

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

At approximately 5:00 p.m. Mayor Adam Charney, having established a quorum, called to order the 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, Treasurer Marion Sofield, Planner/Zoning Administrator Katie Nunez, Zoning Enforcement Officer Jack Steinmayer, Police Chief Jim Pruitt and Town Clerk Libby Hume. There were 25 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. Proclamation Honoring Vice Mayor Bennett's Service to Cape Charles

Mayor Charney read Proclamation 20241219 Honoring Vice Mayor Steve Bennett for his Service to the Town of Cape Charles. The proclamation was presented to Vice Mayor Bennett.

SWEARING IN OF THE NEWLY ELECTED OFFICIALS

Northampton County Deputy Clerk Morgan Doughty administered the oaths of office to Councilwoman-elect Tara Ashworth, and Councilmen-elect Andy Buchholz and Clayton Newman. Their terms would begin January 1, 2025 and expire December 31, 2028.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Mayor Charney asked the members of the audience to refrain from booing or clapping during comments.

Herb Thom, resident

Mr. Thom formally submitted his resignation from the Historic District Review Board (HDRB) and went on to cite examples of recent administrative approvals of projects in the historic district versus requiring review by the HDRB. (Please see attached.)

Ed Wells, resident

Mr. Wells addressed the Council regarding the short-term rental (STR) ordinance. He stated that good governance was serving in the best interests of the people and added that allowing STRs by right did not serve this purpose.

Cynthia Emrich, resident

Ms. Emrich addressed the Council regarding the STR ordinance. She stated that prior to this meeting, she wrote a letter to the Council and was incredibly heartened by the informal vote at the December 9th meeting. She cited the most recent Town survey, which had a high participation rate, and 50% of the residents indicated that they did not want caps on STRs. 10% were indifferent, and 40% wanted caps. Requiring a conditional use permit (CUP) for STRs would effectively constitute a cap. During the most recent Town Council election, there were eight candidates who ran and the three most outspoken regarding STRs won. She appreciated what John Hozey said at the December 9 meeting about criteria for a CUP and the process being subjective.

John Coker, Northampton County Supervisor

Mr. Coker addressed the Council regarding the speed limit within the Town limits. (Please see attached.)

Smitty Dize, former Mayor

Mr. Dize stated that this would be the last time that Vice Mayor Steve Bennett would be sitting at the dais. Steve Bennett was elected in 2008 and served on the Harbor Area Review Board while he was the harbor master. They spent a lot of time working together. When was elected as the Mayor, he nominated Steve Bennett as the Vice Mayor and the Town Council voted for it. He did not realize how much he relied on Steve Bennett until he left his position as Mayor. Steve Bennett was a huge asset to the town. He advised that the new Council members review meeting videos to see Steve Bennett in action. Steve was a man of few words but when he spoke, he had the ears of the Council. Steve was well respected by the Town Council and all of the town. He thanked Steve Bennett from the bottom of his heart.

Joan Natali, resident

Ms. Natali addressed the Council regarding the speed limit within the Town limits. (Please see attached.)

Eyre Baldwin, property owner

Mr. Baldwin asked the Town Council to postpone the vote on zoning adding that every affected property was in attendance this evening. This was a great change and not once had the Town tried to get the harbor area property owners together. He asked that the issue be postponed until the new Town Council was settled in and having everyone together to meet. Project Manager Bob Panek knew the issues at the harbor, but not once has any manager talked to the property owners. It was unfair to the incoming Council to have to fix the problem. Wait, sit down with the owners of the concrete plant, Mr. Dunn, and others. He has asked the Planning Commission the same thing at their last meeting, but after he left, Katie Nunez told them that she had already spoken to the property owners. She told Neville Reynolds something totally different. Why can't the town staff talk to the property owners? Before taking a vote, consider the impact to the railroad property.

Town Clerk Libby Hume read comments submitted by Julie Jones, Jim Metz, Elise McMath, Susan Burger, Richard Burger, Paul Chandler, Karen and Rick Lowe, Jim Granger, Kathy Fraas, and Walter Bronson. (Please see attached.)

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

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. November 21, 2024 Town Council Regular Meeting
 - ii. November 21, 2024 Town Council Executive Session
 - iii. December 5, 2024 Town Council Executive Session
 - iv. December 12, 2024 Town Council Executive Session
- C. Approval of October 31, 2024 Financial Report

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to approve the Consent Agenda as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. *Reappointment of Wetlands Board Member:*

Town Manager John Hozey stated that the Wetlands & Coastal Dune Board reviewed applications for certain activities in wetlands and dune areas. Mr. William Robertson was appointed to the Wetlands Board in April 2023 to complete a term which expired on November 12, 2024. Mr. Robertson expressed his interest in continuing his service on the Board.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to reappoint Mr. William Robertson to the Wetlands & Coastal Dune Board for another term. The motion was approved by unanimous vote.

B. *Adoption of the Updated Zoning Ordinance & Amended Zoning Map:*

John Hozey stated that a motion was needed to put the Ordinance on the floor. We would tackle this item in five “buckets” – 1) The recommendation from the Planning Commission as a whole; 2) Town Council member recommendations. Council was tasked with reviewing the zoning ordinance in advance and this would be the time to address any concerns; 3) A request from land owners about adding additional uses in the Harbor Industrial Zone; 4) The STR Ordinance. There was a placeholder in the zoning ordinance for STRs. A motion was needed to replace the STR section of the zoning ordinance with the current version of the ordinance presented in this evening’s packet; 5) Adoption of the zoning map. When those items were completed, a vote would be taken on the main motion.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to put Ordinance 20241219A-Amending Cape Charles Zoning Ordinance by Replacing it Wholly with Zoning Text Amendment 2024-02 and Zoning Map Amendments 2024-02 Through 2024-84 on the table for approval.

Bucket 1 – Planning Commission recommendations: The table of all Planning Commission recommendations was included in the packet and the more substantive recommendations were highlighted in pink. (Please see attached.)

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to accept the Planning Commission recommendations as shown on the provided table.

Councilman Grossman stated that the Planning Commission discussed Table 4.5 – Parking Requirements and suggested that we needed to re-review those requirements as some had been there for a long time. The Planning Commission did not feel that there was enough time to go through everything, but the review was necessary as we worked through parking issues.

The motion to accept the Planning Commission recommendations was approved by unanimous vote.

Bucket 2 – Council Recommendations:

Councilman Buchholz distributed his proposed recommendation to amend Section 3.10 Harbor – Light Industrial, adding that there was no need to include recreational items in the light industrial district. (Please see attached.)

Motion made by Councilman Buchholz, seconded by Councilman Grossman, to amend Section 3.10 Harbor – Light Industrial as discussed.

John Hozey spoke in favor of the motion, adding that the inclusion of recreational items diluted the premise of an industrial zone. This language was retained in the Harbor Commercial District.

The motion was approved by unanimous vote.

Councilman Buchholz distributed his proposed recommendation to amend Section 4.2.M Bed and Breakfasts (B&Bs) requirements, adding item #5 which allowed for some ancillary or accessory business uses permissible through a conditional use permit. (Please see attached.)

John Hozey added that this change would only affect B&Bs in the R-1 district.

Motion made by Councilman Buchholz, seconded by Councilman Grossman, to amend Section 4.2.M as discussed. The motion was approved by unanimous vote with Councilwoman Holloway abstaining since she owned a B&B.

There were no other amendments proposed by the Council members.

Bucket 3 – Request from land owners requesting additional uses in the Harbor Industrial Zone:

Council reviewed the request from Mr. Neville Reynolds from Cape Harbor Holdings requesting the addition of 1) Port facilities and bulk handling and storage of materials such as stone, sand, timber, steel, etc.; and 2) Manufacture and repair of vessels such as concrete docks, barges and ships, adding that these were items included in the M-2 zoning and were the basis of property purchase and development.

John Hozey stated that staff recommended approval of the request.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to amend Section 3.10 Harbor Light Industrial to add port facilities and manufacturing and repair of vessels as permitted uses as requested. The motion was approved by unanimous vote.

John Hozey stated that staff recommended approval of the request.

Bucket 4 – Short-term rental ordinance:

John Hozey stated that the amended STR ordinance had been updated following the discussion at the December 9th work session. Those changes were shown in red italics.

Motion made by Councilwoman Ashworth, seconded by Councilman Buchholz, to accept the new amended Short-Term Rental ordinance in lieu of the version approved on November 21, 2024.

Councilman Grossman noted that the change made to Section 4.14.C.9 regarding refuse requirements adding the requirement of three receptacles for STRs with five or more bedrooms was not discussed during the work session, but was added by staff. There was no opposition voiced by and Council members.

Councilman Grossman went on to recommend a change to Section 4.14.B.2.f under Permitting Requirements moving the end of the sentence, shown in pink, to a standalone item “j” to read “Certification that the contact information has been provided to all current adjacent property owners each permit period” to ensure that the adjacent property owners always had the current contact information. There was much discussion regarding this section.

Motion made by Councilwoman Ashworth, seconded by Councilman Buchholz, to amend the amended STR ordinance adding item j to Section 4.14.B.2 as discussed. The motion was approved by unanimous vote.

John Hozey pointed out the language in Section 4.14.C.4 addressing the parking recommendation made by staff at the work session. There was some discussion regarding this language and discussion during the December 9th work session.

Councilwoman Holloway asked that if there were no negative consequence if the town determined that off-street parking was unavailable, then why did it matter? Councilwoman Holloway recommended that this be part of the bigger discussion regarding parking in general.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Ashworth, to amend the amended STR ordinance deleting items 4.14.C.4 and 4.12.B.2.i and renumbering the items accordingly. The motion was approved by majority vote with Councilman Grossman opposed.

Motion made by Councilwoman Ashworth, seconded by Councilwoman Holloway, to remove the statement in Section 4.14.B.2 regarding the 90 days to act on an application adding that there were not other ordinances that gave a timeline for processing an application and it was also a very lengthy time period that would cause undue uncertainty to the rental community.

John Hozey stated that people did not seem to understand how long it took to do something and thought staff should respond immediately. People needed to know that there was a process so they were not consistently disappointed.

Councilman Buchholz commented that if all required items were done, the application could be submitted for Katie Nunez' approval. John Hozey added that this was not taking into consideration other things coming in which required review.

Councilwoman Holloway stated that staff was being added and software being purchased to streamline the process. If that was not the case, further review of the proposed ordinance was required.

There was no other suggested timeframe. Councilwoman Ashworth reiterated her opinion that there should not be a time limit included in the ordinance. 90 days could be an entire STR season and would hinder progress.

Councilwoman Holloway called for a vote.

The motion was approved by unanimous vote.

Councilwoman Ashworth distributed her proposed recommendation to amend the first paragraph of Section 4.14.C.6 adding a sentence to the end of the paragraph excluding persons 2 years of age or under from the occupancy count. She added that this addressed her concerns as a parent and advocate of STRs. These children would be in a bedroom with the parents so should not count as occupancy. (Please see attached.)

Motion made by Councilwoman Ashworth, seconded by Councilwoman Holloway, to amend the amended STR ordinance Section 4.14.C.6 as proposed.

John Hozey stated that if the Building Code had a higher occupancy limit than the STR limit, the addition of this language could be helpful, but if the Building Code and the STR limit were the same, this language would not apply since we could not approve going above the Building Code limit. The Building Code did not define age, so this issue could come up. Councilwoman Holloway noted that the second sentence in this section covered this issue.

The motion was approved by unanimous vote.

John Hozey stated that a vote on the motion to include the amended STR ordinance in the zoning ordinance was needed.

The motion to accept the newly amended Short-Term Rental ordinance was approved by majority vote, with Councilman Grossman opposed.

Bucket 5 – Zoning Map:

John Hozey stated that a chart of the zoning map amendments was included in the packet.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to accept the zoning map amendment as shown in the Zoning Map Amendment Chart.

Councilwoman Holloway stated that it may seem like Council was going over a little chart, but explained that countless work sessions and a lot of behind the scenes work by staff and the Planning Commission lead up to this chart. Councilman Buchholz added that staff and the Planning Commission had been working on this for about two years.

John Hozey added that this would bring the zoning ordinance into compliance with the comprehensive plan.

The motion was approved by unanimous vote.

Mayor Charney stated that we were now ready to vote on the main motion and asked if there was any other discussion on the main motion.

Mayor Charney called for a vote for the adoption of Ordinance 20241219A Amending Cape Charles Zoning Ordinance by Replacing it Wholly with Zoning Text Amendment 2024-02 and Zoning Map Amendments 2024-02 Through 2024-84 as amended. The motion was approved by majority vote. Roll call vote: Ashworth, yes; Bennett, no; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes.

C. Town Code Amendments Related to Short-Term Rentals:

John Hozey stated that as part of a two-year effort to establish regulations for the operation of short-term rentals (STRs) in the town, many proposals were brought forward and recently approved in the Town's zoning ordinance. However, while the bulk of the regulations resided in the zoning ordinance, several items were necessary in the Town Code. The items identified in Ordinance 20241219B would complete the full package of STR regulations.

The items included: i) Chapter 8 – Buildings and Building Regulations. The primary change was to specify where rental inspections would be required so that they aligned with all areas now authorized to operate STRs under the new zoning ordinance; ii) Chapter 18 – Licenses, Taxation, and Miscellaneous Regulations. This addition added STRs to the list of businesses for licensing purposes; iii) Chapter 24 – Solid Waste. The new zoning STR ordinance required STRs with more than two bedrooms to have a second trash container. The new provision would allow that second container to be removed if the unit was not used as an STR for more than 90 days. Since this chapter needed to be addressed to accommodate STRs, staff used this opportunity to perform a chapter-wide general update. This update included procedural changes that occurred over the years as well as some terminology and phrasing changes. The fine for a violation, which was last changed in 2000, was increased from \$20 to \$40.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Ordinance 20241219B Revision of Town Code Sections Related to Short-Term Rentals.

Councilman Grossman noted a correction in Chapter 8, the opening paragraph, which lists the districts, stating that “Harbor” should be “Harbor-Commercial.”

Councilman Grossman pointed out another necessary correction to Section 24-47 (c). Since the STR ordinance in the zoning ordinance added a requirement for STRs with five or more bedrooms to have three receptacles, this section needed to be updated accordingly.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to amend the language in the opening paragraph of Chapter 8 and Section 24-47 (c) as discussed. The motion was approved by unanimous vote.

Mayor Charney called for a vote for the adoption of Ordinance 20241219B Revision of Town Code Sections Related to Short-Term Rentals as amended. The motion was approved by unanimous vote. Roll call vote: Ashworth, yes; Bennett, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) Under Announcements on the agenda, a January 15, 2025 work session should be added for the beachfront master plan; ii) He offered his sincere appreciation to Vice Mayor Steve Bennett for all his steadfast support for him and the entire staff. It was an incredible honor to work with him for the past five years.

MAYOR AND COUNCIL COMMENTS

Councilman Grossman stated that we heard two individuals talk about the 25 MPH speed limit so the issue should be taken up in 2025.

Councilwoman Holloway stated that she started attending Town Council meetings when she first moved here. The meetings were held in the St Charles Parish Hall and were very entertaining at times. Steve Bennett was on the Town Council and she learned so much from him just from attending the meetings. She never thought that she would be serving on the Town Council with him. It was a wonderful mentoring opportunity.

Councilman Buchholz stated that he had served with Steve Bennett for eight years, and Steve Bennett actually recruited him to run for Council. Working with Steve had been a complete pleasure. They did not always see eye to eye but they did most of the time. He would be sorely missed.

Vice Mayor Bennett stated that this was his last meeting. He sat at the dais for 16 years. There were dozens of things to talk about – the stares from the audience, the jeers, etc. The good and the bad. He had served with at least 20 different Council members over the years and this group was fantastic. The voters chose a good group of new Council members. His advice to the new members was to come to the meetings prepared and make all your decisions with the best interest of Cape Charles in mind. The best thing in his 16 years was John Hozey who had done a phenomenal job. When he joined the Council, the Town had quite a bit of debt, very little money and aging infrastructure, etc. We did everything the cheapest way possible which was not the correct way to do things but the way we had to do things. Now, 16 years later, the Town had no debt and money in the bank. We had a great group of staff members helping us to succeed. He thanked the members of the Town Council and the dedicated staff, and called out two long-term staff members who were both in attendance. Chief Jim Pruitt in the back of the room with many years as our police chief, and Town Clerk Libby Hume who was his first chartered officer hiring. He could not have made it without her. Most importantly, he wanted to thank his wife, Nan, for all the evenings she spent alone while he was attending a meeting. He appreciated the opportunity to serve the town and wished the new Council nothing but success as we moved into the future.

Mayor Charney presented Vice Mayor Bennett with his gift, then proceeded to read the announcements.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to adjourn the Town Council Regular Meeting. The motion was approved by unanimous vote.

The Regular Meeting adjourned at 6:55 p.m.

Mayor Charney

Town Clerk

**December 19, 2024 Town Council Regular Meeting
Comments and Information Provided in Writing**

Herb Thom, resident

12-19-2024

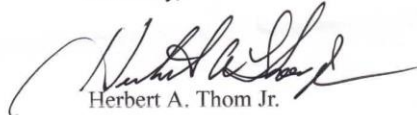
Historic Review Board

After 8 years, it is with careful thought and consideration that I am resigning from the Cape Charles Historic Review Board. In December 2022, the town paid \$40,000.00 for an updated guideline manual as a tool for consistence preservation of our historic town. Unfortunately, after such an investment, historic approvals are being decided by the town zoning and planning administrations under administrator approval. Below are a few examples.

1. The iconic Coca-Cola sign was a landmark on a historic building. The sign was covered with stucco with no recourse.
2. Number 1 Fig Street another historic building was partly demolished and allowed to remain in that condition.
3. The renovation of the Cape Charles Hotel which required 12 dedicated parking spaces the board was assured they would be installed. Where are they?
4. The property at 646 Tazewell is a contributing structure. All the work did not have COA and some work that was considered minor not major by administrative approval.

As a town, we must ask ourselves every day, "Is Historic Preservation about the past or the future." We need to be committed to consistent following of the Guideline manual. Or in time there will be no need for our Historic Review Board because the future of our towns historic preservation will be in the hands of the zoning and planning administrators'.

Sincerely,



Herbert A. Thom Jr.

.....
John Coker, Northampton County Supervisor

Mr. Mayor, Town Council Members, and Mr. Hozey, thank you for allowing me to speak.

I am here tonight to talk about the possibility of a new Cape Charles town speed limit of 25 MPH.

I have been contacted by a number of Cape Charles citizens to help with establishing a town speed limit of 25 MPH. It would be my pleasure to recommend that the County Board of Supervisors support Cape Charles in this effort and I have to believe my fellow Supervisors will agree.

I recently talked to my contact at VDOT and the strategy of having a town speed limit of 25 MPH seems to be a very strong position for this town to take. Especially, considering just one entire road (Cassatt Parkway) and a portion of Old Cape Charles road are the only roads in town that are not already 25 MPH.

Having just a very small piece of the town that is not 25 MPH is confusion for your citizens and very confusing for your many visitors. This is after all a very successful Tourism destination with many visitors annually. Also, the very small distance of road you are attempting to convert to 25 MPH from 35 MPH will not meaningfully affect anyone's travel time for the additional safety it will afford the town.

I would also recommend you request that VDOT allow the Town to place "Town Speed Limit Signs" at the three VDOT entrances to the town, Stone Road, Cassatt Parkway, and Old Cape Charles Road. This would make it very clear that if you are in Cape Charles the Speed Limit is 25 MPH. It will also support the case that

1. Despite warnings from different Town Managers going back to at least 2017, Town Council ignored the impact that STRs would have on the Historic District’s residential neighborhoods;
2. Recognizing the need to bring together representatives from the three groups of stakeholders, John Hozey created the Ad Hoc Committee on STRs. But he underestimated the complexity of the issue, and failed to gain the support of Town Council in his effort to find a compromise, and, finally,
3. Except for one Town Hall on April 29, 2024, the Cape Charles community at large was never brought together to hear each group’s concerns, and to discuss possible compromises. There was never a Town Hall to discuss the compromise that the Ad Hoc Committee proposed.

Because of these miscalculations, the decision-making process turned into a zero-sum contest where those who profit from tourism win, and those in the Historic District who don’t, don’t.

The lessons learned are these:

1. Don’t leave it to the market to dictate zoning solutions. Town Council’s role, as the governing body, is to anticipate the consequences of economic forces and to manage them for the benefit of the entire community.
2. Recognize when the complexity of an issue requires the objectivity and experience of outside experts.
3. Don’t let issues become contests among interest groups. Encourage stakeholders to talk to one another.

How different things might have been had John Hozey been able to carry out his idea to organize quarterly meetings among representatives from the various non-profit community groups.

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Elise McMath, resident

Good evening, members of the Town Council,

My name is Elise McMath – full-time resident at 304 Tazewell Ave. My family has been paying property taxes on our house since 1909. I strongly oppose your plan to rescind the recent November vote that grandfathered in existing Short-Term Rentals (STRs) while requiring new ones to go through the Conditional Use Permit (CUP) process.

The November vote accepted the current STR density as it stands, while ensuring new STRs would be evaluated by the Planning Commission for their impact on our residential neighborhood, as is required for any other commercial entity seeking to conduct business in the residential R-1 zone of the historic district. Now, under pressure from private interests like realtors, mortgage brokers, and property investors, you are planning to reverse a policy led by full-time residents of the historic district.

These private interests oppose the CUP process, namely because it allows residents a say in shaping their community through a public hearing, as if that’s something to be avoided. It should be noted that the CUP is a standard process for any commercial enterprise seeking to conduct business in a residential area, including bed and breakfasts (B&Bs), which are similar to STRs. The main difference is that B&Bs require on-site management. Given this, STRs should be held to the same regulatory standards. Instead, STR owners and their beneficiaries seek special treatment to bypass this process. Allowing STRs by right would undermine residential zoning laws designed to protect neighborhoods, all while exacerbating the shortage of long-term rentals for locals.

This is especially ironic given the town’s 2024 strategic goal to ‘advance a variety of housing options for younger families and workforce.’ Allowing STRs by right reduces available housing stock by decreasing supply, increasing demand, and raising rents. The Town Council’s inability to prioritize policies that encourage full-time residency is pushing long-time locals out of the historic district and into Tower Hill, Cheriton, and Capeville.

This Council needs to engage with residents before making decisions on our behalf. Town halls are not just for you to hear from us, they are for us to hear from each other, which is essential to bridge the divide between parties whose interests are at odds with one another.

I urge you to think through the long-term effects of tonight’s plan. The needs of long-time residents whose families have invested in this town for generations must come before the interests of those seeking to profit at the community’s expense. If not, the ramifications of this decision risks creating an increasingly unwelcoming environment for our visitors, which no one wants.

.....

Susan Burger, resident

To the Mayor and Members of the Town Council:

WTF! Why the total about face from your decision just a few weeks ago for CUP for STRs?? Who has that much influence on you to make this change?

You have heard a million times all the reasons why so many people want some LIMITS of STRs and Conditional Use is a way to have control over a situation that is incredibly out of control. No one is suggesting we shut down STRs that already exist.

The fact is that an STR IS A BUSINESS IN A RESIDENCE. Any improvements, inside and out, and extra purchases like golf carts and sand toys and floats, are all tax deductions for the STR owner. It is a business. And as such, the people who live permanently next to a business in a residential district should have a say about whether that should be.

I write now to ask you to DO SOMETHING GOOD FOR FULL TIME RESIDENTS!! Especially those in the Historic District who have no one but you to look out for their best interests and requests. If you don't DO SOMETHING GOOD FOR FULL TIME RESIDENTS you won't have many left to worry about because you know that folks are leaving the Historic District...because they see that nothing being done by the Council is GOOD FOR FULL TIME RESIDENTS.

You may argue that promoting business (STRs) is good for residents because it boosts the economy. I agree – there is much to like about our town's commercial district, harbor and beach but the number of homes empty all winter long doesn't benefit commercial establishments and limits options for full time residents so that there is little to do and spend our money on!!

DO SOMETHING GOOD FOR FULL TIME RESIDENTS. Control STRs so we feel at home in our own home and we feel connected to the community that includes people we know all year round.

DO SOMETHING GOOD FOR FULL TIME RESIDENTS!

~Susan Burger
550 Madison Ave

.....
Richard Burger, resident

Mayor Charney and Members of the Town Council,

While one must recognize that short-term rentals and tourism have clearly become the economic engine of our town, one must also acknowledge the effect that short-term rentals are having on our population. Permanent residents are leaving Cape Charles.

Whether their reason is because of the weekly influx of unknown "neighbors" all summer long, the 50% plus rise in taxes levied on ridiculously overvalued real estate, parking problems, noise issues, 60 minute waits at a favorite restaurant from May to September, permanent residents are leaving Cape Charles.

Consider the ongoing vacancies on numerous Town Committees. Why can't they be quickly filled? I would suggest that it is because we have already lost a core group of residents willing to be involved in town governance. Permanent residents are leaving Cape Charles. (Tower Hill, King's Creek anyone?) With an unfettered, by-right opportunity to convert even more of our limited housing stock, particularly in the Historic District, into STRs, the exodus will continue. Young families already cannot afford to live here. Long-time older residents cannot afford the sharp rise in taxes. We have already become a winter town populated for the most part by relatively affluent come heres. When do we reach a tipping point where we cannot fill town committee vacancies to conduct Town business at all?

Permanent residents are leaving Cape Charles. We already have difficulty finding volunteers for Festive Fridays, the Love Run, Central Park activities, and again, various Town Boards and Committees. We have already seen restaurants and retail businesses close down for weeks or months during the winter. When do we reach a tipping point where they begin to close all winter? When do we reach a tipping point where you find yourselves presiding over a virtual ghost town from October to March?

I ask that you reaffirm your vote from two weeks ago and ensure that additional short-term rentals only be approved by a conditional use process, before all of the permanent residents have left Cape Charles.

Richard Burger
550 Madison Avenue

Good evening, members of the Town Council.

I wish to express my concern regarding the lack of transparency around the STR ordinance process and the complete failure to clearly communicate the process to town residents. STR-related meeting minutes, where they exist, are confusing and often contradictory. I have yet to meet a town resident who understands where the process stands, its implications, and its timing.

Unfortunately, many STR owners in town have not adopted this approach. Their focus is on maximizing profits by cramming as many people into a property as possible, with no regard for the consequences of this strategy on their neighbors.

There has also been no consideration of the fact that STR owners have already signed contracts with their guests for 2025 with no STR restrictions in place. The Town cannot now pass an ordinance that will materially affect STR owners' contracts with those guests, such as restricting occupancy. This will result in massive legal implications for the Town.

My recommendation is that we all take a step back and allow the incoming council members to bring fresh ideas to the table. We should also allow a new Town Manager to bring a new perspective to the negotiating table. We must develop a comprehensive plan and have robust discussions with all stakeholders regarding all the options available to us, including the implementation of conditional use permits, of which I am a strong proponent.

Paul Chandler, 204 Bay Avenue.

We are Karen and Rick Lowe, owners of 101 Tazewell Ave., our part time residence. Our home has also been used as a short term rental since we purchased it in 2013.

We feel that STRs should be a by-right use in the historic district. We believe that the larger issue the town must face, which causes the greatest hardship to the full-time residents, is PARKING. STRs do generate quite a few cars, but so do the cars from the Kings Creek, Tower Hill, and Bay Creek residents who come to town to shop, eat and enjoy the beach. As we read in many publications, Cape Charles is lauded as a marvelous PUBLIC beach, which brings in many more cars.

Karen and Rick Lowe

Bottom line up front: I believe STRs should be required to go through a Conditional Use Permit application and I am dismayed at the apparent about-face by many Town Council members at the STR work shop. To be on the front page of the Eastern Shore Post supporting CUPs one week with a strong majority and the next week reversing that majority can only be due to one thing – influence of special interest groups. I dearly hope I'm wrong.

Unconstrained STRs are a steadily growing cancer that is killing our town and the County. It has already killed our community, with so many full time residents of the Historic District moving to Kings Creek Landing, Tower Hill, or out of the area altogether. The Historic District is a ghost town in the offseason. Our town events are almost exclusively focused on attracting people from outside the County, while organizations like Main Street try to get the few remaining locals to volunteer to support events which aren't intended for them. Yes, our property values have skyrocketed – that does nothing for us until we sell. In the meantime our taxes have skyrocketed as well, and those won't go down. The County has to pay for an approximately \$85M school renovation, and the money in the County is mainly in Cape Charles and a few other spots. Unconstrained STRs have made housing unaffordable and driven families away, many who have been forced to leave the County. With the number of students declining, the state doesn't provide as much funding, so we make that up in more taxes.

Many STR owners bought their STRs within the last 3-4 years, at the top of the market, the glory days when landlords and buyers were knocking on doors and offering any price to get people to sell. At the top of the market, with realistically a two month rental season (mid-June to mid-August), they have to charge a premium price to make their finances work. Most families can't afford those prices, so multiple families have to join together to afford it – that's how we get 16 people crammed into a typical 3 BR, 1 ½ bath STR. Those multiple families bring multiple vehicles, multiple boats, and rent multiple golf carts – there's where the parking problem starts. BTW – renters don't like parking two blocks from their STR either. So, our renters are paying premium rates, crammed into a small STR, and what do they get for it? The beach is nice, when they can get there after fighting through the traffic (BTW – the former community members who moved to Kings Creek and Tower Hill? They'll be driving back into town, further exacerbating the parking issues). They can go out to dinner, but waiting three hours because the restaurant doesn't have sufficient staff is not a great experience. Why don't they have staff? The STRs killed affordable housing and the families that may have worked in our local businesses have left. I've heard discussions about getting foreigners on J-1 visas – where are they going to live? Back to our renters – if they're paying premium prices, they want premium amenities, like Ocean City, Virginia Beach, and OBX, and that's not what Cape Charles is about. I'm not saying that's every renter, but I've heard it from some, and it sounds logical to me. I don't have the figures, but the town didn't seem as busy this year, and I fear for our STR owners that that is going to be the norm. (3 minutes expired)

Dear Members of Council,

We would like it known that we do not share in these views. We came to Cape Charles 22 years ago and it was a vastly different place then it is today and not in a good way. It had fallen into hard times and I recall part of our "yard work" included picking up crack bags from our street!

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don't understand all this tadoo. I much prefer the town as it is today to the tumbleweeds and vacant homes and businesses of decades ago. I assume those complaining weren't here for those times.

I completely understand that restrictions on things like parking would be maybe looked into but to impose restrictions that would make it so much harder for homeowners to use their property for rentals is a bit like killing the golden goose. The businesses, restaurants of our little town thrive on the 12 weeks of summer and we full timers benefit having them do well because some of us remember when they simply weren't there.

By virtue of geography Cape Charles will NEVER be a Virginia Beach that's a fact. Much of our economy is driven by tourism, why in the world would you consider making the town less attractive to folks looking for a quaint place to someday retire and in the meantime pay the mortgage by renting. I personally know quite a few owners who are doing just that. Most of us welcome our visitors and feel we are in a good place and would very much like it to remain that way.

Sincerely,
Kathy Fraas
610 Washington Avenue

.....
Walter Bronson, resident
Mayor and Council,

I will be out of town and unable to attend the Council meeting on December 19, 2024 and am therefore forwarding this letter instead.

I was dismayed to learn that Council was considering reversing its vote to require new STRs to obtain a Conditional Use Permit (cup) at the last Council Work Session. When the new STR regulations were finally put into place and the CUP included it felt as though Council was finally hearing the concerns of the residents of the Historic District even if you did not go as far as many of us wish you had. To quickly discuss undoing those regulations is a real slap in the face to your constituents.

The Town has allowed STRs to illegally proliferate for many years while doing nothing to regulate or control them. Your action to legalize them and put in place some minimal limitations was a good first step, even if it was years overdue. Some people think that STR owners should be able to operate miniature hotels in our single-family neighborhood. They clearly have not lived next to or near an STR with a dozen or more people crammed into it and dealt with all of the trash, noise, and parking issues that comes with it.

Mrs. Ashworth has stated that she feels she moved to Mayberry. But, Mayberry RFD was a show about people, Andy, Opie, Goober, Barney and Aunt Bee. And, yes, Cape Charles is a lot like Mayberry with lots of good people. Yet, I fear that Mrs. Ashworth's vision for Cape Charles will turn it into something more like the Love Boat or Fantasy Island with a couple of main characters, but most of the cast changing every week. We all love Cape Charles, but many of us do not love where it is headed. We want to continue to live in Mayberry, not on Fantasy Island.

People visit Cape Charles for the friendliness and quaintness of our small town. When every other house on the street is an STR that friendliness and quaintness lose much of their shine. Do you think visitors will still want to come here when it gets to that point? There is a big difference in having a small town that welcomes visitors and a tourist resort. Cape Charles is a wonderful and successful place as the former, it will be a less inviting and ultimately a failure as the later.

Please keep the occupancy limits and the CUP process in place. A CUP will allow the planning commission and council to hear from the public about potential problems with an application. It will allow the council to add conditions to the CUP when they become apparent. You may even wish to add a parking condition at some point in the future. And if a year goes by and you see no benefit of the CUP process, then discontinue it then. It will be all but impossible to instate a CUP in the future. Now, at the beginning, when you have first made illegal STRs legitimate is the time to install the CUP as you have already done. Keep it in place.

I wish you all a Merry Christmas and a Happy New Year.

Sincerely,
Walter Bronson

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Item #8B – Adoption of Updated Zoning Ordinance & Amended Zoning Map

Planning Commission Recommendations:

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 newspaper having general circulation in the town, <i>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</i> . Such public hearing shall be held not less than six seven nor more than 21 days after the second advertisement appears.	Amendment /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 can 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 1

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 2

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: <i>"The district's intent is to permit retail and commercial businesses generally found in a retail business area and that would be complementary to..."</i>	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: <i>'The district's intent is to permit'</i>	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 3

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 conditional 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 <i>Accawmacke Plantation PUD</i> 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 text	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.I. 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
49	4.0.B.5		G	Article IV 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 4

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 5

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) 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	added (no greater than 2 feet in diameter) 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.A		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	Add "If within the Historic Harbor Area Overlay District, then the owner must follow Section 9.22."	T		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		Superseded by adoption of ordinance 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 6

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.	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 technical 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 italicized. Decision needed? Same also on page 119.	Accepted
117	6.3.1.A.2.2		G	with the Cape Charles' 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 italicized. 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 7

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 8

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 Flooding: indent A,B and C and make smaller case. This would be consistent with Floodplain 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
234	7.7		Q	Appendix B Do we need to add to this revision list? (all of this will be revised once new document is adopted by the town council)	
236	4.A		G	Appendix C 7.11 should be 7.10. 7.A.A should be 7.6.A.	Accepted
245	6		T	Appendix D "least once a week for seven days prior to" - is this correct?	Accepted
267			Q	Appendix F Do we need to add to this revision list? (all of this will be revised once new document is adopted by the town council)	
269	1.3		G	Appendix G Appendix X should be Appendix A	Accepted
Additional Changes					

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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	

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Town Council Recommendations:

Councilman Buchholz' recommendation to Section 3.10:

EXISTING

Section 3.10: Harbor - Light Industrial

- Statement of Intent. A working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions.

Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs.

To permit certain industries, which do not in any way detract from the residential desirability and will not be permitted to locate in any area adjacent to a residential area. The limitation on (or provisions relating to) height of a building, flammable liquids or explosives, controlling of emission fumes, odors and noise, landscaping, are imposed to protect and foster adjacent desirability while permitting industry to locate near a labor supply and near existing available transportation, including harbor access.

NEW

Section 3.10: Harbor - Light Industrial

- Statement of Intent. A working waterfront area that is a strong economic benefit to the Town with compatible new industry and employment uses and to permit certain industries, which do not in any way detract from the residential desirability and will not be permitted to locate in any area adjacent to a residential area. The limitation on (or provisions relating to) height of a building, flammable liquids or explosives, controlling of emission fumes, odors and noise, landscaping, are imposed to protect and foster adjacent desirability while permitting industry to locate near a labor supply and near existing available transportation, including harbor access.

RED: New Language

4.2. M. Bed and breakfasts, provided the following requirements are met:

- 1) The owner and family must occupy the residence. The owner and his/her appointed agent are responsible for supervising guests.
- 2) The single-family dwelling appearance must be maintained.
- 3) Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Table 4.5. (Minimum Parking Space Requirements) using both on and off-street parking areas.
- 4) The number of accommodations shall be subject to recommendation by the Planning Commission and approved by the Town Council.
- 5) **The following ancillary, or accessory, business uses are permissible through a conditional use permit; said uses may be included with the initial Conditional Use Permit application for a Bed & Breakfast or may be applied for as a modification to the approved Conditional Use Permit for the Bed & Breakfast:**
 - a) **Bicycle Rentals**
 - b) **Gift Shops, located within either the principal residence or buildings identified as part of the Bed & Breakfast and not to exceed 20% of the total floor space of the Bed & Breakfast**
 - c) **Electric Vehicle Charging Stations**

Proposed Amendment to Zoning Article IV Section 4.14 C-6 **Additions in RED**

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). ***For the purposes of the BOSTR, an occupant shall not include any persons 2 years of age or under.***