

**TOWN COUNCIL
Public Hearing & Regular Meeting
Cape Charles Civic Center
October 20, 2022
6:30 PM**

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Public Hearing & Regular Meeting of the Cape Charles Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O’Brien. Also, in attendance were Town Manager John Hozey, Planner/Zoning Administrator Katie Nunez, Police Chief Jim Pruitt, Special Assistant to the Town Manager Julie Pruitt, and Town Clerk Libby Hume. There were 9 members of the public physically in attendance, and 11 viewers on Facebook.

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

PUBLIC HEARING:

Mayor Dize announced that this evening’s public hearing was to receive comments regarding A) Zoning Text Amendment - Accessory Dwelling Unit Ordinance; and B) Zoning Text Amendment - Removal of Proffers from Several Parcels on Old Cape Charles Road.

A. Accessory Dwelling Unit Ordinance

There were no comments to be heard on this item nor any comments received in writing prior to the meeting.

B. Removal of Proffers from Several Parcels on Old Cape Charles Road

There were no comments to be heard. Town Clerk Libby Hume read an email submitted by Jody and Mark Bundy of 2510 Old Cape Charles Road. (Please see attached.)

There were no additional comments received in writing prior to the meeting.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to close the public hearing. The motion was approved by unanimous vote.

The public hearing was closed at 6:37 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS:

There were no visitors to be recognized nor any presentations to be heard.

PUBLIC COMMENTS FOR ITEMS NOT SUBJECT TO THE ADVERTISED PUBLIC HEARING: (3 MINUTES PER SPEAKER)

Dianne Davis, Cape Charles resident

Ms. Davis addressed the Council regarding several items. (Please see attached.)

Roger Moyer, Cape Charles resident, representing the Library Board

Mr. Moyer stated that the Library Board was planning their 2023 Town Wide Read and solicited the names of books that had been made into movies. The movie would be shown at the Palace Theatre on February 5, 2023. Mr. Moyer added that the library was in good shape and offered a lot of good services.

Donna Onley Kohler, Cape Charles resident and business owner

Ms. Kohler addressed the Council regarding the proposed Town Hall building. (Please see attached.)

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

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. September 8, 2022 Historic District Design Guidelines Public Forum
 - ii. September 15, 2022 Town Council Public Hearing & Regular Meeting
 - iii. September 15, 2022 Town Council Work Session
 - iv. September 15, 2022 Town Council Executive Session
 - v. September 29, 2022 Town Council, Planning Commission, Historic District Review Board Work Session
- C. Approval of August 31, 2022 Financial Report

Town Manager John Hozey stated that something went wrong when the financial report was printed and the current year to date line item was blank on one of the pages. The current page was distributed to Council at the beginning of the meeting.

Motion made by Councilman Grossman, seconded by Councilwoman O'Brien, to approve the consent agenda items as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

- A. *Zoning Text Amendment – Accessory Dwelling Unit Ordinance (ZTA 2022-01):*

Planner/Zoning Administrator Katie Nunez stated that this was the second attempt to get Council approval on the Planning Commission's recommended amendments to the accessory dwelling unit ordinance. The Planning Commission held their public hearing on October 4, 2022 and no comments were offered. The Planning Commission discussed the proposed text amendments, and several additional changes were made. The Commissioners unanimously approved the recommendation for Council adoption of Zoning Text Amendment 2022-01.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt ZTA 2022-01 as recommended by for amendment by the Planning Commission.

Mayor Dize read the complete text of Ordinance 20221020A Adopting Text Amendments to Cape Charles Zoning Ordinance Section 4.2 (J), Section 2.9 and Sections 3.1 (B), 3.2 (B), 3.3 (B) and 3.4 (B) Regarding Accessory Dwelling Units.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

- B. *Zoning Text Amendment – Removal of Proffers from Several Parcels on Cassatt Parkway:*

Katie Nunez stated that on November 13, 2008, the Town of Cape Charles agreed to conditionally rezone a portion of then Tax Map #90-3-A, comprising of 33.195 acres off of Old Cape Charles Road and more commonly identified as the Keck Property with proffers. The rezoning change on the left side of the property went from R-E to R-3 and the right side of the property remained R-E and was deeded to the Town. The proffers were recorded on December 31, 2008. The parcel on the left side, referred to as Tract A, was sold on June 13, 2016 from Allan and Gail Keck to General Builders, LLC. A further subdivision of Tract A was approved by the Town on January 30, 2017 which created four one-acre lots and a remainder or residual parcel of 11.5 acres. The proffers were above and beyond the normal zoning requirements and had proven to be problematic and cumbersome. The Town had been in discussions with a representative of Lot 4 Holdings, LLC, who was conducting due diligence relative to the purchase of the remainder or residual lot of 11.5 acres, now identified as Tax ap 90-19-A. Mr. Lance Marine indicated an interest in a workforce housing development, and issues or elements that must be addressed in order for such a project to proceed successfully were identified. The proffers that covered this

property were proving to be an impediment to move forward and a letter was provided outlining the project intentions. Staff had spoken with our attorney to ascertain the process to remove or amend the proffers and were advised that following an advertised public hearing and with concurrence from the current legal owners of the land affected by the proffers, the Town could amend and/or repeal the proffers. The current owners of the land were: Town of Cape Charles, General Builders, LLC acting through its principal representative Angelo Manuel, and CEM Investments, LLC. Based on conversations, it was the understanding of staff that all current owners would be supportive of removing the proffers. There had also been a conversation with the original owners, the Kecks, and they would pose no objection to the removal of the proffers from all of the land originally covered by the proffers.

The Planning Commission held their public hearing on October 4, 2022 and received public comments from Jody and Mark Bundy. A similar statement from the Bundys were read into the record during this evening's public hearing.

The following clarifying information as a result of ongoing conversations with the developer regarding the project was provided to the Planning Commission: i) the 11.5 acres owned by General Builders, LLC had been the focus of the workforce housing concept project; ii) the developer had done a very preliminary draft sketch of what the building housing studio/apartment units would look like including built in furniture such as kitchen table, desk, etc.; iii) a number of items had been discussed such as the minimum square footage requirements in our ordinance (960 sq. ft) might be too large for this type of development and the need to consider a smaller square footage. Also discussed were the height limitations and possibility of looking at taller buildings, the total density of development that could occur on the land versus any proffer limitations; iv) discussed at length the Town's water and sewer capacity and what infrastructure was available to the property at this point and the Town's capital planning for addressing water and sewer. The adjacent property was owned by the Town and housed the Keck Well which has been permitted and incorporated as part of the Town's Water Permit for the town wells. It had not been connected to the water plant but was included on the Town's capital plan for connection by Fiscal Year 2024. A vote was taken to assign an already engineered wastewater line to the developer to use for obtaining construction cost estimates and to allow the Town and the developer to enter into more solid discussions about cost sharing regarding wastewater line expansion to this property; v) discussed the development of a PUD Ordinance that would specifically define workforce housing, density, height, unit square footage for both unit and total building size, and the need to identify two types of uses that would occur on the property as stipulated by our ordinance.

Councilman Grossman stated that the proffers also hampered the Town's position and ensuring they had a flexible a position on the property owned by the Town to evaluate how best to use the land, adding that there was no current discussion with the developer concerning the Town-owned lot.

Access to the 11.5-acre parcel must be from Cassatt Parkway with the Old Cape Charles Road access to be utilized as a secondary, emergency vehicle access only. This was in the initial conversation with the developer and VDOT.

The Commissioners recommended Council approval to remove the proffers originally accepted and approved on November 13, 2008 and further identified as part of the Keck Property Rezoning by the Town and recorded in the Northampton County Clerk of Courts office as Instrument #090002549 since the proffers were inhibiting consideration and development of a workforce housing proposal which was one of the Town's strategic goals. Said proffers would be removed from the following parcels: 90-19-B, 90-19-A, 90-29-3, 90-29-4, 90-29-2, and 90-29-1.

Motion made by Councilman Grossman, seconded by Councilman Follmer, to adopt Ordinance 20221020B Adopting Text Amendments to Cape Charles Zoning Ordinance Removal of Proffer Statement of the Keck Property Rezoning on the six parcels as discussed.

There was discussion as follows: i) Councilman Grossman wanted to answer questions that were raised about the Town's property adding that this was a future developable parcel, and the Town was not in any discussion with Mr. Marine regarding this parcel. Removal of the proffers from that parcel provided flexibility with future opportunities; ii) Katie Nunez stated that she had a conversation earlier today with Mr. Marine who would immediately begin working to close on the property. He would also begin work on the legal portion of the PUD Ordinance, conceptual plan, site plan and site layout which would be done by the end of November and submitted to the Town for consideration. It was tentatively scheduled for review at the December regular meeting for Council review and input and the possibility to authorize staff to schedule a public hearing in January; iii) Councilman Grossman added that the developer could not move forward with any type of work on the land until the items noted by Ms. Nunez had been completed; iv) Vice Mayor Bennett stated that the Bundys had some good points and the fact that the property would be in a PUD allayed some of his concerns. He asked about the type of buffer that would be included in the PUD Ordinance; v) Katie Nunez stated that the zoning ordinance contained regulations related to buffers. The buffers that were in the proffer were an entire additional layer in addition to what was required in our zoning ordinance. Since Preserve Communities changed some of the land designations of abutting parcels identifying them for preservation, there was no longer a chance for that tree stand to be eliminated. The 11.5 acres were proposed for subdivision and a new road would be built as part of that subdivision. The Town still had leverage related to this development since the developer needed water and sewer; vi) Vice Mayor Bennett stated his appreciation that the primary entrance was required to be off Cassatt Parkway but asked what constituted a secondary entrance. Katie Nunez replied that she had spoken with VDOT and they would not approve the use of a primary entrance on Old Cape Charles Road. A secondary entrance was to be used for emergency vehicles only. VDOT dictated the entrance sizes. There were still a number of hurdles to overcome such as traffic studies, etc.; vii) Councilwoman O'Brien asked about the number of units. Katie Nunez responded that the first phase consisted of 2 acres and would have 64 apartment-style units with smaller square footage in a multi-tiered building. The developer was looking for about 300-350 square feet per unit.

Mayor Dize read the complete text of Ordinance 20221020B Adopting Text Amendments to Cape Charles Zoning Ordinance Removal of Proffer Statement of the Keck Property Rezoning.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

C. Resolution of Intent – Zoning Ordinance Text Amendment to Section 4.5-Off Street Parking and Loading Standards:

John Hozey stated that last month, when Council discussed the parking lot for the municipal center, it was noted that there was nothing in the zoning ordinance that took golf cart parking into consideration. It was also recommended that Section 4.5.C related to shared parking include language for dual use facilities which would benefit potential future development. The Town zoning ordinance and the Virginia Code 15.2-2286 (A) (7) required a resolution of intent from the governing body to initiate any change to a zoning ordinance or zoning map.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to adopt Resolution of Intent 20221020 Zoning Ordinance Text Amendment to Section 4.5 Off-Street Parking and Loading Standards.

Mayor Dize moved for adoption of Resolution of Intent 20221020 as noticed and forewent reading of the Resolution.

The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes; O'Brien, yes.

D. *Amendment to Policy for Electronic Participation in a Town Council Meeting:*

Town Manager John Hozey stated that this was mostly a housekeeping item. When the Code of Virginia was changed, we were also required to update our policies as well to adopt the recent changes. The only changes to the Electronic Participation in Town Council Meetings Policy were the references to the appropriate sections of the Code of Virginia and the addition of section 1.C regarding the distance from the elected official's residence to the meeting location. This did not apply to the Town but was included since it was added to the Code of Virginia section.

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to adopt the amended Town of Cape Charles Electronic Participation in Town Council Meetings Policy. The motion was approved by unanimous vote.

E. *Reappointment of Wetlands & Coastal Dune Board Member:*

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

F. *Downtown Restroom Design:*

John Hozey stated that Council previously reviewed the plans for the downtown restroom and requested a different roof design to make the appearance more like a train station. The request was forwarded to the architect. The architect found out that Cape Charles Main Street (CCMS) planned to renovate the train car for a Welcome Center, etc. and contacted the Town regarding possibly expanding the restroom building to include a Welcome Center since there would be major work required to renovate the train car for any public use. He took the idea first to CCMS since it involved a change to their Welcome Center project. The CCMS Board supported the concept as long as it did not delay the opening of the restroom facility.

The estimated cost for the restroom facility was about \$195K of which \$150K was budgeted. CCMS obtained \$54K through grants, making the budgeted amount \$204K. To expand the building for a Welcome Center and CCMS office would add \$275K. If Council felt the expanded project was worth pursuing, we could use the remaining ARPA funding. We had about \$300K remaining and this would be an appropriate use. CCMS was also still trying to find additional funding sources.

There was some discussion as follows: i) Councilwoman Holloway added that one of her roles was serving as the Cape Charles representative to the Eastern Shore of Virginia Tourism Commission (ESVTC). She mentioned this expanded project and several of the committee members expressed their willingness to support funding of about \$100K towards the project. She had also been working with Northampton County on the Tourism Infrastructure Grant, and due to the amount of transient occupancy tax revenue from the Town, she felt that CCMS could acquire some funding from that grant as well; ii) The facility would be located between the train car and Strawberry Street Plaza. Staff still needed to have discussion with Canonie Railroad about increasing the footprint. Canonie Railroad had agreed to the space for the train and restroom facility, but this expanded project would require more space; iii) CCMS would move their office and a meeting room to this facility which would save them about \$12K annually for rent and utilities. We would then have a visitors' center that would be managed throughout the year; iv) the utilities were close in proximity to the planned site so the cost to connect would be minimal; v) Councilman Grossman expressed his concerns related to the increased cost. He was hesitant to use the remaining ARPA money with the municipal center project also in the works. He felt that the \$5M estimate for the municipal center building was unrealistic and any additional funding we had needed to be reserved for the municipal building as a priority. An additional \$50K for the restroom facility would not be an issue but \$275K had him very concerned; vi) John

Hozey agreed that the municipal center was the #1 priority. He and Treasurer Deborah Pocock discussed the funding options and felt that use of the ARPA funding made sense. We had other options available. Council had set certain goals for reserves, and we had exceeded those goals, and had \$745K available in the General Fund reserves. This year, we had a \$147K surplus which we allowed to go to the Fund Balance. We did not spend the entire 6% which was allocated in the Capital Improvement Fund and had \$82K unspent. All that totaled almost \$1M; vii) Vice Mayor Bennett stated that Cape Charles always ended up not doing things that were needed. We needed to start doing things that would reflect who we were. This was a good step. We had a restroom in Central Park that looked like a pump house. He understood Councilman Grossman's concerns, and he had concerns of his own, but we needed to move forward with this project; viii) Mayor Dize stated that CCMS had gone after and obtained many grants to improve the business district and the Town as a whole. He had no doubt that CCMS would not continue to obtain grants. He agreed that it was a lot of money, but he supported the betterment of the Town; ix) There would be discussion regarding the funding during the mid-year budget review; x) CCMS would immediately move forward with applying for the Northampton County Infrastructure Grant.

Motion made by Vice Mayor Bennett, seconded by Councilman Follmer, to approve the concept to include a visitors' center in the downtown restroom building. The motion was approved by majority vote with Councilman Grossman opposed.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) He spoke to VDOT about sidewalk repairs and they now had a schedule. A crew was in town and marked selected sidewalks with white paint. Those would be replaced. They would begin the repair/replacement project the week of October 31; ii) With the help of Virginia American Water, we were making very good strides at the wastewater treatment plant. The oxygen and ammonia numbers looked much better and making progress overall. Their oversight was just what we needed; iii) The Comprehensive Plan Joint Work Session was one week from tonight. He made a plea to the Council to review the draft Comprehensive Plan and submit their comments by next Monday, October 24th. This was one of the most important documents for the Town and no comments had yet been submitted by the Town Council

MAYOR AND COUNCIL COMMENTS

Councilman Follmer commented as follows: i) The public lot at Fig Street and Randolph Avenue had been cleaned up of signs, but they were creeping back in. Oyster Farm, Farmer's Market, and a number of other signs had been placed back on the lot over the past several weeks; ii) As a placeholder for future discussion, someone pointed out to him the proliferation of 2' x 2' sized signs all over town for vacation rentals. What was the purpose of those? The properties were listed online and people booked them online. No one rode around town to look at a house prior to booking it. It wasn't good for the aesthetics of the town and needed to be addressed. John Hozey noted that the issue was on our radar for review to be addressed in the zoning ordinance. The issue was that a supreme court decision was made that sign content could not be regulated. Katie Nunez added that the entire sign section of the zoning ordinance needed to be updated.

Councilman Grossman commented as follows: i) He needed to correct the record of a statement that he made last night at the Candidate Forum. He had been married for 48 years this month; ii) When preparing for the Candidate Forum, he came across a bill submitted to committee by Senator Desteph relaxing the ordinance for short term rentals, including removal of the parking requirement. This bill needed to be followed in the General Assembly and needed to be included as a item in the Town's request; iii) He was organizing a "Coffee With Katie" for Saturday morning, October 29th, for citizens to come meet with Katie Nunez to learn more about the future land use map and its purpose. The meeting will be after the October 24th comment deadline for the Comprehensive Plan but before the public hearing.

Councilwoman O'Brien stated that she had previously asked to schedule a summer season debriefing with business owners and staff of what worked and what didn't work over the season and asked

about the status off this meeting, adding that she would like Chief Pruitt to also be in attendance. John Hozey stated that a meeting had not been scheduled as September, October and November were very busy with meetings trying to finalize a number of important projects, and he was not certain of the purpose of the meeting and who to include. Councilwoman Holloway added that CCMS Connect meetings were held monthly with business owners and it might be a better forum to invite Council and staff members to discuss these issues. The business owners were already aware of this monthly meeting versus trying to schedule a separate Town Hall style meeting with the Town. Mayor Dize suggested having John Hozey obtain feedback from staff to provide to Council in a weekly report. Mayor Dize asked Councilwoman O'Brien to work with CCMS Executive Director Karen Zamorski regarding this meeting.

Vice Mayor Bennett stated that he had the opportunity to attend the Virginia Municipal League (VML) Mayor's Conference and Annual Conference last month, along with Councilman Grossman, Councilwoman Holloway and John Hozey. It was a great opportunity to meet and talk with other elected officials from various localities across the state to compare and discuss issues. He encouraged everyone to attend in the future.

Councilwoman Holloway commented as follows: i) She attended a session at the VML Conference regarding short term rentals. All localities were going through similar issues, the biggest were parking and trash-related; ii) She thanked Ms. Donna Onley Kohler for her comments this evening which would be taken in to consideration for the visitors' center and needed to be addressed related to the new Town Hall; iii) She thanked the Planning Commission for their endurance and perseverance on the accessory dwelling unit ordinance. They did a lot of work on this ordinance which was appreciated; iv) She was excited to see the VDOT street sweeping under way; v) As stated earlier, she was the Town's representative to the ESVTC and was excited to see the latest report which showed that Northampton County was leading the state in growth from 2019 to 2021. She distributed the entire report and asked that it be included in the minutes. (Please see attached.)

Councilman Buchholz expressed his concurrence with Ms. Dianne Davis' comments about Libby Hume. She did a tremendous job, especially over the last few weeks. He also thanked Ms. Davis for commenting that there was more to Cape Charles than the business district. People needed to remember that Cape Charles was a historic town but there were also other areas as well.

Mayor Dize commented as follows: i) He was walking his dog along Peach Street and noticed a little piece of brick in the grass. He dug down some and found a sidewalk buried in the grass. He knew that Ms. Claudette Lajoie and Ms. Kathy Fraas found sidewalks on their properties under the grass as well. There were probably other areas that had old sidewalks that were buried. If they could be located and uncovered, VDOT might repair them. VDOT would not install new sidewalks but would repair existing ones if needed.

Mayor Dize read the announcements. The Town Council Work Session date was listed incorrectly on the agenda. It was scheduled for November 28, 2022, not the 27th.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adjourn the Town Council Public Hearing & Regular Meeting. The motion was approved by unanimous vote.

The Public Hearing & Regular Meeting adjourned at 8:20 p.m.

Mayor Dize

Town Clerk

**October 20, 2022 Town Council Public Hearing & Regular Meeting
Comments and Information Provided in Writing**

Jody and Mark Bundy, 2510 Old Cape Charles Road

Subject: Proffer Agreement of 2008/Request to Vacate Workforce Housing/Bay Crossing Development

Dear Mayor Dize, Vice Mayor Bennett, Councilman Buchholz, Councilman Follmer, Councilman Grossman, Councilwoman Holloway and Councilwoman O'Brien,

RE: Proffer Agreement of 2008/Request to Vacate Workforce Housing/Bay Crossing Development

My husband and I have lived at 2510 Old Cape Charles Road since the early 1990's. We have witnessed many "developers" arrive to the shore with mighty plans and promises and we tend to open our arms to them. And sadly, we all know many that we wish we had vetted more. Dickie Foster was the exception. He had a plan that included landscaping, abundant trees, property set backs and a dark sky concept.

The deal in 2008 with the 15.611 acres (90-19-A; 90-29-4, 3,2 and 1) between the Keck's and the Town was a sad day for the surrounding rural neighborhood. To increase the density from RE (low) to R-3 (high density) in exchange for 17+ acres for a deep well was, in our opinion, too extreme. R-1 would have been more conforming. This density only helped the Keck's in the planned sale of their property and should never have happened. This is history now. But at least they did consider the rural surroundings with the proffers they put in place. ***Removing these proffers only tells us we are of no concern to the Town.***

This same 15.611 acres was purchased by Angelo Manuel, General Builders, LLC. And the sad story continues. Mr. Manuel was permitted to break ground on one of his four planned "quad-plex" buildings without water and sewer. This is a real head scratcher? As a homeowner, we would never be able to break ground until these permits were secured. Furthermore, Mr. Manuel was able to sell this one building recently, and still no water and sewer! The new owner, Crysta Mansfield (CEM Investments, LLC) is not complying with the dark sky concept. How would you like to live across from this? See first photo attached.

In late September, my husband and I heard rumors of work force housing slated for the remaining property owned by Mr. Manuel. We paid a visit to Town Manager, John Hozey to see the plans. There were **no plans!** We were told this was in the early stages and that Mr. Lance Marine was great, and wanted to help our Town by building the very needed housing. Only a week before the October 4th Planning Commission meeting, we received a packet in the mail with a letter from Mr. Marine.

Here are our concerns:

We know nothing of Lance LJ Marine, except that he is a managing partner of Winmar, a commercial real estate company. According to Ms. Nunez at the Planning Commission, he is vested in our community - He owns a home and adjacent lot in Bay Creek. We learned he has been talking with the town since April. Mr. Marine has an option on this tract of land but he wants **all the proffers removed such as the 100' setback and vegetative buffer!** All of these would probably fit right into the Northern Virginia area that he is familiar with but this does not comply with what the Eastern Shore is all about. Currently, he can build 84 units on this property for work force housing. Does he want to challenge this density as well? This is a grey area in his letter and we are definitely being kept in the dark with no plans. All we know is he wants to build up and out, and all the way to the boundaries. We need to see this before we allow it.

His letter states that "this requirement present(s) a financial hinderance" to him. We found this offensive and ridiculous. He will be receiving Federal and State grants to build this housing and the Town will be giving him water and sewer. We assume also that he will own the apartments.

Mr. Marine also made the statement "It Takes A Village" but he neglected to consider the neighbors that have been vested for years in our community and own property close by. Mr. Marine lives back in a gated community and will not be affected by this nor will my husband and I. But we care and we know others that will be impacted, not to mention, the visual from Cassatt, Old Cape Charles Road and adjacent neighbors. Please consider the street view of the William Hughes Apartments, Section 8 housing on Rt. 13. It is well done and attractive from the road due to good planning, setbacks, landscaping and density restrictions. See second photo attached.

We also question why the 17.751 acres of the town property are in this deal? Why would we remove proffers on this valuable Town Property? The Town should retain this for the future. Fifteen years is a long time. Or has another agreement been made with Mr. Marine? Perhaps this is where he plans to put the EV charging station. This **should** be put out to bid, and the Town should own it and profit from it - not an outsider.

I beg each of you to **revisit this entire application** and **demand a full Conceptual Plan**. So far, all we know about Bay Crossing is there will be firepits, community barbeques, a fishing pier at the storm water pond and a trail to Main Street...(sounds like another "pipe dream" - who will maintain it?)

Please:

- Demand a Conceptual Plan.
- Do not increase the density beyond 84 homes. (Consider our limited water source.)
- Do not remove any proffers that are on the Town owned 17.751 acres at this time. Retain this as is for your Town and the future.
- Guarantee that all construction will ingress and egress from the new entrance on Cassatt Parkway (642). Old Cape Charles Road is in bad shape since the construction of Bay Creek. It is too narrow and dangerous.
- Make stipulations that all lighting will comply with the dark sky concept.

We truly thank you for your service on the Town Council. Our future development is in your hands.

Sincerely,
Jody and Mark Bundy



Dianne Davis, resident of the Town

Mr. Mayor, members of the Town Council, Town Clerk and Town Manager. I am Dianne Davis of Jefferson Avenue. Resident.

Good evening,

This is just a reminder

The town of Cape Charles consists of the Main Street Project (mostly Mason Avenue), the beach front (Bay Avenue), plus from Fig Street to Pine Street, and from Randolph Avenue to Washington Avenue. Spometimes I feel that some people forget that these other areas of the town have needs also.

Suggestion

In talking to Chief Pruitt about a concern dealing with street safety, he mentioned soe things that we had not thought about. I would suggest that the manager and Council consult with the Chief of Police about street safety needs of the town from time to time. Our police officers are the ones patrolling the streets daily day and night and would see more as to what the needs are.

Thank You

I would like to thank our town clerk, Mrs. Hume, for all the hard work she does. She has a never ending job and I can attest to that from experience.

We have had two "Meet the Candidates" forums and she has been doing an excellent job videotaping so that the persons not in attendance could see and hear from their homes what the candidates had to say. I hope that she does get extra compensation for doing those tapings.

Thanks for listening.

Donna Onley Kohler, resident and businessowner in Town

My name is Donna Kohler and I live on Tazewell Avenue.

I am here to comment on the proposed plans for a new Town Hall. I ask the Town Council and Town of Cape Charles to include non-gender bathrooms. We serve a diverse community and by community I mean our employees, residents, visitors, contractors, consultants – who will use these bathroom facilities.

I am not here to make this a trans issue, although I am an extremely proud parent to a non-binary child. The addition of non-gender bathrooms makes sense for the diverse populations this building will serve.

There are many times a person needs privacy – whether they don't feel well, they need to nurse their child or pump, to help a child of the opposite gender, help someone with mobility issues, change a baby's diaper. Sometimes a person just wants a few minutes without others coming and going.

Since we are building from the ground up, we should be proactive and include all we serve.

I thank you for your time.

From Councilwoman Holloway – Virginia Tourism Corporation Report, September 2022

Report from VATC

September 2022

Economic Impact

- Northampton County had an increase of 65.9% in visitor expenditures from 2020 to 2021 – \$41.2M to \$68.3M. 2021 expenditures surpassed expenditures from 2019 - \$68.3M and was \$48.5M.
- Northampton County was the fastest recovering locality in the Commonwealth from 2019 to 2021 at 40.9%
- More than \$2.5M in local tax receipts in 2021.
- 376 jobs in 2021 in Northampton County; up from 310 in 2020.

VIRGINIA IS FOR LOVERS®

October Updates from Laura Messer for ESVATC

Economic Impact

- Northampton County was the fastest recovering locality from 2019 to 2021 at 40.9% and totally, Coastal Virginia-Eastern Shore spending was up 29% from 2019 with both of its localities fully recovered.

Locality	2021 Direct Impacts						
	Direct Visitor Spending, 2021 (in millions)			Employment	Labor Income (in millions)	State Taxes (in millions)	Local Taxes (in millions)
	Total Spending	Total Spending % Change (2021/2020)	Spending Share of State				
ACCOMACK	\$168.5	42.6%	0.67%	1,291	\$36.2	\$3.7	\$6.4
NORTHAMPTON	\$68.3	65.9%	0.27%	376	\$10.5	\$1.6	\$2.6
Regional Total	\$236.8	48.6%	0.9%	1,666	\$46.7	\$5.3	\$8.9

Historical Data

Locality	Direct Visitor Spending (in millions)							
	2017	2018	2019	2020	2021	Percent Change (2021/2020)	Percent Change (2021/2019)	Share of State (2021)
ACCOMACK	\$123.0	\$126.3	\$134.7	\$118.2	\$168.5	42.6%	25.1%	0.7%
NORTHAMPTON	\$42.4	\$44.6	\$48.5	\$41.2	\$68.3	65.9%	40.9%	0.3%
Regional Total	\$165.5	\$170.9	\$183.2	\$159.4	\$236.8	48.6%	29.3%	0.9%

VTC Orientation

Fall orientation registration is now open. Dates are Oct. 25-27 from 9 a.m. to noon each day. Orientation is free.

<https://www.vatc.org/partnershipmarketing/orientations/>

VTC Digital Marketing

Link to share: <https://www.virginia.org/plan-your-trip/seasons-and-climate/fall/fall-foliage-report/> The downloadable PDF may be a fun link to share on social media and in your newsletters since Virginia is one of the most fall obsessed states! (<https://www.tripstodiscover.com/us-state-fall-spirit-ranked/>)

Top Performing Blogs

- Week of Sept. 12 and Sept. 28 features Kiptopeke State Park
The Top Spots to View Virginia's Colorful Foliage Throughout the Fall
<https://blog.virginia.org/2018/10/top-spots-colorful-foliage/>
- Week of Sept. 28 features Cape Charles Distillery
The Complete Guide to Bourbon & Whiskey Distilleries in Virginia
<https://blog.virginia.org/2019/03/bourbon-whiskey-distilleries/>
- Week of Sept. 28 features Wachapreague and multiple partners
Virginia's Most Stunning Fall Towns & Destinations
<https://blog.virginia.org/2014/09/falldestinations/>

Articles

"6 Must-Visit Virginia Destinations You Can Get Into for Free"

<https://vadogwood.com/2022/10/05/6-must-visit-virginia-destinations-you-can-get-into-for-free/>

LIST: Here's when and where fall foliage will be the best across Virginia

<https://www.wric.com/news/virginia-news/list-heres-when-and-where-fall-foliage-will-be-the-best-across-virginia/>

The Last Ride of Legend, a Pony Who Lived Up to His Name

<https://www.outsideonline.com/culture/essays-culture/last-ride-chincoteague-pony-legend/>

10 Of The Most Beautiful Towns In Virginia You Should Visit

<https://www.thetravel.com/beautiful-towns-in-virginia/>

Raise a glass to Virginia Wine Month with these world-class favorites

<https://www.pilotonline.com/food-drink/columns/vp-db-frank-morgan-wine-month-101222-20221011-3ffgh2npl5fk5iuprzgb67abrq-story.html>

August 2022 Treasurer's Report

Page 1 – Cash Position

- \$750,694 in cash was transferred from the operating money market account to the Virginia Investment Pool Liquidity Account #1 for Facility Fees for facility fees earned since July 1, 2022. Going forward this will be part of the accounting team's monthly tasks.

Page 2 – Revenue vs. Expenditures

- Replacement trash cans for customers were paid for in August (\$15,719.)

Page 3 – Capital Projects

- No payments were made in August.

Page 4 – Tax Collection Rate

- N/A until November when tax bills are created and mailed.

Page 5 – Tax Revenue Trends

- The small decrease in harbor dockage is related to the accounting process used. The accrual method was used monthly in FY22. The audit team recommended that staff use the cash basis to mirror Cape Charles Marine Services accounting method for purposes of reconciliation until the final month of the fiscal year, when we will do a conversion entry.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
August 31, 2022

<u>Cash on Hand</u>	<u>7/31/2022</u>	<u>8/31/2022</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$565,103	\$390,732	-\$174,371
Atlantic Union Bank Money Market Account	\$3,747,732	\$3,230,921	-\$516,811
LGIP Account 1 - Unrestricted	\$104,644	\$104,839	\$195
LGIP Account 2 - Unrestricted	\$302,578	\$303,197	\$619
Total Cash On Hand	\$4,720,058	\$4,029,690	-\$690,368

<u>Restricted and Reserved Cash Balances</u>	<u>7/31/2022</u>	<u>8/31/2022</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,033	\$30,033	\$0
Atlantic Union checking Acct Library CD converted to cash	\$11,131	\$11,131	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$8,379	\$8,519	\$140
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,786	\$258,028	\$242
Wells Fargo 2010 Debt Service pass through account #300	\$26,425	\$2,911	-\$23,514
Wells Fargo 2010 Debt Service pass through account #308	\$763	\$764	\$1
Atlantic Union Money Market # ARPA CRF #5847	\$1,057,463	\$1,057,598	\$135
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$1,742,719	\$2,493,413	\$750,694
Virginia Investment Pool Liquidity Acct#2, Surety Bond Escrow Rsrvd	\$339,335	\$142,997	-\$196,337
Total Cash Held in Reserve	\$3,474,464	\$4,005,824	\$531,360
Total Cash - All Accounts	\$8,194,522	\$8,035,514	-\$159,008

DEBT SERVICE

Net Debt as of Current Reporting Month End
(Excludes USDA vehicle and equipment loans)

\$5,702,735

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

August 31, 2022

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY22</u>
GENERAL Operations						
REVENUE	\$353,595	\$369,609		#VALUE!	\$4,030,694	#VALUE!
EXPENDITURES	\$271,416	\$373,989	\$776,588	\$402,599	\$4,030,694	19.27%
NET	\$82,179	(\$4,380)	#VALUE!	#VALUE!	\$0	
GENERAL Capital						
REVENUE	\$11,778	\$0	\$20,816	\$20,816	\$1,950,314	1.07%
EXPENDITURES	\$0	\$0	\$49,228	\$49,228	\$1,950,314	2.52%
NET	\$11,778	\$0	(\$28,412)	(\$28,412)	\$0	
GENERAL Debt Service						
REVENUE	\$0	\$71,072	\$104,498	\$33,426	\$249,571	41.87%
EXPENDITURES	\$0	\$71,072	\$104,498	\$33,426	\$249,571	41.87%
NET	\$0	\$0	\$0	\$0	\$0	
GENERAL Special Activities						
REVENUE	\$3,070	\$28,862	\$531,685	\$502,823	\$919,350	57.83%
EXPENDITURES	\$28,987	\$51,172	\$28,987	-\$22,185	\$919,350	3.15%
NET	(\$25,917)	(\$22,310)	\$502,698	\$525,008	\$0	

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

August 31, 2022

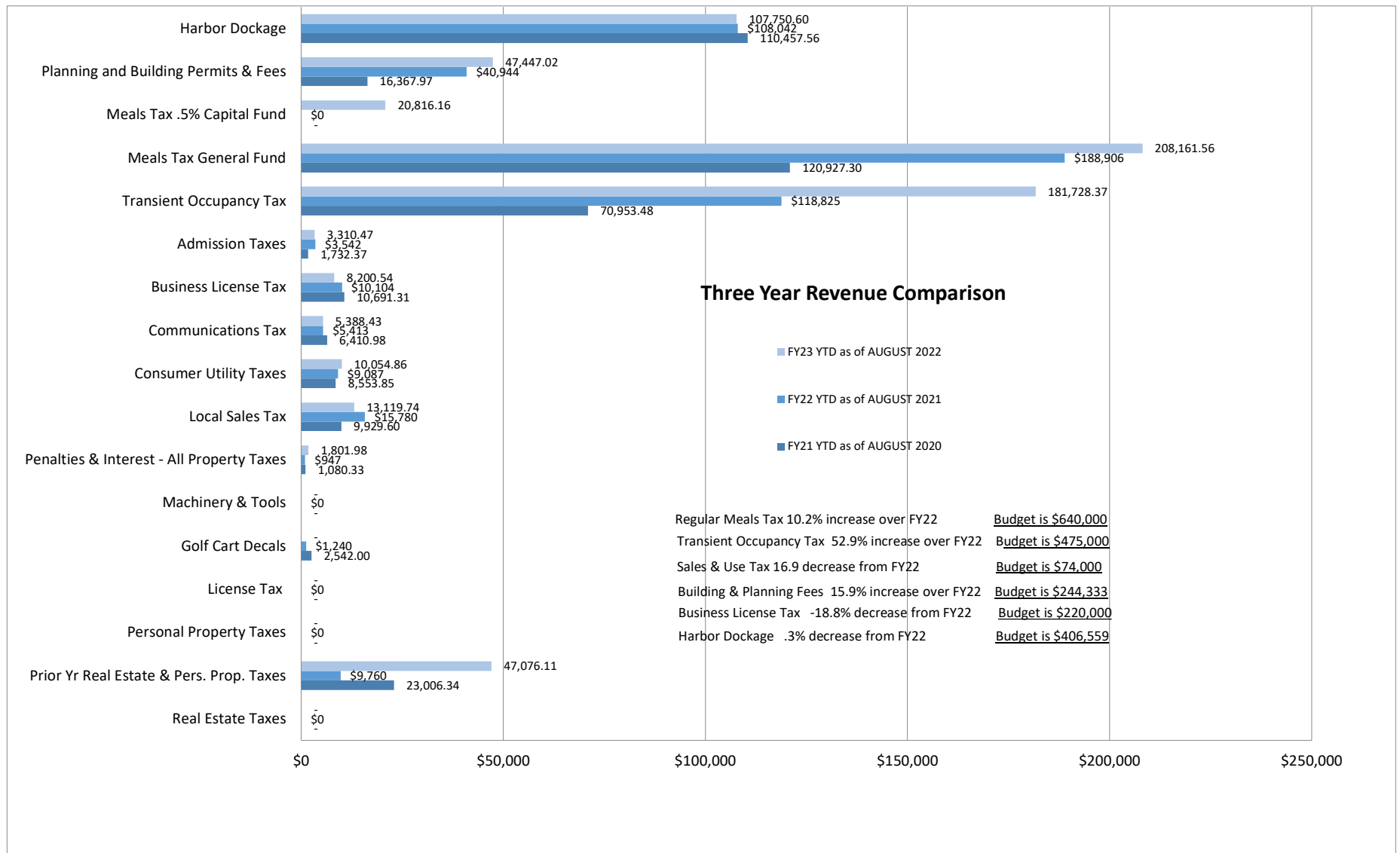
REVENUE VS. EXPENDITURES

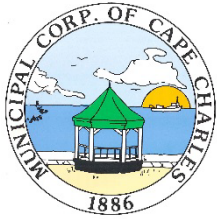
<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY22</u>
PUBLIC UTILITIES						
REVENUE - Operating	\$173,341	\$335,583	\$350,573	\$14,990	\$2,137,020	16.40%
EXPENDITURES - Operating	\$85,598	\$112,481	\$140,475	\$27,994	\$1,120,101	12.54%
NET	\$87,743	\$223,102	\$210,099	(\$13,004)	\$1,016,919	
REVENUE - CAPITAL GRANTS, LOANS	\$0	\$0	\$0	\$0	\$0	#DIV/0!
REVENUE - FACILITY FEES	\$42,400	\$95,400	\$106,000	\$10,600	\$466,400	22.73%
EXPENDED - FACIL FEES, CAPITAL PROJECTS,DEBT SVC	\$42,400	\$137,914	\$146,938	\$9,024	\$1,016,919	14.45%
TOWN CONTRIB. & PENDING GRANTS	\$0	(\$42,514)	(\$40,938)	\$1,576	(\$1,016,919)	
HARBOR						
REVENUE - Operating	\$137,042	\$250,620	\$310,358	\$59,737	\$1,007,545	30.80%
EXPENDITURES - Operating	\$120,975	\$195,022	\$252,106	\$57,084	\$957,438	26.33%
NET	\$16,067	\$55,598	\$58,251	\$2,653	\$50,107	
REVENUE - GRANTS & LOANS	\$0	\$0	\$0	\$0	\$41,893	0.00%
TRANSFERRED FM GEN FUND FOR DEBT SERVICE	\$0	\$33,094	\$32,825	-\$268	\$104,950	31.28%
EXPENDED - Capital Projects, Debt Svc	\$0	\$33,094	\$32,825	-\$268	\$196,950	16.67%
TOWN CONTRIB. & PENDING GRANTS	\$0	\$0	\$0	\$0	(\$50,107)	
SANITATION						
REVENUE	\$23,423	\$40,569	\$46,501	\$5,932	\$442,253	10.51%
EXPENDITURES	\$37,737	\$32,831	\$37,737	\$4,905	\$442,253	8.53%
NET	(\$14,314)	\$7,738	\$8,764	\$1,027	\$0	

FY 2023 Capital Improvement Project Tracking Report

As of:
8/31/2022

8/31/2022	FY23 Status or Start Date	Percent of Completion	FY23 Budgeted	QTR 1 Expended	QTR 2 Expended	QTR 3 Expended	QTR 4 Expended	FY23 YTD Expended	(Over)/Under Budget
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	Pending	0%	\$ 929,922	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 929,922
Municipal Space Replacement Planning (ARPA)	In process	0%	\$ 550,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 550,000
Library Upgrade & Condo-ization	Pending	0%	\$ 34,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34,000
Mason Avenue Parking Lot Improvement	Pending	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Mason Avenue Restroom	Pending	0%	\$ 110,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 110,000
South Beach Restroom Renovation	Pending	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000
Gator for Public Works Staff	Pending	0%	\$ 26,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,500
Grounds Maintenance Equipment for PW	In process	78%	\$ 33,270	\$ 26,016	\$ -	\$ -	\$ -	\$ 26,016	\$ 7,254
Central Park Game Area for Adults (CCP)	Pending	0%	\$ 29,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 29,000
Storage Facility (3 x conexes + roofing)	Pending	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Capital Project Contingency		0%	\$ 75,040	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,040
subtotal	\$ -		\$ 1,867,732	\$ 26,016	\$ -	\$ -	\$ -	\$ 26,016	\$ 1,841,716
Utility Fund -Water									
Keck Well Connection (Engineering)	Pending	0%	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,000
Utility Fund - Wastewater									
Sewer Pod Controller Upgrades Phase 2 of 5	Pending	0%	\$ 14,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,500
subtotal	\$ -		\$ 74,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 74,500
Harbor Fund									
Fuel System-Relocate Emergency Stop Switches	Pending	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Fuel Management System Replacement	Pending	0%	\$ 42,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 42,000
Inner Harbor King Pile & Waler Replacement Design	Pending	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000
subtotal	\$ -		\$ 92,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 92,000
TOTAL	\$ -		\$ 2,034,232	\$ 26,016	\$ -	\$ -	\$ -	\$ 26,016	\$ 2,008,216
*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT									





*Municipal Corp. of
Cape Charles*

The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the “Town”), hereby certifies that:

1. A meeting of the Council of the Town (the “Council”) was duly called and held on October 20, 2022 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20221020A (the “Ordinance”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
William Dize, Mayor	X				
Steve Bennett	X		X		
Andy Buchholz	X		X		
Andrew Follmer	X		X		
Paul Grossman	X		X		
Tammy Holloway	X		X		
Ellen O’Brien	X		X		

4. The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 20th day of October 2022.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE 20221020A

ADOPTING TEXT AMENDMENTS TO CAPE CHARLES ZONING ORDINANCE SECTION 4.2 (J), SECTION 2.9 & SECTION 3.1 (B)/3.2(B)/3.3(B) & 3.4(B) REGARDING ACCESSORY DWELLING UNITS

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

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

WHEREAS, at their September 15, 2022 regular meeting, the Cape Charles Town Council indicated that further zoning text amendments should be considered regarding Accessory Dwelling Units in the Cape Charles Zoning Ordinance as a result of public input received during the public hearings associated with the September 15 zoning text amendments; and

WHEREAS, the proposed text amendments would add a Statement of Intent regarding Accessory Dwelling Units to Section 4.2 (J); add additional definitions to Transient Occupancy, Kitchen, Bathroom, Bedroom and Sleeping Area; add additional criteria that Accessory Dwelling Units will not be used as Short Term Rental Units and may be used for 30 day or longer units as a long-term rental as well as may be used as overflow residential space for members of the family and guests of the property owner; require own municipally issued trash receptacles for the ADU; obtain annual certification of Zoning Compliance and submit an annual affidavit of Safety Compliance for ADU; and remove the Conditional Use Permit requirement and add as a by-right use to each Residential Zoning District in the Town;

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice public hearings were each held by the Planning Commission and Town Council, and the Planning Commission reviewed and deliberated the proposed revisions, and approved by majority vote, making recommendation for Town Council approval of the revisions made to Section 4.2 (J), Section 2.9 & Section 3.1 (B)/3.2(B)/3.3(B) & 3.4(B) REGARDING ACCESSORY DWELLING UNITS (as attached); now

THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 20th day of October 2022, that Cape Charles Zoning Ordinance be revised as shown in the attached, as may be amended by Council, to become effective immediately.

Adopted by the Town Council of Cape Charles on October 20, 2022

By: _____
Mayor

ATTEST:

Town Clerk

ZONING TEXT AMENDMENT 2022-02

PROPOSED ZONING TEXT AMENDMENTS RE: ACCESSORY DWELLING UNITS

Legend of Changes in the document:

Current Zoning Text: Regular Text

Proposed Deletions: Shown as **~~bold, strike-through text~~**

Proposed Additions, first version: Shown in *Red Italic Font*

A. PROPOSED ZONING TEXT AMENDMENTS TO CCZO SECTION 4.2 (J)

1. ADD A NEW SECTION AS THE FIRST PARAGRAPH in SECTION 4.2 (J)
STATEMENT OF INTENT: *To establish criteria and standards for Accessory Dwelling Units to implement one component of the goal from the Town's Comprehensive Plan to add diversity of housing type while maintaining the neighborhood character. The intent is to allow an increased density on a lot in specific zoning districts to provide opportunity in the creation of long-term rental units to assist in meeting the housing needs of the Town and County and to provide flexibility to property owners to be able to utilize the ADUs as overflow space for their own family use and guests.*

ORIGINAL ORDINANCE of SECTION 4.2 (J):

Accessory Dwellings. One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, ~~contingent upon approval as a conditional use in accordance with Section 4.3, and~~ subject to the following:

1. Physical characteristics.
 - a. Accessory dwellings shall be located in an accessory building.
 - b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.
 - c. Accessory dwellings shall have one kitchen, one bathroom, and a *sleeping area.*
 - d. Accessory buildings ~~and~~ shall not have the appearance of a single-family dwelling.
2. Occupancy characteristics.
 - a. *Transient Occupancy (also referred to Short Term Rentals [STRs]) means any person(s) who, for any period of not more than 30 consecutive days, either at his own expense or at the expense of another, lodges or obtains lodging at any hotel, motel tourist home, or other facility. Accessory Dwelling Units may not be rented on a Transient Occupancy basis.*
 - b. Length of stay – ~~No~~ *An* accessory dwelling unit ~~shall~~ *may* be occupied by any person or persons, ~~whether paying a fee for such occupancy or not,~~ for a period *no* less than thirty (30) consecutive calendar days *either paying a fee for such occupancy at his own expense or at the expense of another (30-day rental or greater).* Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the

accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, ~~either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.~~

~~b. Inspections—All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.~~

c. The property owner where the Accessory Dwelling Unit (ADU) is located may utilize the ADU as overflow residential space for members of their family and guests.

3. Other requirements.

a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.

b. Accessory dwellings will be required to have its own municipally issued trash receptacle, separate from the main residence/structure.

c. Accessory dwellings meeting the requirements of all of the physical characteristics of 4.2 (J) (1) and (2) above must obtain a Certificate of Completion for Accessory Dwellings from the Code Official, which is equivalent to a Certificate of Occupancy. In order to issue said Certificate, the Code Official will conduct an inspection to determine compliance with the Building Code.

~~b.~~ d. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.

~~e.~~ e. Parking ~~shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to be in compliance with~~ Section 4.5.1.C.6. ~~(Table of Parking Standards)~~ using both on and off-street parking areas.

d. f. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.

~~e.~~ *g. Annual Certifications to be submitted to the Town by March 15 of each year to the Building and Planning Department.*

1. The property owner will submit an annual affidavit on Town Affidavit Form for Accessory Dwellings attesting to their acknowledgement and adherence to the Zoning Ordinance requirements for Accessory Dwelling Units.

2. The property owner will submit an annual affidavit on Town Affidavit Form for Safety Compliance for Accessory Dwellings Units.

3. If the property owner changes between March 16 and December 31 of the calendar year, the new property owner will be required to submit both a new Town Affidavit Form for Accessory Dwellings and a Town Affidavit Form for Safety Compliance for Accessory Dwelling Units no later than 30 days from the property transfer.

B. PROPOSED ZONING TEXT AMENDMENTS TO SECTION 2.9 – Definitions

1. Add the following Definitions to Section 2.9

KITCHEN means a space within a structure designated for the cooking and preparation of food that includes a sink and a refrigerator.

BATHROOM means a room or area that includes a sink and toilet. It may also include a bathtub, shower, or bidet.

BEDROOM is a room, or space within a structure intended for sleeping.

Requirements include:

- *A minimum size of 70 sq. ft; if more than one person occupies the room, there must be 50 sq. ft per occupant.*
- *Access to a bathroom without crossing another bedroom.*
- *Every bedroom must have access to natural ventilation and have a permanent heat source.*
- *Two means of egress: one that leads to the rest of the home without going through another bedroom and one that leads directly to the outside. If the outside egress is a window, it must be at least 5.7 sq. ft and can be no more than 44 inches from the room floor, unless there is a permanent step installed. It shall be illegal to have locking bars or grates covering an egress window.*
- *Ceiling height must be no less than 7 feet.*

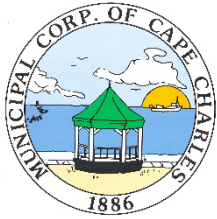
SLEEPING AREA is an area in a room or house where a person can sleep and may utilize a bed, bunk beds, daybed, or other furniture identified for sleeping purposes, including and without limitation, a pull-out couch or futon.

2. Correct the following definition in Section 2.9

BUILDING, ACCESSORY means a subordinate and separate building located upon the same lot occupied by the main structure or where a main structure was previously located. Accessory buildings shall not be used as dwelling units, unless a ~~conditional permit is issued for an accessory dwelling~~ *zoning permit is issued in compliance with Section 4.2 (J).*

C. ADD TO ARTICLE III, THE FOLLOWING:

1. *Section 3.1(B) Residential Estate District RE, add Accessory Dwelling units by right in compliance with the requirements of Article 4.2(J) as new item #6*
2. *Section 3.2(B) Residential District R-1, add Accessory Dwelling units by right in compliance with the requirements of Article 4.2(J) as new item #9*
3. *Section 3.3(B) Single Family Residential District R-2, add Accessory Dwelling units by right in compliance with the requirements of Article 4.2(J) as new item #4*
4. *Section 3.4(B) Residential Multi-Family District R-3, add Accessory Dwelling units by right in compliance with the requirements of Article 4.2(J) as new item #5*



*Municipal Corp. of
Cape Charles*

The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the “Town”), hereby certifies that:

1. A meeting of the Council of the Town (the “Council”) was duly called and held on October 20, 2022 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20221020B (the “Ordinance”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
William Dize, Mayor	X				
Steve Bennett	X		X		
Andy Buchholz	X		X		
Andrew Follmer	X		X		
Paul Grossman	X		X		
Tammy Holloway	X		X		
Ellen O’Brien	X		X		

4. The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 20th day of October 2022.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE 20221020B
ADOPTING TEXT AMENDMENTS TO
CAPE CHARLES ZONING ORDINANCE
REMOVAL OF PROFFER STATEMENT OF THE KECK PROPERTY REZONING.

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

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

WHEREAS, at their September 15, 2022 regular meeting, the Cape Charles Town Council voted to send Zoning Map Amendment/Zoning Text Amendment 2022-03 to public hearing to consider lifting/removing the conditional zoning proffers that were identified as the Keck Property Proffers and accepted by the Town on November 13, 2008; and

WHEREAS, these proffers were agreed as part of a conditional rezoning of a portion of then Tax Map #90-3-A, comprising of 33.195 acres off of Old Cape Charles Road and more commonly identified as the Keck Property with all proffers applicable to the full acreage and were recorded in the Northampton County Clerk of Court's office on December 31, 2008 as Instrument #090002549; and

WHEREAS, the Town has been in discussions with a developer about developing approximately 11.5 acres of this land for workforce housing and have identified possible impediments to such a project, specifically the existing Keck Proffers; and

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice public hearings were each held by the Planning Commission and Town Council, and the Planning Commission reviewed and deliberated the proposed revisions, and approved by majority vote, making recommendation for Town Council approval to remove the proffers originally accepted and approved on November 13, 2008 and further identified as part of the Keck Property Rezoning by the Town and recorded in the Northampton County Clerk of Courts office as Instrument #090002549 since the proffers are inhibiting consideration and development of a workforce housing proposal which is one of the Town's strategic goals. Said proffers would be removed from the following properties:

Tax Map #:	OWNER:	LOCATION
90-19-B	Town of Cape Charles	2443 Old Cape Charles Road
90-19-A	General Builders LLC	Old Cape Charles Road
90-29-3	General Builders LLC	2401 Old Cape Charles Road
90-29-4	General Builders LLC	2403 Old Cape Charles Road
90-29-2	CEM Investments, LLC	2405 Old Cape Charles Road
90-29-1	General Builders LLC	2407 Old Cape Charles Road

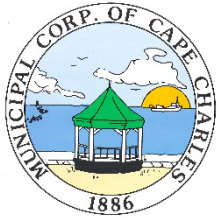
THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 20th day of October 2022, that Cape Charles Zoning Ordinance/Map be revised as shown in the attached, as may be amended by Council, to become effective immediately.

Adopted by the Town Council of Cape Charles on October 20, 2022

By: _____
Mayor

ATTEST:

Town Clerk



*Municipal Corp. of
Cape Charles*

The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the “Town”), hereby certifies that:

1. A meeting of the Council of the Town (the “Council”) was duly called and held on October 20, 2022 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Resolution 20221020 (the “Resolution”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
William Dize, Mayor	X				
Steve Bennett	X		X		
Andy Buchholz	X		X		
Andrew Follmer	X		X		
Paul Grossman	X		X		
Tammy Holloway	X		X		
Ellen O’Brien	X		X		

4. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 20th day of October 2022.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

RESOLUTION OF INTENT 20221020
ZONING ORDINANCE TEXT AMENDMENT TO
SECTION 4.5 OFF-STREET PARKING AND LOADING STANDARDS

WHEREAS, in accordance with Code of Virginia § 15.2-2286.A, the Cape Charles Zoning Ordinance § 2.7.1 includes regulations pertaining to initiation of amendments, supplements, change in the regulations, district boundaries or classifications of property contained in the zoning ordinance; and

WHEREAS, the need to update the current zoning ordinance has been discussed in the past; and

WHEREAS, Cape Charles Zoning Ordinance § 4.5 Off-Street Parking and Loading Standards may require amendment to add considerations for the parking of golf carts in the table of parking standards, and § 4.5.C related to shared parking for dual use facilities.

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 § 4.5 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

Adopted by the Town Council of the Town of Cape Charles on October 20, 2022.

By: _____
Mayor Dize

Attest:

Town Clerk