



TOWN COUNCIL

Work Session

November 7, 2024

Cape Charles Civic Center

Immediately Following the Special Meeting

1. Call to Order:
 - A. Roll Call

2. Items for Discussion:
 - A. [2024 Draft Community Citizen's Survey](#)
 - B. [Discussion of Recent Zoning Decisions & Possible Associated Zoning Code Changes](#)

3. Adjournment

Memorandum



From: John Hozey, Town Manager

Date: November 7, 2024

To: Town Council

RE: 2024 Citizen's Survey

It's that time of year again when we finalize our annual Community Strategic Plan Citizen's Survey. This has become a very useful tool over the past four years to gauge the community's sentiment on issues of concern which then helps the Town prioritize its limited resources.

This annual survey is actually the first step in the budget development process each year. Its timing is critical to enable data to feed into the annual update of the Community Strategic Plan, which then feeds into the development of the annual budget.

We therefore release this survey every year around Thanksgiving and leave it open until just after New Years. Note that the first eight questions are the same every year. This enables us to gather demographic information and track resident satisfaction over time. Questions nine and ten are typically reserved for the timely issues of the year, which usually look forward to the upcoming year and seek community guidance on the development of our work plan for that year. Also of note, we've learned that with this survey, less is usually more; and that we get the best response by keeping the survey to no more than two pages. This also facilitates our ability to mail it out with our monthly billing.

In preparation for this year's release, I have prepared a draft survey for Council's review and comment. Working from the existing priorities in the current Strategic Plan, this draft survey focuses on gathering information necessary to continue working on those priorities.

I look forward to answering any questions and incorporating Council input during tonight's work session.



DRAFT

DRAFT

Community Strategic Plan Citizen Survey - 2024

1. Please choose the closest one that applies to you:

- _____ Full-time resident living within the corporate limits of Cape Charles
- _____ Full-time resident within the town limits, who also owns additional property within the town limits
- _____ Resides in Northampton County but outside the corporate limits of Cape Charles
- _____ Owns property within the corporate limits of Cape Charles but maintains a primary residence outside of the town
- _____ Resides outside Northampton County but a frequent visitor to Cape Charles

2. How long have you lived or owned property in Cape Charles? _____ N/A

3. Do you own a business in Cape Charles? Yes _____ No _____

4. Are you employed? Circle the closest one that applies:

Full time part time retired between jobs prefer not to answer

5. Is your employment based primarily from your home? Yes _____ No _____ N/A

6. Do you think Town public services are appropriate for a community of our size?

Yes _____ No _____ (Please feel free to attach comments)

7. Are you satisfied with the quality of Town public services?

Yes _____ No _____ (Please feel free to attach comments)

8. Do you feel the Town has maintained or improved its small-town character in recent years?

Yes _____ No _____ (Please feel free to attach comments)

9. The currently vacant railroad property north and east of the harbor has captured the imagination of residents for many years. The issues surrounding clear title to this property that have hampered development are now close to being resolved. As a result, formal planning to guide potential development in this area is ripe for discussion. Please indicate your opinion on the following statements from 1 to 5 (with 1 meaning the least agreement and 5 being the strongest agreement).

- _____ Development of this area should strive to diversify our economy beyond tourism as much as possible (though it should not detract from existing tourism)

- _____ The character of the current historic district and Mason Avenue should be replicated into this area where appropriate
- _____ Open space, parks, or recreational areas should be included
- _____ Continuation of the existing street pattern to the south should be considered
- _____ ?? _____ ??

What other ideas or concepts should be considered in the development of this area:

10. Other than the topic above, what will be the most pressing issue or need for the Town in 2025?

11. What tools do you use to stay in touch with town happenings? Circle all that apply:

- Facebook posts Gazette Nixle Town website Weekly staff reports Word of mouth
- Watch meetings on Facebook Newspapers CC Happenings Mirror
- Other _____

12. Your Name: _____

Street Address: _____

Email Address: _____

Note: anonymous surveys cannot be counted

May we contact you regarding this survey? Yes _____ No _____

Responses are due back to Town Hall no later than 2:00 pm, January 10, 2025
Surveys may be dropped off, mailed (2 Plum St), or scanned and emailed to Clerk@capecharles.org
 An [electronic version](#) of this survey is also available on the Town’s website

DRAFT

Memorandum



From: John Hozey, Town Manager

Date: November 7, 2024

To: Town Council

RE: Recent BZA Precedents

On October 8, 2024, the Board of Zoning Appeals (BZA) met to hear appeals of two recent Zoning Administrator (ZA) decisions. One was regarding work done to a home at 204 Bay Avenue without receiving a prior zoning clearance. The other was a challenge to the determination that vehicles cannot be stored on vacant lots, specifically in the 500 block of Madison Avenue. The BZA approved both appeals, and in doing so potentially created undesired precedents.

The Town has three options when BZA appeal decisions create unwanted precedents:

1. Appeal the BZA decisions to the Circuit Court
2. Change the Zoning Ordinances to clarify the Council's intent regarding these matters
3. Do nothing and allow the precedents to stand

After consultation with the Town's attorney, I recommend option #2 regarding both decisions.

In the matter of the first appeal regarding the prosecution of work without appropriate advance review; the BZA did not focus on the correct issue, a procedural question. They instead focused on the merits of whether that specific work required HDRB review or not (typically the Zoning Administrator's decision). But in this case, the ZA never got the chance to rule on whether this work required HDRB review, because the applicant never came to the Town to ask for the ZA's interpretation.

Had the applicant followed our procedure and requested a zoning clearance in advance of the work, the ZA, after having the opportunity to review all the information, would have likely agreed that HDRB action was not required, and that the work could have been approved administratively.

But in this case, the applicant reviewed the ordinances on his own and decided unilaterally that the Town did not need to be contacted about this work. When the ZA was notified after the fact that the work had been done, and not knowing exactly what that work entailed, she issued a violation for not getting a zoning clearance before starting the work. It was that violation of procedure (not the question of minor work) that the applicant appealed to the BZA.

The Town Council has vested the authority to determine what is, or what is not, minor work in the ZA, not in the applicant. But by focusing on the work being done rather than the process not being followed, the BZA approval inadvertently vested that authority in the applicant; essentially upholding his right to work on his home based solely on his own interpretation of the ordinances.

The BZA simply got this one wrong; and as a result, any enforcement regarding work done in the historic district without first obtaining a zoning clearance has been suspended pending clarification of this issue with the Town Council.

If it is the Council's intent to allow each individual applicant to decide whether a zoning review is required or not, then no action is required. But if the Council still wants the ZA to make this determination, clarifying language needs to be inserted into the ordinances to remove any ambiguity. Once this clarification is made to these ordinances, it will nullify any unfortunate precedent the BZA may have inadvertently created in this case.

In the matter of the second appeal regarding the ability to store parked cars on vacant lots, the BZA reviewed the ordinances associated with this issue, and based primarily on their interpretation of the definition of parking lots in the ordinance, overruled the Zoning Administrator and approved the appeal.

Unlike the first appeal described above, the BZA focused on the correct issues and made the call as they saw fit. But this ruling creates a problem for the Town in that it is in contradiction to many other similar enforcement actions the Town has historically taken that were never appealed. Since the Zoning Administrator assumed her role, there have been 6 other similar cases of parking on vacant lots which were eventually cured as a result of a violation, resulting in the removal of the offending vehicles. This BZA ruling however, will stop all future similar enforcement actions.

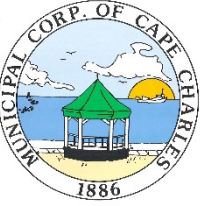
Since parking has become an important topic of conversation recently, Town Council direction on this matter is requested. If the Council has no concern regarding the appearance of vehicles being stored on vacant lots in the historic district, then no action is required. But if the Council has any concerns with how this might impact the charm of the historic district, and perhaps would like to discuss some side rails or parameters regarding this issue, guidance is needed and clarifying language must be inserted into the ordinance describing the Council's intent.

One additional item also needs clarification, as it pertains to the assertion that in a Dillon Rule state, actions or uses not specifically authorized by zoning are prohibited. During deliberations of this appeal, some BZA members may have been under the mistaken impression that the opposite was true; that unless prohibited, uses are authorized. This is something that all BZA members must get right, and so if we are making text amendments to clarify other intentions, we should also clarify this important pretext of zoning.



TOWN COUNCIL
Special Meeting
November 7, 2024
Cape Charles Civic Center
6:00 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Public Comments (3 minutes per speaker for agenda items only)
4. Order of Business:
 - *A. [Petition to the Court to Make Interim Appointment to Fill a Vacancy on the Town Council](#)
 - *B. [Contract Award for Inner Harbor Bulkhead Rehabilitation, Phase 3](#)
 - *C. [Resolution of Intent – Zoning Text Amendment 2024-01 – Adding & Amending Sections to Address Short-Term Rentals](#)
 - *D. [Resolution of Intent – Zoning Text Amendment 2024-02 - Amending the Cape Charles Zoning Ordinance](#)
5. Town Manager Comments
6. Mayor & Council Comments (5 minutes per speaker)
7. Announcements
 - November 11, 2024 – Town offices closed for Veterans’ Day holiday
 - November 18, 2024 – Planning Commission & Town Council Joint Public Hearing & Planning Commission Regular Meeting
 - November 21, 2024 – Town Council Regular Meeting
 - November 27, 2024 – Town Offices Closing at Noon for Thanksgiving Holiday
 - November 28-29, 2024 – Town Offices Closed for Thanksgiving Holiday
 - December 5, 2024 – Town Council Executive Session
8. Adjournment

 TOWN OF CAPE CHARLES	AGENDA TITLE: Petition to the Court to Make Interim Appointment to Fill a Vacancy on the Town Council		AGENDA DATE: November 7, 2024
	SUBJECT/PROPOSAL/REQUEST: Choose an individual for interim appointment to Town Council & authorize legal counsel to file the petition and submit to the Court		ITEM NUMBER: 4A
	ATTACHMENTS: 1) Petition to the Court to Make Interim Appointment to Fill a Vacancy on the Town Council of Cape Charles; 2) Order of Interim Appointment to Fill a Vacancy on the Town Council of Cape Charles		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Councilman Andrew Follmer was elected to the Town Council in 2020, for a term expiring on December 31, 2024. He did not file for reelection. However, Councilman Follmer tendered his resignation from the Town Council effective August 31, 2024.

DISCUSSION:

The Town Council had 45 days from the time of the resignation to appoint someone to fill the remaining time in Councilman Follmer's term. But since it was approximately just two months until the general election, a discussion was held regarding the timing of this appointment and our legal firm was notified. In accordance with Code of Virginia § 24.2-228(A), a consensus was reached to wait until after the election and then request the Court to appoint the (non-incumbent) Town Council candidate who received the most votes in the general election as an interim member until the newly elected Town Council takes office on January 1, 2025.

Also, since the Town does not have an attorney on staff, the Council needs to authorize Michael Sterling, our contracted attorney, to sign the petition and related documents on behalf of the Town Council and to file the petition with the Court.

RECOMMENDATION:

Staff recommends the following separate motions:

- 1) Identify the non-incumbent candidate receiving the most votes in the general election and make a motion to insert that name into the attached petition, and to approve the petition requesting the Court to appoint that candidate as an interim member of the Town Council.
- 2) Make a motion to authorize Michael Sterling of Wood Rogers Vandeventer Black, to sign the petition and related documentation on behalf of the Town Council and to file the petition with the Court.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NORTHAMPTON

**IN RE: TOWN OF CAPE CHARLES –
INTERIM APPOINTMENT TO LOCAL GOVERNING BODY**

Docket No.:

**PETITION TO THE COURT TO MAKE INTERIM APPOINTMENT
TO FILL A VACANCY ON THE
TOWN COUNCIL OF CAPE CHARLES, VIRGINIA**

NOW COMES the Town Council of Cape Charles, Virginia (the “Petitioner” or “Town Council”), and hereby petitions this Court to make an interim appointment to the Town Council in accordance with Virginia Code § 24.2-228(A). In support of this Petition, Petitioner states as follows:

1. On September 1, 2024, Town Council Member, Andrew Follmer, submitted a letter of resignation dated August 31, 2024, attached hereto as Exhibit A.
2. Considering the short time until the next general election on November 5, 2024, the Town Council did not act to fill the vacancy within the 45-day window permitted by Virginia Code § 24.2-228(A).
3. Councilman Follmer did not seek reelection, so his seat was on the ballot for the general election on November 5, 2024, and therefore a special election to fill the vacancy is not required.
4. However, the newly elected Town Council members will not take office until January 1, 2025, so there is a vacancy on the Town Council until that date.
5. On November 7, 2024, Petitioner held a public meeting in which it passed a motion to request the Court to appoint _____, a citizen of the Town of Cape Charles and qualified voter of the election district, and the non-incumbent Town Council candidate who received the most votes in the general election, as an interim member of the Town Council until the newly elected Town Council takes office on January 1, 2025.

6. At its meeting on November 7, 2024, the Town Council also authorized the filing of this Petition and further authorized the undersigned legal counsel to sign the Petition and related documents on behalf of the Town Council.

WHEREFORE, the Petitioner, pursuant to Virginia Code section 24.2-228(A), respectfully requests that this Court appoint {_____} as an interim member of the Town Council until the newly elected Town Council members take office on January 1, 2025.

We ask for this:

TOWN COUNCIL OF CAPE CHARLES

By: Michael L. Sterling, Esquire
VSB 25145

Exhibit A

August 31, 2024

Mayor Adam Charney
2 Plum Street
Cape Charles, VA 23310

Dear Mr. Mayor,

It is with deep regret that I notify you of my resignation from Town Council, effective immediately. As you are aware, I have struggled to keep up with the workload and meeting schedule this summer, and the workplan shows the usual increase in workload for this Autumn. It has been a pleasure and honor to work with this council for the past 4 years and 3 months, and I take great pride in what we have achieved together.

With so many important issues on the agenda, it would be a disservice to this town I love and my fellow council members to continue knowing I am unable to continue providing the standard of service I have set for myself. I have every confidence in this council and wish you all the best.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Follmer', with a long horizontal flourish extending to the right.

Andrew Follmer
300 Mason Avenue
Cape Charles, VA 23310

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NORTHAMPTON

**IN RE: TOWN OF CAPE CHARLES –
INTERIM APPOINTMENT TO LOCAL GOVERNING BODY**

Docket No.:

**ORDER OF INTERIM APPOINTMENT
TO FILL A VACANCY ON THE
TOWN COUNCIL OF CAPE CHARLES, VIRGINIA**

Upon consideration of the Petition filed by the Town Council of Cape Charles, Virginia (the “Town Council”), to make an interim appointment to the Town Council in accordance with Virginia Code § 24.2-228(A), the Court finds as follows:

- 1) On September 1, 2024, Town Council Member, Andrew Follmer, submitted a letter of resignation.
- 2) There was a general election on November 5, 2024, but the newly elected Town Council members will not take office until January 1, 2025.
- 3) On November 7, 2024, the Town Council petitioned this Court to make an interim appointment to fill the vacancy pursuant to Virginia Code section 24.2-228(A).

Accordingly, it is **ORDERED**, by the Circuit Court of the County of Northampton that, in accordance with Virginia Code section 24.2-228(A), { _____ } is appointed to fill the vacancy until the newly elected Town Council takes office on January 1, 2025.

Entered this _____ day of _____, 2024

Honorable Lynwood Lewis,
Circuit Court Judge

We ask for this:

TOWN COUNCIL OF CAPE CHARLES

By: Michael L. Sterling, Esquire
VSB 25145

 TOWN OF CAPE CHARLES	AGENDA TITLE: Inner Harbor Bulkhead Rehabilitation, Phase 3		AGENDA DATE: November 7, 2024
	SUBJECT/PROPOSAL/REQUEST: Authorize contract award for Phase 3 of Inner Harbor Bulkhead Rehabilitation.		ITEM NUMBER: 4B
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek, Project Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The FY 2025 budget includes \$221,537 for the Inner Harbor Bulkhead Rehabilitation, Phase 3 project. Of that amount, \$166,153 is funded by an Aid to Local Ports grant from the Virginia Port Authority.

The first two phases of the bulkhead rehabilitation were completed last fiscal year. This phase includes 35 new king piles and approximately 240 linear feet of horizontal wale. These will replace structural elements that have deteriorated from more than 20 years of side-to docking. The work will extend the service life of the vinyl sheet pile bulkhead to about 50 years.

DISCUSSION:

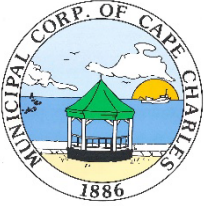
An Invitation for Bids was issued on September 16, 2024. Four bids were received on October 21, 2024. The low bid from Bay Coastal Contracting (BCC) was \$168,417. The other bids ranged from \$229,525 to \$297,350. Langley & McDonald (L&M) has evaluated the experience of Bay Coastal Construction and recommended award.

The current project estimate follows:

Construction (BCC)	\$168,417
Engineering/Administration (L&M))	10,400
Contingency (5%)	<u>8,941</u>
Total	\$187,758

RECOMMENDATION:

Authorize contract award to Bay Coastal Construction in the amount of \$168,417 and a contingency reserve of 5%.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Resolution of Intent – Zoning Text Amendment Adding & Amending Sections to Address Short-Term Rentals		AGENDA DATE November 7, 2024
	SUBJECT/PROPOSAL/REQUEST: Consideration of referral to Planning Commission		ITEM NUMBER: 4C
	ATTACHMENTS: Resolution of Intent #20241107A		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume for Katie H. Nunez	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The 2023 Town Council Priorities List, which was adopted on March 2, 2023, indicated the development of short-term rental (STR) regulations as a priority for the Town staff. In May/June 2023, the town manager convened an ad-hoc work group to research STR issues. The committee developed a list of issues and possible means of addressing those issues which were brought to a joint work session of the Town Council and Planning Commission on November 2, 2023. Input was obtained during that meeting and the town manager and committee continued working on the proposed regulations. A Town Hall meeting was held on April 29, 2024 to solicit public input. This meeting was well attended both in person and on Facebook. On June 13, 2024, the town manager presented the draft proposals to the Town Council. Some of the proposals would require zoning text amendments and some would require Town Code amendments. Town Council indicated which items were supported by the majority of the Council and those items that did not achieve consensus. The next update to Council was provided on August 8, 2024 with detailed review of the zoning and Town Code amendments. The proposed amendments were then reviewed by the town's attorney and finalized into a document called "Proposed Short-Term Rental Ordinance Amendment" dated October 21, 2024.

ITEM SPECIFICS:

§ 15.2-2286(A)(7) of the Code of Virginia requires that amendments to a zoning ordinance shall be initiated by a resolution of the local governing body; a motion of the planning commission; or in the case of zoning district map amendments, by application of the landowner or the landowner's authorized agent. § 15.2-2285(B) of the Code of Virginia provides that no zoning ordinance shall be amended or re-enacted unless the governing body has referred the amendment or reenactment to the local planning commission for its recommendation.

RECOMMENDATION:

Staff recommends that Town Council vote to adopt Resolution of Intent 20241107A – Proposed Zoning Text Amendment 2024-01 Application from Town of Cape Charles to Add in a New Section Creating Short-Term Rental Zoning Ordinance and Amend Certain Sections of the Zoning Ordinance to Address Short-Term Rentals.

RESOLUTION OF INTENT 20241107A

PROPOSED ZONING TEXT AMENDMENT 2024-01 APPLICATION FROM TOWN OF CAPE CHARLES TO ADD IN A NEW SECTION CREATING SHORT TERM RENTAL ZONING ORDINANCE AND AMEND CERTAIN SECTIONS OF THE ZONING ORDINANCE TO ADDRESS SHORT TERM RENTALS

WHEREAS, § 15.2-2286 (A) (7) of the Code of Virginia requires that amendments to a zoning ordinance shall be initiated by a resolution of the local governing body; a motion of the planning commission; or in the case of zoning district map amendments, by application of the landowner or the landowner's authorized agent; and

WHEREAS, Section 15.2-2285 (B) of the Code of Virginia provides that no zoning ordinance shall be amended or re-enacted unless the governing body has referred the amendment or reenactment to the local planning commission for its recommendation; and

WHEREAS, the Cape Charles Town Council finds that the public necessity, convenience, general welfare, and good zoning practice requires that a zoning text amendment be considered, as a result of the following community and staff input:

- The Town Council Strategic Priorities list, which was adopted on March 2, 2023, indicated that the newest priority to be tackled next by Town Staff was to Develop Short-Term Rental regulations/ordinance. This item was on the previous years' list but was preceded by 10 other priorities that needed to be addressed first.
- In May/June 2023, the Town Manager convened an Ad-Hoc Work Group to research short-term rental issues. This committee developed the list of issues and possible means of addressing said issue and brought this forth to a joint work session of the Town Council and Planning Commission on November 2, 2023.
- The intent of this work from the Ad-Hoc Committee was to: (1) develop solutions to protect and preserve the Town's sense of community while recognizing the STRs and their economic benefits and (2) to address the stress on the Town's infrastructure – water and sewer capacity; space on the beach, parking on the streets, etc. This meeting provided input, requested additional information and continued tasks for the Town Manager and ad hoc committee to continue working on proposed regulations.
- On April 29, 2024, a Town Hall Meeting was held by Town Council and the Town Manager to solicit public input and comment on the issue of Short-Term Rentals and the issues identified thru the work of the Ad-Hoc Committee and possible solutions being considered. Said meeting was attended by over 100 members of the public and broadcast on the Town website via Facebook.
- On June 13, 2024, the Town Council received a presentation by the Town Manager of the work of the Ad-Hoc Committee and the draft proposals developed as a result of the last 2 meetings. Some of the proposals would require a zoning text amendment and others would require amending certain sections of the Town Code. Town Council indicated what items were supported by the majority of the council members and what items did not achieve consensus.
- Work continued with the next update at the Town Council meeting on August 8, 2024, with a detailed review of the proposed zoning ordinance text amendment as well as the Town Code amendments which received consensus support from the Town Council. The proposed amendments were then reviewed by

the Town Attorney and finalized into a document called: “Proposed Short Term Rental Ordinance Amendment dated October 21, 2024, total of 8 pages.”

NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Ordinance to amend Section 2.9 Definitions; Section 3.2-3.9 & 3.16: Zoning District Regulations to include Short Term Rentals as a By-Right Use; Section 4.2 (J) Accessory Dwellings to correct reference re: Short Term Rentals; Section 4.5 (B) (3) (a) (9) Off Street Parking and Loading; and add new section 4.12: Short Term Rental Regulations.

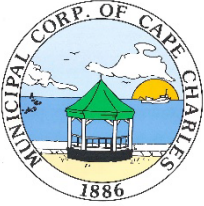
Said Zoning Text Amendment 2024-01 is referred to the Cape Charles Planning Commission to convene the requisite public hearings and public notifications, which may be done jointly between the Cape Charles Planning Commission and Cape Charles Town Council and for the Cape Charles Planning Commission to prepare its recommendation on said Zoning Text Amendment 2024-01 for Cape Charles Town Council’s consideration.

Adopted by the Town Council of the Town of Cape Charles on November 7, 2024.

By: _____
Mayor Charney

Attest:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Resolution of Intent – Zoning Text Amendment Updating the Cape Charles Zoning Ordinance		AGENDA DATE November 7, 2024
	SUBJECT/PROPOSAL/REQUEST: Consideration of referral to Planning Commission		ITEM NUMBER: 4D
	ATTACHMENTS: Resolution of Intent #20241107B		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume for Katie H. Nunez	REVIEWED BY: John Hozey, Town Manager	

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 they have observed from their experience in the field.

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. There have been approximately 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.

With this work coming to close, it is necessary to formalize and have the Town Council adopt the resolution required by law for this type of zoning ordinance revision since the proposed changes are basically completed and ready as a full DRAFT ZONING ORDINANCE AMENDMENT.

ITEM SPECIFICS:

§ 15.2-2286(A)(7) of the Code of Virginia requires that amendments to a zoning ordinance shall be initiated by a resolution of the local governing body; a motion of the planning commission; or in the case of zoning district map amendments, by application of the landowner or the landowner’s authorized agent. § 15.2-2285(B) of the Code of Virginia provides that no zoning ordinance shall be amended or re-enacted unless the governing body has referred the amendment or reenactment to the local planning commission for its recommendations.

RECOMMENDATION:

Staff recommends that Town Council vote to adopt Resolution of Intent 20241107B – Initiate and Refer to the Planning Commission Certain Proposed Amendments of the Cape Charles Zoning Ordinance Contained in Zoning Text Amendment 2024-02 Application from Town of Cape Charles to Amend Wholly the Cape Charles Zoning Ordinance.

RESOLUTION OF INTENT 20241107B

**INITIATE AND REFER TO THE PLANNING COMMISSION CERTAIN
PROPOSED AMENDMENTS OF THE CAPE CHARLES ZONING
ORDINANCE CONTAINED IN ZONING TEXT AMENDMENT 2024-02
AND ZONING MAP AMENDMENTS 2024-02 THROUGH 85
ALL CONTAINED IN THE APPLICATION FROM TOWN OF CAPE
CHARLES TO AMEND WHOLLY THE CAPE CHARLES ZONING
ORDINANCE AND ZONING MAP**

WHEREAS, § 15.2-2286 (A) (7) of the Code of Virginia requires that amendments to a zoning ordinance and zoning map shall be initiated by a resolution of the local governing body; a motion of the planning commission; or in the case of zoning district map amendments, by application of the landowner or the landowner's authorized agent; and

WHEREAS, Section 15.2-2285 (B) of the Code of Virginia provides that no zoning ordinance and zoning map shall be amended or re-enacted unless the governing body has referred the amendment or reenactment to the local planning commission for its recommendation; and

WHEREAS, the Cape Charles Town Council finds that the public necessity, convenience, general welfare, and good zoning practice requires that a wholesale review and possible revisions be made to the Cape Charles Zoning Ordinance as well as the accompanying Zoning Map in keeping with the recently amended and adopted Five Year Comprehensive Plan Update dated December 15, 2022.

NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Ordinance in full and Zoning Map , as prepared and developed by staff, Summit Design Engineering, the Planning Commission and Town Council; said amendment is referred to the Cape Charles Planning Commission to convene the requisite public hearings and public notifications, which may be done jointly between the Cape Charles Planning Commission and Cape Charles Town Council and for the Cape Charles Planning Commission to prepare its recommendation on said Zoning Text Amendment 2024-02 and Zoning Map Amendments 2024-02 thru 85 for the Cape Charles Town Council's consideration.

Adopted by the Town Council of the Town of Cape Charles on November 7, 2024.

By: _____
Mayor Charney

Attest:

Town Clerk