002, § 58-7; Ord. of 2-8-2000)

Sec. 24-8. Certain material not to be collected.

Hazardous waste, industrial waste, building, and construction materials will not be collected by the town, nor shall any overflowing containers, piles of material, or loose or dangerous refuse be collected.

(Code 2002, § 58-8; Ord. of 2-8-2000)

Sec. 24-9. Unlawful disposal, storage and deposits generally; littering.

- (a) No person shall store or place any accumulation of building and construction materials, hazardous waste, debris, or refuse in or on any street, median strip, alley, sidewalk, or other public place of travel, nor upon any private property, except as stated in other sections of this chapter, or unless such storage or accumulation is authorized by a federal, state, or local statute, regulation or permit, or is specifically related to an ongoing and active building or construction project. For purposes of this subsection, the term "ongoing and active" means that all applicable federal, state and/or local permits have been issued and are in effect or, in the case of any project not requiring a permit, that the owner of the property in question is actively pursuing completion of the project.
- (b) It shall be unlawful for any person to:
 - (1) Scatter building and construction materials, hazardous waste, or refuse about or litter any public or private street, area, or place;
 - (2) Cast, throw, place, sweep, or deposit anywhere within the town any building and construction materials, hazardous waste, debris, or refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public property or right-of-way or into any occupied or unoccupied premises within the town;
 - (3) Throw or deposit any hazardous waste, refuse, or debris in any stream or body of water; or
 - (4) Dispose of any refuse upon or at any place other than a landfill or other disposal site or facility approved therefor by the commonwealth.
- (c) The driver of any vehicle shall be responsible for assuring that no litter, hazardous waste, refuse, or building and construction materials are thrown from the vehicle or occurs through the lack of proper covering.

(Code 2002, § 58-9; Ord. of 2-8-2000; Ord. No. 20111110, 10-11-2011)

Sec. 24-10. Placing hazardous waste, refuse or refuse containers on, in, or over storm drains.

No person shall place any hazardous waste, refuse, or refuse container on, in, or over any storm drain.

(Code 2002, § 58-10; Ord. of 2-8-2000)

Sec. 24-11. Duties of owners and occupants as to compliance with chapter.

It shall be the duty of the occupant of any premises to comply with the provisions of this chapter, except where the occupant and owner have, by deed, contract, lease, negotiation, agreement, arrangement, expressed or implied, or custom, determined otherwise. In case there is some arrangement between the owner and the occupant upon proof thereof by the occupant, the terms of such deed, contract, lease, regulation, agreement, arrangement, expressed or implied, or custom shall control the responsibility.

(Code 2002, § 58-11; Ord. of 2-8-2000)

Sec. 24-12. Interference with or damaging containers.

- (a) No person, other than employees of the town charged with such duty, shall remove the lid or cover from any container utilized by another person, or disturb, remove, dump, scatter, or in any way interfere with the contents which is stored in any refuse container set out for removal by the town or any private collection agency, or to deposit any refuse into such container, or to cause or permit any of the same, except by authority of law or with the consent and permission of the person owning such container or unless authorized by the town manager or the manager's designee.
- (b) It shall be unlawful for any person to damage or destroy any refuse container placed at the curblin or alleyway for collection.

(Code 2002, § 58-12; Ord. of 2-8-2000)

Sec. 24-13. Property to be kept free of litter.

All owners or occupants shall maintain the real property owned or occupied by them in a clean and litter-free condition. This section shall not be construed as prohibiting the lawful storage of refuse, debris, or litter in authorized containers for collection pursuant to the provisions of this chapter.

(Code 2002, § 58-13; Ord. of 2-8-2000; Ord. No. 20111110, 10-11-2011)

Secs. 24-14—24-44. Reserved.

ARTICLE II. COLLECTION BY TOWN

Sec. 24-45. Frequency of collection of refuse and bulky refuse.

Except when otherwise designated by the town manager or the manager's designee, collection will be as follows:

- (1) Garbage and household trash accumulated at residences shall be collected by the town up to two times each week at the customary point of pick up.
- (2) Yard waste may be collected by the town one time each week at the customary point of pick up or at other times as designated.
- (3) Oversized household trash, bulky refuse, and vegetative waste shall be collected by the town one time each month at the customary point of pick up provided that the service of collection of these articles shall only be provided when a special order is placed at the town office in advance.
- (4) Commercial refuse shall be collected by the town two, three, or five times each week at the customary point of pick up as requested by the commercial establishment.

(Code 2002, § 58-26; Ord. of 2-8-2000)

Sec. 24-46. Points of collection.

- (a) Refuse containers to be collected by the town shall be placed on the alleyway or curblin of a town right-of-way at the customary point of pick up no earlier than 5:00 p.m. on the day before collection and by 7:00 a.m. on the day of collection. All containers must be removed out of view of the public after collection on the day of collection, except as otherwise designated by necessity by the town manager or the manager's designee.
- (b) The town will not make refuse or bulky refuse collections on private property.
- (c) Bulky refuse shall not be placed for collection more than 24 hours prior to scheduled pick up.
- (d) Refuse containers and bulk containers used by commercial establishments and serviced by private refuse collectors shall not be placed on any street, sidewalk, or town right-of-way for collection. Unless otherwise authorized by the town manager or the manager's designee, all collections shall be made directly from the premises of the customer and any emptied containers shall be returned directly to such premises.

(Code 2002, § 58-27; Ord. of 2-8-2000)

Sec. 24-47. Collection charges.

- (a) The charges for the collection of refuse and bulky refuse by the town shall be such as are prescribed from time to time by the town council. A copy of the current collection rate schedule shall be available at the town office.
- (b) The occupant of any dwelling, or any other structure or building, or, where such dwelling, structure, or building is unoccupied, may request removal of their collection container and cancelation of service charges. If such service is reactivated within nine months of cancelation, the owner shall be retroactively liable for the charges imposed by the town for the collection of refuse and bulky refuse during that intervening time.
- (c) Notwithstanding paragraph (b) above, a short-term rental zoning permit holder who is required to have two receptacles, may request removal of one receptacle provided that short-term rental is not offered or used as a short-term rental for the entire period for which the second receptacle would be absent, and such period be no shorter than 90 days.

(Code 2002, § 58-28; Ord. of 2-8-2000)

Sec. 24-48. Collection and disposition of excessive refuse from commercial establishments.

Where refuse resulting from engaging in business exceeds the volume of the number of containers normally provided to the commercial establishment by the town and such excess is not due to the failure of the refuse collectors to make collections as required by this article, the town manager or the manager's designee may require the operator of such establishment to collect, remove, and dispose of such excess or may provide for the town to collect and dispose of such excess for a fee established in accordance with section 24-47 for each additional container.

(Code 2002, § 58-29; Ord. of 2-8-2000)

Sec. 24-49. Collection, removal and disposal of industrial waste.

Industrial waste shall be collected, removed, and disposed of in an approved manner by the operator of the factory, plant, or enterprise creating or causing the same.

(Code 2002, § 58-30; Ord. of 2-8-2000)

Sec. 24-50. Containers generally.

- (a) All refuse to be collected by the town shall be stored in containers provided by the town between times of collection. Refuse must be placed in plastic or polyethylene bags which meet the standards set by the town manager or the manager's designee, and each bag shall be tightly secured. The cover of the container shall be kept on at all times except when being filled, emptied, or cleaned. Animal waste, ashes, and special refuse items shall be disposed of in the manner set forth in section 24-7.
- (b) Any refuse container that is damaged so that the cover cannot be closed or has any other defects liable to hamper or injure the person collecting the contents thereof shall be promptly reported to the town for replacement. No garbage or refuse shall be placed in any container that is so defective that the contents leak or spill out.

(Code 2002, § 58-31; Ord. of 2-8-2000)

Sec. 24-51. Storage or preparation of yard trash and vegetative waste for collection.

- (a) All yard waste to be collected by the town shall be placed in recyclable bags.
- (b) All vegetative waste to be collected by the town shall be cut into lengths not to exceed four feet and shall be stacked neatly by the customary point of pick up of the town right-of-way for collection. Stacks should not exceed four by four by four feet. If such material is not prepared for collection as herein required, its disposal shall be the responsibility of the owner or occupant of the premises.

(Code 2002, § 58-32; Ord. of 2-8-2000)

Sec. 24-52. Material not to be collected from certain premises and locations.

- (a) Refuse collectors are not required to collect from premises situated on streets or alleyways which are not passable for collection trucks, nor shall any collections be made from basements, garages, or enclosed porches or from the interior of any premises. Further, no collections shall be made from premises where animals interfere or are likely to interfere with collectors.
- (b) The failure to collect any refuse from the premises because of a violation of the provisions of this article shall not relieve the persons responsible for such violation from prosecution and penalty therefor.

(Code 2002, § 58-34; Ord. of 2-8-2000)

Sec. 24-53. Confinement of animals which interfere with collectors.

Occupants of premises shall facilitate collections refuse by confining animals which might interfere with the collectors.

(Code 2002, § 58-35; Ord. of 2-8-2000)

Sec. 24-54. Holiday collection schedule.

Refuse collection service may be provided by the town on alternate days if the normal collection day falls on official holidays as designated by the town manager or the manager's designee.

(Code 2002, § 58-36; Ord. of 2-8-2000)

Sec. 24-55. Unacceptable wastes.

The town will not collect, and it shall be unlawful for any person to dispose of, any wastes as enumerated in section 11.4, unacceptable wastes, of the county solid waste management ordinance, as adopted January 1, 1989, revised May 8, 1989, or as same hereafter may be amended.

(Code 2002, § 58-37; Ord. of 2-8-2000)