TOWN COUNCIL
Regular Meeting
September 19, 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. Recognition of Visitors / Presentations / Recognitions
   A. Recognition of Employee Significant Anniversary
   B. Cape Charles Main Street Presentation
      - Grant Tracking 2024
      - Placer AI Data

4. Public Comments (3 minutes per speaker for topics not subject to this evening's public hearing)

5. *Consent Agenda
   A. Approval of Agenda Format
   B. Approval of Minutes
   C. Approval of June 30, 2024 & July 31, 2024 Financial Reports

6. Unfinished Business:
   A. None

7. New Business:
   *A. Reappointment of Building Code Board of Appeals Member
   *B. Recruitment Firm Contract Award
   C. Cape Charles Volunteer Fire Company Matching Grant Discussion

8. Town Manager Comments

9. Mayor & Council Comments (5 minutes per speaker)

10. Announcements
    - October 3, 2024 – Town Council Public Input Session – Beachfront Master Plan
    - October 13-15, 2024 – VML Mayors' Institute & Annual Conference, Virginia Beach
    - October 14, 2024 – Town Offices closed for Columbus Day
    - October 17, 2024 – Town Council Regular Meeting
    - October 21 & 22, 2024 – Cape Charles Rotary Club Candidates Forum
    - October 23, 2024 – Town Council Work Sesson – Beachfront Master Plan

11. Adjournment

Town Council Presentation
FY2024 –Review
September 19, 2024

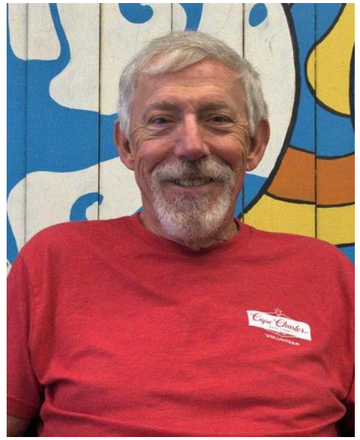
Meet the Team - Staff

Karen Zamorski
Executive
Director

Emily Martinez
Marketing
Administrator

Cape Charles
MAIN STREET
EST. 1884

Our Board of Directors



Bill Stramm
President

Patsy Harris
Vice President

John Hozey
Board Member
at Large

Jay Abella
Co-Chair
Economic Vitality

Ken Butta
Co-Chair
Economic Vitality

Lenore DeBellis
Co-Chair Design

David Gammino
Co-Chair Design

Tara Ashworth
Co-Chair
Promotions

Julie Crouse
Co-Chair
Promotions

Gerry Taylor
Co-Chair
Organization

Co-Chair
Organization

What Cape Charles Main Street has delivered In FY2024(July 1, 2023 to June 30,2024)

BUSINESS/TOWN Mkt. SUPPORT - $101,641

GRANT SUPPORT: $443,197*

- FY2024-25 Applied for and received grants totaling: **$438,197* (+$5K Arrivalist grant)**
- Architectural work for the new Welcome center: **$32,334**
- Placer ai Software 1 year **$2500**
- Launched **Giving Tuesday** campaign raising **$7725** for new Beach Wheelchairs*
- Held Monthly Main Street Connect meetings for businesses **$1360**
- Developed New Business Brochure **$165**
- Held annual job fair **$925**
- Continued to update and build on the CCVC website with CCMS Microsite and social media pages **$4260**
- Distribution of 42,000 maps: **$1380**
- Lightbox in Welcome Center at CBBT: **$850**
- Buy Local Campaign on WESR Radio **$350**
- Marketed Cape Charles through various print/Digital campaigns **$35,542**
- Love Sign Maintenance: **$123**
- Cape Charles Gift Card Program***$14,127**

* Details in attachment A, more info in presentation

BEAUTIFICATION/SPONSORED PROJECTS - $129,880

- Beautification projects (benches, planters, beds flowers, picnic tables in the plaza, permanent tree lighting - **$50,606**
- Train Project: Repair & Maintenance, window paintings **$79,274**

EVENTS - $53,057

Includes Marketing Costs Spent on Events

- Cape Charles Main Street Annual Meeting – Heart & Soul in a Bowl $**1,401**
- LOVEFEST in the Park - **$5,416**
- Festive Fridays - **$22,041**
- Love Run - **$24,199**

Grants Closed in FY2024 and Carryover to FY2025

Grants Closed out in FY2024	$ 169,713.75
Grants Received in FY2024 that Cross over into FY2025 (To Date)	$ 273,483.13
Total Grants Currently working	$ 443,196.88

Details on Key Grants in presentation under “What’s Next”

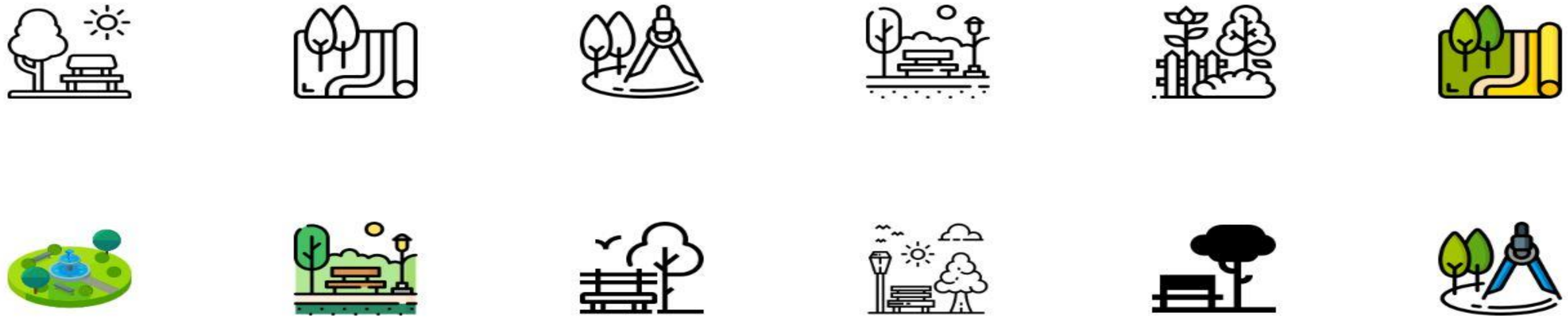
Details on all grants in appendix

Key Grant Update

Train – Painting $22,000 (Northampton County)

Strawberry St. Plaza- $75,000 (DHCD Grant)

Gateway Beautification - $16,250 (Northampton County)
Beach Bathroom - $25,000 (Northampton County)
Marketing Cape Charles - $20,000 (Virginia Tourism DMO Grant)



Entrance to Cape Charles & Beach Bathroom

1. CCMS to head up project for the beautification of the entrance to Cape Charles from Route 13 to Fig Street

- County, Canonie, Town met to discuss and understand what the goals/process should be for the project
- CCMS applied for and received a Northampton County grant to complete Phase 1 of the project to complete site research and phased approach

2. CCMS is using a $25,000 grant to fix up the current beach bathroom with new roof, paint, fixtures, tile and outdoor shower

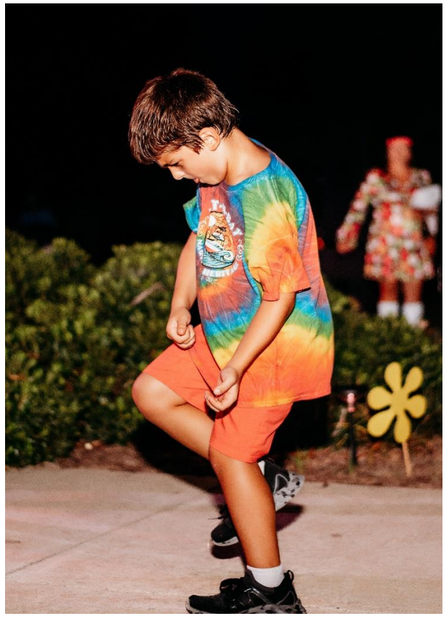
Beach Wheel Chair Campaign

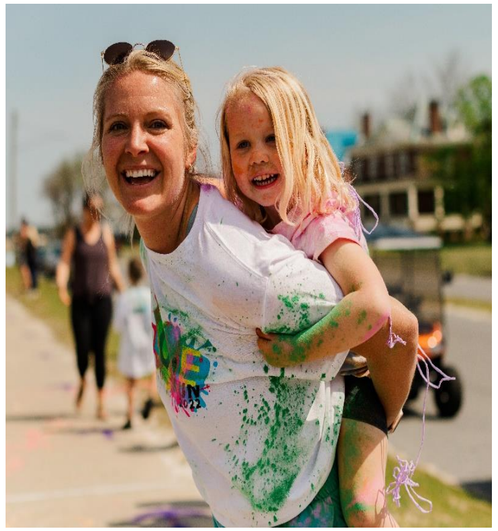
Giving Tuesday

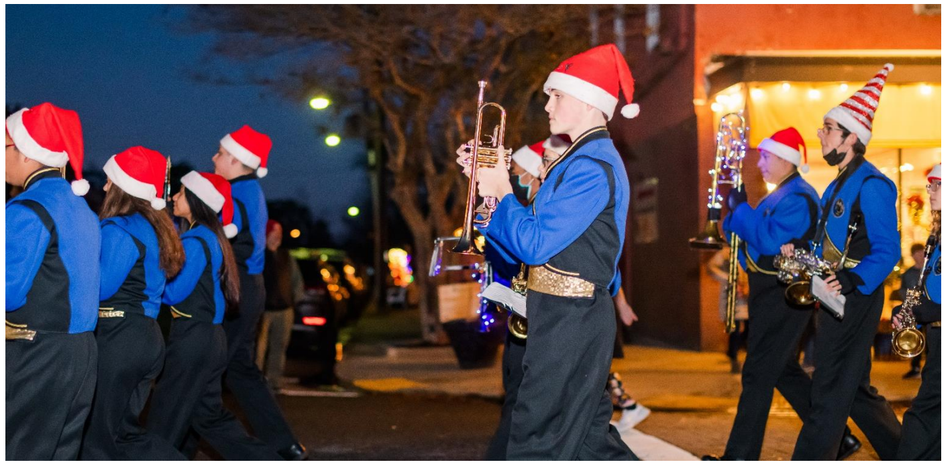
Beach Wheelchair Campaign

Raised $7725 to purchase 2 new chairs and update current chair

Thank You Volunteers!







Our Volunteers ROCK!

Volunteer Hours FY24:
6,734 hrs. = $190,955

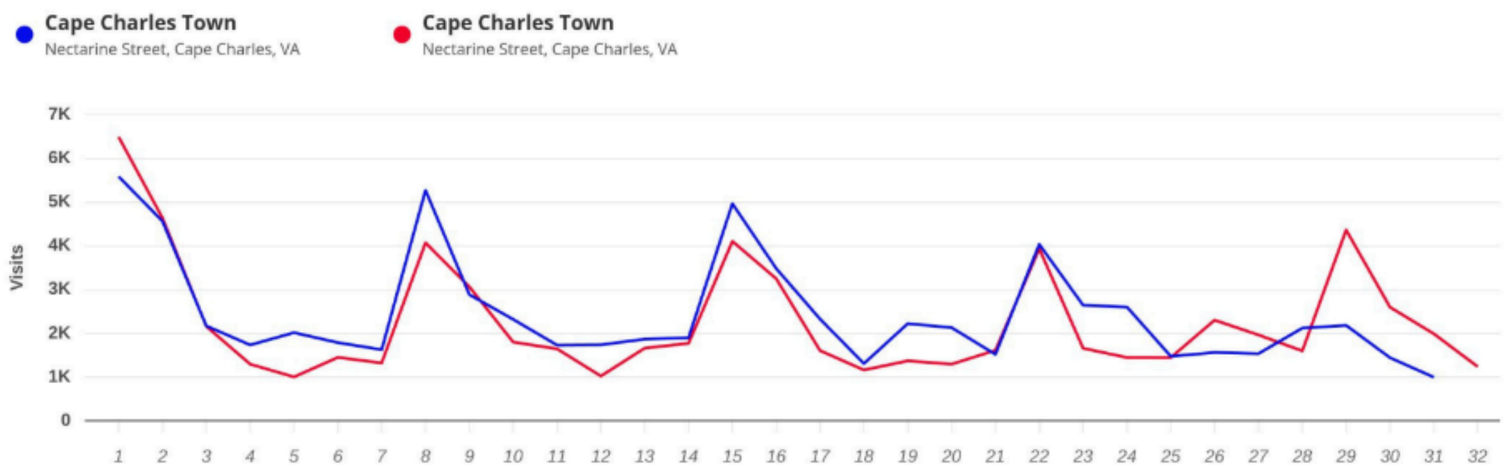
Total Volunteer Hours to Date for CCMS:
14,237 hrs. = $403,761

Marketing Cape Charles - Research

PLACER FESTIVE FRIDAYS

Festive Fridays Overview

Visits Trend



Daily | Visits
Cape Charles Town - Nov 25th, 2022 - Dec 25th, 2022
Cape Charles Town - Nov 24th, 2023 - Dec 25th, 2023

We are taking the month that Festive Fridays starts (11/24/22 through 12/25/22)
We are taking the month that Festive Fridays starts (11/25/23 through 12/25/23

Placer.ai

Example of How CCMS Events help Build Shoulder Seasons

Marketing Cape Charles

Cape Charles
MAIN STREET
EST. 1884

Who is Cape Charles Main Street?

We are a passionate non-profit organization striving to make a difference for the Town of Cape Charles.

Our organization is a voice for the Town. Cape Charles Main Street is part of the Virginia Main Street program and is guided by Main Street America's mission to build stronger communities through preservation-based economic development. Our four committees – Economic Vitality, Design, Promotion, and Organization – are powered by the support of our volunteers and local businesses.

Our team works to foster local experiences, investment, support of our business community and the creation of beautiful spaces. We do this through grant writing and fundraising in addition to holding signature events throughout the off-season. Cape Charles Main Street works to beautify our town with benches and planters placed throughout town adding pops of color. We put the Festive in Festive Fridays with holiday decorations, entertainment for young and old and lighting up our Historic Shopping District with permanent lighting for the trees that creates a nostalgic feeling. Cape Charles Main Street gets the spring season rolling early with the LOVE Run. This family-friendly run/walk event attracts hundreds of visitors to our town. We end the summer season with our annual LoveFest in the Park celebration bringing back the groovy vibes of the 60's, so dig out those bell bottoms and tie-dye shirts this August 31st.

Cape Charles Main Street has a lot of new projects in the works for FY2025 starting July 1, 2024 and we need your help! If you are a resident or business owner who would like to donate, get involved, or find out more information, please visit us online at www.capecharlesmainstreet.com.

CAPE CHARLES MAIN STREET ANNUAL REPORT FY2024

Cape Charles, Virginia

HISTORY MEETS HAPPINESS ON THE CHESAPEAKE

This tiny gem tucked near the tip of Virginia's Eastern Shore—edging Chesapeake Bay and stunning wetlands—just keeps getting better and better. Cape Charles (population 1,134) began as a Victorian-era community, and its walkable historic district hums with restaurants, shops, and locals enjoying Main Street–style living. But even more to the point, this little town has a big heart. Residents recently raised enough money to buy a beach wheelchair for the town, the local running club sends its Wednesday run at a different business each week to share the love, and volunteers support a mix of environmental initiatives, including teaching local kids about native plants. And if that sil weren't enough, Cape Charles is the Eastern Shore's only golf cart community, so going electric around town (and in frequent parades) is all part of the fun.

MEDIAN HOME SALE PRICE $930,000 JULY HIGH/JANUARY LOW 88/32

Best Places to Live on the Coast 2024

Whether you love an Old Florida charmer, a California seaside village, a New England island, a Gulf Coast art town, or all of the above, have we got 10 dreams come true for you. Call the movers

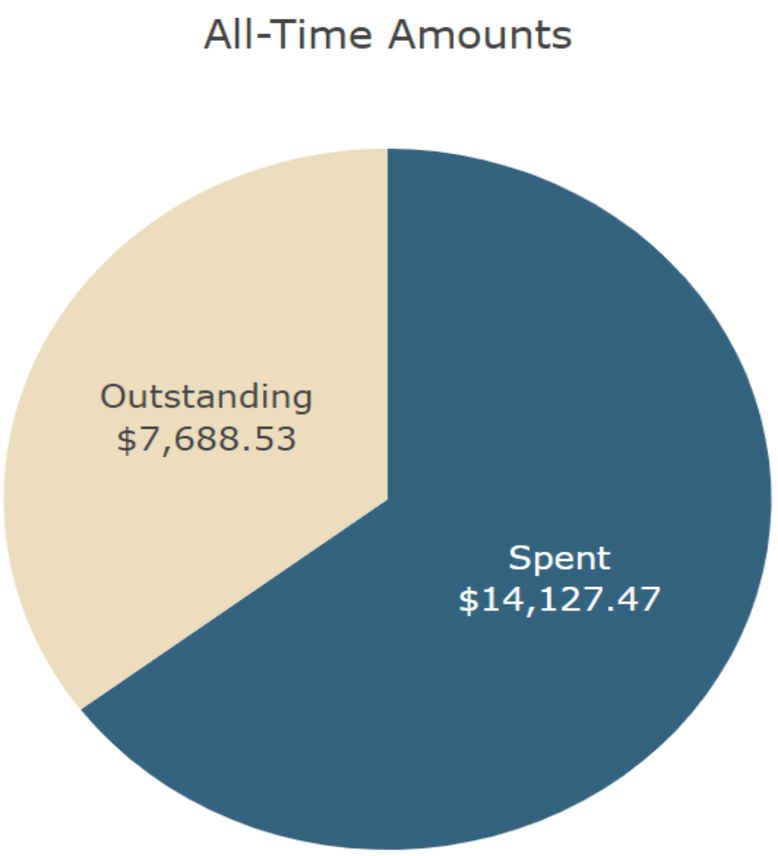
By Tracey Minkin

34 COASTAL LIVING Spring 2024

Cape Charles Gift Card Program

A Gift Card that works in 30 of our Businesses

AMOUNT	TRANSACTIONS
$21,816.00 Loaded	
$14,127.47 Spent	
$7,688.53 Outstanding	



First 14 Months

FY2021-FY2024
Meals & TOT Tax Comparison

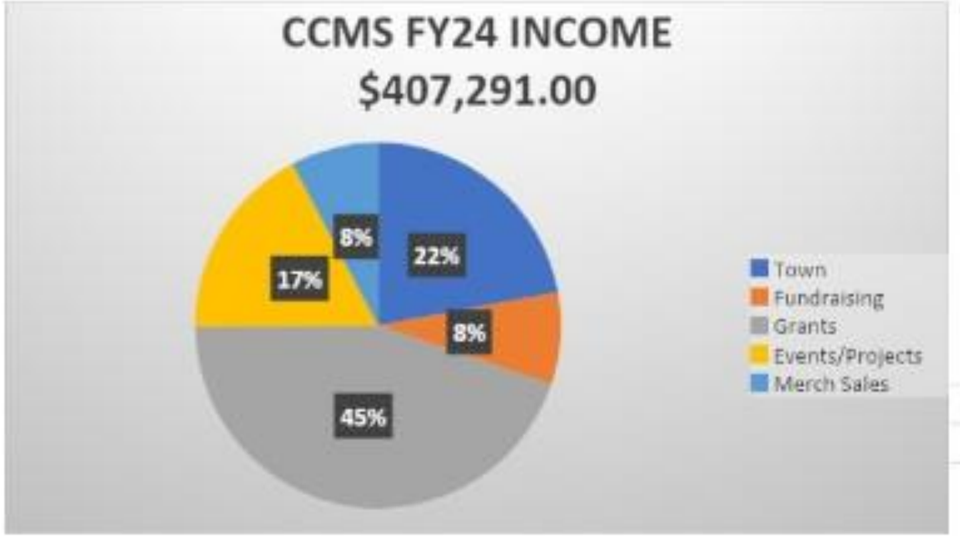
	FY2021	FY2022	FY2023	FY2024
TOT	$240,217	$343,450	$557,471	$639,825
		43%	62%	14.7%
Meals	$514,720	$650,619	$745,181	$792,839
		26.4%	14.5%	6.4%

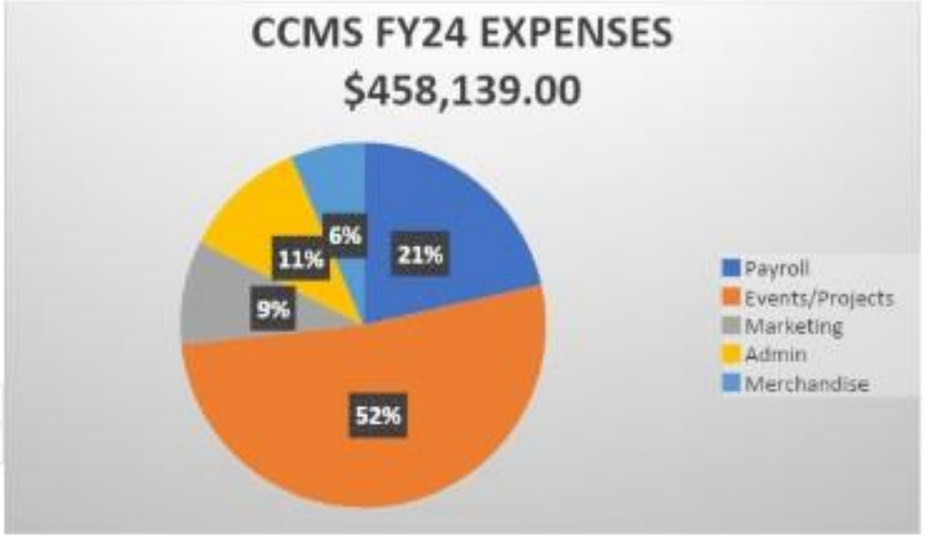
New Website Users: 75,667 FY24
Website Views: 244,141
Engagement Rate: 1703:57:22

CCVC – Reach 218,508+547%
10,300 Followers
23.4k Interactions +486%
CCMS – Reach 64,800 +37%
4,400 Followers
4.9k Interactions – 31%

CCVC followers – 2,400 FY24
CCMS followers – 2,300 FY24

CCMS Financials FY24





- Town - $90,000.00
- Fundraising - $32,965.00
- Grants - $182,249.00
- Events/Projects - $70,383.00
- Merch Sales - $31,694.00

- Payroll - $98,305.00
- Events/Projects - $237,507.00
- Marketing - $42,302.00
- Admin - $50,500.00
- Merchandise - $29,525.00

- Heart & Soul Soup Night 11/19/24
- Festive Fridays 2024 (Nov. 29, Dec. 6, 13, & 20th)
- Love the Locals February, 2025 TBD
- Love Run 5k/10k , April 26, 2025
- Opening Party for Strawberry Street Plaza
- New Visitor Center, Bathrooms, Offices TBD – Holding $67,666 in grant funds

SUMMARY & ROI

BENEFITS DELIVERED	AMOUNT
Town of Cape Charles Investment	$ 90,000.00
- Marketing Person	
- Website Management	
- Social Media Management for Fb & Instagram	
- Grant Writing & Management	
- Event Management	
- Fundraising	
- Design/Beautification Projects	
Amount Returned (Calculated on income minus Town investment only)*	$ 317,291.00
Investment Gained	$ 227,291.00
ROI on Investment in CCMS FY2024	252.55%
Plus Grants carrying over into FY25	$ 273,483.13

*Does not include cost of salaries of additional personnel

Thank You All!

ATTACHMENT "A"

Grant Tracking 2024.xlsx

GRANT	AWARDED	CLAIM BY DATE	AMOUNT	REIMBURSEMENT REQUESTED	AMOUNT REQUESTED	RECIEVED	GRANT STATUS	Notes
Northampton Co. Walking Tour	5/16/22	6/2024	$5,000.00	5/31/24	$4,920.22	6/14/24	Complete	Working with the CC Civic League on this
Northampton Co. Train/Train Car Restoration	5/2023	6/2024	$42,000.00	Closed	$42,000	7/31/23	Complete	
Northampton Co. Festive Fridays 2023	5/2023	6/2024	$12,000.00	Reimbursement Requested 2/1/24	$12,000	2/24/24	Complete	
Northampton Co. Map	5/2023	6/2024	$6,000.00	Reimbursement Requested 10/4/23	$6,000	10/23/23	Complete	
VTC/MLP: Festive Fridays 2023	5/2023	3/2024	$7,500.00	Requested 2/1/24	$7,500	February 2024	Complete	
Northampton Co. Visitor Center/Bathroom and Train Picnic Area	5/2023	6/2024	$10,719.62	Reimbursement Requested 5/22/2024	$10,719.62	6/14/24	Complete	
Northampton Co. Rockers Surrounding Visitors Center	5/2023	6/2024	$4,908.00	Reimbursement Requested 4/4/2024	$4,439.40	6/14/24	Complete	
Northampton County Lighting Grant*	9/2023	12/2024	$9,252.13	1/12/24	$9,252,13	2/24/24	Complete	See Open portion of Northampton Lighting grant in green section below*
Northampton Co./VTC ARPA Funding	9/2023	Money must be committed by 12/31/23 and spent by June 30, 2024	$40,000.00	Reimbursement Requested January 13, 2024	$40,000		Closed	$29k - Visitor Center (switched to Lighting) $8 Cape Charles Visitor Guide $1500 Cape Charles Blog $1500 Electronic Newsletter for CC and ESVA
Northampton Co. Commercial District Bathroom with Visitors' Center*	12/12/2022	12/24/2024	$32,334.00	Open	$32,334 partial Claim	7/31/23	$67,666 still open (See Northampton Co. Commercial District Bathroom with Visitors'	Sent Claim to Northampton County for architectural work in amount of $32,334 which was sent back to the town of Cape Charles for Welcome Center
Total Claimed in FY2024			**$169,713.75**					

Grant Tracking 2024.xlsx

GRANT	AWARDED	CLAIM BY DATE	AMOUNT	REIMBURSEMENT REQUESTED	AMOUNT REQUESTED	RECIEVED	GRANT STATUS	Notes
Northampton County Lighting Grant*	9/2023	12/29/24	$39,252.13	Reimbursement requested January 12, 2024 for 9,252.13		Paid Feb. of 2024	$30,000 is still open under this grant. Have requested $26,250 to be applied to other projects with $3750 left to be	Got approval from Northampton County to apply $22,000 of this grant towards painting of the train car and $4,250 towards Gateway Beautification Project to complete conceptual site planning (Base Mapping and Feasibility report)
Northampton Co. Train/Rail Car Storyboards:	5/2023	6/2024	$7,565.00	In Process			Open	
VTC/DMO Grant	5/2023	9/2024	$20,000.00	In Process			Open	
Drive Outdoor	4/22/2024	9/1/2025	$10,000.00	4/22/24	$10,000.00	4/30/24	Open	This grant is working in conjunction with DIG grant as matching $$
DIG Grant - DHCD Meet Me in the Plaza 2024	6/26/24	7/19/25	$75,000.00	In Process			Open	Picnic tables placed in the plaza
Northampton County Infrastructure Grant - Gateway Beautification	5/21/24	6/30/25	$12,000.00	In Process			Open	Phase 1 in Process. Balzer working on site
Northampton Co. Commercial District Bathroom with Visitors' Center*	12/12/2022	12/24/2024	$67,666.00	Open	$32,334 partial Claim	7/31/23	$67,666 still open Orininal $100k grant	Sent Claim to Northampton County for architectural work in amount of $32,334 on 7/14/23
Northampton Co. Cape Charles Bathrooms (Beach or Commercial District)	5/16/2022	12/2024	$25,000.00	Open			Open	
Northampton County Infrastructure Grant - Map	5/21/24	6/30/25	$6,000.00	In Process			Open	EV team working on new ad package
Northampton County Event Grant - Love Run	5/21/24	6/30/25	$6,000.00	Not Started			Open	
VTC/MLP/DMO - Social Media Marketing	5/21/24	11/30/25	$11, 086.88	Not Started			Open	
Total Carry Over FY2024 to FY2025			**$268,483.13**					
Total Grants Completed and remaining in FY2025			**$438,196.88**					

Red=Complete

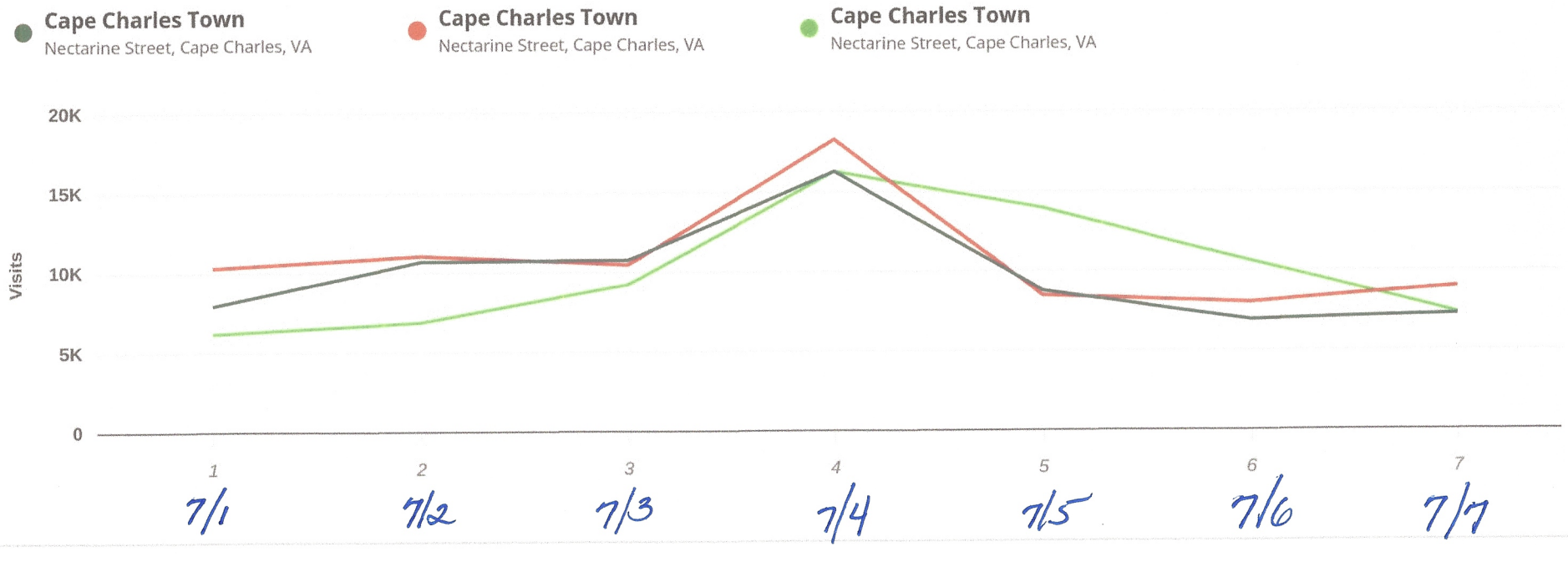
Green = In Process

Yellow = Not started

PLACER FOURTH OF JULY

Fourth of July week

Visits Trend



Daily | Visits

Cape Charles Town - Jul 1st, 2022 - Jul 7th, 2022 **July 1-7 2022 Friday-Thursday**

Cape Charles Town - Jul 1st, 2023 - Jul 7th, 2023 **July 1-7 2023 Saturday-Friday**

Cape Charles Town - Jul 1st, 2024 - Jul 7th, 2024 **July 1-7 2024 Monday-Sunday**

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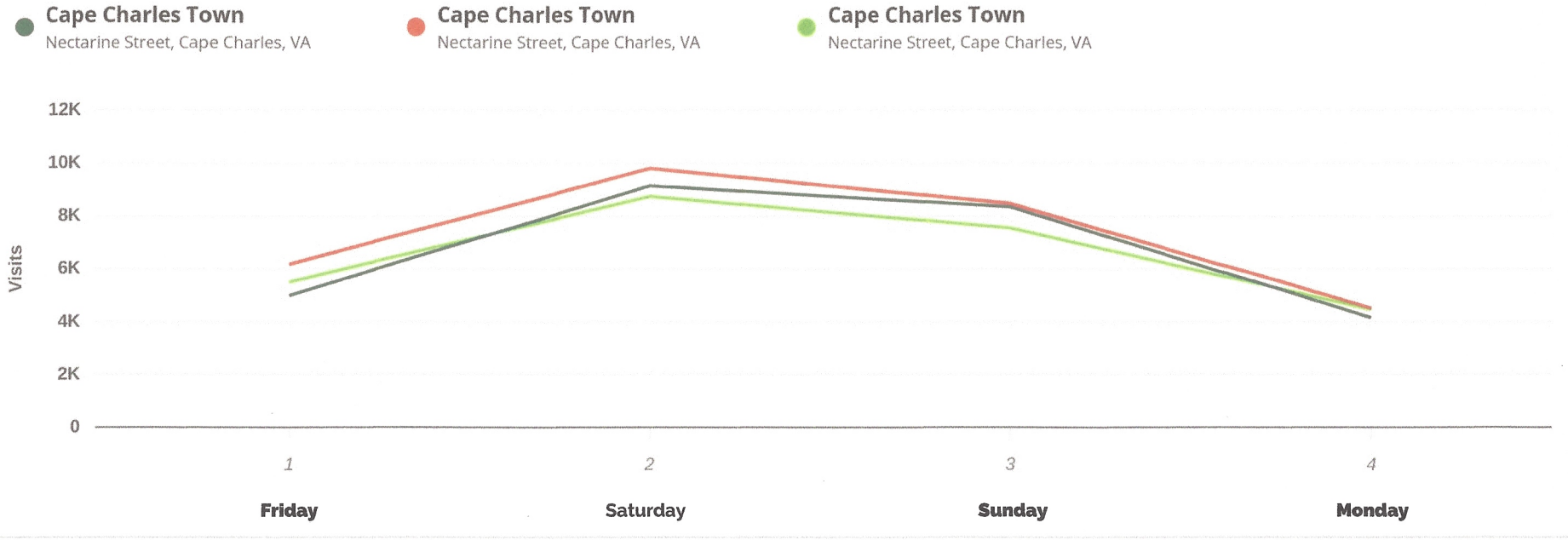
PLACER LABOR DAY

Labor Day weekends

Visits Trend



Daily | Visits
Cape Charles Town - Sep 2nd, 2022 - Sep 5th, 2022
Cape Charles Town - Sep 1st, 2023 - Sep 4th, 2023
Cape Charles Town - Aug 30th, 2024 - Sep 2nd, 2024

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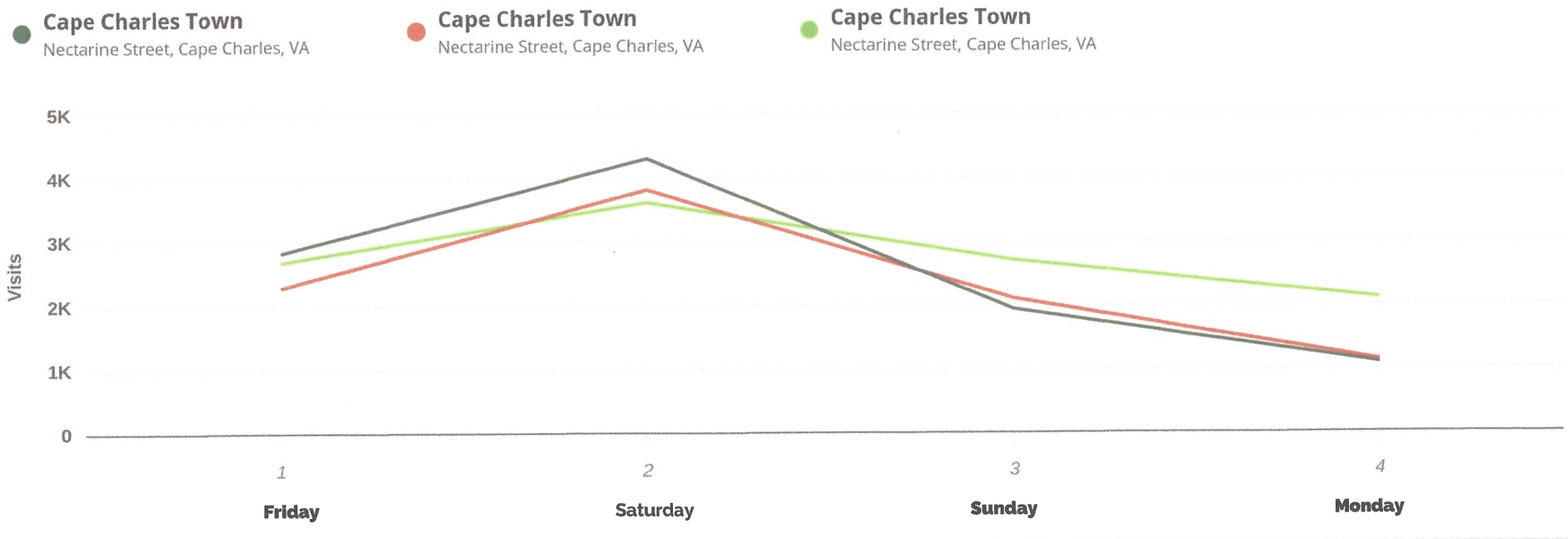
PLACER DOCK DOGS

Veterans Day Weekend

Visits Trend



Daily | Visits
Cape Charles Town - Nov 12th, 2021 - Nov 15th, 2021
Cape Charles Town - Nov 11th, 2022 - Nov 14th, 2022
Cape Charles Town - Nov 10th, 2023 - Nov 13th, 2023

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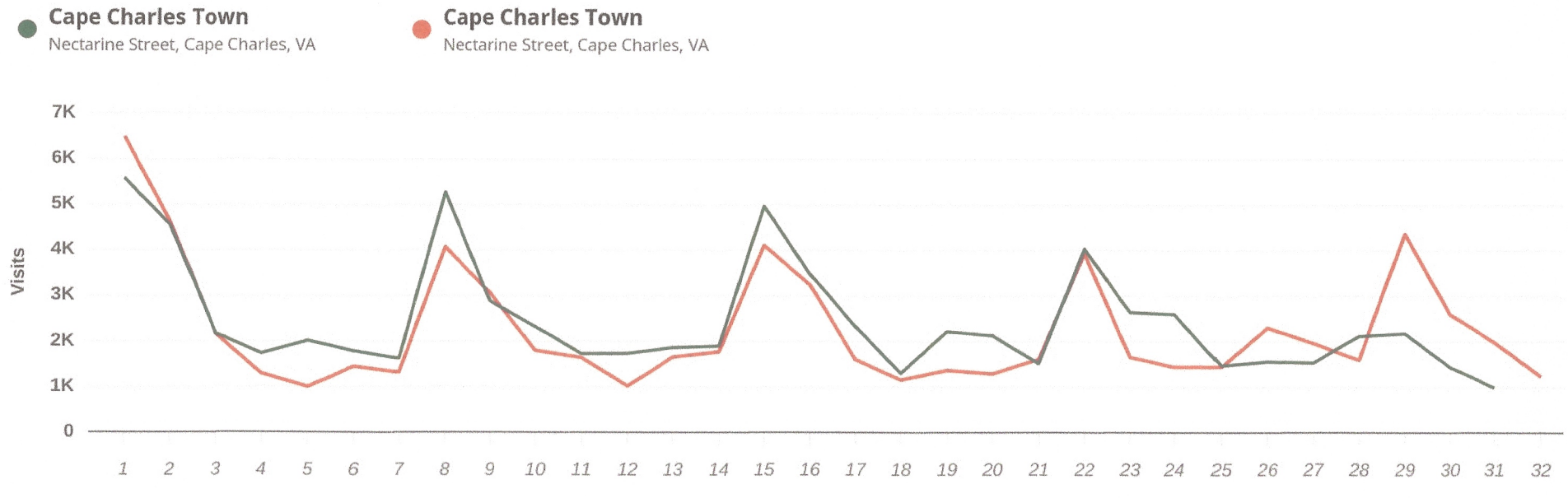
PLACER FESTIVE FRIDAYS

Festive Fridays Overview

Visits Trend



Daily | Visits

Cape Charles Town - Nov 25th, 2022 - Dec 25th, 2022 **We are taking the month that Festive Fridays starts (11/24/22 through 12/25/22)**

Cape Charles Town - Nov 24th, 2023 - Dec 25th, 2023 **We are taking the month that Festive Fridays starts (11/25/23 through 12/25/23**

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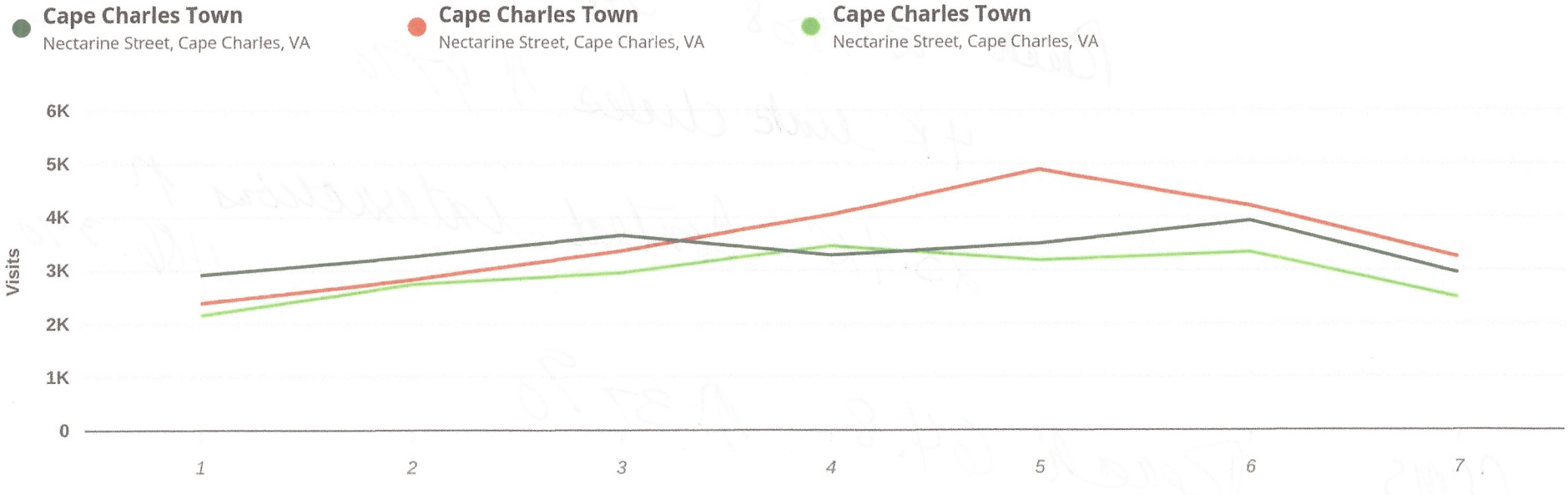
PLACER NEW YEARS

New Years Week

Visits Trend



Daily | Visits

Cape Charles Town - Dec 26th, 2021 - Jan 1st, 2022 **Dec 26- Jan 1 2022 Sunday-Saturday**

Cape Charles Town - Dec 26th, 2022 - Jan 1st, 2023 **Dec 26- Jan 1 2023 Monday-Sunday**

Cape Charles Town - Dec 26th, 2023 - Jan 1st, 2024 **Dec 26- Jan 1 2024 Tuesday-Monday**

Placer.ai

DRAFT
PLANNING COMMISSION & TOWN COUNCIL
Joint Work Session
Cape Charles Civic Center
June 4, 2024
6:00 PM

At approximately 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Bill Ashworth, Paul Grossman, Jim Holloway, Shannon Smith, and Libby Wright. There was one vacancy on the Commission.

Mayor Adam Charney, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz and Grossman, and Councilwoman Holloway. Councilman Butta arrived at 6:01 p.m., and Councilman Follmer arrived at 6:30 p.m. Also, in attendance were Town Manager John Hozey, Planner/Zoning Administrator Katie Nunez, and Town Clerk Libby Hume. There were no members of the public in attendance.

WORK SESSION ORDER OF BUSINESS:

A. *Draft Zoning Ordinance Review:*

1. *Proposed revisions to Sign Ordinance*

   Town Manager John Hozey expressed his disappointment in the drafted sign ordinance and proceeded to present his suggested changes. (Please see attachment 1.)

   There was much discussion regarding freedom of speech issues, whether there could be different regulations for commercial versus residential, and whether short-term rentals would fall under commercial. Members of both the Planning Commission and Council requested a legal opinion of the proposed ordinance.

2. *Industrial Zoning Districts & Harbor-related Districts Revision*

   Planner/Zoning Administrator Katie Nunez began by reviewing the current and proposed zoning maps. (Please see attachment 2.)

   Katie Nunez went on to review Attachment 3 – Proposed Zoning Districts Chart. (Please see attachment 3.)

   Due to the time, the review stopped during the review of Attachment 3.

John Hozey stated that a Town Council work session was being scheduled for July 25th to review the Beachfront Master Plan.

Katie Nunez stated that the next joint work session to continue review of the proposed changes to the zoning ordinance would be on Tuesday, August 6th, at 6:30 p.m., following the Planning Commission's Regular Meeting.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to adjourn the Town Council Work Session. The motion was approved by unanimous vote.

Motion made by Commissioner Holloway, seconded by Commissioner Smith, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

DRAFT

The meeting was adjourned at 8:10 p.m.

Planning Commission Chair Stramm

Mayor Charney

Town Clerk

DRAFT

Attachments from June 4, 2024 Planning Commission & Town Council Joint Work Session

Attachment 1 – Proposed Sign Ordinance

REVISIONS FROM TOWN MANAGER JOHN HOZEY AS OF MAY 22, 2022
ITEMS HIGHLIGHTED IN BLUE/TEAL – FOR REFERNCE OF PURPOSE OR INTENT
ITEMS HIGHLIGHTED IN YELLOW – PROPOSED CHANGES

ARTICLE ____. - SIGNS

DIVISION I. - GENERAL PROVISIONS

Sec. 1 purpose and intent; interpretation.

(a) The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.

(b) Signs not expressly permitted as being by right or by conditional sign permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Town Council or Board of Zoning Appeals are forbidden.

(c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.

(d) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

(e) These regulations distinguish between portions of the Town designed for primarily vehicular access and portions of the Town designed for primarily pedestrian access.

(f) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

(g) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

(h) Due to the difficulty of addressing all situations and sizes of signs, the Zoning Administrator may allow for signage that meets the intent of the individual zoning districts. Any exceptions granted will be presented at the next Planning Commission meeting.

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Sec. 2. - Definitions.

Advertising means any words, symbol, color or design used to call attention to a commercial product, service, or activity.

Animated sign means a sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a "moving sign."

Building frontage means the length of the main wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height of ten (10) feet above grade.

Business sign means a sign which directs attention to a product, service or commercial activity available on the premises.

Changeable copy sign means a sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

Comprehensive sign plan means a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.

Flashing sign means a sign that includes lights that flash, blink, or turn on and off intermittently.

Height, means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

(1) Existing grade prior to construction; or

(2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

Illegal sign means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

Illuminated sign means a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

Neon sign means a sign containing exposed tubes filled with light-emitting gas.

Nonconforming sign. Any sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the effective date of this chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

Off-premises sign means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected. This does not include Temporary Signs for Special Events approved by the Town.

Public area means any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

Roof sign means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

Sign. Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term does not include public art, holiday displays, architectural elements incorporated into the style or function of a building, or flags of any nation, state, or other geopolitical entity not related to a commercial business, product or service. The term "sign" also does not include the display of merchandise for sale on the site of the display.

Sign face means the portion of a sign structure bearing the message.

Sign structure means any structure bearing a sign face.

Temporary sign means any sign intended to be displayed for a limited period.

Vehicle or trailer sign means any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

Sec. 3. – Permit required.

(a) *In general.* A sign permit is required prior to the display and erection of any sign except as provided in section 4 (~~Prohibited Signs~~ Permit not required) as well as in Sections 11 through 14 (Sign Regulations by Use and Zoning District).

(b) *Application for permit.*

(1) An application for a sign permit shall be filed with the Planning & Zoning Department on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances.

(2) The Town Zoning Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 5 business days after receipt. Any application that complies with all provisions of this zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.

(3) If the application is rejected, the Town Zoning Administrator shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance

with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(c) *Permit fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the Town Council shall accompany all sign permit applications.

(d) *Duration and revocation of permit.* If a sign is not installed within six months following the issuance of a sign, the permit shall be void. The Town may revoke a sign permit under any of the following circumstances:

(1) The Town determines that information in the application was materially false or misleading;

(2) The sign as installed does not conform to the sign permit application; or

(3) The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(e) *Overlay district regulations.* All sign reviews as required pursuant to Article VIII (Historic District Overlay ordinance) require approval of the Historic District Review Board (HDRB) except when a sign permit is not required as provided in Section 4.

(f) *Special exceptions.* Comprehensive sign plans may be approved as part of a conditional use permit in commercial, heavy and light industrial, and harbor districts. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

Sec. 4. - Permit not required.

Signs that do not require a permit are depicted in Section 11 through 14 (Sign Regulations by Use and Zoning District). In addition, a sign permit is not required for:

(1) Signs erected by a governmental body or required by law.

(2) The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with Section 9(e).

(3) Moveable Signs:

a. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.

b. Town Seasonal Events: The Town or through its designated agents are allowed to place temporary moveable signage promoting Town sponsored seasonal events, festivals, or other marketing campaigns ~~or Town permitted events for the Town~~ up to 30 days prior to the event and must be removed 7 days after the conclusion of the event.

(4) Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.

Sec. 5. – Prohibited signs

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

(a) General prohibitions.

(1) Signs that violate any law of the Commonwealth relating to outdoor advertising.

(2) Signs attached to natural vegetation on public lands

(3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized ~~city~~ town official as a nuisance.

(4) Vehicle or trailer signs; except those operated by a governmental body.

(5) Any sign displayed without complying with all applicable regulations of this chapter.

(b) Prohibitions based on materials.

(1) Signs painted directly on any building that is a contributing structure in the Historic District Overlay, except where expressly permitted by this chapter.

(2) Animated signs

(3) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.

(4) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.

(5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.

(6) Signs that emit sound.

(7) Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit unless permitted within this article.

(8) Strings of flags visible from, and within 50 feet of, any public right-of-way.

(c) Prohibitions based on location.

(1) Signs erected on public land other than those approved by an authorized Town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.

(2) Signs on the roof surface or extending above the roofline of a building or its parapet wall.

(3) Neon signs, except in windows unless permitted in this article.

~~(4) Any sign located in the vision triangle formed by any two (2) intersecting streets, as regulated by the provisions of section_____.~~

Sec. 6. - Measurements of sign area

(a) Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the provisions in section (c) below

(b) In instances where there are multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.

(c) *Sign area.*

(1) Sign area is calculated under the following principles:

a. With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.

b. The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.

Sec. 7. - Maintenance and removal.

(a) All signs, for which a building permit is required, shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code, Appendix #H of the Construction Code.

(b) All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.

(d) The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.

(e) *Sign condition, safety hazard and nuisance abatement*

(1) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.

(2) Any sign which constitutes a nuisance may be abated by the Town under the requirements of Virginia Code § 15.2-900, 15.2-906, and/or 15.2-1115.

(3) The Code official may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in Chapter 8, Article III of the Town Code.

Sec. 8. – General requirements.

(a) *Illumination.* All permitted signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this article.

(1) In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. However, signs shall be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this chapter. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.

(2) Internal illumination shall be limited to the illumination standards for parking lot lighting in_____. No sign shall be permitted to have an illumination spread of more than .05 foot candle at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward-

Sec. 9. - Nonconforming signs.

(a) Signs lawfully existing on the effective date of this chapter or prior ordinances, which do not conform to the provisions of this chapter, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. If notice from the zoning administrator is issued, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.

(b) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.

(c) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.

(d) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.

(e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

(f) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.

(g) A nonconforming sign structure shall be subject to the removal provisions of section _____. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

DIVISION II. - SIGN REGULATIONS BY USE AND DISTRICT

REVISIONS FROM TOWN MANAGER JOHN HOZEY AS OF MAY 22, 2022
ITEMS HIGHLIGHTED IN BLUE/TEAL – FOR REFERNCE OF PURPOSE OR INTENT
ITEMS HIGHLIGHTED IN YELLOW – PROPOSED CHANGES

Section 11. – Residential District signs.

Except as otherwise ~~prohibited~~ stipulated in this Article, the following signs are permitted as accessory to residential uses in residential districts. Except as provided below, commercial signs, moving signs, and electronic message signs are prohibited on residential properties in all residential districts.

TYPE	Flags *Notes: (5)*	Temporary on Building Permit Site	Temporary Other *Notes: (1) (2)*	Permanent Non-commercial *Notes: (2) (3) (4) (6)*
Permit Required	No	No	No	Yes
Size (each/total)	24 sf/ three (Only one flagpole)	12 sf/ max one each per contractor or sub	• 12 sf/ max one • 16 sf/ max one for multi-development site (Subdivision Plat – lots for sale)	Max 2 minor signs (≤ 3 sf) each per ~~parcel~~ building unit Historic markers exempted. Freestanding for identifying multi-family sites (apartment buildings) ≤ 32 sf/ max one
Illumination	U.S. Flag Code For other flags (see Section 8)	None	None	None
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	~~None~~ Not within 5 ft of property boundaries or a public right of way	~~None~~ Not within 5 ft of property boundaries or a public right of way	Not within 5 ft of property boundaries or a public right of way
Maximum Height	25 ft (flagpole)	4 ft	4 ft	4 ft for freestanding
Location	Allowed within the front, rear and side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets	Freestanding, portable, wall or window	Freestanding, portable, wall or window	Wall or window sign
Duration	Unlimited	Duration of project	≤ 30 days per 365-day calendar year period per building unit	Unlimited

(1) Temporary signs may not be used for any commercial purpose, except at building permit sites and signs listing a property for sale. For property sales, the duration may be exceeded, such that these signs are to be removed no later than 2 weeks after closing.
(2) Commercial purposes include advertising any accommodation for hire, home occupations, or other activities carried out for profit
(3) Permanent signs associated with commercial purposes are limited to permitted or conditional uses for that residential district
(4) Exceptions can be granted *by Zoning Administrator* for non-residential property in Residential districts (e.g., churches, funeral parlors, distributors, schools, bed & breakfasts, multi-tenant directory, multi-family establishments)
(5) Flag Code, U.S. Code Title 36, Chapter 10, Section 174
(6) Minor sign means a wall or window sign not exceeding three (3) square foot in area and not exceeding four feet in height if freestanding, and not illuminated.
(7) Art is not considered a sign.

REVISIONS FROM TOWN MANAGER JOHN HOZEY AS OF MAY 22, 2022
ITEMS HIGHLIGHTED IN BLUE/TEAL – FOR REFERNCE OF PURPOSE OR INTENT
ITEMS HIGHLIGHTED IN YELLOW – PROPOSED CHANGES

Section 12. – Commercial District signs. & Harbor District signs

Generally. Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial districts.

TYPE	Flags	Freestanding (including monument)	Wall and Window Signs	Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)

REVISIONS FROM TOWN MANAGER JOHN HOZEY AS OF MAY 22, 2022
ITEMS HIGHLIGHTED IN BLUE/TEAL – FOR REFERNCE OF PURPOSE OR INTENT
ITEMS HIGHLIGHTED IN YELLOW – PROPOSED CHANGES

Definitions	***Flag** means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.* ***Pole sign** means a sign that is mounted on one (1) or more freestanding poles.*	***Freestanding sign** means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.* ***Ground mounted sign** means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall* ***Monument sign** means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.* ***Off-premises sign** means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.*	***Wall Sign** means any sign attached to a wall or painted on or against a flat vertical surface of a structure* ***Window sign** means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.*	***A-Frame sign** means a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four feet high. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."* ***Banner** means a sign of flexible material affixed to a framework or flat surface.* ***Chalk-board sign** means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers.* ***Feather sign.** A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which that may resemble a sail, bow, or teardrop.* ***Off-premises sign** means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.* ***Portable sign** means any temporary sign not affixed to a building.*	***Awning sign** means a sign placed directly on the surface of an awning.* ***Canopy sign** means a sign attached to a canopy.* ***Directory sign** (also identified as Multi-Tenant Sign): A sign which identifies tenants in a multi-tenant building or complex and which is located in the development for which it is advertising. Said sign will list the tenants or occupants of a building or group of buildings and may also indicate their respective professions or business activities.* ***Entrance canopy** means a fixed or stationary canopy or hood constructed to provide protection at the entrance of a building, either supported entirely from a building, or supported partly from a building or from posts.* ***Hanging sign** means a sign supported by the extended arm of a single post or from a commercial establishment (parallel to the building façade).* ***Marquee sign** means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.*
TYPE	**Flags**	**Freestanding (including monument)**	**Wall and Window Signs**	**Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)**	**Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)**

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REVISIONS FROM TOWN MANAGER JOHN HOZEY AS OF MAY 22, 2022
ITEMS HIGHLIGHTED IN BLUE/TEAL – FOR REFERNCE OF PURPOSE OR INTENT
ITEMS HIGHLIGHTED IN YELLOW – PROPOSED CHANGES

				structure, vehicle or the ground. It does not include a flag or banner	***Projecting sign** means a sign that is wholly or partly dependent on the building for support and that projects more than twelve (12) inches from such building.*
Permit Required	Yes – flagpole only	Yes	Wall: Yes Window: No	No	Yes
Size/Number (each/total)	24 sf/ max 3 (Only one flagpole)	Permanent On-site: 24 sf/ one. Permanent Off-site for Commercial use: Up to 3 signs, each not to exceed 18 sf and 7 ft in height located on commercial property with owner permission. No more than one permitted sign displayed per lot.	12 sf per 5 lineal ft of building frontage ≤ 8 sf per 5 lineal ft of building side wall Window signs are permitted	≤ 16 sf/ max 3	Directory – Limited to one sign per ingress/egress onto a primary road access. Projecting signs perpendicular to bldg. frontage ≤ 10 sf Hanging sign parallel to bldg. frontage ≤ 5 sf per 5 lineal ft Awning signs ≤ 12 sf Entrance canopy sign by ZA
Illumination	U.S. Flag Code (See Note 1) Other Flags – See Section 8	If illuminated, see Section 8 req'ts	If illuminated, see Section 8 req'ts	Not to be illuminated	If illuminated, see Section 8 req'ts
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street.	All freestanding signs shall be set back from any street right-of-way at least half the height of the sign and5 ft from service drive, travel lane or adj street.	NA	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street. Not to impede pedestrian traffic on the sidewalk.	NA
Maximum Height	25 ft - flagpole	10 ft	NA	10 ft	NA
Location	Allowed within the front, rear and		Bldg wall, or window.	If located on another property, property owner concurrence needed.	Signs cannot impede public right-of-way.

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ITEMS HIGHLIGHTED IN BLUE/TEAL – FOR REFERNCE OF PURPOSE OR INTENT
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TYPE	Flags	Freestanding (including monument)	Wall and Window Signs	Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
	side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets		Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.	No more than one sign shall be displayed per lot. Signs cannot impede public right-of-way.	Directory or Multi-Tenant Sign: Limited to one monument sign per ingress/egress onto a primary road access.
Duration	Unlimited	Unlimited	Unlimited	See Section 4	Unlimited

(1) U.S. Code Title 36, Chapter 10, Section 174

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ITEMS HIGHLIGHTED IN BLUE/TEAL – FOR REFERNCE OF PURPOSE OR INTENT
ITEMS HIGHLIGHTED IN YELLOW – PROPOSED CHANGES

Section 13. – Heavy and Light Industrial District signs.

Except as provided otherwise in this Article, the following signs are permitted as accessory uses in industrial districts.

TYPE	Flags	Freestanding (including monument)	Wall & Window Signs	Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)

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REVISIONS FROM TOWN MANAGER JOHN HOZEY AS OF MAY 22, 2022
ITEMS HIGHLIGHTED IN BLUE/TEAL – FOR REFERNCE OF PURPOSE OR INTENT
ITEMS HIGHLIGHTED IN YELLOW – PROPOSED CHANGES

Definitions	***Flag** means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.* ***Pole sign** means a sign that is mounted on one (1) or more freestanding poles.*	***Freestanding sign** means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.* ***Monument sign** means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.* ***Off-premises sign** means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.*	***Wall Sign** means any sign attached to a wall or painted on or against a flat vertical surface of a structure* ***Window sign** means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.*	***A-Frame sign** means a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four feet high. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."* ***Banner** means a sign of flexible material affixed to a framework or flat surface.* ***Chalk-board sign** means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers* ***Feather sign**. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.* ***Off-premises sign** means a sign that directs attention to a business, product, service or*	***Awning sign** means a sign placed directly on the surface of an awning.* ***Canopy sign** means a sign attached to a canopy.* ***Directory sign** (also identified as Multi-Tenant Sign): A sign which identifies tenants in a multi-tenant building or complex and which is located in the development for which it is advertised. Said sign will list the tenants or occupants of a building or group of buildings and may also indicate their respective professions or business activities.* ***Entrance canopy** means a fixed or stationary canopy or hood constructed to provide protection at the entrance of a building, either supported entirely from a building, or supported partly from a building or from posts.*

TYPE	Flags	Freestanding (including monument)	Wall & Window Signs	Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)

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REVISIONS FROM TOWN MANAGER JOHN HOZEY AS OF MAY 22, 2022
ITEMS HIGHLIGHTED IN BLUE/TEAL – FOR REFERNCE OF PURPOSE OR INTENT
ITEMS HIGHLIGHTED IN YELLOW – PROPOSED CHANGES

		Ground mounted sign *means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.*		*activity conducted, sold or offered at a location other than the premises on which the sign is erected.* ***Portable sign*** *means any moveable sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner*	***Hanging sign*** means a sign supported by the extended arm of a single post or from a commercial establishment (parallel to the building façade). ***Marquee sign*** *means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.* ***Projecting sign*** *means any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.*
Permit Required	No	Yes	Wall: Yes Window: No	No	Yes
Size/Number (each/total)	24 sf/ max 3 (Only one flagpole)	Permanent On-site: 40 sf/ one. Permanent Off-site for Commercial use: Up to 3 signs, each not to exceed 18 sf and 7 ft in height located on commercial property with owner permission. No more than one permitted sign displayed per lot.	Front Wall: 12 sf per 5 lineal ft of building frontage Side Wall: 8 sf per 5 lineal ft.	16 sf/ max 3	Directory – Limited to one sign per ingress/egress onto a primary road access. Projecting signs perpendicular to bldg. frontage ≤ 10 sf Hanging sign parallel to bldg. frontage ≤ 5 sf/ 5 lineal ft Awning signs ≤ 12 sf Entrance canopy sign by ZA

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REVISIONS FROM TOWN MANAGER JOHN HOZEY AS OF MAY 22, 2022
ITEMS HIGHLIGHTED IN BLUE/TEAL – FOR REFERNCE OF PURPOSE OR INTENT
ITEMS HIGHLIGHTED IN YELLOW – PROPOSED CHANGES

TYPE	Flags	Freestanding (including monument)	Wall & Window Signs	Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)
Illumination	U.S. Flag Code (See Note 1) Other Flags – See Section 8 req'ts	If illuminated, see Section 8 req'ts	If illuminated, see Section 8 req'ts	Not to be illuminated	If illuminated, see Section 8 req'ts
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	All freestanding signs shall be set back from any street right-of-way at least half the height of the sign, and 5 ft from service drive, travel lane or adj street.	NA	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street. Not to impede pedestrian traffic on the sidewalk.	NA
Maximum Height	25 ft -flagpole	10 ft	NA	10 ft	NA
Location	Allowed within the front, rear and side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets.		Bldg wall or window Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.	If located on another property, property owner concurrence needed. No more than one sign shall be displayed per lot. Signs cannot impede public right-of-way.	Signs cannot impede public right-of-way.
Duration	Unlimited	Unlimited	Unlimited	See Section 4	Unlimited

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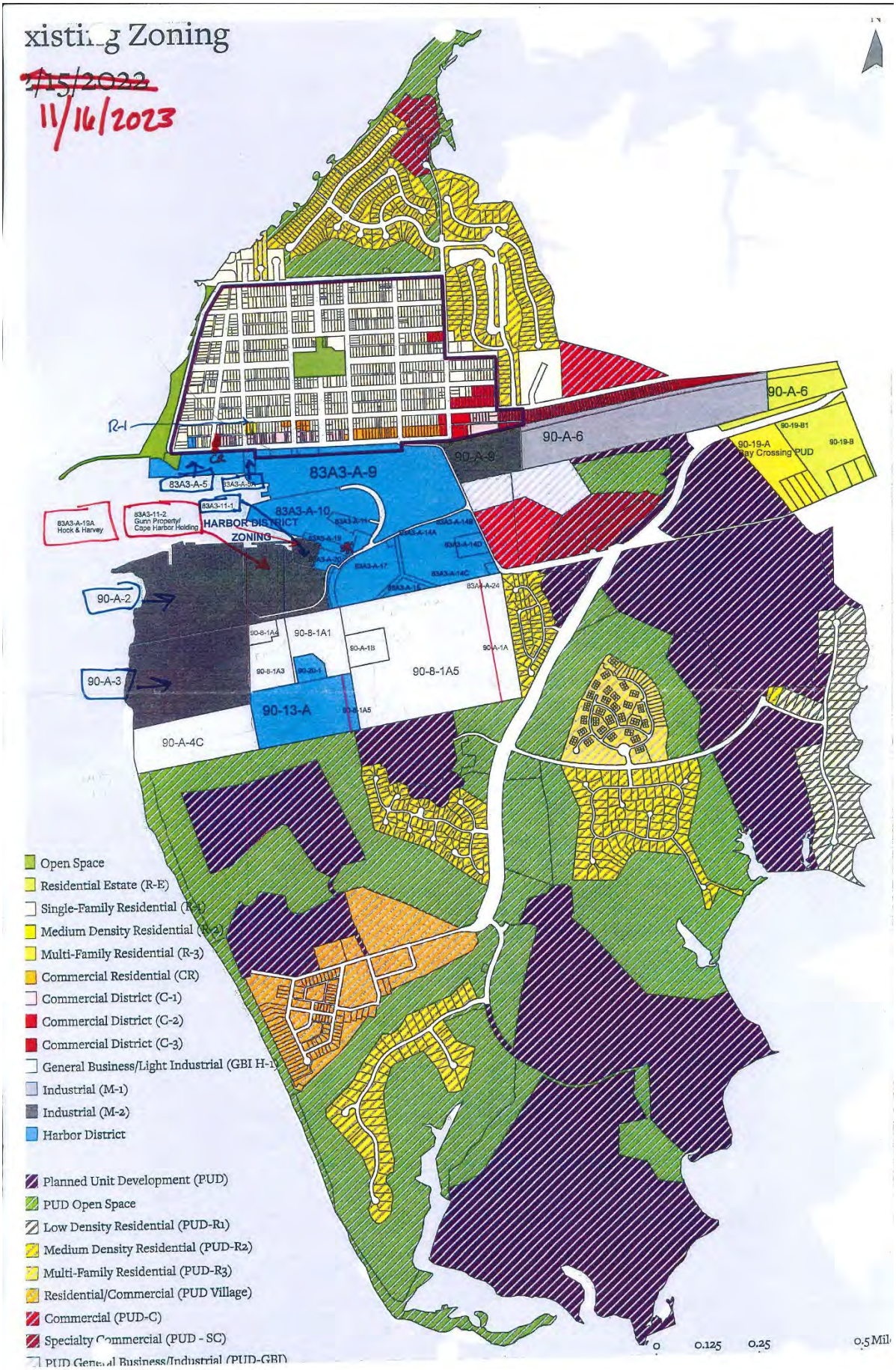
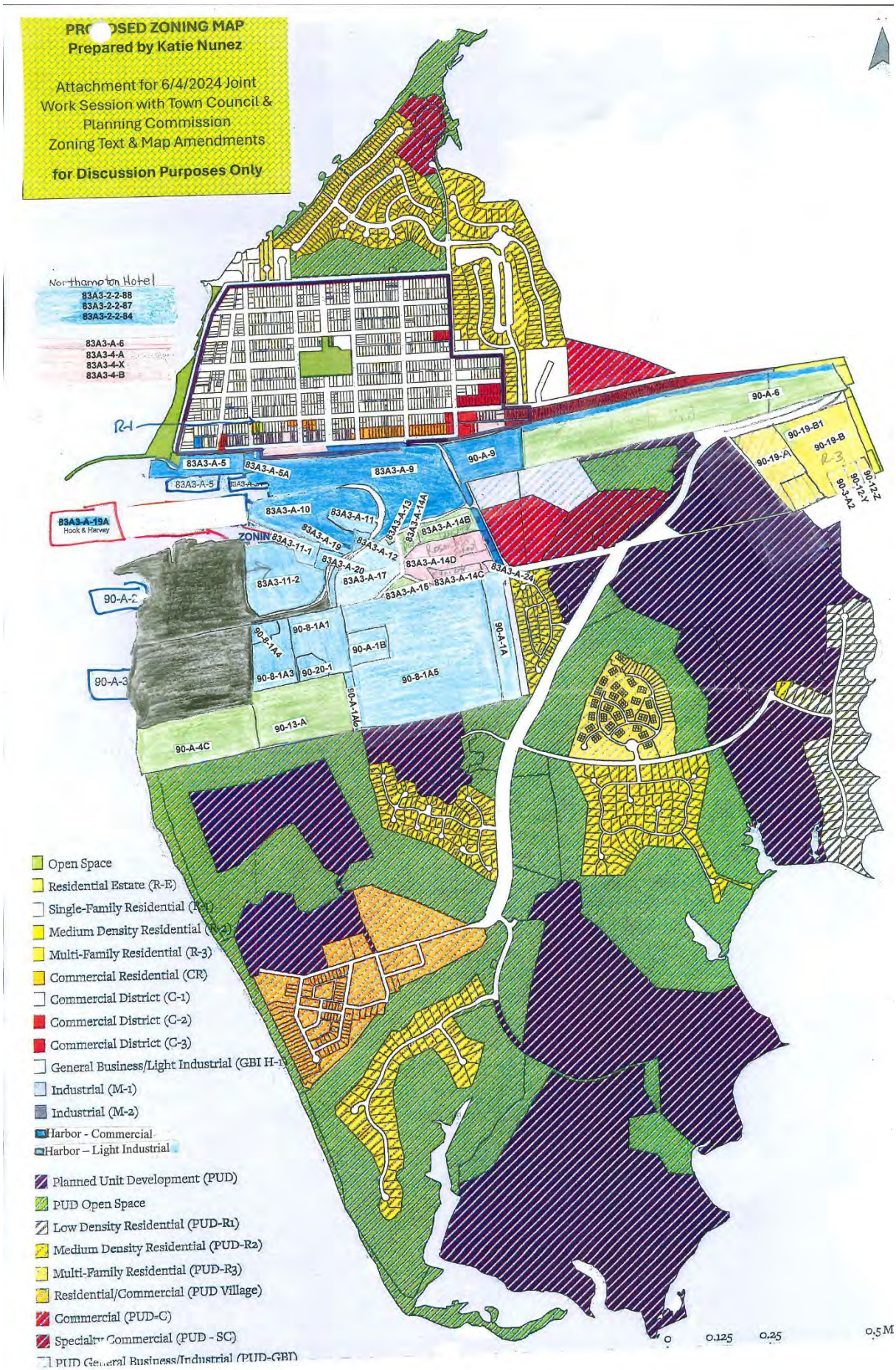
Attachment 2 – Existing & Proposed Zoning Maps




PROPOSED ZONING MAP
Prepared by Katie Nunez
Attachment for 6/4/2024 Joint Work Session with Town Council & Planning Commission Zoning Text & Map Amendments
for Discussion Purposes Only
Northampton Hotel
83A3-2-2-88
83A3-2-2-87
83A3-2-2-84
83A3-A-6
83A3-4-A
83A3-4-X
83A3-4-B
R-1
83A3-A-5
83A3-A-5A
83A3-A-9
90-A-9
90-A-6
90-19-B1
90-19-B
90-19-A
R-3
90-12-Z
90-12-Y
90-3-A2
83A3-A-19A
Hook & Harvey
83A3-A-10
83A3-A-11
83A3-A-13
83A3-A-14A
83A3-A-14B
83A3-A-19
83A3-A-12
83A3-A-14D
83A3-A-20
83A3-A-17
83A3-A-15
83A3-A-14C
83A3-A-24
83A3-11-1
83A3-11-2
90-A-2
90-8-1A1
90-8-1A4
90-A-1B
90-A-1A
90-8-1A3
90-20-1
90-8-1A5
90-A-3
90-A-1A6
90-13-A
90-A-4C
Open Space
Residential Estate (R-E)
Single-Family Residential (R-1)
Medium Density Residential (R-2)
Multi-Family Residential (R-3)
Commercial Residential (CR)
Commercial District (C-1)
Commercial District (C-2)
Commercial District (C-3)
General Business/Light Industrial (GBI H-1)
Industrial (M-1)
Industrial (M-2)
Harbor - Commercial
Harbor – Light Industrial
Planned Unit Development (PUD)
PUD Open Space
Low Density Residential (PUD-R1)
Medium Density Residential (PUD-R2)
Multi-Family Residential (PUD-R3)
Residential/Commercial (PUD Village)
Commercial (PUD-C)
Specialty Commercial (PUD - SC)
PUD General Business/Industrial (PUD-GBI)
0
0.125
0.25
0.5 M

****

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
Statement of Intent	The intent of this zoning district is to provide for mixed industrial and employment land uses in the community. The specific objectives of the M-2 District are to: 1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County 2. Create family-wage employment and training opportunities for ~~local~~ residents. ~~3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment, and culture~~ ~~4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers~~ ~~Encourage cost effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development~~	A working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. ~~This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.~~ To permit certain industries, which do not in any way detract from the residential desirability and will not be permitted to locate in any area adjacent to a residential area. The limitation on (or provisions relating to) height of a building, ~~horsepower~~, ~~heating~~, flammable liquids or explosives, controlling of emission fumes, odors and noise, landscaping, ~~and the number of people employed~~ are imposed to protect and foster adjacent desirability while permitting industry to locate near a labor supply and near existing available transportation, including harbor access.	To permit retail and commercial businesses generally found in a retail business area and that would be complementary to the Commercial District within the Historic Overlay District. Mixed use development is encouraged with any housing located above commercial or retail space.
Permitted Uses	Permitted Uses. The following uses are permitted by right: ~~1. Parks and playgrounds~~ 2. Electric vehicle charging facilities ~~(3+ vehicles)~~ 3. Offices	Permitted Uses. Tthe following uses are permitted by right.. 1. Adult and/or child day care	Permitted Uses. The following uses are permitted by right: 1. Condominium dwellings

Changes from 6/4/2024 Work Session shown in Blue.

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
	~~4. Medical/dental practices (outpatient) and labs~~ 5. Marinas, wharves, and docks (if contiguous to harbor) 6. Manufacturing and material processing 7. Machine shops, blacksmith shops, and welding shops 8. Wholesale business and warehousing 9. Port facilities/intermodal terminals marine, rail, trucking, and/or intermodal terminals, including transfer, storage, handling, inspection, processing, and/or transport of containerized, bulk, and/or other cargo ~~10. Agriculture, horticulture, forestry, and aquaculture~~ ~~1. Park, plaza, or natural area~~ ~~2. Museum, cultural center, arboretum~~ ~~3. Offices for telecommunications~~ ~~4. Fire, police, rescue station~~ ~~5. Medical care facility, outpatient only~~ ~~6. Mail courier and parcel services~~ ~~7. Printing service~~ ~~8. Office, administrative, business and professional~~ ~~9. Research, experimental testing, or development activities~~ 10. Concrete plant: manufacturing, sales and distribution of concrete and related products ~~11. Railroad tracks, sidings, yards, or roundhouses.~~	center ~~2. Agriculture (excluding livestock), horticulture, forestry, and/or fishery/aquaculture~~ ~~3. Art gallery~~ ~~4. Business service establishment (including mail order or electronic catalog sales)~~ ~~5. Conference center~~ 6. Communication and telecommunications centers 7. ~~Commuter parking lot~~ 8. Educational institution 9. Flex industrial use – add definition 10. Fire, police, rescue stations 11. Food production, packaging, packing, and canning 12. Hotel, ~~serving as an ancillary and interrelated component of the Park~~ **(Move as Conditional Use Permit)** ~~13. Library or other municipal buildings~~ 14. Manufacture, processing, fabrication, assembly and/or storage of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items,	2. Cooperative dwellings 3. Parks and playgrounds 4. Schools, community centers, and public facilities 5. Retail and other stores (less than 2,500 SF gross floor area) 6. Offices 7. Galleries and museums 8. Indoor recreation facilities 9. Conference centers 10. Restaurants and bars (used to be: ~~Other food establishments: a) Bakeries, confectionaries, delicatessens, and catering services; b) Cafes and coffee shops; c) delicatessens; d) Eating and drinking establishments; e) Ice Cream parlors; f) Restaurants~~) 11. Personal services (less than 2,500 SF gross floor area) 12. Medical/dental practices (outpatient) and labs 13. Vehicle rental/sales (less than 2,500 SF gross floor area) 14. Marinas, docks, and wharves (if contiguous to harbor) ~~(used to be: Marine-related uses of the following types: a) bait and tackle shops; b) boat rentals; c) Marins, docks and wharves if contiguous to harbor)~~ 15. Utility Facilities ~~1. Sail and canvas making and repair~~ ~~2. Ship stores and chandleries~~

Changes from 6/4/2024 Work Session shown in Blue.

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment. 15. Marinas, docks, and wharves and marina related businesses & industry. 16. Medical care facility, outpatient only Move to Commercial — 17. Museum, cultural center, arboretum 18. Offices—administrative, business, professional, and telecommunication 19. Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Appendix A, applicable category 20. Park, plaza, or natural area 21. Parking structure Move to Commercial — 22. Performing arts center 23. Post office, drop off and pick up, mail courier and parcel services ~~24. Printing service~~ 25. Public utility service center, without outdoor storage ~~26. Rail and/or intermodal terminals, including transfer, storage, handling, inspection, processing and/or transport of containerized bulk and/or other cargo~~ 27. Recording studio	~~3. Office and institutional uses of the following types: a) business studios; b) civic and government facilities; c) educational facilities; d) financial institutions~~ ~~4. Medical clinics~~ ~~5. Medical, dental and other laboratories~~ ~~6. Offices~~ ~~7. Office supply stores~~ ~~8. Real estate sales and rentals~~ ~~9. Recreational, cultural, and entertainment uses of the following types: a) art galleries and art studios; b) athletic clubs; c) conference centers; d) health and fitness facilities; e) libraries and galleries; f) museums and cultural centers; g) outdoor recreational uses; h) parks~~ ~~10. Retail goods establishments of the following types with 2,500 square fee or less of gross floor area: a) antique shops; b) bookstores, new and used; c) camera shops; d) candy stores; e) clothing stores; f) dry goods stores; g) florists; gift shops, card shops, and stationery shops; h) grocery stores; i) music stores; j) newsstands; k) tobacco stores; j) upholstering shops and fabric stores; m) video stores; n) watch and jewelry stores~~ ~~11. Retail service establishments of the following types with 2,500 square feet or less of gross floor area: a) beauty and~~

Changes from 6/4/2024 Work Session shown in Blue.

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
	to Commercial — 28. Recreational facilities ~~29. Recycling drop-off collection center serving the Park~~ 30. Research, experimental testing or development activities #31 - add reference to brewery - 31. Restaurant, indoor and outdoor (excluding drive-through) ~~32. Telecommunications, television, or radio microwave dishes or antennas~~ 33. Training center (excluding rehabilitation and institutional facilities) 34. Utility generating plant and transmission facilities using renewable energy sources — By CUP 35. Utility installations 36. Utility substations provided storage or maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be landscaped in accordance with Appendix A, applicable category, sufficient to screen area 37. Warehousing facility (excluding mini-storage facility) 38. Water storage tank 39. Wholesale trade establishment	~~barbershops; b) bicycle, moped and street legal golf cart sales and rentals; c) blueprinting shops; d) dressmaking, tailoring, millinery, dry cleaning~~
Accessory Uses	Within the M-2 District, the following accessory uses shall be allowed: 1. Only those that are customarily accessory and clearly incidental and subordinate to the principal uses and	Accessory Uses. The following accessory uses shall be allowed. 1. Only those that are customarily	Accessory Uses. The following accessory uses shall be allowed. 1. Accessory buildings 2. Other uses customarily associated and

Changes from 6/4/2024 Work Session shown in Blue.

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
	structures.	accessory and clearly incidental and subordinate to the principal uses and structures 2. ~~Temporary licensed uses such as festivals, displays, educational exhibits, outdoor gatherings or performances, and outdoor food markets~~	clearly incidental and subordinate to a principal use 3. Temporary licensed uses such as festivals, displays, educational exhibits, outdoor gatherings or performances, and outdoor food markets
Conditional Uses	Within the M-2 District, the following conditional uses shall be allowed, subject to the issuance of a Conditional Use Permit: 1. Recycling drop-off collection centers ~~2. Recording studio~~ 3. Manufacture, processing, fabrication, and/or assembly of products such as scientific and precision instruments, renewable energy technology components, photographic equipment, communication equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceutical, household items, glass products, electrical lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, optical goods, and electrical equipment 4. Food production, packaging, packing and canning ~~5. Wood products manufacturing~~ ~~6. Educational institution~~ ~~7. Conference center~~ 8. Outdoor storage provided it shall be surrounded by wax myrtle or red tip photinia installed on 4-foot centers and by evergreen trees with a minimum caliper of 2.5 inches on 15-foot centers, except for entrances and exits. 9. Public utilities substations provided storage or Landscaping too specific	Conditional Uses. The following conditional uses may be allowed, subject to the issuance of a Conditional Use Permit. 1. Structures, other than buildings, exceeding 50 feet 2. Buildings over 40 feet but equal or less than 50 feet or building or structure other than building may be constructed to a maximum height of 75 feet if the building is set back at least 125 additional feet from the required setback for all yards abutting residential properties. 3. Hotels 4. Boatels 5. Any other use which is compatible in nature with the foregoing permitted and conditional uses and which the Zoning Administrator determines to be compatible with the intent of the District and is concurred with by the Planning Commission.	Conditional Uses. The following uses may also be permitted, subject to securing a Conditional Use Permit as provided for in this ordinance: ~~1. Marine relates uses of the following types: a) boat and marine engine repair shops; b) boatels; c) marine and sports equipment consignment stores.~~ ~~2. Markets of the following types: a) crafts markets; b) farmers markets; c) watermen's markets~~ 3. Recreational, cultural, and entertainment uses of the following types: a. Assembly halls b. Auditoriums c. ~~Commercial recreational uses~~ d. ~~Entertainment establishments~~ e. Theaters 4. Retail goods establishments of the following types with more than 2,500 square feet of gross floor area: a. Antique shops ~~b.~~ Bookstores, ~~new and used~~ c. Camera shops

Changes from 6/4/2024 Work Session shown in Blue.

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
	maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be surrounded by wax myrtle or red tip photinia installed on 4-foot centers and by evergreen trees with a minimum caliper of 2.5 inches on 15-foot centers, except for entrances and exits, and provided also transformer vaults for underground utilities and the like shall require only wax myrtle or red tip photinia installed on 4-foot centers, solid except for access opening. ~~10. Any telecommunication, television, or radio microwave dishes or antennas.~~ 11. Utility generating plant and transmission facility using renewable energy sources ~~12. Performing arts center~~ 13. Public utility service center 14. Water storage tank 15. Utility installations ~~16. Recreational facilities~~ 17. Structures, other than buildings, exceeding 50 feet		d. Candy stores e. Clothing stores f. Dry goods stores g. Florists, gift shops, card shops, and stationery shops h. Grocery stores i. Music stores j. Newsstands k. Tobacco stores l. Upholstering shops and fabric stores m. Video stores n. Watch and jewelry stores 5. Retail service establishments of the following types with more than 2,500 square feet of gross floor area: a. Beauty and barbershops b. Bicycle moped, and golf cart sales and rentals c. Blueprinting shops d. Dressmaking, tailoring, millinery, dry cleaning 6. ~~Single family and~~ Multi-family dwellings provided the following requirements are met: a. All dwelling units shall have direct access to the street level. Means of access may be shared with other dwelling units, but not commercial uses. Access through a commercial establishment on the first level

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS

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		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
			is not permitted. b. Dwelling units shall occupy no more than 50 percent of the first floor of any building. c. The first floor of all building facades adjacent to a public street shall have a commercial appearance and shall not have a residential appearance. 7. Bed and breakfasts provided the following requirements are met: a. The owner and family must occupy the residence. The owner and his/her appointed agent are responsible for supervising guests. b. The single-family dwelling appearance must be maintained. c. Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Section 4.8.E.2 (Table of Parking Standards) using both on and off-street parking areas. d. A sign no larger than four square feet shall be permitted. e. The number of room accommodations shall be subject to recommendation by the Planning Commission and approved by the Town Council. f. The dwelling must meet all of the requirements of Section 3.9.D.6.

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS

ITEMS IN RED: NEW FROM CONSULTANT REVISIONS — ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

			HARBOR			
	Industrial District M-2		**Harbor – Light Industrial**		**Harbor - Commercial**	
					8. Childcare/adult daycare facilities and nursing homes 9. Hotels and motels 10. Laundromats 11. Boatels 12. Campgrounds 13. ~~Liquor and package stores~~ 14. ~~Off-site parking~~ 15. Any other use which is compatible in nature with the foregoing permitted and conditional uses and which the Zoning Administrator determines to be compatible with the intent of the District and is concurred with by the Planning Commission.	
LOT, YARD, HEIGHT, COVERAGE & DENSITY REQUIREMENTS	Minimum Lot Size (SF)	15,000	Minimum Lot Size (SF)	15,000	Minimum Lot Size (SF)	11,200
	Minimum Lot Width at Setback Line (ft)	100	Minimum Lot Width at Setback Line (ft)	100	Minimum Lot Width at Setback Line (ft)	80 ft.
	Front Setback (ft)	10' minimum & ~~25' maximum~~	Front Setback (ft)	10	Lot Depth	140 ft.
	Side Setback (minimum)	None or 5' between buildings, 10' adjacent to street	Side Setback (ft)	None or 5' between buildings, 10' adjacent to street	Front, Side, Real and Corner Setback (ft) (minimum unless otherwise stated)	30' from Cape Charles Harbor, Resource Protection Areas, Marina Road, Bayshore Road, or Parcel 83-A3-A-10
	Rear Setback (ft)	20'	Rear Setback (ft)	20		
	Corner Lot Setback (minimum)		Height (ft)	45' for buildings; 50' for structures other than buildings	Height (ft)	40'
	Maximum Height	45' for buildings, 50' for structures other than buildings			Maximum Lot Coverage	75%
	Maximum Lot Coverage	60%				

Changes from 6/4/2024 work session shown in Blue

6/4/2024 Review Stopped Here

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS — ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
		Maximum Lot Coverage: 50%	
ADDITIONAL DEVELOPMENT REQUIREMENTS	1. Buffer yards. When a zoning lot within the M-2 District adjoins ~~R-E,~~ R-1, R-2, or R-3 Districts, the following shall be required along all lot lines within the M-2 District adjoining the ~~R-E,~~ R-1, R-2, or R-3 Districts a 50-foot separation of road right-of-way, golf course, lake, drainage easement, natural area, or landscaped buffer yard shall be required. 2. ~~Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side and rear yards.~~ 3. Placement of drives and parking areas when adjacent to public right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet from any public right-of-way line for a contiguous public street. Landscaping, hedges, or fast-growing shrubs on four-foot centers on a gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area. 4. No parking or drive aisles shall be located within the required buffer yards. 5. No outside storage of parts, materials, fossil fuels, raw materials, or petroleum shall be permitted within the M-2 District. 6. No outside manufacturing, assembly, or servicing of products used on the property or trucks or automobiles used in conjunction with or for the transport of materials to the district shall be allowed. Move to Harbor-Light Industrial	1. Buffer yards. Where the GBI H-1 District adjoins the R (residential) zoning districts within the PUD or CO Land Use Classifications or C districts within the PUD, buffer yards are required as follows: a. When a zoning lot within the GBI H-1 District adjoins any R zoning district within the PUD, the following shall be required along all lot lines within the GBI H-1 District adjoining the R zoning district within the PUD. i. A 200-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area. ii. No loading facilities, loading docks, or loading bays shall be permitted within 200 feet of any zoning district or zoning classification within the PUD that permits residential as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where residential use is allowed. iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the	Mainstreet Mixed Use Area 16. The area of the Harbor District along the south side of Mason Avenue, beginning at the western edge of Parcel 83A3-A-5, and projecting eastward to Nectarine Street, and southward a distance of 120 feet from the south side of Mason Avenue, is defined as the "Mainstreet Mixed-Use Area." All buildings in the Mainstreet Mixed-use Area shall meet the following requirements: a. Each building shall be a minimum of two stories and shall have only residential uses above the first floor. i. Residential portions of the building shall have at least two entrances/exit ways to the ground floor that are separate from the entrances/exit ways used by occupants of nonresidential portions of the building. ii. The primary entrance for the residential portion of the building shall be clearly visible from Mason Avenue and shall face Mason Avenue. b. Ground floor uses shall be limited to non-motor vehicle related uses, including restaurants, sales and rental of goods, merchandise or equipment establishments, banks and financial institutions, or offices. c. Drive-through facilities are prohibited. d. The primary façade shall face Mason Avenue. On a corner lot, each side adjacent to a street shall be considered a primary façade. e. All blocks shall align with and be equal in frontage length to the blocks on the north side of Mason Avenue so that existing viewsheds to the harbor are maintained. f. No building or structure shall exceed 40 feet in height.

Only reviewed Industrial District M-2

Katie to rewrite all in yellow area.

Changes from 6/4/2024 Work Session shown in Blue.

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
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		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
	7. Any exterior lighting on the property shall be directed down and away from any area zoned R (Residential) or PUD where residential development is a permitted use, to prevent the disbursement or bleeding of light beyond the limits of the developed portions of the property. 8. No outside loudspeakers, intercoms, sirens, paging systems, whistles, horns, bells, or other devices designed to or which transmit a warning message or other communication or signal audible outside any building shall be allowed on the property. No equipment used outdoors, excluding half-ton trucks, shall be equipped with or use any device to emit a warning noise or audible signal while in use on the property. 9. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property. 10. No delivery or transmission of materials of products shall be permitted to or from the property by truck or rail before 8 a.m. and after 9 p.m. Monday through Saturday and no such deliveries to or from the property by rail or truck, excluding half-ton trucks, shall occur on Sunday. Add OSHA language from Harbor-Light Industrial #9		

Changes from 6/4/2024 Work Session shown in Blue.

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		width of the landscaped area shall be at least 100 feet wide and run continuously for the length of the buffer. b. When a zoning lot within the GBI H-1 District adjoins a CO Land Use Classification, the following shall be required along all lot lines within the GBI H-1 District adjoining the CO Land Use Classification: i. A 100-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area. ii. No loading	g. The front setback shall be the prevailing setback of adjacent properties along the south side of Mason Avenue. h. Development design standards in this area shall be subject to both the Historic District Review Board and the Harbor Area Review Board. i. Whenever the provisions of subsection 3.9.B.1 impose standards that are more restrictive than are required in or under any other statute, ordinance or resolution, these standards shall prevail, unless otherwise specified in this Zoning Ordinance. Harbor Area Review Certificate Mainstreet Mixed Use Area All Utilities shall be installed underground.

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		facilities, loading docks, or loading bays shall be permitted within 100 feet of any zoning district or zoning classification within the PUD that permits CO Land Use Classification as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where CO Land Use Classification is allowed. iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the	

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer. c. When a zoning lot within the GBI H-1 District adjoins a C district, the following shall be required along all lot lines within the GBI H-1 District adjoining the C district: i. A 50-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area. ii. No loading facilities, loading docks, or loading bays shall be permitted within 75 feet of any zoning	

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		district or zoning classification within the PUD that permits commercial as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where commercial use is allowed. iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer. 2. Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side or rear yards.	

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
	Clean up landscaping language	3 Placement of drives and parking areas when adjacent to public right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet from any public right-of-way line for a contiguous public street. Landscaping, hedges, or fast-growing shrubs on a gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area. See Appendix A, Category I for requirements. 4. All parking must comply with Off Street Parking and Loading Requirements 5. ~~Parking is not permitted in the~~ front yard of a lot. 6. No parking or drive aisles shall be located within the required buffer yards. 7. No outside storage of parts, materials, fossil fuels, raw materials, or petroleum shall be permitted. 8. Any exterior lighting on the property shall be directed down and away from any area zoned R (residential) or PUD where residential development is a permitted use to prevent the disbursement or bleeding of light	Katie to amend - to reference lighting section

Changes from 6/4/2024 Work Session shown in Blue.

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
	Mirror to M-2 #8	beyond the limits of the developed portions of the property. 9 No outside loudspeakers, intercoms, paging systems, whistles, horns, bells, or signals audible outside any buildings shall be allowed on the property. Any and all Occupational Safety and Health Administration (OSHA) requirements shall be adhered to; any OSHA-accepted alternative warning devices are encouraged. 10. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property. 11. No delivery or transmission of materials or products shall be permitted to or from the property ~~by truck or rail~~ between 11 p.m. and 5 a.m. Monday through Sunday.	

Changes from 6/4/2024 Work Session shown in Blue.

DRAFT
TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
July 18, 2024
6:00 PM

At approximately 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Regular Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Councilman Follmer was not in attendance. Also, in attendance were Project Manager Bob Panek, Planner/Zoning Administrator Katie Nunez, Zoning Compliance Officer Jack Steinmayer, Officer Harper Matthews and Town Clerk Libby Hume. Town Manager John Hozey participated via conference call. There were 6 members of the public physically in attendance, and 8 viewers on Facebook.

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

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

A. *Coast Guard Station Cape Charles Appreciation Proclamation*
Mayor Charney read Proclamation 20240718 Coast Guard Appreciation Day – August 3, 2024.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Proclamation 20240718 Coast Guard Appreciation Day – August 3, 2024. The motion was approved by unanimous vote.

B. *Demolition by Neglect Presentation – Katie Nunez*
Katie Nunez provided an update on derelict structures in Cape Charles. (Please see attached.)

There was some discussion regarding the property at 1 Fig Street. Katie Nunez would provide updates to the Council regarding the property. Council was in agreement regarding their opposition to the demolition of the structure on the property.

In conclusion, Katie Nunez introduced the new zoning compliance officer, Jack Steinmayer.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

There were no 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. June 13, 2024 Town Council Work Session
   ii. June 20, 2024 Town Council Regular Meeting
C. Approval of May 2024 Financial Report

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

UNFINISHED BUSINESS:

There was no unfinished business for review.

DRAFT

NEW BUSINESS:

A. *Reappointment of Library Board Member:*
John Hozey stated that Richard Burger has been on the Library Board since 2020 and has expressed his interest in continuing his service on the board.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to reappoint Mr. Richard Burger to the Library Board for another four-year term. The motion was approved by unanimous vote.

B. *Revision to Town Code – Water and Wastewater:*
John Hozey expressed his appreciation for Bob Panek who completed much of the research and work on this item. Chapter 30 of the Town Code governed the operation of the former municipality owned water and wastewater system and needed revision to reflect the sale of the systems to Virginia American Water (VAW). Although most of the regulatory requirements of the Virginia Department of Health were now VAW's responsibility, the Town continued to have responsibility for certain aspects such as connection requirements, protection of potable water, water conservation, and use of private wells and sewage disposal systems. The proposed changes to Chapter 30 were provided to VAW for review and they were in concurrence with the changes.

There was also one provision concerning disposal of waste, including garbage, that was more appropriately relocated to Chapter 12, Environment and Natural Resources.

There was some discussion regarding the prohibition of the connection of landscaping irrigation systems to the waterworks, rather requiring the use of shallow wells to withdraw groundwater from the surficial aquifer.

Motion made by Councilman Butta, seconded by Councilman Buchholz, to adopt Ordinance 20240718-Revision of Town Code – Water and Wastewater.

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to amend Proposed Section 30-19 Landscaping Irrigation, adding a sentence to the end of the section to read *"Existing systems connected to the waterworks as of July 18, 2024 are exempt from this requirement."* The amended motion was approved by unanimous vote.

Mayor Charney asked for a vote on the adoption of Ordinance 20240718 as amended. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Grossman, yes Holloway, yes.

C. *Request for Handicap Parking Designation at 507 Tazewell Avenue:*
John Hozey stated that a request as received from Mr. and Mrs. Lawrence Veber, owners and full-time residents of 507 Tazewell Avenue, asking for assistance in obtaining a designated handicap parking space in front of the residence. Mr. Veber had mobility challenges and could only take a few steps at a time with the assistance of a walker. John Hozey noted that several months ago, Council had instituted a requirement that requests of this nature would only be considered from full-time residents of the Town, adding that the Vebers qualified as they were full-time residents.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution 20240718 In Support of the Request from Lawrence and Katherine Veber for the Designation of a Handicap Parking Space at 507 Tazewell Avenue. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Buchholz, yes; Butta, yes; Grossman, yes Holloway, yes.

DRAFT

TOWN MANAGER COMMENTS

John Hozey commented as follows:

i) He thanked Katie Nunez and Jeb Brady, along with their staff, for the fabulous job on the report provided earlier this evening.

ii) He thanked Councilman Grossman for his assistance in fine-tuning the treasurer's report and informed Council that changes would be implemented beginning next month.

iii) The Beachfront Master Plan work session was scheduled for July 25th to provide current ideas and obtain Council input.

MAYOR AND COUNCIL COMMENTS

Councilman Grossman stated that he had followed up with John Hozey regarding short-term rental. Using information from the last Council work session, an ordinance was drafted and provided to the subcommittee for review. A committee meeting was scheduled for July 31st. It would be brought back to Council for further discussion at a later work session. John Hozey added that he felt the ordinance covered the guidance from Council and a work session would be scheduled upon his return.

Mayor Charney thanked Ralph Bowen and the public works crew, and everyone else who worked on the unbelievable July 4th events. The 4th was a great day and although the Town's fireworks were delayed until the 5th, everyone was able to see Cherrystone's fireworks on the 4th, followed by the Town's incredible fireworks on the 5th.

Mayor Charney read the announcements. It was noted that the August 1st work session would not be necessary.

Mayor Charney announced that the Dock Dogs event would be back on November 8 through 10 and was planned to be a bigger event that last year's with the addition of vendors and food trucks. Stay tuned for more information.

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

The Regular Meeting adjourned at 6:36 p.m.

_____

Mayor Charney

_____

Town Clerk

DRAFT

3B. *Demolition by Neglect Presentation – Katie Nunez*

UPDATE ON DERELICT STRUCTURES IN CAPE CHARLES

July 1, 2024

Prepared by
Building Official Jeb Brady &
Planning and Zoning Administrator Katie Nunez

- Since 2022, the Building Official and Planning & Zoning Administrator have joined efforts in addressing derelict structures in the Historic District and have worked with several property owners in getting them to willingly address renovations to the exterior of the house without having to initiate enforcement action.

- We have also issued Notices of Violation for Demolition by Neglect when the property owner has not been receptive to our initial outreach efforts to remedy properties in severe neglect.

- This presentation is to provide a status report on the outstanding or in-progress violation cases as well as the recent outreach initiated or Early Intervention on properties that are heading toward a classification of "Demolition by Neglect" unless steps are taken now to stop the deterioration.

PROPERTIES IN PROGRESS thru renovation/restoration FROM 2023/early 2024

ALMOST FINISHED

426/428 RANDOLPH AVENUE

On left, original look of the duplex structure.

In middle, some initial exterior work has been completed but still needs more TLC. Working with property owner now and work will be commencing May 2023.

On right, exterior work has been nearly finished. The contractor has been finalizing work on front porch and shutters for the windows.

VIOLATIONS IN PROGRESS of Rehab/Renovation FROM 2023/early 2024

Ongoing

542 Jefferson Street

10/15/2021- Unauthorized Demolition of the House

House Pre-Demolition 2020

Lot Immediately after Demolition – 10/13/2021

House in mid-construction as of July 1, 2024 Property has been sold and new owners will be addressing this violation and completing the construction of the house.

VIOLATIONS IN PROGRESS of Rehab/Renovation FROM 2023/early 2024

Just Started

1 Fig Street

As of 7/9/2024, received executed contract for restoring the building envelope (roof, windows, doors, walls) with Schedule of Values and Projected Time Line (estim. 4 months). Still waiting on Financial Assurance for value of contract.

JUST STARTING: 619 Mason Avenue

Property Information:

- Property was purchased by Ware Neck Properties (Kerry Shackleford) on 9.19.2023, who has historic renovation experience
- Cleaned out the interior of 619 Mason Avenue
- Has been approved for renovation plans for exterior of house as of 1.10.2024
- Has been made aware that Certificate of Appropriateness permit is about to expire.
- No Notice of Violation has been issued on this property; rather, Town has been working cooperatively with the owner to remedy this property.

EARLY INTERVENTION CASES

PROPERTIES RECENTLY SENT LETTERS OF POSSIBLE VIOLATIONS OF DEMOLITIONS BY NEGLECT

- **115 Fig Street**
- **122 Pine Street**
- **400 Jefferson Avenue**
- **636 Madison Avenue**
- **649 Monroe Avenue**

RESPONSE AND ACTION TO DATE

TOWN STAFF IS WORKING WITH ALL OF THE PROPERTY OWNERS ON PLANS OF ACTION TO CORRECT THE DEFICIENCIES. THERE HAS BEEN A POSITIVE RESPONSE AND INTENT OF ACTION EXPRESSED BY THE PROPERTY OWNERS WHICH STAFF WILL CONTINUE TO OVERSEE AND ENSURE THAT THESE PROPERTIES ARE BROUGHT INTO COMPLIANCE WITH THE BUILDING CODE AND THE TOWN ZONING ORDINANCE AND HISTORIC DISTRICT GUIDELINES AND ARE NOT SEEN AS A BLIGHT ON THE NEIGHBORHOOD.

115 Fig Street

122 Pine Street

400 Jefferson Avenue

636 Madison Avenue

649 Monroe Avenue

Both the 3 active Violation Cases and the "Early Intervention" cases take a significant amount of staff time and effort to communicating with the property owner, reaching approval of the plan and obtaining all necessary permits, and then monitoring and ensuring the projects stay on track to the anticipated calendar.

Therefore, the departments will not be taking on any additional properties until we can bring to completion the list of properties outlined in this presentation. The only exception would be for an unforeseen emergency or act of God from a weather event.

If someone has a particular property that they are concerned with the condition of the structure, please e- mail or contact the Building and Planning Departments and provide that information to us and we will conduct an inspection of the property and would most likely classify for a future enforcement effort as soon as the list is whittled down from the current case load.

codeofficial@capecharles.org planner@capecharles.org

DRAFT

DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
July 25, 2024
6:00 PM

At approximately 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Work Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Councilman Follmer arrived at 6:01 p.m. Vice Mayor Bennett was not in attendance. Staff members in attendance were Town Manager John Hozey and Town Clerk Libby Hume. Members of the Beachfront Master Plan Committee: Ricky Wiatt representing VHB, the Town's consulting firm for this project; Bob Panek, the Town's project manager; Ralph Bowen, Public Works manager; and Gerry Taylor, representing Cape Charles Main Street. It was noted that John Hozey and Councilman Grossman were also on the committee. There were 4 members of the public in attendance.

WORK SESSION ORDER OF BUSINESS – BEACHFRONT MASTER PLAN

John Hozey introduced Mr. Wiatt.

Mr. Wiatt stated that he was here today to obtain input from the Town Council. After this meeting, all the information would go live on a virtual meeting room to allow the members of the public to review all the information and provide their comments. Mr. Wiatt went through his presentation which also depicted the various areas of the virtual meeting room. (Please see attached.)

There was much discussion regarding the proposed parking plan along Bay Avenue. The plan proposed removal of the existing median along with a narrower travel lane for two-way traffic. There would be parallel parking on the east side of Bay Avenue with 90° pull-in/back-in parking spaces on the west side. There would be a hedge planted alongside the west side to provide some privacy from the beachgoers and headlights to those homes along Bay Avenue. The parallel spaces would be large enough to also accommodate up to 4 golf carts pulled in facing east/west. Several members of the Council expressed their concerns regarding safety with the number of children who would be crossing the street to get to the beach. It was explained that there would be traffic calming elements at each intersection.

Discussion continued regarding the added amenities at several of the intersections/openings to the beach. The North Plaza (Bay & Washington) would have a restroom facility, seating, and spaces for several food trucks. An ADA mat would be located at the Jefferson Avenue beach entrance. The Monroe Avenue Plaza would have volleyball courts on either side, along with a shade pergola similar to the one in Central Park. The LOVE sign would be relocated to Monroe Avenue and placed in a location to protect it from the direct wind. The Randolph Avenue Plaza would incorporate the existing pavilion/gazebo. The South Plaza would have a restroom/shower facility, a designated area for food trucks, shade structures, storage areas, etc. There might be space available to add a dog beach in this area.

It was noted that bike racks needed to be incorporated into the plan.

John Hozey reiterated that no final decisions were made this evening. We were still in the early stages of the process of developing a plan. He thanked Mr. Wiatt and the members of the Beachfront Master Plan Committee for their attendance.

John Hozey went on to state the following: i) He distributed copies of a letter from the US Coast Guard confirming their participating in the August 3rd Coast Guard Appreciation Day. The Coast Guard will

be demonstrating their search and rescue capabilities. They would bring two water crafts and a Jayhawk helicopter. He thanked the Cape Charles Yacht Club and Bob Panek for organizing this event; ii) The short-term rental (STR) ordinance will be reviewed by the STR committee next week and would be ready for review by Council in work would in August, preferably August 8th. This date was good for the Council members; iii) A joint work session with the Planning Commission was scheduled for 6:30 p.m. on August 6th to continue the zoning ordinance review.

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

The meeting was adjourned at 7:45 p.m.

_____
Mayor Charney

_____
Town Clerk

DRAFT

Attachments from July 25, 2024 Town Council Work Session

July 25, 2024 (Updated 7/30/2024)

Town of Cape Charles, Virginia

Beachfront Master Plan Town Council Update

Beachfront Master Planning Committee

Adam Charney, Mayor/Town Council

John Schoeneck, Wetlands Board

Claudette Lajoie, CC Civic League

Gerry Taylor, Main Street

Bill Prickett, Citizens for Central Park

Bob Panek, Yacht Club and CIP Manager

Ralph Bowen, Public Works Manager

John Hozey, Town Manager

Understanding of the Project

- ✓ Enhance the beach
- ✓ Promote economic development
- ✓ Improve accessibility
- ✓ Reinvigorate recreation opportunities
- ✓ Reevaluate existing infrastructure

CAPE CHARLES

Beachfront Master Plan CHARTER

SCHEDULE

PHASE I Research, Outreach, & Plan Development

FEB 2024 | MAR 2024 | APR 2024 | MAY 2024 | JUN 2024 | JUL 2024 | AUG 2024 | SEP 2024 | OCT 2024

Task 1: Project Initiation & Research

Task 2: Outreach

Task 3: Develop conceptual concepts and draft planning document

Task 4: Develop Master Plan; present conceptual concepts and draft planning document

PHASE II. Detailed Design and Construction Plans following approval of the Master Plan

GOALS

→ **Protect the Beach** – control sand migration and maximize beach area

→ **Support Economic Development** – develop the beachfront into a quality destination that reflects and enhances the quaint, small-town charm enjoyed by residents and tourists

→ **Improve Accessibility** – expand access to the beachfront for all users

→ **Reinvigorate Recreation Opportunities** – enhance existing recreation opportunities and support growth of future attractions

→ **Reevaluate Existing Infrastructure** – with sustainability in mind, utilize and leverage existing resources through capital improvements

MISSION

We research, listen, collaborate, and develop resilient plans that support local communities' economic growth while being sensitive to their environment.

VISION

Future generations will inherit a thriving beachfront community with an iconic shoreline, where continuous, ongoing enjoyment of cultural experiences and outdoor recreation on the Chesapeake Bay are protected.

COMMUNITY OUTREACH

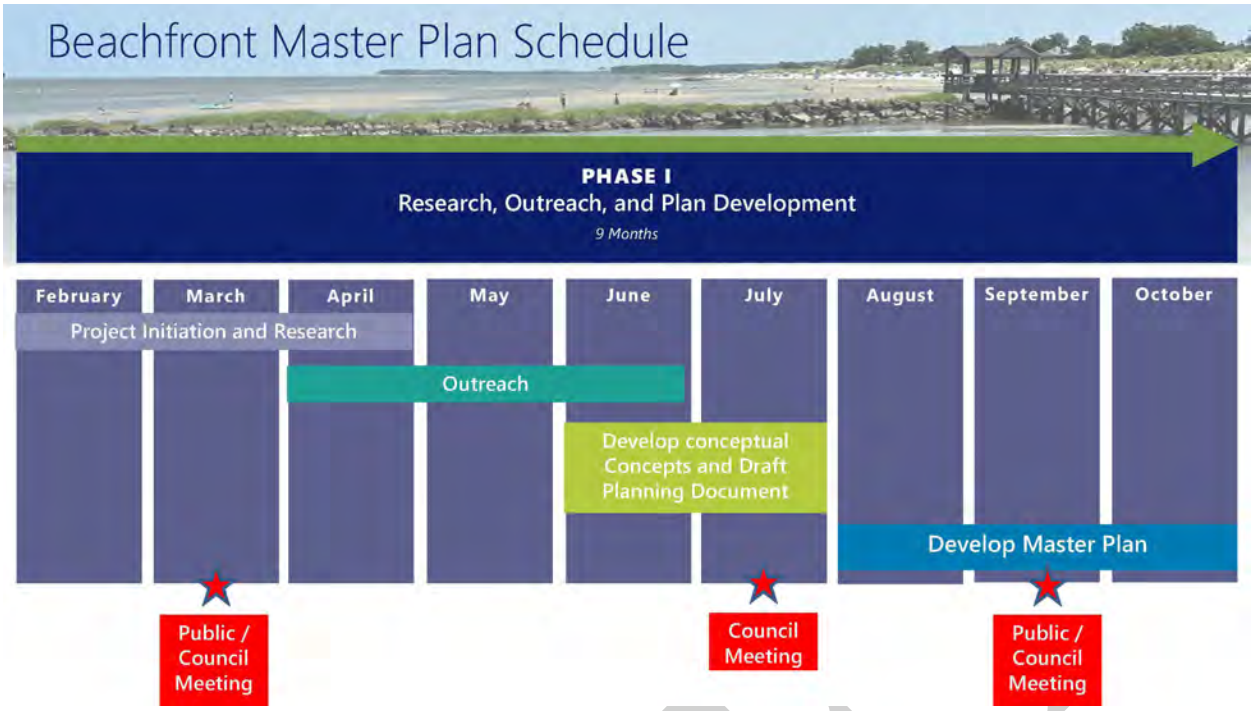
→ Oversight Committee Meetings

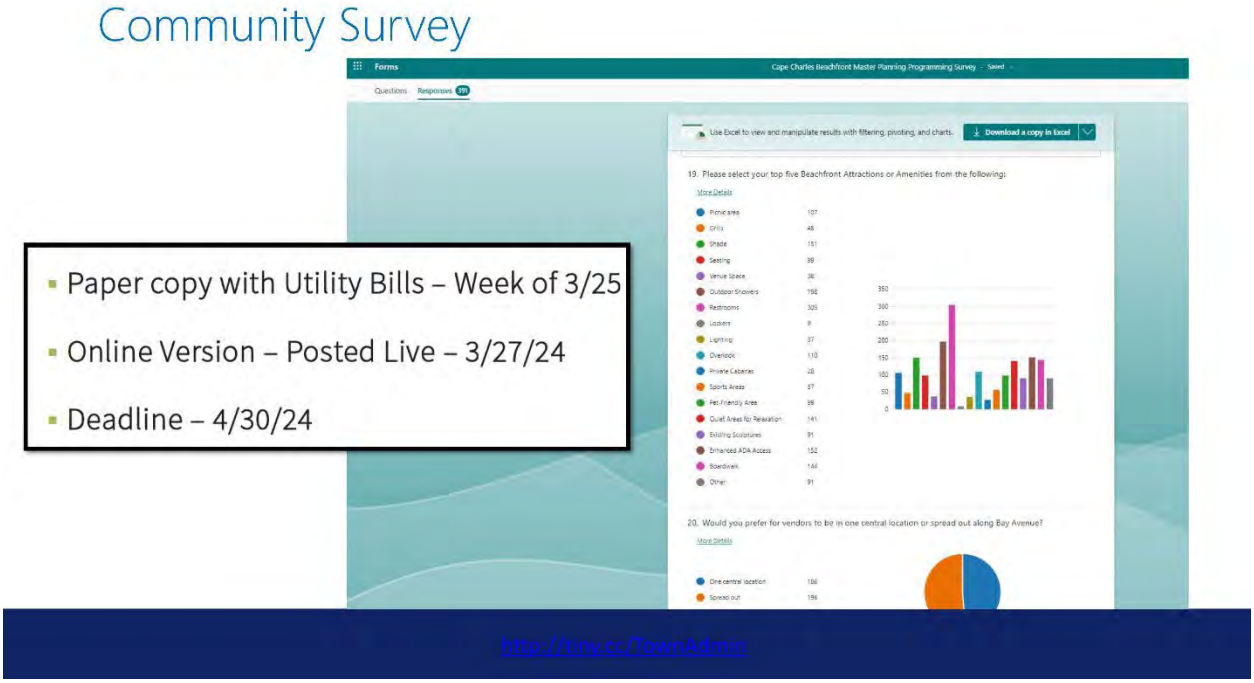
→ Public Meetings

→ Town Council Presentations

There will be multiple opportunities for community engagement! Scan QR code for more information.

vhb


Beachfront Master Plan Schedule
PHASE I
Research, Outreach, and Plan Development
9 Months
February
March
April
May
June
July
August
September
October
Project Initiation and Research
Outreach
Develop conceptual Concepts and Draft Planning Document
Develop Master Plan
Public / Council Meeting
Council Meeting
Public / Council Meeting


Community Survey
Paper copy with Utility Bills – Week of 3/25
Online Version – Posted Live – 3/27/24
Deadline – 4/30/24
http://tiny.cc/TownAdmin

Community Survey

What is your opinion of the dune's general size?

More Details Insights

Too Small	24
Too Large	98
Just right	261

http://tiny.cc/TownAdmin

Community Survey

Please explain why you chose your answer to the last question about your opinion of the dune's size:

- *"Dunes should be whatever size experts believe will save the beach."*
- *"I honestly don't know much about dunes, so I feel like this requires more research."*
- *"I assume the dunes are placed there for flood protection and have been properly sized for that purpose."*
- *"From a visual perspective it is too large, but I think that erosion control and protection from storm surge are more important than the visuals."*
- *"The dunes provide a vital form of protection from storms for the entire town..."*

http://tiny.cc/TownAdmin

Community Survey

Currently, there is only one overlook at the dunes. Should there be more?

More Details Insights

Yes	156
No	120
Unsure	109

http://tiny.cc/TownAdmin

Community Survey

. What is your opinion of the beach's general size and character?

More Details Insights

Too small	99
Too large	5
Just right	281

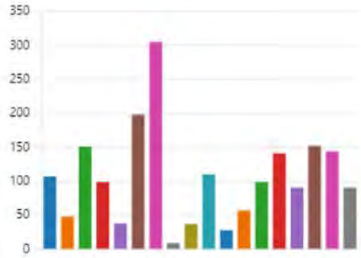
http://tiny.cc/TownAdmin

Community Survey

19. Please select your top five Beachfront Attractions or Amenities from the following:

More Details

Picnic area	107
Grills	48
Shade	151
Seating	99
Venue Space	38
Outdoor Showers	198
Restrooms	305
Lockers	9
Lighting	37
Overlook	110
Private Cabanas	28
Sports Areas	57
Pet-Friendly Area	99
Quiet Areas for Relaxation	141
Existing Sculptures	91
Enhanced ADA Access	152
Boardwalk	144



Community Survey

20. Would you prefer for vendors to be in one central location or spread out along Bay Avenue?

More Details

One central location	186
Spread out	196

http://tiny.cc/TownAdmin

Community Survey

Please explain why you selected for vendors to be located at one central location or spread out along Bay Avenue:

- *"Vendor trucks all along Bay are unsightly and take away from parking availability."*
- *"It would limit the noise and garbage to be in a central location."*
- *"Minimize disruption to parking"*
- *"I see pros and cons of each. Maybe a vendor location at each end - Mason and Washington so people can choose which is closer to them."*

https://tinyurl.com/TownAdmin

Community Survey

36. Please choose the closest that applies to you:

More Details

Full-time resident living within t...	164
Resides in Northampton County...	59
Owns property within the Town ...	137
Resides outside Northampton C...	30

https://tinyurl.com/TownAdmin

Communications – Key Take Aways

- Top 5 Desired Beachfront Attractions / Amenities
  - Restrooms
  - Outdoor Showers
  - Shade
  - Enhanced ADA Access
  - Boardwalk
- Beach's General Size and Character
  - 73% said it was "Just Right"
- Dune's General Size
  - 68% said it was "Just Right"
- Vendors to be in one central location or spread out along Bay Avenue
  - One Central Location 51% / Spread Out 49%

http://tiny.cc/TownAdmin

Communications

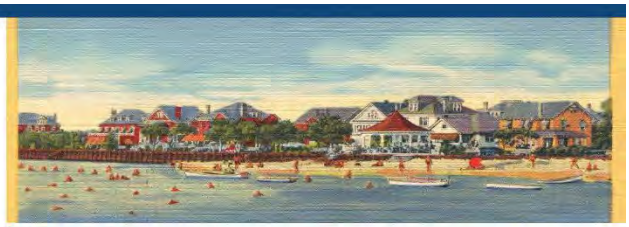
Welcome Screen - VHB VMR

Educating the Public

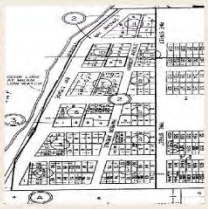
CAPE CHARLES

Beachfront Master Plan
BAY AVENUE

Cape Charles' Bay Avenue has a surprising history, as well as being quite beloved by residents of the town.



HISTORY



This 1887 map of Cape Charles depicts the original city plan: a grid formation where Pine Street is the westernmost street.

In fact, before Cape Charles had a waterfront, there was a marshy landscape between the town and the bay.

When Bay Avenue was constructed in 1911, 97 plots were added to Cape Charles, providing opportunity for more residents and businesses to make this town their home.

PRESENT

In the present, Bay Avenue is a beloved part of Cape Charles. It is the center of events and holidays, a cultural anchor with the iconic backdrop of the Chesapeake Bay.

From performances in the historic gazebo, holiday parades down Bay Avenue, and the daily beauty of Chesapeake Bay, Bay Avenue serves the residents of Cape Charles as a cornerstone of culture.

THEN & NOW

GAZEBO **BAY AVE**

Cape Charles has a unique small town spirit that has remained consistent through much of it's lifetime. It's this cozy coastal atmosphere that gives the town its character.

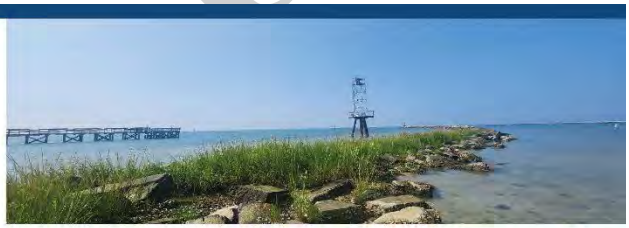
A key part of this is the beautiful architecture on Bay Avenue. Between these postcards from the 1930's and now, many of the beautiful homes on Bay Avenue are still standing, a testament to the times they have weathered. As well as the town's beloved historic gazebo, hosting events for many years.

vhb 2

CAPE CHARLES

Beachfront Master Plan
SHORELINE

The master plan aims to provide a method to stabilize the beach to require less frequent maintenance.



SHORELINE IMPROVEMENTS

WHAT'S HAPPENING

The beach along Bay Avenue is man-made and historically erosive above the high water line. Over the years the beach has been nourished with dredging projects in the area. The placed sand is a fine grain sand that is more susceptible to being dislodged from the beach berm than larger grain sand during wave action and by wind. The sand is moved along the beach and into the nearshore during storms and blown into the dune and road area on dry windy days.

In the early 2000's, a system of breakwaters was installed to stabilize the north end of Bay Avenue beach. The structures remain in place today and are providing protection to the north end of the beach while still allowing some sand transport to the southern sections.

Recent Dredging Projects:
2001.....45,000 CY
2015-2016.....30,000 CY
2023.....28,000 CY

WHY IT MATTERS

The dredging projects that nourish the Cape Charles shoreline are infrequent which allows sand to erode away from the beach over time. The planned shoreline enhancements provide the opportunity to keep more sand above the high water line in between nourishment events.

Cape Charles beach is a beloved piece of the community, and preserving it is important. Finding innovative solutions to maintaining the shoreline will be beneficial for the Cape Charles community for generations to come.

BREAKWATERS

WHY THEY'RE HERE

Several concepts are being evaluated to improve the stabilization of the beach berm. These concepts include lengthening the existing structures, adding additional structures, and the combination of these two strategies.

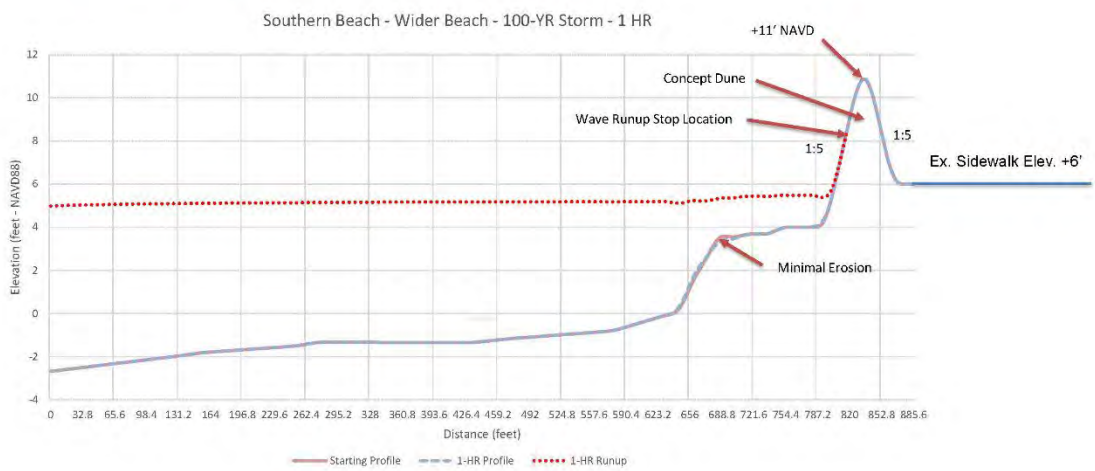
The goal of the improvements are to provide the maximum amount of beach berm for residents to enjoy.

HOW THEY WORK

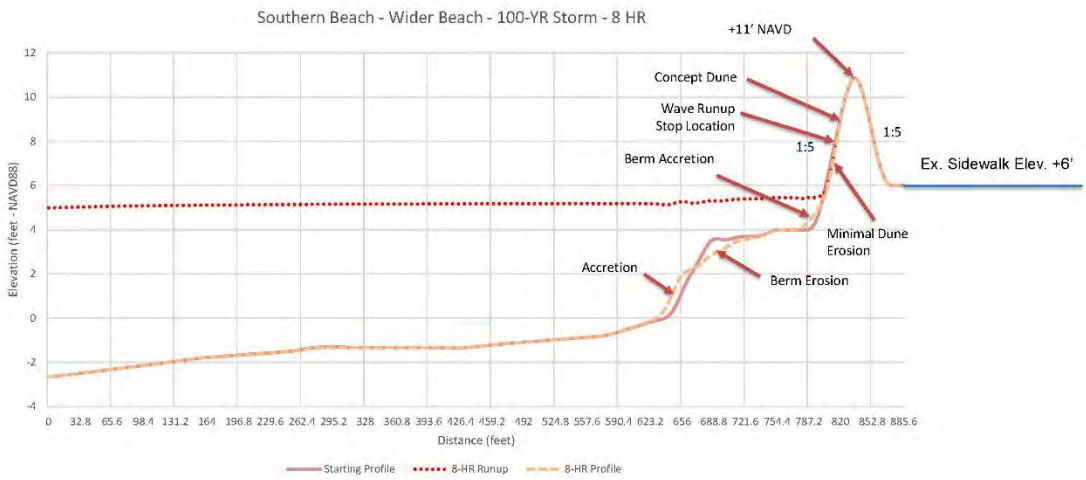
A system of breakwaters is constructed to stabilize the seaward beach shoreline by reducing the wave forces along the beach face. The structures accomplish this by altering the wave field. The highest wave energy is directed at the structures and the remaining energy spreads in the gaps between dissipating the wave energy.

vhb 3

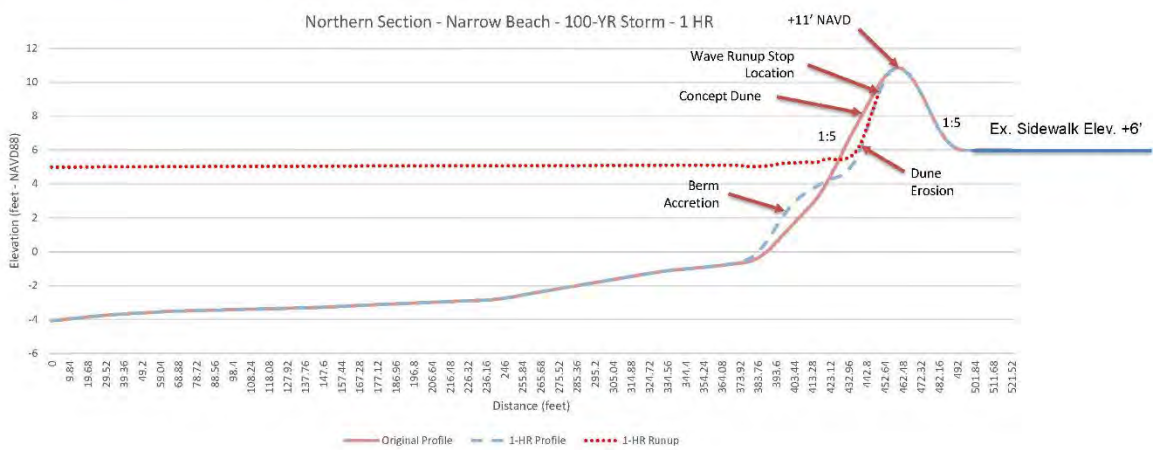
CSHORE Output – 100-YR Storm



CSHORE Output – 100-YR Storm



CSHORE Output – 100-YR Storm



CSHORE Output – 100-YR Storm

Wind Blown Sediment Transport (Aeolian Transport)

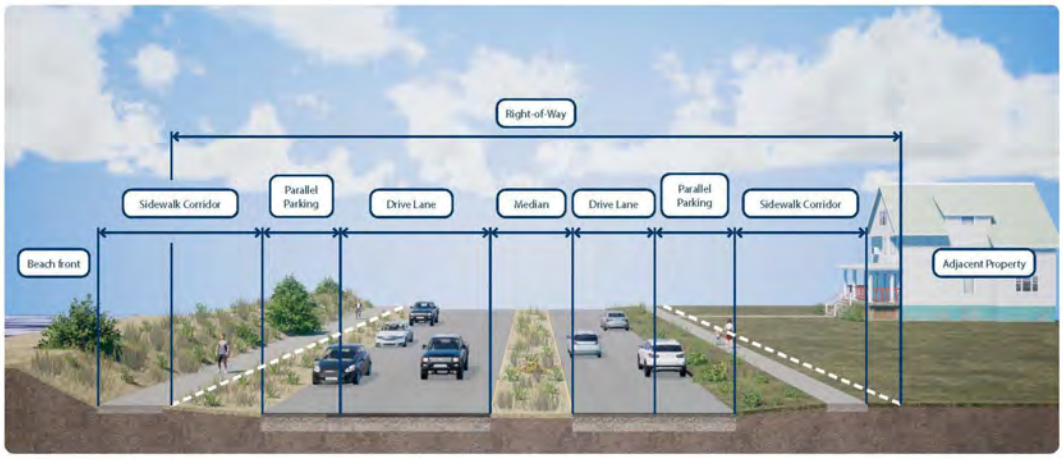
- Coastal Engineering Manual (III-4-4)
  - Use D50 of grain size
  - Find wind data near project
- Compute wind speed at which D50 sand grains are moved
  - 20.1 mph
- Estimate potential aeolian transport per hour per meter of beach for different wind speeds.

wind speed	Sand Transport in 1 hr
mph	cy/ft
15	0.001648
20	0.003916
25	0.007638
30	0.013217
35	0.021008
40	0.031329

Conceptual Concepts

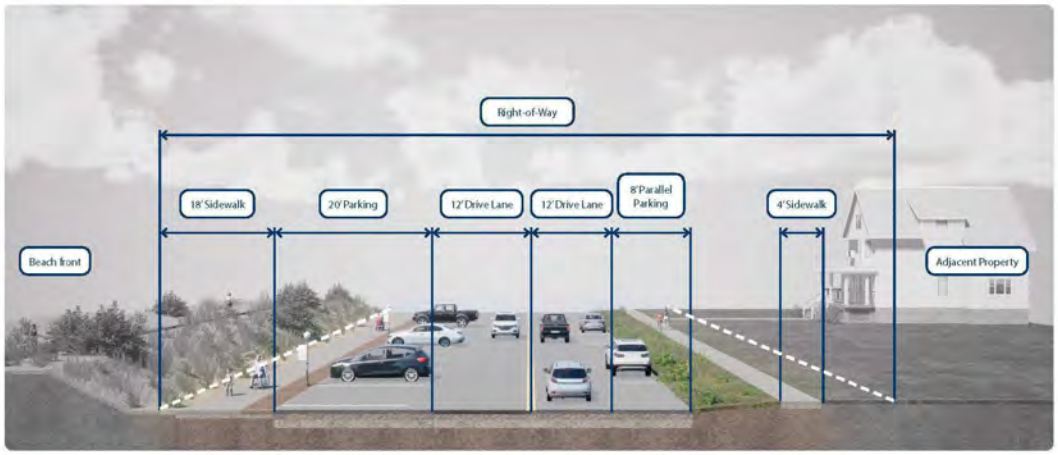
Bay Avenue Reimagined

Existing Condition 1



Bay Avenue Reimagined

Proposed Condition - Parking



Concept Refinements:

- Evaluate beach and dune management options with focus on coastal resilience
- Determine site access, circulation, and parking
- Determine new facilities and development
- Investigate site relationships and layout
- Identify pedestrian and bicycle circulation, activity areas, and recreational opportunities
- Consider maintenance of proposed designs

CAPE CHARLES

Beachfront Master Plan
MASTERPLAN

CAPE CHARLES MASTERPLAN EXHIBITS

BAY AVENUE NORTH ILLUSTRATIVE SECTION (AT GRADE)

------ Existing Road / Sidewalk

BAY AVENUE SOUTH ILLUSTRATIVE SECTION (CUT SLOPE)

------ Existing Road / Sidewalk

BAY AVENUE EXTENDED ILLUSTRATIVE SECTION

------ Existing Road / Sidewalk

vhb 6

CAPE CHARLES MASTERPLAN EXHIBITS

8

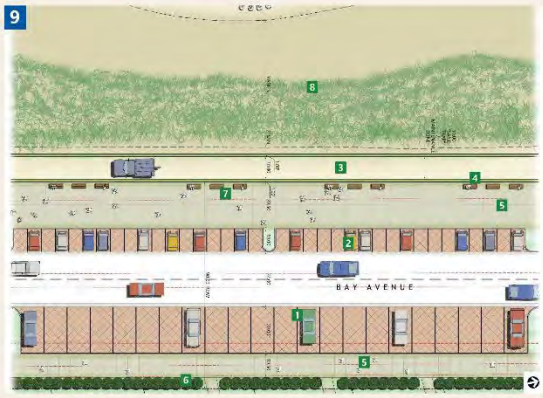
------ Existing Road / Sidewalk

RANDOLPH AVE PLAZA

The historical Gazebo on Bay Avenue is a beloved place of gathering for Cape Charles residents. This new plaza expands this gathering space, allowing the Gazebo to be at the heart of it all.

1 » Shade pergolas
2 » Abundant seating
3 » Outdoor eating tables
4 » Flush Curb Intersection
5 » Beach access ramp / stairs
6 » Preserved Gazebo
7 » Bollards
8 » Planting bed
9 » Parallel automobile parking or 90 degrees golf cart parking

9



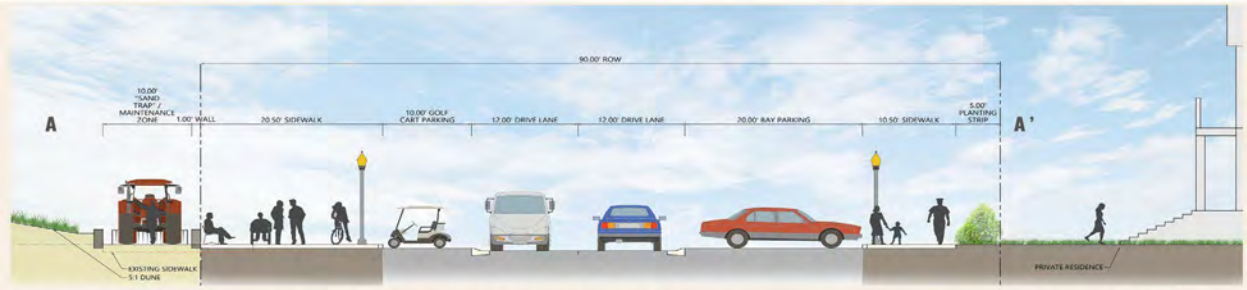
------ Existing Road / Sidewalk

BAY AVENUE EXHIBIT

The straight walls with the wide, comfortable sidewalks make it an enjoyable space, with more space provided for the dunes and beach.

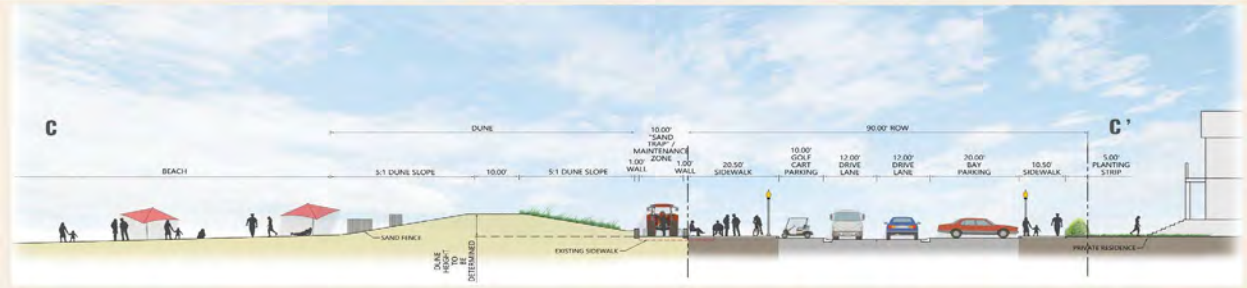
1 » Bay Parking
2 » Parallel Parking
3 » 10' Maintenance Strip
4 » Continuous wall to block sand
5 » Sidewalk
6 » Evergreen Screening
7 » Bench Seating
8 » Dune

vhb 9



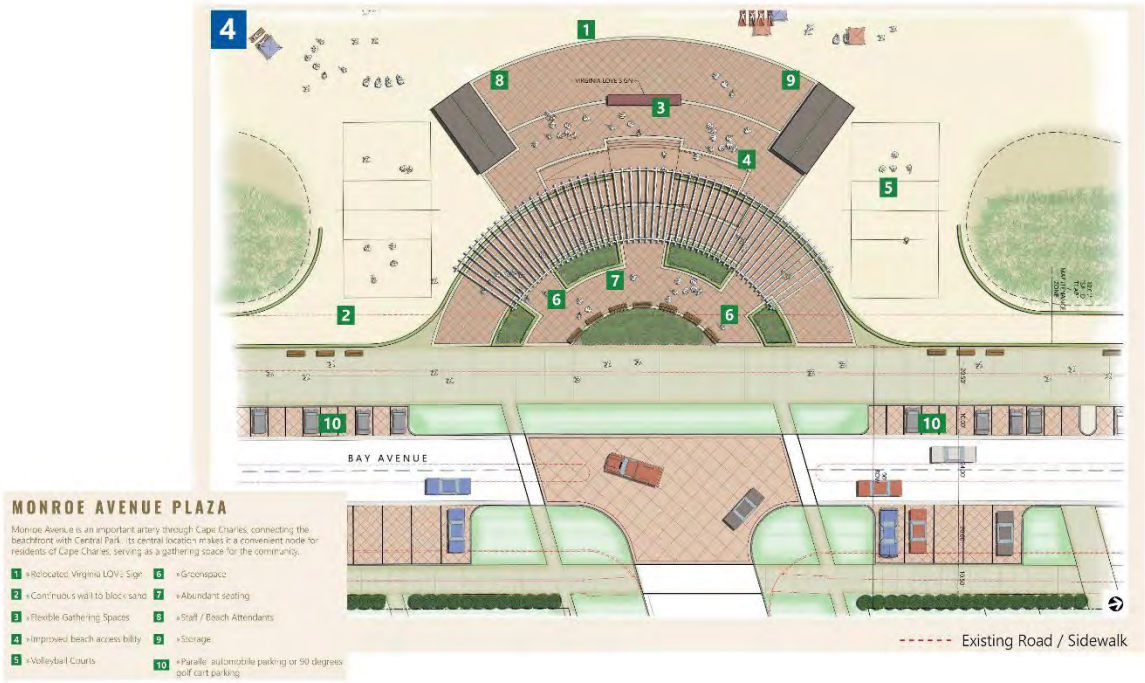
BAY AVENUE NORTH ILLUSTRATIVE SECTION (AT GRADE)

------ Existing Road / Sidewalk

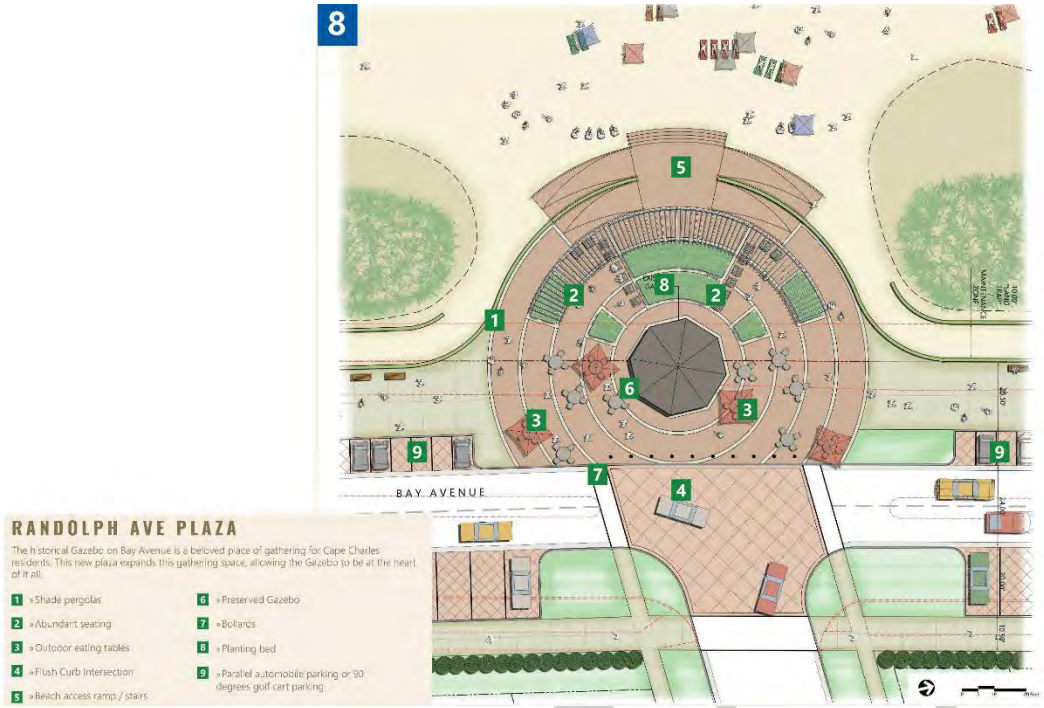


BAY AVENUE EXTENDED ILLUSTRATIVE SECTION

------ Existing Road / Sidewalk


4
BAY AVENUE
MONROE AVENUE PLAZA
Monroe Avenue is an important artery through Cape Charles, connecting the beachfront with Central Park. Its central location makes it a convenient node for residents of Cape Charles, serving as a gathering space for the community.
1 »Relocated Virginia LOVE Sign
2 »Continuous wall to block sand
3 »Flexible Gathering Spaces
4 »Improved beach access-bility
5 »Volleyball Courts
6 »Greenspace
7 »Abundant seating
8 »Staff / Beach Attendants
9 »Storage
10 »Parallel automobile parking or 90 degrees golf cart parking
Existing Road / Sidewalk

CAPE CHARLES
Beachfront Master Plan
MASTERPLAN
CAPE CHARLES MASTERPLAN EXHIBITS
13
BAY AVENUE
1 »Flexible Gathering Space
2 »Covered Pavilion with Seating
3 »Food Trucks Lane with Controlled Access
4 »Shade Pergolas
5 »American Flag Pole
6 »Restrooms / Showers / Storage Area
7 »Evergreen screening
8 »Beach / Plaza Access to the East
9 »Dog Beach
10 »Continuous Wall
11 »Maintenance Strip
12 »Dune
13 »Food Courtyard
14 »Planting bed
Existing Road / Sidewalk
vhb
8


8
BAY AVENUE
RANDOLPH AVE PLAZA
The historical Gazebo on Bay Avenue is a beloved place of gathering for Cape Charles residents. This new plaza expands this gathering space, allowing the Gazebo to be at the heart of it all.
1 »Shade pergolas
2 »Abundant seating
3 »Outdoor eating tables
4 »Flush Curb Intersection
5 »Beach access ramp / stairs
6 »Preserved Gazebo
7 »Bollards
8 »Planting bed
9 »Parallel automobile parking or 90 degrees golf cart parking

CAPE CHARLES
Beachfront Master Plan
MASTERPLAN
CAPE CHARLES MASTERPLAN EXHIBITS
3
BAY AVENUE
Existing Road / Sidewalk
WASHINGTON AVE PLAZA
The northern plaza adjacent to Washington Avenue should provide shade, outdoor seating and the opportunity for food trucks for visitors to the beach.
1 »Dune
2 »Bench Seating
3 »Golf Cart Parking
4 »Food Truck Plaza
5 »10' Maintenance Strip
6 »Abundant Seating
7 »Restroom / Storage
8 »Existing Dune
9 »Existing Breakwater
7
BAY AVENUE
Existing Road / Sidewalk
JEFFERSON AVE PLAZA
The plaza at Jefferson Avenue will feature ADA ramps to get over the continous sand wall, as well as ADA accessibility mats to allow everyone to visit and enjoy the beach.
1 »Golf Cart Parking
2 »Sidewalk
3 »10' Maintenance Strip
4 »Dune
5 »ADA Accessibility Mats
6 »Adirondack Chairs
7 »Shade Pergola
8 »ADA Ramps
vhb 10

CAPE CHARLES
Beachfront Master Plan
MASTERPLAN
Illustrative Master Plan
1 Adjusted dune layouts
2 Monroe Avenue Intersection
3 Washington Avenue Entrance Plaza with Restrooms
4 Monroe Avenue Plaza with Pergolas, Restrooms and Volleyball Courts
5 Small Raised Plaza for Food Trucks
6 Expanded Breakwaters to Increase the Beach Size for the Public
7 Dune Opening with ADA Beach Access Mat
8 Randolph Avenue Plaza with the Preserved Pavilion, Pergolas and Outdoor Seating
9 Bay Parking on East Side of Bay Avenue
10 Node Plaza with Pergolas
11 Restrooms / Showers / Storage
12 New Boardwalk to Tie Into Existing, Access via New Plaza
13 Mason Avenue Plaza with Flexible Gathering Spaces
14 Food Truck Port
15 Dog Beach and Access to the East
16 Covered Pavilion with Seating
17 Enlarged Beach for the Public
JEFFERSON AVENUE
MONROE AVENUE
BAY AVENUE
vhb
5

CAPE CHARLES
Beachfront Master Plan
PARKING
The new Bay Avenue parking configuration prioritizes safety, efficiency, and beauty for visitors and citizens.
BAY AVENUE IMPROVEMENTS
PARKING SECTION
This section depicts the proposed parking concept for Bay Avenue, featuring widened sidewalks, golf cart parking, and improved accessibility.
Historically, 75% of all vehicle parking at Cape Charles beach has been golf carts. Due to the high volume of golf carts in the area, the west side of Bay Avenue has been completely dedicated to head-in golf cart parking. By providing dedicated golf cart spaces, golf carts will be less likely to take up car parking in the area, making parking on Bay Avenue much more efficient for all vehicle types.
Dedicated golf cart parking also minimizes the number of children needing to cross Bay Avenue to the beach; since they are parked on the west side, they will not have to cross the road, which increases pedestrian safety. The east side of Bay Avenue is dedicated to 90 degree pull-in parking for all other vehicles. 90 degree parking spaces will maximize the available space for parking, making the experience convenient and efficient.
For the residents on Bay Avenue, this proposal includes a hedge wall along Bay Avenue to increase privacy, shield residents from headlights, and to provide more protection from windblown sand. The development occurs completely within the Right-Of-Way, so there is no encroachment along property lines along Bay Avenue. Driveways and sidewalks that connect to Bay Avenue are also honored, to make sure that access is guaranteed for all residents.
PARKING EXHIBIT
Existing Road / Sidewalk
EXISTING
Car Parallel Spaces: 160 Approx.
PROPOSED:
1 Golf Cart Spaces (West): 203
2 Car Bay Spaces (East): 122
325
325 PROPOSED SPACES
+ 165 Additional Total Spaces
BAY AVENUE
vhb
11

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Q&A

DRAFT

DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
August 8, 2024
6:00 PM

At approximately 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Work Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta, Follmer and Grossman, and Councilwoman Holloway. Also, in attendance were Town Manager John Hozey, Planner/Zoning Administrator Katie Nunez, Police Officer Jordan Yee, and Town Clerk Libby Hume. There were 14 members of the public physically in attendance.

Mayor Charney welcomed all in attendance and explained that this was a work session so there would be no public comments received this evening nor any interaction between the Council and members of the public.

WORK SESSION ORDER OF BUSINESS:

A. *Short-Term Rental (STR) Regulations:*

Town Manager John Hozey began by informing everyone that we would begin the review with language relating to the zoning ordinance, adding that the section references were for the draft zoning ordinance currently being reviewed by the Planning Commission and Town Council. He went on to review the draft ordinance by page.

There were no questions or changes to pages 1 or 2.

Page 3: i) A slight inconsistence was noted in #3 which was revised to read *"This ordinance is intended to work in tandem with the town's business license requirements, as a measure for the town to monitor the number of STRs and enforce regulations."*

Page 4: i) Councilman Holloway expressed her concern with automatic renewal of an STR permit in #B-3. Others agreed with the concern and the word *"automatically"* was deleted; ii) Item # B-7 was added for compliance with new state legislation; iii) There was much discussion regarding *"commercial gatherings"* in item #C-4. Commercial gatherings were parties where admission was charged, and this language did not include potential issues with large party houses which were non-commercial. If a group rented multiple homes, they should all be able to get together at one house for meals or gatherings. Removal of "commercial" or the language related to compensation would open this up to include all large parties. A question was posed regarding how many people constituted a large party. It was agreed that "commercial" and "compensation" needed to be kept in the language to differentiate from private gatherings. Councilwoman Holloway added that the Town was fairly lucky that we did not typically have issues with large, non-commercial, party houses, but this was our opportunity to address the issue. John Hozey responded that parties would be allowed, and the Town could rely on the noise ordinance for enforcement if necessary; iv) There was some discussion regarding item #C-5, but no changes were made to the proposed language.

Page 5: Item #C-8 Refuse requirements. Councilman Butta expressed his concern with requiring a certain number of trash receptacles year-round and suggested a time frame from Memorial Day to Labor Day, when the STRs were busier. There was some discussion about this, and John Hozey noted that the section of the Town Code dealing with trash collection was currently being reviewed and this issue would be taken into consideration.

Page 6: Violations. i) Councilwoman Holloway commented on item 1.c *"Failure to pay all business or transient occupancy taxes due the town from the prior year"* and recommended that this item be split into two – one for business licenses and one for transient occupancy taxes, since they were two very different issues. She also expressed her concern of allowing both taxes to go unpaid for a full year. There was some discussion, and it was agreed that each tax should be a separate violation. The timeframe of one year in arrears was kept for business taxes but the transient occupancy tax language was changed to being three months in arrears in filing; ii) John Hozey noted that one of biggest benefits of the ordinance would be having 24/7 contact information; iii) Vice Mayor Bennett expressed his thoughts that on items g & h, he felt that three or more violations were too many. There was some discussion and a consensus that the language be changed to *"Two or more…"*

There were no questions or changes made to any of the remaining pages (7 through 11).

John Hozey stated that the zoning-related regulations would be provided to the Planning Commission for their review and public hearing. The Planning Commission's recommendation would then be provided to the Town Council for review and public hearing, prior to adoption.

John Hozey stated that parking was not included in the proposed ordinance as the Council did not reach an agreement at the last meeting. Some individuals had the opinion that parking was not a problem and asked why the Town was considering parking regulations when there were no problems. John Hozey asked Council if parking was something that needed to be addressed in Cape Charles.

Councilman Follmer stated that if the feedback was broken down by where people lived, most people in the residential districts felt there was a problem.

John Hozey stated that the vast majority of respondents to the annual survey felt that there was no problem. 54 stated that the Town needed to regulate parking. 18 were interested in protections for residents to park by their homes. 70 to 80 expressed some concern about parking and STRs. He asked Council for their opinions.

There was much discussion as follows: i) Councilman Grossman felt that parking was a problem as indicated in the survey. He re-reviewed the comments and confirmed that it was a problem in the Residential-1 District and some sections of Bay Creek; ii) Councilman Follmer thought that the vast majority of residents in the Historic District felt that parking was a problem; iii) Councilman Butta did not think the vast majority of those in the Historic District felt that parking was a problem, but certain areas, such as Randolph Avenue, did have problems. He did not believe the issue was everywhere and he did not like making regulations for the entire area. He added that many people who lived in suburban areas with larger lots and driveways and garages were used to parking at their houses. Moving to a smaller town with small lots would be a big change for them. If they lived in Ghent or another densely populated area, they would be used to walking a block or more to get to their houses. We do have older residents in Cape Charles and could accommodate them by approving handicapped parking by their houses. If you looked at a certain time of day, day-trippers affected parking, but not so overwhelming that broad parking regulations were needed; iv) Vice Mayor Bennett thought there was a real or perceived problem in the Historic District. The number of people that came here during the summer would create parking issues which was not something that could be ignored, but he also felt that there was no solution at this point; v) Councilwoman Holloway felt that there definitely was a problem adding that STRs affected parking, and the residents felt the pain. This was a piece of the broader "parking pie" and we could not solve just one piece of it. She agreed that there was an issue with dense neighborhoods and would like to see the Good Neighbor policy which was developed by the Vacation Rental Homeowners group distributed more widely. There might be some proactive things that could be done that could help the parking issues; vi) Councilman Follmer felt that the Good Neighbor policy could help but was not a substitute for a plan. He did not think the parking

DRAFT

issue could be attributed primarily as an STR issue. The issue needed to be handled as a whole; vii) Councilwoman Holloway recommended that we work with the Vacation Rental Homeowners group. She talked to her guests every Saturday asking them not to park on the side street to allow food trucks, etc. for the concerts in Central Park; viii) Mayor Charney agreed with Councilwoman Holloway, adding that during the peak season, certain streets could have parking issues; ix) Councilman Buchholz hoped that we would see a difference with the limit placed on occupancy; x) John Hozey stated that it appeared that there was no desire to discuss or group parking issues with STRs; xi) Councilman Grossman added that we were just kicking the can down the road. He felt there were issues with STRs and parking that needed to be addressed in the ordinance now. There was a proposal brought to the table earlier that would limit the number of cars for an STR. John Hozey responded that this could be done similarly as the regulation on occupancy; xii) Councilman Follmer added that parking was a little more inflammatory than occupancy and neighbors would turn in their neighbors. We would not be maintaining our sense of community if we had neighbors turned against each other; xiii) Councilman Buchholz asked how the Town could do anything since our roads were public roads owned by VDOT. The Town would have to go through the General Assembly for permission to regulate anything to do with the roads. Councilman Grossman noted that he had reviewed lots of ordinances from localities regarding roads. Councilman Buchholz added that the Town did not own our roads; xiv) Councilwoman Holloway stated that the parking issue needed to be put back on the priority list. Councilman Grossman asked everyone to think about how long it took to deal with STRS which was on our priority list; xv) Councilman Follmer stated that all other proposals regarding parking only pushed the residential traffic in to the business district which was already congested; xvi) There were no other comments.

There was some discussion regarding the effective date of this ordinance once adopted: i) John Hozey stated that when initially reviewed in November 2023, the recommended implementation date was January 2025. Legal review would be requested for the proposed ordinance and if all went well, the approval process could be completed in October. With it being so late in the year, he would recommend an effective date of January 2026 since there were over 350 STRs that all needed to be inspected by the code official. It would not be practical to think everything could be completed for implementation in January 2025; ii) Councilwoman Holloway noted that software needed to be purchased and additional staff hired for enforcement. John Hozey agreed adding that there would not be sufficient time to complete everything for this year; iii) Councilman Follmer noted that some reservations had already been booked far in advance and the Town needed to be mindful of those contracts; iv) Councilwoman Holloway added that even if the ordinance would not take effect until January 2026, the Town needed to be aggressive in its notifications to all involved to ensure understanding of the new rules; v) Councilman Grossman expressed his concern of making the entire ordinance become effective January 2026, adding that some items could potentially take effect sooner, and recommended a review of the items in the proposed ordinance to possibly identify those that could become effective in June 2025. Councilman Butta agreed stating that issues related to trash receptacles could have an earlier effective date; vi) Councilwoman Holloway noted that some violations covered by the Town Code could be enforced sooner. Katie Nunez agreed that some issues such as noise were covered by the Town Code and could be enforced sooner, adding that she would move forward with the items in the Town Code so they could become effective sooner, but all Zoning Ordinance items would not take effect until January 2026.

John Hozey went over some meeting changes. The August 15th regular meeting was cancelled for lack of agenda items, but the Council would still be meeting on August 15th for a work session regarding harbor management which would be followed by an executive session. There were some pending business items which could not be ready by August 15th, so a special meeting was scheduled for August 22nd. We had already agreed to a joint work session with the Planning Commission for August 22nd, so that work session would be moved to 6:30 p.m. and the special meeting would begin at 6:00 p.m. For now, we had nothing scheduled for the first Thursday in September.

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

The meeting was adjourned at 7:04 p.m.

Mayor Charney

Town Clerk

DRAFT

DRAFT Ordinances to account for Short-Term Rentals – Changes in red 8/15/24

[Working from the draft zoning ordinance update document]

Zoning: Article III District Regulations

Changes made during the August 8, 2024 Town Council Work Session are shown in Green.

Section 3.2 Residential District R-1
3.2.C Accessory Uses.
Add 6. Short-term Rental in accordance with Section 4.15

Section 3.3 Residential Mixed District R-2
Section 3.3.C Accessory Uses.
Add 9. Short-term Rental in accordance with Section 4.15

Section 3.4 Residential Multi-Family District R-3
Section 3.4.C Accessory Uses.
Add 6. Short-term Rental in accordance with Section 4.15

Section 3.5 Commercial Residential CR
Section 3.5.C Accessory Uses.
Add 6. Short-term Rental in accordance with Section 4.15

Section 3.6 Commercial District C-1
Section 3.6.C Accessory Uses
Add 3. Short-term Rental in accordance with Section 4.15

Section 3.7 Commercial District C-2
Section 3.7.C Accessory Uses
Add 2. Short-term Rental in accordance with Section 4.15

Section 3.8 Commercial District C-3
Section 3.8.C Accessory Uses
Add 2. Short-term Rental in accordance with Section 4.15

Section 3.9 Harbor District
Section 3.9.D Accessory Uses
Add 3. Short-term Rental in accordance with Section 4.15

> Note that the draft Harbor District's permitted uses include condominium dwellings and cooperative dwellings, while second floor single-family and multi-family dwellings require CUP. With STRs classified as an accessory use, this will allow all dwellings, once approved, to become STRs by-right.

Section 3.12 Planned Unit Development (PUD)
Section 3.12.C Accessory Uses
No Change 1. Accessory uses as permitted in the R-1, R-2, and R-3 districts.

No questions or changes.

1

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

Change to B. Permitted Uses.

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

Explanation: R-3 proposal is to include STRs by-right under accessory uses. However, within the Bay Crossing PUD, STRs are conditional uses as shown below in C.

No changes to C. Conditional Uses.

C. Conditional Uses. Subject to the Conditional Use Permit application process, the following conditional uses may be allowed: all uses in the C-1, C-2 and C-3 Districts, conditional uses within the R-3 District, short term rentals including subletting of units (said unit's square footage will be less than 1,000 square feet and the short-term rental is defined as 30 days or less for rent), and any other commercial or professional use which is compatible in nature with the allowed uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.

Zoning: Article IV General Regulations Applicable to All Districts

Section 4.2 Exceptions to the Regulations

Section 4.2.J Accessory Dwellings

Change 2. Occupancy characteristics

2. Occupancy characteristics.

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

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

~~c~~ b. 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.

No questions or changes.

Section 4.5 Off-Street Parking and Loading Standards
Table on Minimum Parking Space Requirements
Change 9. Bed and breakfasts~~, other temporary residences renting by the day or week~~

New Section: 4.15 Short-Term Rental (STR) Regulations

A. Purpose and intent

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

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

3. This ordinance is intended to work in tandem with the ~~town's short-term rental zoning permitting requirements and the~~ town's business license requirements, as a measure for the town to monitor the number of STRs and enforce regulations.

B. Permitting Requirements

1. No owner shall operate a short-term rental unit or advertise a residential property for short-term rental use without the owner first receiving an annual business license from the town, issued in accordance with Town Code Chapter 18, Article II by the Finance Department.

2. No owner shall operate a short-term rental unit or advertise a residential property for short-term rental without having first obtained an approved short-term rental zoning permit from the Planning Department. The application for a zoning permit will require, as a minimum, the following:

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

Changes made to A.3

3. Short-term rental zoning permits will be valid for one year and will ~~automatically~~ renew each subsequent year, if in good standing, and upon approval of the associated annual business license and re-inspection.

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

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

6. An owner (which includes, but is not limited to, corporations or partnerships, and entities or individuals listed in connection with corporations or partnerships) may only operate up to five short-term rental units within the entire town.

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

C. Additional Requirements

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

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

3. Simultaneous rentals under separate contracts are prohibited for short-term rentals.

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

5. Occupancy: There shall be no more than two lodgers per bedroom; with the maximum number of all overnight lodgers per rental being no greater than ten (excluding children five years of age or younger).

Occupancy of greater than 10 lodgers per STR may be approved through a Conditional Use Permit, provided the structure possesses more than five qualifying bedrooms and the property can accommodate sufficient off-street parking.

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

Change made to B.3

Pertinent example in Virginia code:
§ 36-105.4. Occupancy standards for residential dwelling units.
The owner or managing agent of a residential dwelling unit may develop and implement occupancy standards restricting the ***maximum number of occupants permitted to occupy a dwelling unit to two persons per bedroom****, which is presumed to be reasonable. For purposes of Chapter 5.1 (§ 36-96.1 et seq.), such occupancy standard is subject to the provisions of applicable state and federal laws and regulations. Under the Uniform Statewide Building Code, each bedroom shall contain at least 70 square feet of floor area, and each bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant. Reasonable occupancy standards of an owner or managing agent shall not be enforceable under the provisions of the Uniform Statewide Building Code.*

Regardless of what UBC offers for occupancy, we are regulating a business and can put restrictions on that are more restrictive than UBC.

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

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

8. Refuse requirements: one and two bedroom dwelling units used as short-term rental units will require one trash receptacle; three or more bedroom units will require two receptacles.

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

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

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

D. Inspections

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

2. An annual re-inspection by the Code Official or designee is required when filing for a short-term rental business license renewal.

No questions or changes. 5

3. The Building Code Official or designee maintains the right to inspect a short-term rental, with adequate notice, based on complaints or reasonable suspicion, to verify that the rental is being operated in accordance with the Virginia Uniform Statewide Building Code and other regulations set forth within this section.

E. Violations

1. A short-term rental zoning permit may be denied for the following calendar year for any of the following violations:

c. Business & TOT taxes being split into 2 separate violations. TOT language changed to "3 months in arrears of filing"

a. Failure to obtain/maintain a town business license
b. Failure to pay all town real property taxes
c. Failure to pay all business or transient occupancy taxes due the town from the prior year
d. Falsifying town forms or applications
e. Other applicable town zoning violations
f. Failure to provide responsive actions to issues raised to the 24/7 contacts, as determined through town investigations
g. Three or more violations of safety/building code requirements within the same calendar year, following reasonable notice **g. & h. - Changed to "Two" or more violations...**
h. Three or more violations of occupancy limits within the same calendar year, following reasonable notice

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

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

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

2. An operator whose short-term rental zoning permit has been denied for the following calendar year pursuant to this section, shall not be eligible to obtain another short-term rental zoning permit for the subject short-term rental for the entire succeeding calendar year. Thereafter, the owner/operator will be required to apply for a new business license, short-term rental zoning permit, and an inspection.

Examples of localities that discuss violations and suspension/cancellation: Leesburg, Waynesboro – remaining year and next calendar year. Newport News – 2 years Lexington, Virginia Beach, Onancock, Botetourt Co., Lynchburg, Front Royal, Ashland, Blacksburg, Abingdon, Christiansburg, Arlington – not specified Alexandria – prohibit from offering a specific property for STR

Changes made to items E.1.c, g. & h.

3. Before the denial of short-term rental zoning permits for the following calendar year is made effective, the town shall give written notice to the short-term rental owner/operator as noted on the STR zoning permit. The notice of permit renewal denial for the following calendar year issued under the provisions of the section shall contain:

a. A description of the violations constituting the basis of the suspension or revocation;
b. If applicable, a statement of acts necessary to correct the violation(s): and
c. A statement that if no response is made by the owner/operator within 30 calendar days from the date of notice, denial of the short-term rental zoning permit for the following calendar year will be effective.

Appendix X Definitions

Delete existing definition, not used in zoning

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

Add [without code reference]

Operator means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity. [§15.2-983]

Short-term rental means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. *[§15.2-983]* It does not include a hotel, motel or bed and breakfast.

Not to be added

Transient – not used in zoning.

Transient Occupancy – not used in zoning. However, used in town code and definition is included in Article V, Transient Occupancy Tax.

No questions or changes.

Town Code Sections (non-zoning)

Chapter 8 - BUILDINGS AND BUILDING REGULATIONS

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

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

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

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

(1) Failure to obtain rental certificate of occupancy:

a. First offense: $100.00.

b. Each subsequent offense: $150.00.

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

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

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

No questions or changes.

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

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

Sec. 8-7. - Reinspection.
If a dwelling or dwelling unit fails to comply with the provisions of this article, the building code official shall furnish the applicant with a written list of specific violations. The violations will be corrected prior to issuance of a certificate of occupancy and the premises being occupied.

Chapter 24 - SOLID WASTE
ARTICLE II. – Collection by Town
Modify Sec. 24-47. - Collection charges. **(Black bold highlighted for awareness only)**
(a) The charges for the collection of refuse and bulky refuse by the town shall be such as are prescribed from time to time by the town council. A copy of the current collection rate schedule shall be available at the town office.

Our current fee schedule: Trash Collection Fee $20.80 per month per receptacle

(b) The occupant of **any dwelling**, mobile home, or any other structure or building, **or, where such dwelling**, mobile home, structure, or building **is unoccupied**, may request removal of their collection receptacle and cancelation of service charges. If such service is reactivated within nine months of cancelation, the owner shall be retroactively liable for the charges imposed by the town for the collection of refuse and bulky refuse during that intervening time.

(c) Not withstanding paragraph (b) above, a short-term rental zoning permit holder who is required to have two receptacles, may request removal of one receptacle provided that short-term rental is not offered or used as a short-term rental for the entire period for which the second receptacle would be absent.

No questions or changes.

Chapter 18 - LICENSES, TAXATION, AND MISCELLANEOUS REGULATIONS
ARTICLE II. - BUSINESS AND PROFESSIONS LICENSE TAX
DIVISION 1. – GENERALLY **No change, black highlighted for awareness only**

Sec. 18-41. - Application.
(a)Application for a license required by this chapter shall be filed in the office of the town treasurer. The treasurer shall complete the application form fully, including all such information as the town treasurer may require.
(b) All applications for licenses must be filed by January 31 of each year.
(c) Every applicant for a license to conduct any business, profession, trade or occupation under the provisions of this chapter shall furnish the town clerk, in writing, with the applicant's correct residence address, the nature of the business, profession, trade or occupation to be pursued, the name of the business, the place where it is to be pursued and, where specified in this chapter, a record of gross receipts or expenditures or gross purchases, verified by oath, for the next preceding year, on forms prescribed by the town treasurer. In the event of a failure or refusal to file with the town clerk the information necessary to enable the town clerk to assess a license tax on the basis provided by this chapter, the town clerk shall not issue the license or assess the tax until all necessary information has been filed to enable the town clerk to assess the tax.

Sec. 18-42. - License as personal privilege.
Every license issued under this chapter shall be deemed to confer a personal privilege to transact, carry on or conduct the business, profession, trade or occupation in the town, and such privilege shall not be exercised except by the person licensed. Transfer of such license, except as authorized in this chapter, shall be invalid and shall not relieve the transferee from the obligation of procuring a license in accord with the provisions of this chapter.

Sec. 18-43. - Display or carrying of license.
(a) The **license form or sign issued to show payment of the license taxes imposed by any section of this chapter shall be displayed in a conspicuous place at the regular place of business of the licensee** and shall be produced by the licensee on the request of any authorized enforcement officer of the town.
(b) Any licensee who maintains no regular place of business shall carry, on or about said licensee's person, the license form or sign issued to show payment of the license tax, which license form shall be produced by the licensee on request of any authorized enforcement officer of the town.

Sec. 18-44. - Tax year.
The license tax year shall run from January 1 to December 31 of each calendar year.

DIVISION 2. - LICENSE TAX SCHEDULE
Modify Sec. 18-84. - Financial, real estate and professional services.
(a)The license tax imposed on a person engaged in a financial, real estate or professional service is as established by the town.
(b)Any person rendering a service for compensation in the form of a credit agency, an investment company, a broker or dealer in securities and commodities or a security or commodity exchange, unless such service is specifically provided for under another section of this article, is engaged in a financial

No questions or changes.

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

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

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

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

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

No questions or changes.

DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
August 15, 2024
6:00 PM

At approximately 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Work Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Councilman Follmer arrived at 6:05 p.m. Also, in attendance were Town Manager John Hozey and Town Clerk Libby Hume. There were no members of the public in attendance.

WORK SESSION ORDER OF BUSINESS:

A. *Town Harbor Management*

Town Manager John Hozey distributed copies of a portion of the initial Request for Proposals (RFP) for Marina Management Services from February 24, 2020, the current Town Harbor Management Agreement, the Fiscal Year (FY) 2025 Harbor Budget, and potential harbor staffing estimates. He went on to state that he had never been a fan of contracting the harbor management, but the RFP had already been issued before he started with the town. The main reason the Town chose the current contractor was that they were also running the Cape Charles Yacht Center and there were notable efficiencies to having the same contractor running both sides of the harbor. Issues began when the Cape Charles Yacht Center contracted with a new management firm. He did not like that the Town did not have direct control. A number of the issues were discussed. John Hozey continued that he felt the Town moved toward hiring a management company with the misconception that the company would bring in staff with the expertise that we did not have. That was not the case.

Councilman Grossman stated that another benefit was the marketing. Councilwoman Holloway agreed that she was sold on the marketing ability.

Councilman Follmer had asked the former treasurer to provide the number of slips being rented after former harbormaster Smitty Dize left. After the contractor took over initially, the numbers started increasing, possibly since the same company had control of both sides of the harbor. After the changes made at the Cape Charles Yacht Center, things started going downhill.

John Hozey stated that continuing with the current situation was not an option. The Town had two options: i) take the operations back in-house; or ii) Put out another RFP.

Councilman Follmer stated that there was a difference between a bad idea and bad implantation. In hindsight, we should have asked different questions and made different decisions. It was not a bad idea, but it was implemented poorly. We tried it once and it has not worked out. How many times have we tried to make it work in-house and it not worked out? It was worth the effort of putting out an RFP.

Vice Mayor Bennett stated that he was unsatisfied with the Town's operations of the harbor for years. We were not making any money and having to subsidize the Harbor Fund with transfers from the General Fund, and he felt that going with a management company was the right thing to do. When looking at the numbers, he realized that it was not.

John Hozey stated that the Town used to only subsidize the capital project from the General Fund, but we were now subsidizing the operations as well.

There was much discussion regarding the possibility of another RFP and the potential timeline. John Hozey stated that last year, the current contract was extended a year through December 2024. There would not be sufficient time since the RFP would have to be published and on the streets for about three to four weeks so it would be October before a decision could be made. If there were no acceptable proposals, we would take the management back, but we would also have to advertise and hire staff, research and purchase software, etc. and be ready for operations by January 1, 2025. He was not confident in finding an acceptable management company. Council reviewed the budget. We estimated about a $200K transfer from the General Fund for FY 2025 and about $300K in management fees. We could bring the management back in-house for about that amount. Our harbor was too important to trust it to someone else.

Councilman Grossman suggested advertising and looking for candidates to hire first and if we did not receive many good applications, we could then put out the RFP.

Councilman Follmer stressed the importance of finding the staff and getting them on board prior to January 1st so they could get to know the harbor and be involved in setting up the system, then be ready to take over on January 1st.

Council was in agreement with Councilman Grossman's idea. Councilwoman Holloway added that funds for marketing would have to be added to the harbor budget. Councilman Butta suggested that we could possibly ask Cape Charles Main Street to help market the harbor, to which Councilwoman Holloway agreed.

John Hozey stated that a message would be put out that the Town was taking back the management of the harbor. If we found that things were not panning out, we would pivot and get out the RFP.

B. *Recruitment Update*

John Hozey provided a brief update on the recruitment process. Vice Mayor Bennett and Councilwoman Holloway were on the recruitment committee. Four good proposals were received in response to our RFP for a recruitment firm. The committee met and narrowed down the slate to two. He provided the Council with a copy of the proposal from the top choice, and he was currently in discussions with the top two firms. He was familiar with the second firm which had placed over 200 managers. They were very well qualified. The proposals with the committee's recommendation would be presented to Council in September.

Councilwoman Holloway stated that the proposals contained examples of marketing tools that would be developed, and all the proposals were consistent with the three-to-four-month timeframe. This would still provide us with an overlap period. She and Jodi Outland were pulling together lots of documents so everything would be ready to be provided to the firm that was chosen.

John Hozey stated that the Town had four really good candidates for the treasurer position. Unfortunately, two withdrew their applications for personal reasons. The review committee included himself, Katie Nunez, Councilman Grossman, and Jodi Outland. Both of the remaining candidates were interviewed and brought back to meet with the finance department staff. Both candidates were capable but neither had specific municipal experience. He was prepared to make a recommendation for the Council's appointment but forgot that this was a chartered officer and historically, the Town Council interviewed for chartered officers. The person chosen for the treasurer position would outlast him, so Council needed to feel comfortable with the individual. We were on a short timeline as Jerry Murphy, the current interim treasurer, submitted his notice for the interim treasurer position. John Hozey added that he would be leaving for his vacation in Alaska on August 29 so asked Council their availability on August 21 to interview the two candidates. He would provide their resumes and a list of questions that were asked by the committee. He asked Council to send him any questions they would like asked and he would

compile the list. We would allow about 30 to 45 minutes for each candidate. Afterwards, the Council would come out of closed session and appoint the new treasurer.

Vice Mayor Bennett noted that former treasurer Deborah Pocock did not have any municipal experience either.

A consensus was reached to schedule an executive session for August 21, beginning at 6:00 p.m. for treasurer interviews.

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

The meeting was adjourned at 6:49 p.m.

_____
Mayor Charney

_____
Town Clerk

DRAFT

DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center
August 15, 2024
Immediately Following the Work Session

At 6:52 p.m. Mayor Adam Charney, having established a quorum, called to order the Executive Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta, Follmer and Grossman, and Councilwoman Holloway. Also, in attendance was Town Manager John Hozey.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia for the purpose of: Paragraph 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Specifically: Town Manager Performance

There were no members of the public in attendance.

Council went into executive session at 6:53 p.m.

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

The open portion of the meeting resumed at 8:58 p.m. There were no members of the public waiting to return to the meeting.

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

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

The Executive Session adjourned at 8:59 p.m.

_____
Mayor Charney

_____
Town Clerk

DRAFT

DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center
August 21, 2024
6:00 PM

At approximately 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Executive Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Councilman Follmer was not in attendance. Also, in attendance was Town Manager John Hozey.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia for the purpose of: Paragraph 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Specifically: Treasurer Interviews

There were no members of the public in attendance.

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

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

The open portion of the meeting resumed at 7:04 p.m. There were no members of the public waiting to return to the meeting.

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

Motion made by Councilman Butta, seconded by Vice Mayor Bennett, to appoint Marion Sofield as the Town Treasurer and authorize the town manager to negotiate a mutually acceptable compensation package. The motion was approved by unanimous vote.

John Hozey stated that since we did not have a regular meeting in August and the September regular meeting was about a month away, he wanted to go on the record with some comments as follows:

1) He submitted a rebuttal letter to the Eastern Shore Post regarding their article from last week. A copy of the letter was also provided to the Council. He heard back from Ted Shockley notifying him that his letter would be printed in this week's issue.
2) He sent out an email about the Beachfront Master Plan and timeline but did not hear back from anyone. The virtual meeting room would be open for about a month to obtain thoughts from the public. A public input meeting would be scheduled for October 3rd, the first Thursday in October. After hearing from the public, a Town Council work session would be held on October 23rd. Typically, Council meetings were scheduled on Thursdays, but this was a Wednesday, since the consultant was not available on the 24th. Council would be able to make any revisions and review

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conceptual cost estimates and work through the possible phases for implementation. Adoption was planned for the November regular meeting.

Councilman Butta noted that he would be out of town on October 3rd. John Hozey added that the public input session would be streamed to Facebook, and no decisions would be made, so Councilman Butta could review the video online.

3) A letter thanking the Coast Guard for providing their operational assets for the Coast Guard Appreciation Day would be sent.

4) Sale250 was the tall ships event scheduled for 2026. Cape Charles Main Street (CCMS) was handling most of the details and was putting together a committee. He has asked Council about funding and Council had stated that they wanted to see a budget before committing any funding. He assumed that the Town would support the event at some level. Patsy Harris notified him of some miscellaneous expenses that were starting to come in and asked if the Town could provide $1K to help CCMS with some of these costs. John Hozey stated that the Town could easily cover this expense, and the amount could be deducted from the sponsorship amount decided by Council, adding that he appreciated CCMS doing all the work for the event.

   Council was in agreement to provide the requested funding for the miscellaneous expenses.

5) Since the sale of the utilities, it was no longer efficient for the Town to bill for trash services on a monthly basis. It cost the Town approximately $800 each month just for postage. Staff recommended quarterly billing effective January 1, 2025, and would immediately begin notifying the residents of the upcoming change.

   There was some discussion about those residents who might prefer to continue paying on a monthly basis or some who might want to pay annually. John Hozey stated that the new treasurer could review the possibility of offering these other payment options in the future, but initially, it would be too labor intensive with our current software, so the recommendation was for quarterly billing beginning in January.

   John Hozey went on to explain that currently, the trash services were billed from the 15th of one month to the 15th of the following month. He would like to change the billing period to calendar months, but there was the issue of a separate billing to cover the two-week period at the end of December. There was some discussion, and a consensus was reached that the Town could absorb the cost of trash services for these two weeks, from the Sanitation budget, and not bill the residents for this period. The cost for trash services for the two-week period amounted to about $10K.

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

The Executive Session adjourned at 7:13 p.m.

_____
Mayor Charney

_____
Town Clerk

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PLANNING COMMISSION & TOWN COUNCIL
Joint Work Session
Cape Charles Civic Center
August 6, 2024
6:30 PM

At approximately 6:30 p.m., Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Bill Ashworth, Paul Grossman, Jim Holloway and Libby Wright. Ian McDonald participated via MS Teams from his home due to illness. Shannon Smith was not in attendance.

Mayor Adam Charney, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Councilman Follmer was not in attendance.

Also, in attendance were Town Manager John Hozey, Planning & Zoning Director Katie Nunez, Planning & Zoning Assistant/Zoning Compliance Officer Jack Steinmayer, and Town Clerk Libby Hume. There were no members of the public in attendance.

WORK SESSION ORDER OF BUSINESS:

A. *Continuation of Draft Zoning Ordinance Review:*

1. *Proposed Sign Ordinance*

   Katie Nunez stated that much time was spent on the Sign Ordinance at the last work session. The town manager was requested to have the draft ordinance reviewed by our attorney. This evening's meeting will begin with another review of the Sign Ordinance which included the attorney's comments. Both the red-lined and clean versions of the Sign Ordinance were included in the packet. The attorney's comments were shown in purple, and staff's comments were shown in red.

   Katie Nunez also stated that Public Art was discussed at the last meeting and the consensus was that it should not be part of the Sign Ordinance until such time that the Town Council adopted a Public Art policy. Examples of public art are the LOVE sign and the King Neptune statue.

   The Commission and Council reviewed the Sign Ordinance page by page. (Please see attached.)

2. *Industrial Zoning Districts & Harbor-related Districts:*

   The review continued on the Industrial M-2, Harbor-Light Industrial, and Harbor-Commercial districts. (Please see attached.)

Katie Nunez stated that the next meeting will focus on Main Street Mixed Use.

John Hozey added that the Town Council had a work session scheduled for August 8th regarding short-term rentals. On August 15th, we had a Town Council Regular Meeting, Work Session and Executive Session, and the next joint work session on the Zoning Ordinance would be on August 22nd.

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

Motion made by Commissioner Grossman, seconded by Commissioner Wright, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

The meeting was adjourned at 8:30 p.m.

Planning Commission Chair Stramm

Mayor Charney

Town Clerk

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Attachments from August 6, 2024 Planning Commission & Town Council Joint Work Session

Sign Ordinance:

Changes from the 8/6/24 Joint Work Session are shown in green.

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ARTICLE ___. - SIGNS

DIVISION I. - GENERAL PROVISIONS

Sec. 1 purpose and intent; interpretation.

(a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height, ~~and~~ condition, and other physical characteristics, but not the content, of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, and size ~~and purpose~~ of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.

(b) Signs not expressly permitted as being by right or by conditional sign permit under this article, by specific requirements in another portion of this Ordinance ~~chapter~~ or otherwise expressly allowed by the Town Council or Board of Zoning Appeals are forbidden.

(c) ~~A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.~~

(d) These regulations are intended to ~~promote~~ regulate signs that ~~are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain,~~ are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

(e) These regulations distinguish between portions of the Town designed for primarily vehicular access and portions of the Town designed for primarily pedestrian access.

~~(f) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.~~

1

No changes made

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Commented [kn2R1]: Delete "chapter" and insert "Ordinance

Commented [A3]: Unnecessary, and implies content related regulation.

Commented [A4]: Again, this implies content regulation.

Commented [A5]: Not necessary to include the negative.

~~(g)~~(f) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

~~(h) Due to the difficulty of addressing all situations and sizes of signs, the Zoning Administrator may allow for signage that meets the intent of the individual zoning districts. Any exceptions granted will be presented at the next Planning Commission meeting.~~

No changes made

2

Commented [A6]: Too much discretion, it either complies or not.

Sec. 2. - Definitions.

Advertising means any words, symbol, color or design used to call attention to a commercial product, service, or activity.

Animated sign means a sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a "moving sign."

Building frontage means the exterior length of the main wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height of ten (10) feet above grade.

Business sign means a sign which directs attention to a product, service or commercial activity available on the premises.

Changeable copy sign means a sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

Comprehensive sign plan means a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.

Flashing sign means a sign that includes lights that flash, blink, or turn on and off intermittently.

Height, means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

(1) Existing grade prior to construction; or

(2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

Illegal sign means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

Illuminated sign means a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

Neon sign means a sign containing exposed tubes filled with light-emitting gas.

Nonconforming sign. Any sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the effective date of this Article ~~chapter~~ of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

Off-premises sign means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site. ~~that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected. This does not include Temporary Signs for Special Events approved by the Town.~~

Public area means any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

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Commented [A9]: Pulled directly from *City of Austin v. Reagan National Advertising*.

3

No changes made

No changes made

4

Roof sign means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

Sign. Any structure, display, device or other object or thing, visible from any public street or right-of-way, any area open to use by the general public, or any navigable body of water, including, but not limited to, any word, letter, series of words or letters, painting, mural, logo, insignia, emblem, service mark or other graphic or pictorial representation, that: (i) identifies or advertises, or directs or attracts attention to, any product, merchandise, service, business or establishment, (ii) suggests the identity or nature of any business or establishment, (iii) invites or proposes a commercial transaction, or (iv) communicates a message of a noncommercial nature. The term does not include architectural elements incorporated into the style or function of a building, numerals signifying a property address, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.~~Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term does not include public art, holiday displays, architectural elements incorporated into the style or function of a building, or flags of any nation, state, or other geopolitical entity not related to a commercial business, product or service. The term "sign" also does not include the display of merchandise for sale on the site of the display.~~

Sign face means the portion of a sign structure bearing the message.

Sign structure means any structure bearing a sign face.

Temporary sign means any sign intended to be displayed for a limited period and neither permanently installed in the ground or permanently affixed to a building or structure permanently installed in the ground.

Vehicle or trailer sign means any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

Sec. 3. – Permit required.

(a) *In general.* A sign permit is required prior to the display and erection of any sign except as provided in section 4 (Permit not required) as well as in Sections 11 through 14 (Sign Regulations by Use and Zoning District).

(b) *Application for permit.*

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Include "holiday displays" in the last sentence of Sign definition.

Commented [A10]: Defining "sign" can be tricky, in part, because an ordinance should not give preference to a commercial sign over a noncommercial sign.

The definition included here is pulled from City of Virginia Beach's sign ordinance. This definition includes both commercial and noncommercial speech. Since this language includes reference to commercial and noncommercial speech, and has few exemptions, this language is better tailored.

(1) An application for a sign permit shall be filed with the Planning & Zoning Department on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances.

(2) The Town Zoning Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 5 business days after receipt. ~~Any application that complies with all provisions of this zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.~~

(3) If the application is rejected, the Town Zoning Administrator shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance

Commented [A11]: Redundant.

No changes made

with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(c) *Permit fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the Town Council shall accompany all sign permit applications.

(d) *Duration and revocation of permit.* If a sign is not installed within six months following the issuance of a sign, the permit shall be void. The Town may revoke a sign permit under any of the following circumstances:

(1) The Town determines that information in the application was materially false or misleading;

(2) The sign as installed does not conform to the sign permit application; or

(3) The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(e) *Overlay district regulations.* All sign reviews as required pursuant to Article VIII (Historic District Overlay ordinance) require approval of the Historic District Review Board (HDRB) except when a sign permit is not required as provided in Section 4.

(f) *Special exceptions.* Comprehensive sign plans may be approved as part of a conditional use permit in commercial, heavy and light industrial, and harbor districts and as part of a subdivision approval for 3 lots or greater in all zoning districts. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

Sec. 4. - Permit not required.

Signs that do not require a permit are depicted in Section 11 through 14 (Sign Regulations by Use and Zoning District). In addition, a sign permit is not required for:

(1) Signs erected by a governmental body or required by law. The Town or through its designated agents oversee or participate in Town Seasonal Events where temporary, moveable signage is allowed to promote these Town sponsored seasonal events, festivals or other marketing campaigns up to 30 days prior to the event and must be removed 7 days after the conclusion of the event.

(2) The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with Section 9(e).

~~(3) Moveable Temporary Sign:~~

a. ~~Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties, provided, that all such signs shall be removed no more than ten (10) days~~

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No changes made

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Commented [kn12]: Added this section to reflect signage for Subdivisions (residential or commercial).

Commented [kn13]: Included here after discussion between Katie and John since there is a need to define and distinguish events like the Summer Concert Series in Central Park which is primarily overseen by Citizens for Central Park with support from the Town.

Commented [A14]: Best to use defined terms, but likely best to remove entire section, as government signs are allowed under Sec. 4 (1) above.

~~after their purpose has been accomplished.~~

~~b. Town Seasonal Events: The Town or through its designated agents are allowed to place temporary moveable signage promoting Town sponsored seasonal events, festivals, or other marketing campaigns up to 30 days prior to the event and must be removed 7 days after the conclusion of the event.~~

Commented [A15]: Covered under Sec. 4(1).

No changes made

8

~~(4)~~(3) Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface related to parking and traffic.

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Sec. 5. – Prohibited signs

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

(a) General prohibitions.

(1) Signs that violate any law of the Commonwealth relating to outdoor advertising.

(2) Signs attached to natural vegetation on public lands

(3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized town official as a nuisance.

(4) Vehicle or trailer signs~~; except those operated by a governmental body~~, except such signs parked at their associated place of business and otherwise in compliance with this article and applicable law.

(5) Any sign displayed without complying with all applicable regulations of this ~~chapter~~ Article.

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(b) Prohibitions based on materials.

(1) Signs painted directly on any building that is a contributing structure in the Historic District Overlay, except where expressly permitted by this ~~chapter~~ Article.

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(2) Animated signs

(3) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.

(4) Signs consisting of illuminated tubing ~~or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.~~

(b)(2)-Animated signs - Definition would be expanded to include inflatable tube men

(5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.

(6) Signs that emit sound.

(7) Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit unless permitted within this article.

(8) Strings of flags visible from, and within 50 feet of, any public right-of-way.

No changes made

(c) Prohibitions based on location.

(1) Signs erected on public land other than those approved by an authorized Town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.

(2) Signs on the roof surface or extending above the roofline of a building or its parapet wall.

(3) Neon signs, except in windows unless permitted in this article.

~~(3)~~(4) Off-premises signs, unless specifically permitted by this article.

Sec. 6. - Measurements of sign area

(a) Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the provisions in section (c) below

(b) In instances where there are multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.

(c) *Sign area.*

(1) Sign area is calculated under the following principles:

a. With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.

b. The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.

No changes made

Sec. 7. - Maintenance and removal.

(a) All signs~~, for which a building permit is required,~~ shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code~~,~~ and Appendix ~~#~~H of the Virginia Construction Code.

No changes made

(b) All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.

(d) The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.

(e) *Sign condition, safety hazard and nuisance abatement*

(1) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.

(2) Any sign which constitutes a nuisance may be abated by the Town under the requirements of Virginia Code § 15.2-900, 15.2-906, and/or 15.2-1115.

(3) The Code official may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in Chapter 8, Article III of the Town Code.

Sec. 8. – General requirements.

(a) *Illumination.* All permitted signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this article.

(1) In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. However, signs shall be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this ~~chapter~~ Article. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.

(2) Internal illumination shall be limited to the illumination standards for parking lot lighting in____. No sign shall be permitted to have an illumination spread of more than .05 foot candle at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded or recessed luminaires with

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Commented [kn21R20]: Need to amend Town Code Chapter 8, Article III to include signs to "Buildings and Structures".

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KN to fill in the appropriate Section reference.

horizontal-mount flat lenses that prevent upward.

No changes made.

Sec. 9. - Nonconforming signs.

(a) Signs lawfully existing on the effective date of this ~~chapter~~ Article or prior ordinances, which do not conform to the provisions of this ~~chapter~~ Article and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. If notice from the zoning administrator is issued, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.

(b) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.

(c) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.

(d) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.

(e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

(f) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.

(g) A nonconforming sign structure shall be subject to the removal provisions of section _____. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

Sec. 9A – Non-commercial signs.

No changes made

(a) Wherever this article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height, construction, and other requirements of this article.

No changes made

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DIVISION II. - SIGN REGULATIONS BY USE AND DISTRICT

Section 11. – Residential District signs.

Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in residential districts. Moving signs, and electronic message signs are prohibited on residential properties in all residential districts.

TYPE	Flags *Notes: (3)*	Temporary *Notes: (1) (2)*	Permanent *Notes: (1) (4) ~~(5)~~*
Permit Required	No	No	Yes
Size (each/total)	≤ 24 sf/ max three (Only one flagpole)	≤ 12 sf/ max one per building unit ≤ 16 sf/ max one for multi – development site ~~(Subdivision Plat – lots for sale)~~	Max two minor signs per building unit ~~(non-commercial)~~ ≤ 3 sf each Historic markers exempted ~~Max one commercial sign per building unit~~ Signs other than minor signs ≤ 10 sf max one Freestanding for ~~identify non~~ multi-family sites (apartment buildings) ≤ 32 sf/ max one
Illumination	U.S. Flag Code For other flags (see Section 8)	None	None
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street.	Not within 5 ft of property boundaries or a public right of way	Not within 5 ft of property boundaries or a public right of way
Maximum Height	25 ft (flagpole)	4 ft	4 ft for freestanding
Location	Allowed within the front, rear and side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets	Freestanding, portable, wall or window	Freestanding, w~~W~~all or window sign
Duration	Unlimited	≤ ~~24~~ 45 days per calendar year period, per building unit	Unlimited

(1) Commercial signs are limited to existing legal non-conforming uses, and permitted or conditional uses in that residential district
(2) Duration extensions may be granted *by Zoning Administrator* for ~~commercial~~ Onite activities expected to exceed standard duration, not to exceed ~~60~~ 90 days total
(3) Flag Code, U.S. Code Title 36, Chapter 10, Section 174
(4) Minor sign means a wall or window sign not exceeding three square feet in area and not exceeding four feet in height if freestanding, and not illuminated
(5) Art is not considered a sign

Commented [A31]: 30 days may seem too short. The LGA sample ordinance has 90 days listed.

Commented [kn32R31]: John & Katie propose 45 days

Commented [kn33]: John & Katie propose the allowance of 1 time extension on temporary signs which would bring to a max time of 90 days.

Commented [A34]: Depending on circumstance so call art may be regulated. For example, a drawing of a Coffee Can on the side of a Coffee Shop is arguably a commercial sign.

Commented [kn35R34]: KATIE NUENZ: Town Council needs to consider developing and adopting a Public Art Policy/Guideline to address not only this type of example but other types of public art for the Town (Neptune statue, LOVE Sign, Murals, etc.

KN - Goal is to get consistency for tables across all districts.

Much discussion re: real estate & political signage and agreement reached to permit temporary signage, with no limits in the number, for the 45 days prior to a general election.

A category would be created for "Permanent" signs [i.e., window signs on windows or doors (etched, painted, etc.)]

Section 12. – Commercial District signs, & Harbor District signs

Generally, Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial districts.

TYPE	Flags	Freestanding (including monument)	Wall ~~and Window~~ Signs	Temporary Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable, ~~Window~~)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
Definitions	*Flag means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.* ***Pole sign** means a sign that is mounted on one (1) or more freestanding poles.*	***Freestanding sign** means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.* ***Ground mounted sign** means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall* ***Monument sign** means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.* ***Off-premises sign** means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site ~~means a sign that directs attention to a business, product, service, or activity conducted, sold or offered at a location other~~*	***Wall Sign** means any sign attached to a wall or painted on or against a flat vertical surface of a structure* ~~*Window sign means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.*~~	***A-Frame sign** means a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four feet high. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."* ***Banner** means a sign of flexible material affixed to a framework or flat surface.* ***Chalk-board sign** means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers* ***Feather sign.** A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which that may resemble a sail, bow, or teardrop.* ***Off-premises sign** means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site ~~means a sign that directs attention to a business, product, service, or activity conducted, sold or offered at a location other than the premises on~~*	***Awning sign** means a sign placed directly on the surface of an awning.* ***Canopy sign** means a sign attached to a canopy.* ***Directory sign** (also identified as Multi-Tenant Sign): A sign which identifies tenants in a multi-tenant building or complex and which is located in the development for which it is advertising. Said sign will list the tenants or occupants of a building or group of buildings and may also indicate their respective professions or business activities.* ***Entrance canopy** means a fixed or stationary canopy or hood constructed to provide protection at the entrance of a building, either supported entirely from a building, or supported partly from a building or from posts.* ***Hanging sign** means a sign supported by the extended arm of a single post or from a commercial establishment (parallel to the building façade).* ***Marquee sign** means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.*

added reference to "glass" (windoew & doors

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Commented [A36]: Definition of "off-premises sign" is same as in Section 2.

Commented [A37]: Same comment as above.

		~~than the premises on which the sign is erected.~~		~~which the sign is erected.~~ *Portable sign means any temporary sign not affixed to a building.* ~~*Window sign means any sign visible outside the window and affixed to or within 18 inches in front of or behind the surface of a window or door.*~~	

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TYPE	Flags	Freestanding (including monument)	Wall ~~and Window~~ Signs	Temporary Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable, ~~Window~~)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)

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				structure, vehicle or the ground. It does not include a flag or banner	***Projecting sign** means a sign that is wholly or partly dependent on the building for support and that projects more than twelve (12) inches from such building.*
Permit Required	Yes for flagpole only	Yes	Wall Sign: Yes ~~Window Sign: No~~	No	Yes
Size/Number (each/total)	24 sf/ max 3 (Only one flagpole)	Permanent On-site: 24 sf/ one. Permanent Off-site ~~for Commercial use~~: Up to 3 signs, each not to exceed 18 sf and 7 ft in height located on commercial property with owner permission. No more than one permitted sign displayed per lot.	Wall sign: 12 sf per 5 lineal ft of building frontage Wall sign: ≤ 8 sf per 5 lineal ft of building side wall ~~Window signs are permitted~~	≤ 16 sf/ max 3	Directory – Limited to one sign per ingress/egress onto a primary road access. Projecting signs perpendicular to bldg. frontage ≤ 10 sf Hanging sign parallel to bldg. frontage ≤ 5 sf per 5 lineal ft Awning signs ≤ 12 sf Entrance canopy sign by ZA
Illumination	U.S. Flag Code (See Note 1) Other Flags – See Section 8	If illuminated, see Section 8 req'ts	If illuminated, see Section 8 req'ts	Not to be illuminated	If illuminated, see Section 8 req'ts
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street.	All freestanding signs shall be set back from any street right-of-way at least half the height of the sign and 5 ft from service drive, travel lane or adj street.	NA	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street. Not to impede pedestrian traffic on the sidewalk.	NA
Maximum Height	25 ft - flagpole	10 ft	NA	10 ft	NA
Location	Allowed within the front, rear and		Bldg wall, ~~or window.~~	If located on another property, property owner concurrence needed.	Signs cannot impede public right-of-way.

Entrance canopy is the same as an awning

Commented [A38]: Clarification is needed—does this mean entrance canopy sign as approved by the zoning administrator as to size, place, and manner?

Commented [kn39R38]: Katie Nunez: Should treat "size-wise" just like a wall sign.

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TYPE	Flags	Freestanding (including monument)	Wall ~~and Window~~ Signs	Temporary Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable, Window)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
	side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets		~~Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.~~	No more than one sign shall be displayed per lot. Signs cannot impede public right-of-way. Window signs are permitted only on the first floor of a building unless the business is only on the floor where the window sign is displayed.	Directory or Multi-Tenant Sign: Limited to one monument sign per ingress/egress onto a primary road access.
Duration	Unlimited	Unlimited	Unlimited	~~See Section~~ 4. 45 Days	Unlimited

(1) U.S. Code Title 36, Chapter 10, Section 174

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Section 13. – Heavy and Light Industrial District signs.

Except as provided otherwise in this Article, the following signs are permitted as accessory uses in industrial districts.

TYPE	Flags	Freestanding (including monument)	Wall ~~& Window~~ Signs	Temporary Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable, Window)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)

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same changes as in Commercial district

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Definitions	***Flag** means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.* ***Pole sign** means a sign that is mounted on one (1) or more freestanding poles.*	***Freestanding sign** means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.* ***Monument sign** means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another, not a pole sign.* ***Off-premises sign** means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site~~means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.~~*	***Wall Sign** means any sign attached to a wall or painted on or against a flat vertical surface of a structure* ~~*Window sign means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.*~~	***A-Frame sign** means a two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four feet high. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."* ***Banner** means a sign of flexible material affixed to a framework or flat surface.* ***Chalk-board sign** means a single-faced, framed skate or chalk-board that can be written on with chalk or similar markers* ***Feather sign**. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.* ***Off-premises sign** means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site~~means a sign that directs attention to a business, product, service or~~*	***Awning sign** means a sign placed directly on the surface of an awning.* ***Canopy sign** means a sign attached to a canopy.* ***Directory sign** (also identified as Multi-Tenant Sign): A sign which identifies tenants in a multi-tenant building or complex and which is located in the development for which it is advertised. Said sign will list the tenants or occupants of a building or group of buildings and may also indicate their respective professions or business activities.* ***Entrance canopy** means a fixed or stationary canopy or hood constructed to provide protection at the entrance of a building, either supported entirely from a building, or supported partly from a building or from posts.*

Commented [A40]: Definition of "off-premises sign" is same as in Section 2.

Commented [A41]: Same comment as above.

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No changes made

TYPE	Flags	Freestanding (including monument)	Wall ~~& Window~~ Signs	Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)
		***Ground mounted sign** means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.*		~~*activity conducted, sold or offered at a location other than the premises on which the sign is erected.*~~ ***Portable sign** means any moveable sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner* *Window sign means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.*	***Hanging sign** means a sign supported by the extended arm of a single post or from a commercial establishment (parallel to the building façade).* ***Marquee sign** means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.* ***Projecting sign** means any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.*
Permit Required	No	Yes	Wall Sign: Yes ~~Window Sign: No~~	No	Yes
Size/Number (each/total)	24 sf/ max 3 (Only one flagpole)	Permanent On-site: 40 sf/ one. Permanent Off-site ~~for Commercial use~~: Up to 3 signs, each not to exceed 18 sf and 7 ft in height located on commercial property with owner permission. No more than one permitted sign displayed per lot.	Front Wall: 12 sf per 5 lineal ft of building frontage Side Wall: 8 sf per 5 lineal ft.	16 sf/ max 3	Directory – Limited to one sign per ingress/egress onto a primary road access. Projecting signs perpendicular to bldg. frontage ≤ 10 sf Hanging sign parallel to bldg. frontage ≤ 5 sf/ 5 lineal ft Awning signs ≤ 12 sf Entrance canopy sign by ZA

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Commented [A42]: Clarification is needed—does this mean entrance canopy sign as approved by the zoning administrator as to size, place, and manner?

Commented [kn43R42]: Katie Nunez: Recommend "size wise" to be same as wall sign.

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Entrance canopy same as awning

TYPE	Flags	Freestanding (including monument)	Wall ~~& Window~~ Signs	Moveable Signs (e.g. A-Frame, Banner, Chalk-board, Feather, Off-Premise, Portable)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)
Illumination	U.S. Flag Code (See Note 1) Other Flags – See Section 8 req'ts	If illuminated, see Section 8 req'ts	If illuminated, see Section 8 req'ts	Not to be illuminated	If illuminated, see Section 8 req'ts
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street	All freestanding signs shall be set back from any street right-of-way at least half the height of the sign, and 5 ft from service drive, travel lane or adj street.	NA	Not in public right-of-way nor 5 ft from service drive, travel lane or adj street. Not to impede pedestrian traffic on the sidewalk.	NA
Maximum Height	25 ft -flagpole	10 ft	NA	10 ft	NA
Location	Allowed within the front, rear and side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets.		Bldg wall ~~or window~~ ~~Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.~~	If located on another property, property owner concurrence needed. No more than one sign shall be displayed per lot. Signs cannot impede public right-of-way. Window signs are permitted only on the first floor of a building unless the business is only on the floor where the window sign is displayed.	Signs cannot impede public right-of-way.
Duration	Unlimited	Unlimited	Unlimited	~~See Section 4~~ 45 Days.	Unlimited

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No changes made

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Industrial M-2, Harbor-Light Industrial, Harbor-Commercial Districts

Changes from the 8/6/24 Joint Work Session are shown in green.

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
Statement of Intent	The intent of this zoning district is to provide for mixed industrial and employment land uses in the community. The specific objectives of the M-2 District are to: 1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County 2. Create family-wage employment and training opportunities for ~~local~~ residents. ~~3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment, and culture~~ ~~4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers~~ ~~Encourage cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically-based industrial development~~	A working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. ~~This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.~~	
		To permit certain industries, which do not in any way detract from the residential desirability and will not be permitted to locate in any area adjacent to a residential area. The limitation on (or provisions relating to) height of a building, horsepower, heating, flammable liquids or explosives, controlling of emission fumes, odors and noise, landscaping, and the number of people employed are imposed to protect and foster adjacent desirability while permitting industry to locate near a labor supply and near existing available transportation, including harbor access.	To permit retail and commercial businesses generally found in a retail business area and that would be complementary to the Commercial District within the Historic Overlay District. Mixed use development is encouraged with any housing located above commercial or retail space.
Permitted Uses	Permitted Uses. The following uses are permitted by right: ~~1. Parks and playgrounds~~ 2. Electric vehicle charging facilities (3+ vehicles) 3. Offices	Permitted Uses. T the following uses are permitted by right.. 1. Adult and/or child day care	Permitted Uses. The following uses are permitted by right: 1. Condominium dwellings

No changes made

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
	4. ~~Medical/dental practices (outpatient) and labs~~ 5. Marinas, wharves, and docks (if contiguous to harbor) 6. Manufacturing and material processing 7. Machine shops, blacksmith shops, and welding shops 8. Wholesale business and warehousing 9. Port facilities/intermodal terminals marine, rail, trucking, and/or intermodal terminals, including transfer, storage, handling, inspection, processing, and/or transport of containerized, bulk, and/or other cargo ~~10. Agriculture, horticulture, forestry, and aquaculture~~ ~~1. Park, plaza, or natural area~~ ~~2. Museum, cultural center, arboretum~~ ~~3. Offices for telecommunications~~ ~~4. Fire, police, rescue station~~ ~~5. Medical care facility, outpatient only~~ ~~6. Mail courier and parcel services~~ ~~7. Printing service~~ ~~8. Office, administrative, business and professional~~ ~~9. Research, experimental testing, or development activities~~ 10. Concrete plant; manufacturing, sales and distribution of concrete and related products ~~11. Railroad tracks, sidings, yards, or roundhouses.~~	center ~~2. Agriculture (excluding livestock), horticulture, forestry, and/or fishery/aquaculture~~ ~~3. Art gallery~~ ~~4. Business service establishment (including mail order or electronic catalog sales)~~ ~~5. Conference center~~ 6. Communication and telecommunications centers 7. ~~Commuter parking lot~~ 8. Educational institution 9. Flex industrial use 10. Fire, police, rescue stations 11. Food production, packaging, packing, and canning 12. Hotel, ~~serving as an ancillary and interrelated component of the Park~~ (Move as Conditional Use Permit) 13. Library or other municipal building 14. Manufacture, processing, fabrication, assembly and/or storage of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items,	2. Cooperative dwellings 3. Parks and playgrounds 4. Schools, community centers, and public facilities 5. Retail and other stores (less than 2,500 SF gross floor area) 6. Offices 7. Galleries and museums 8. Indoor recreation facilities 9. Conference centers 10. Restaurants and bars (used to be: ~~Other food establishments: a) Bakeries, confectionaries, delicatessens, and catering services; b) Cafes and coffee shops; c) delicatessens; d) Eating and drinking establishments; e) Ice Cream parlors; f) Restaurants~~) 11. Personal services (less than 2,500 SF gross floor area) 12. Medical/dental practices (outpatient) and labs 13. Vehicle rental/sales (less than 2,500 SF gross floor area) 14. Marinas, docks, and wharves (if contiguous to harbor) ~~(used to be: Marine related uses of the following types: a) bait and tackle shops; b) boat rentals; c) Marina, docks and wharves if contiguous to harbor)~~ 15. Utility Facilities ~~1. Sail and canvas making and repair~~ ~~2. Ship stores and chandleries~~

No changes made

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
	22. Performing arts center was moved to Harbor-Commercial	glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment. 15. Marinas, docks, and wharves and marina related businesses & industry. 16. Medical care facility, outpatient only 17. Museum, cultural center, arboretum 18. Offices—administrative, business, professional, and telecommunications 19. Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Appendix A, applicable category 20. Park, plaza, or natural area 21. Parking structure 22. Performing arts center 23. Post office, drop off and pick up, mail courier and parcel services ~~24. Printing service~~ 25. Public utility service center, without outdoor storage ~~26. Rail and/or intermodal terminals, including transfer, storage, handling, inspection, processing and/or transport of containerized bulk and/or other cargo~~ 27. Recording studio	~~3. Office and institutional uses of the following types: a) business studios; b) civic and government facilities; c) educational facilities; d) financial institutions~~ ~~4. Medical clinics~~ ~~5. Medical, dental and other laboratories~~ ~~6. Offices~~ ~~7. Office supply stores~~ ~~8. Real estate sales and rentals~~ ~~9. Recreational, cultural, and entertainment uses of the following types: a) art galleries and art studios; b) athletic clubs; c) conference centers; d) health and fitness facilities; e) libraries and galleries; f) museums and cultural centers; g) outdoor recreational uses; h) parks~~ ~~10. Retail goods establishments of the following types with 2,500 square foo or less of gross floor area: a) antique shops; b) bookstores, new and used; c) camera shops; d) candy stores; e) clothing stores; f) dry goods stores; g) florists, gift shops, card shops, and stationery shops; h) grocery stores; i) music stores; j) newsstands; k) tobacco stores; j) upholstering shops and fabric stores; m) video stores; n) watch and jewelry stores~~ ~~11. Retail service establishments of the following types with 2,500 square feet or less of gross floor area: a) beauty and~~

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
		28. Recreational facilities ~~29. Recycling drop-off collection center serving the Park~~ 30. Research, experimental testing or development activities 31. Restaurant, indoor and outdoor (excluding drive-through) ~~32. Telecommunications, television, or radio microwave dishes or antennas~~ 33. Training center (excluding rehabilitation and institutional facilities) 34. Utility generating plant and transmission facilities using renewable energy sources 35. Utility installations 36. Utility substations provided storage or maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be landscaped in accordance with Appendix A, applicable category, sufficient to screen area 37. Warehousing facility (excluding mini-storage facility) 38. Water storage tank 39. Wholesale trade establishment	~~barbershops; b) bicycle, moped and street legal golf cart sales and rentals; c) blueprinting shops; d) dressmaking, tailoring, millinery, dry cleaning~~
Accessory Uses	Within the M-2 District, the following accessory uses shall be allowed: 1. Only those that are customarily accessory and clearly incidental and subordinate to the principal uses and	Accessory Uses. The following accessory uses shall be allowed. 1. Only those that are customarily	Accessory Uses. The following accessory uses shall be allowed. 1. Accessory buildings 2. Other uses customarily associated and

No changes made

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
	structures.	accessory and clearly incidental and subordinate to the principal uses and structures 2. Temporary licensed uses such as festivals, displays, educational exhibits, outdoor gatherings or performances, and outdoor food markets	clearly incidental and subordinate to a principal use 3. Temporary licensed uses such as festivals, displays, educational exhibits, outdoor gatherings or performances, and outdoor food markets
Conditional Uses	Within the M-2 District, the following conditional uses shall be allowed, subject to the issuance of a Conditional Use Permit: 1. Recycling drop-off collection centers ~~2. Recording studio~~ 3. Manufacture, processing, fabrication, and/or assembly of products such as scientific and precision instruments, renewable energy technology components, photographic equipment, communication equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceutical, household items, glass products, electrical lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, optical goods, and electrical equipment 4. Food production, packaging, packing and canning ~~5. Wood products manufacturing~~ ~~6. Educational institution~~ ~~7. Conference center~~ 8. Outdoor storage provided it shall be surrounded by wax myrtle or red tip photinia installed on 4-foot centers and by evergreen trees with a minimum caliper of 2.5 inches on 15-foot centers, except for entrances and exits. 9. Public utilities substations provided storage or	Conditional Uses. The following conditional uses may be allowed, subject to the issuance of a Conditional Use Permit. 1. Structures, other than buildings, exceeding 50 feet 2. Buildings over 40 feet but equal or less than 50 feet or building or structure other than building may be constructed to a maximum height of 75 feet if the building is set back at least 125 additional feet from the required setback for all yards abutting residential properties. 3. Hotels 4. Boatels 5. Any other use which is compatible in nature with the foregoing permitted and conditional uses and which the Zoning Administrator determines to be compatible with the intent of the District and is concurred with by the Planning Commission.	Conditional Uses. The following uses may also be permitted, subject to securing a Conditional Use Permit as provided for in this ordinance: ~~1. Marine related uses of the following types: a) boat and marine engine repair shops; b) boatels; c) marine and sports equipment consignment stores.~~ ~~2. Markets of the following types: a) crafts markets; b) farmers markets; c) watermen's markets~~ 3. Recreational, cultural, and entertainment uses of the following types: a. Assembly halls b. Auditoriums c. ~~Commercial recreational uses~~ d. ~~Entertainment establishments~~ e. Theaters 4. Retail goods establishments of the following types with more than 2,500 square feet of gross floor area: a. Antique shops ~~b.~~ Bookstores, ~~new and used~~ c. Camera shops

No changes made

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
	maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be surrounded by wax myrtle or red tip photinia installed on 4-foot centers and by evergreen trees with a minimum caliper of 2.5 inches on 15-foot centers, except for entrances and exits, and provided also transformer vaults for underground utilities and the like shall require only wax myrtle or red tip photinia installed on 4-foot centers, solid except for access opening. ~~10. Any telecommunication, television, or radio microwave dishes or antennas.~~ 11. Utility generating plant and transmission facility using renewable energy sources ~~12. Performing arts center~~ 13. Public utility service center 14. Water storage tank 15. Utility installations ~~16. Recreational facilities~~ 17. Structures, other than buildings, exceeding 50 feet		d. Candy stores e. Clothing stores f. Dry goods stores g. Florists, gift shops, card shops, and stationery shops h. Grocery stores i. Music stores j. Newsstands ~~k. Tobacco stores~~ l. Upholstering shops and fabric stores m. Video stores n. Watch and jewelry stores 5. Retail service establishments of the following types with more than 2,500 square feet of gross floor area: a. Beauty and barbershops b. Bicycle moped, and golf cart sales and rentals c. Blueprinting shops d. Dressmaking, tailoring, millinery, dry cleaning 6. ~~Single family and~~ Multi-family dwellings provided the following requirements are met: a. All dwelling units shall have direct access to the street level. Means of access may be shared with other dwelling units, but not commercial uses. Access through a commercial establishment on the first level

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
		This language should be in Article 4 - KN to check	is not permitted. b. Dwelling units shall occupy no more than 50 percent of the first floor of any building. c. The first floor of all building facades adjacent to a public street shall have a commercial appearance and shall not have a residential appearance. 7. Bed and breakfasts provided the following requirements are met: a. The owner and family must occupy the residence. The owner and his/her appointed agent are responsible for supervising guests. b. The single-family dwelling appearance must be maintained. c. Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Section 4.8.E.2 (Table of Parking Standards) using both on and off-street parking areas. d. A sign no larger than four square feet shall be permitted. e. The number of room accommodations shall be subject to recommendation by the Planning Commission and approved by the Town Council. f. The dwelling must meet all of the requirements of Section 3.9.D.6.

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS

ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

			HARBOR			
	Industrial District M-2		**Harbor – Light Industrial**		**Harbor - Commercial**	
			11. Boatels moved to Harbor Light Industrial		8. Childcare/adult daycare facilities and nursing homes 9. Hotels and motels 10. Laundromats 11. Boatels ~~12. Campgrounds~~ 13. ~~Liquor and package stores~~ 14. ~~Off-site parking~~ 15. Any other use which is compatible in nature with the foregoing permitted and conditional uses and which the Zoning Administrator determines to be compatible with the intent of the District and is concurred with by the Planning Commission.	stopped here 8/6
LOT, YARD, HEIGHT, COVERAGE & DENSITY REQUIREMENTS started here on 8/22	Minimum Lot Size (SF)	15,000	Minimum Lot Size (SF)	15,000	Minimum Lot Size (SF)	11,200
	Minimum Lot Width at Setback Line (ft)	100	Minimum Lot Width at Setback Line (ft)	100	Minimum Lot Width at Setback Line (ft)	80 ft.
	Front Setback (ft)	10' minimum & 25' maximum	Front Setback (ft)	10	Lot Depth	140 ft.
	Side Setback (minimum)	None or 5' between buildings, 10' adjacent to street	Side Setback (ft)	None or 5' between buildings, 10' adjacent to street	Front, Side, Real and Corner Setback (ft) (minimum unless otherwise stated)	30' from Cape Charles Harbor, Resource Protection Areas, Marina Road, Bayshore Road, or Parcel 83-A3-A-10
	Rear Setback (ft)	20'	Rear Setback (ft)	20		
	Corner Lot Setback (minimum)					
	Maximum Height	45' for buildings, 50' for structures other than buildings	Height (ft)	45' for buildings; 50' for structures other than buildings	Height (ft)	40'
	Maximum Lot Coverage	60%			Maximum Lot Coverage	75%

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PLANNING COMMISSION & TOWN COUNCIL
Joint Work Session
Cape Charles Civic Center
August 22, 2024
6:30 PM

At approximately 6:30 p.m., Mayor Adam Charney, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta and Grossman, and Councilwoman Holloway. Councilman Follmer was not in attendance.

Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Bill Ashworth, Paul Grossman, Jim Holloway, Ian McDonald and Libby Wright. Shannon Smith was not in attendance.

Also, in attendance were Town Manager John Hozey, Planning & Zoning Director Katie Nunez, Planning & Zoning Assistant/Zoning Compliance Officer Jack Steinmayer, and Town Clerk Libby Hume. There was one member of the public in attendance.

Vice Mayor Bennett asked for a brief recap from the last meeting and went on to state that this was a difficult process due to the length of time between meetings. He was trying to understand the intent of rezoning of the area around the harbor. At the last meeting, he had suggested some single-family homes around the harbor and was told that single-family homes were not permitted. He also asked if all the owners by the harbor had been notified of the potential rezoning and he was told that they were not, but the work sessions were open to the public, so the property owners were welcome to attend. He had asked if developers were contacted and was told that the majority of the developers had been contacted. He again asked for the intent of the rezoning and the potential impacts around the harbor, adding that he was not prepared to vote on the ordinance if he did not have all the information.

Katie Nunez stated that there were currently so many districts around the harbor – five different industrial districts. The intent was to consolidate the various districts into two or three districts: i) heavy industrial; ii) light industrial and harbor light industrial; iii) harbor commercial. When we were reviewing the Comprehensive Plan, there was no desire for single-family homes around the harbor. She had informed the concrete plant, Neville Reynolds who represents Mr. Gunn and the Baldwins, John Kemp and his representatives along with the potential developer of Mr. Kemp's property on the north side of the harbor. She notified them of the meetings and provided links to the draft documents. Dave Hainsworth was already in negotiations with the concrete plant regarding a possible exchange of properties, so he had been informed indirectly.

Vice Mayor Bennett expressed his thought that he did not think single-family residential should be excluded. John Hozey interjected that his recollection during the comprehensive plan discussion, a consensus of the group was taken, and single-family homes were not what was wanted in the area. There was much discussion about this issue. Katie Nunez stated that a parcel could be purchased, and a developer could make it a PUD (planned unit development) which would permit single-family homes but added that one of the characteristics of the Harbor District in general was for residential units above first floor commercial. Vice Mayor Bennett commented that he did not think we would ever have enough commercial units to have residential about them.

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WORK SESSION ORDER OF BUSINESS:

A. *Continuation of Draft Zoning Ordinance Review:*

1. *Lot, Yard, Height, Coverage & Density Requirements:*

   Katie Nunez stated that at the last meeting, we were able to get through the Harbor-Commercial uses and would begin this evening with "Lot, Yard, Height, Coverage & Density Requirements." (Please see attached.)

   During the discussion regarding the Mainstreet Mixed Use Area, Commissioner McDonald stated that currently, the Historic District Review Board's purview was only the exterior of the structures that were visible from the street, and asked what would happen with the backside of these buildings as there was currently no street behind this area and who would oversee it. John Hozey responded that the road behind this area would most likely lead to a parking lot so it would not be an issue.

2. *Chart of Possible Zoning Map Amendments:*

   The chart of possible zoning map amendments as a result of zoning text amendments was reviewed. There were no changes or questions to the chart. Katie Nunez stated that the owner of Parcel 83A4-A-24 had not yet been notified of the proposed change as the property was currently vacant land.

   Commissioner McDonald pointed out the narrow strip of railroad property along Stone Road, which was planned for the bike trail, and recommended that this area be rezoned as Open Space. The other attendees agreed with Commissioner McDonald's recommendation.

3. *Definitions:*

   The Definitions section was reviewed. (Please see attached.)

Katie Nunez stated that the only chapter remaining was the Chesapeake Bay Preservation Act. The state passed new legislation and was in the process of rewriting the regulations which were expected to be adopted on October 15th. She would provide the draft to the Planning Commissioners at their September meeting. It would then be provided to the Town Council for review.

Katie Nunez went on to state that she would incorporate all the changes made, but there was no date set for everyone to come back together for a final review. Notifications of the proposed zoning changes needed to be sent to all affected and adjoining property owners, and the document still needed legal review. Public hearings would be scheduled sometime mid-October through December with a vote for adoption in December.

There was some discussion regarding finalizing the short-term rental (STR) ordinance prior to the adoption of the updated zoning ordinance so it could be included in the final document.

Commissioner Ashworth asked if there had been any modifications to the STR ordinance as recommended by the committee. John Hozey responded that the occupancy limits were changed, and parking was dropped, but the majority of the recommended STR ordinance was unchanged. The changes were being incorporated and the newest version would be sent for legal review.

Vice Mayor Bennett had a prior commitment and left the meeting at approximately 7:00 p.m.

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

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Motion made by Commissioner Grossman, seconded by Commissioner Holloway, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

The meeting was adjourned at 7:54 p.m.

Planning Commission Chair Stramm

Mayor Charney

Town Clerk

DRAFT

Lot, Yard, Height, Coverage & Density Requirements: **CHANGES MADE AT 8/22 MEETING SHOWN IN GREEN.**

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS — ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

			HARBOR			
	Industrial District M-2		Harbor – Light Industrial		Harbor - Commercial	
					8. Childcare/adult daycare facilities and nursing homes 9. Hotels and motels 10. Laundromats 11. Boatels 12. Campgrounds 13. ~~Liquor and package stores~~ 14. ~~Off-site parking~~ 15. Any other use which is compatible in nature with the foregoing permitted and conditional uses and which the Zoning Administrator determines to be compatible with the intent of the District and is concurred with by the Planning Commission.	
LOT, YARD, HEIGHT, COVERAGE & DENSITY REQUIREMENTS	Minimum Lot Size (SF)	15,000	Minimum Lot Size (SF)	15,000	Minimum Lot Size (SF)	11,200
	Minimum Lot Width at Setback Line (ft)	100	Minimum Lot Width at Setback Line (ft)	100	Minimum Lot Width at Setback Line (ft)	80 ft.
	Front Setback (ft)	10' minimum & 25' maximum	Front Setback (ft)	10	Lot Depth	140 ft.
	Side Setback (minimum)	None or 5' between buildings, 10' adjacent to street	Side Setback (ft)	None or 5' between buildings, 10' adjacent to street	Front, Side, Real and Corner Setback (ft) (minimum unless otherwise stated)	30' from Cape Charles Harbor, Resource Protection Areas, Marina Road, Bayshore Road, or Parcel 83-A3-A-10
	Rear Setback (ft)	20'	Rear Setback (ft)	20	Height (ft)	40'
	Corner Lot Setback (minimum)		Height (ft)	45' for buildings; 50' for structures other than buildings	Maximum Lot Coverage	75%
	Maximum Height	45' for buildings, 50' for structures other than buildings				
	Maximum Lot Coverage	60%				

Started here 8/22/2024

no changes made

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS — ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		Maximum Lot Coverage: 50%	
ADDITIONAL DEVELOPMENT REQUIREMENTS	1. Buffer yards. When a zoning lot within the M-2 District adjoins R-E, R-1, R-2, or R-3 Districts, the following shall be required along all lot lines within the M-2 District adjoining the R-E, R-1, R-2, or R-3 Districts a 50-foot separation of road right-of-way, golf course, lake, drainage easement, natural area, or landscaped buffer yard shall be required. 2. Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side and rear yards. 3. Placement of drives and parking areas when adjacent to public right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet from any public right-of-way line for a contiguous public street. Landscaping, hedges, or fast-growing shrubs on four-foot centers on a gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area. 4. No parking or drive aisles shall be located within the required buffer yards. 5. No outside storage of parts, materials, fossil fuels, raw materials, or petroleum shall be permitted within the M-2 District. 6. No outside manufacturing, assembly, or servicing of products used on the property or trucks or automobiles used in conjunction with or for the transport of materials to the district shall be allowed.	1. Buffer yards. Where the GBI H-1 District adjoins the R (residential) zoning districts within the PUD or CO Land Use Classifications or C districts within the PUD, buffer yards are required as follows: a. When a zoning lot within the GBI H-1 District adjoins any R zoning district within the PUD, the following shall be required along all lot lines within the GBI H-1 District adjoining the R zoning district within the PUD. i. A 200-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within	Mainstreet Mixed Use Area 16. The area of the Harbor District along the south side of Mason Avenue, beginning at the western edge of Parcel 83A3-A-5, and projecting eastward to Nectarine Street, and southward a distance of 120 feet from the south side of Mason Avenue, is defined as the "Mainstreet Mixed-Use Area." All buildings in the Mainstreet Mixed-use Area shall meet the following requirements: a. Each building shall be a minimum of two stories and shall have only residential uses above the first floor. i. Residential portions of the building shall have at least two entrances/exit ways to the ground floor that are separate from the entrances/exit ways used by occupants of nonresidential portions of the building. ii. The primary entrance

All were in agreement to rezone the Mainstreet Mixed Use Area to Commerical-1, from the area east of the property owned by Cape Charles RF, LLC to Nectarine Street (the beginning of the Hump).

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
	7. Any exterior lighting on the property shall be directed down and away from any area zoned R (Residential) or PUD where residential development is a permitted use, to prevent the disbursement or bleeding of light beyond the limits of the developed portions of the property. 8. No outside loudspeakers, intercoms, sirens, paging systems, whistles, horns, bells, or other devices designed to or which transmit a warning message or other communication or signal audible outside any building shall be allowed on the property. No equipment used outdoors, excluding half-ton trucks, shall be equipped with or use any device to emit a warning noise or audible signal while in use on the property. 9. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property. 10. No delivery or transmission of materials of products shall be permitted to or from the property by truck or rail before 8 a.m. and after 9 p.m. Monday through Saturday and no such deliveries to or from the property by rail or truck, excluding half-ton trucks, shall occur on Sunday.	the buffer area. ii. No loading facilities, loading docks, or loading bays shall be permitted within 200 feet of any zoning district or zoning classification within the PUD that permits residential as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where residential use is allowed. iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the	for the residential portion of the building shall be clearly visible from Mason Avenue and shall face Mason Avenue. b. Ground floor uses shall be limited to non-motor vehicle related uses, including restaurants, sales and rental of goods, merchandise or equipment establishments, banks and financial institutions, or offices. c. Drive-through facilities are prohibited. d. The primary façade shall face Mason Avenue. On a corner lot, each side adjacent to a street shall be considered a primary façade. e. All blocks shall align with and be equal in frontage length to the blocks on the north side of Mason Avenue so that existing viewsheds to the harbor are maintained. f. No building or structure shall exceed 40 feet in height.

no changes made

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
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		HARBOR	
	Industrial District M-2	Harbor – Light Industrial	Harbor - Commercial
		width of the landscaped area shall be at least 100 feet wide and run continuously for the length of the buffer. b. When a zoning lot within the GBI H-1 District adjoins a CO Land Use Classification, the following shall be required along all lot lines within the GBI H-1 District adjoining the CO Land Use Classification: i. A 100-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area. ii. No loading	g. The front setback shall be the prevailing setback of adjacent properties along the south side of Mason Avenue. h. Development design standards in this area shall be subject to both the Historic District Review Board ~~and the Harbor Area Review Board~~. i. Whenever the provisions of subsection 3.9.B.1 impose standards that are more restrictive than are required in or under any other statute, ordinance or resolution, these standards shall prevail, unless otherwise specified in this Zoning Ordinance. ~~Harbor Area Review Certificate~~ Mainstreet Mixed Use Area All Utilities shall be installed underground. Historic District Review Board review only.

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
		facilities, loading docks, or loading bays shall be permitted within 100 feet of any zoning district or zoning classification within the PUD that permits CO Land Use Classification as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where CO Land Use Classification is allowed. iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the	

no changes made

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
		width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer. c. When a zoning lot within the GBI H-1 District adjoins a C district, the following shall be required along all lot lines within the GBI H-1 District adjoining the C district: i. A 50-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area. ii. No loading facilities, loading docks, or loading bays shall be permitted within 75 feet of any zoning	

no changes made

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
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		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
	no changes made	district or zoning classification within the PUD that permits commercial as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where commercial use is allowed. iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer. 2. Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side or rear yards.	

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
	no changes made	3. Placement of drives and parking areas when adjacent to public right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet from any public right-of-way line for a contiguous public street. Landscaping, hedges, or fast-growing shrubs on a gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area. See Appendix A, Category I for requirements. 4. All parking must comply with Off Street Parking and Loading Requirements 5. Parking is not permitted in the front yard of a lot. 6. No parking or drive aisles shall be located within the required buffer yards. 7. No outside storage of parts, materials, fossil fuels, raw materials, or petroleum shall be permitted. 8. Any exterior lighting on the property shall be directed down and away from any area zoned R (residential) or PUD where residential development is a permitted use to prevent the disbursement or bleeding of light	

PROPOSED ZONING DISTRICTS TO REPLACE THE CURRENT INDUSTRIAL, HARBOR, AND GENERAL BUSINESS INDUSTRIAL DISTRICTS
ITEMS IN RED: NEW FROM CONSULTANT REVISIONS ITEMS IN PURPLE AS WELL AS STRIKE-OUT FOR DELETION: KATIE NUNEZ

		HARBOR	
	Industrial District M-2	**Harbor – Light Industrial**	**Harbor - Commercial**
	no changes made	beyond the limits of the developed portions of the property. 9. No outside loudspeakers, intercoms, paging systems, whistles, horns, bells, or signals audible outside any buildings shall be allowed on the property. Any and all Occupational Safety and Health Administration (OSHA) requirements shall be adhered to; any OSHA-accepted alternative warning devices are encouraged. 10. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property. 11. No delivery or transmission of materials or products shall be permitted to or from the property by truck or rail between 11 p.m. and 5 a.m. Monday through Sunday.	

Chart of Possible Zoning Map Amendments:

CHART OF POSSIBLE ZONING MAP AMENDMENTS AS RESULT OF PROPOSED ZONING TEXT AMENDMENTSAS OF MAY 22, 2024

TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING	NOTES
90-19-B	Owner: Town of Cape Charles 16.21 acres Off Old Cape Charles Road- & Cassatt Parkway	RE	R-3	We are proposing to eliminate the RE District as part of the zoning text amendments.
90-19-B1	Owner: Was Town of Cape Charles – just sold to VAW Kack Well Site 1.44 acres	RE	Open Space (OP)	Was a Town lot – sold to VAW.
90-3-A2	Owner: Donald Lee 1.55 acres 2449 Old Cape Charles Road 1 of 3 lots in front of the Town property (90-19-B) House and Outbuildings established	RE	R-3	We are proposing to eliminate the RE District as part of the zoning text amendments.
90-12-Y	Owner: Brian Chandler Burke 1.1 acres 2461 Old Cape Charles Road 1 of 3 lots in front of the Town property (90-19-B) House established	RE	R-3	We are proposing to eliminate the RE District as part of the zoning text amendments.
90-12-Z	Owner: Spath Squared LLC 1.1 acres 246__ Old Cape Charles Road 1 of 3 lots in front of the Town property (90-19-B) Undeveloped/ vacant land	RE	R-3	We are proposing to eliminate the RE District as part of the zoning text amendments.
90-A-6	Owner: The Virginia Port Authority 44.41 acres Pit for Beach Dredging Spoils Site	RE - 3.94 acres	Open Space (will need to amend the text to add spoil site as a Conditional Use)	Correct mistake on 12/15/2022 Zoning Map - all of TM 90-A-6 (Virginia Port Authority) - the burrow pit off Rte 184 should be colored light gray (Industrial M-1)
90-A-4C	Owner: Commonwealth of Virginia Department of Conservation & Recreation 21.62 acres Parcel south of CPS site – Cape Charles Natural Area Preserve & Coastal Habitat Preserve	GBI-H-1	Open Space	

Page 1 of 5

CHART OF POSSIBLE ZONING MAP AMENDMENTS AS RESULT OF PROPOSED ZONING TEXT AMENDMENTSAS OF MAY 22, 2024

TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING	NOTES
90-13-A	Owner: Commonwealth of Virginia Department of Conservation & Recreation 21.48 acres Adjacent parcel to the east of Cape Charles Natural Area Preserve & Coastal Habitat Preserve	Harbor	Open Space	
90-8-1A4	OWNER: Northampton County BOS 2.18 acres	GBI-H1	Harbor – Light Industrial	Long term lease to CPS for parking lot
90-8-1A3	OWNER: Cape Charles Properties, LLC 8.38 acres Purchased by CPS _____	GBI-H1	Harbor – Light Industrial	
90-A-1A6	OWNER: Cherrystone Investments, LLC 1.85 acres		Harbor – Light Industrial	
90-20-1	OWNER: Fujifilm Wako Chemicals USA Corporation 2.75 acres	Harbor	Harbor – Light Industrial	
90-8-1A1	OWNER: Cape Charles Properties, LLC 11.79 acres Purchased by CPS _____	GBI-H1	Harbor-Light Industrial	
90-8-1A5	OWNER: Cape Charles Properties, LLC 56.02 acres	GBI-H1	Harbor- Light Industrial	
90-A-1B	OWNER: Upfront Storage, LLC 5 acres	GBI-H1	Harbor – Light Industrial	
90-A-1A	OWNER: Cape Charles Properties, LLC 18.13 acres	GBI-H1	Harbor – Light Industrial	
83A3-11-2	OWNER: Cape Harbor Holding Company, LLC 17.18 acres Parcel to east of Concrete Plant; frontage on Harbor	M-2	Harbor – Light Industrial	Mr. Gunn
83A3-11-1	OWNER: Cape Harbor Holding Company, LLC 2.52 acres	Harbor	Harbor – Light Industrial	
83A3-A-20	OWNER: Cape Marine Services, LLC 1.6 acres Boat Storage/Parking area just south of Yacht Center	Harbor	Harbor- Light Industrial	

Page 2 of 5

CHART OF POSSIBLE ZONING MAP AMENDMENTS AS RESULT OF PROPOSED ZONING TEXT AMENDMENTSAS OF MAY 22, 2024

TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING	NOTES
83A3-A-19	OWNER: Cape Marine Services, LLC 1.42 acres Harbor frontage, pier with boat slips, bathhouse	Harbor	Harbor – Light Industrial	
83A3-A-19A	OWNER: HUSH HUSH LLC 5,605 square ft. Hook & Harvey Restaurant	Harbor	Harbor - Commercial	
83A3-A-12	OWNER: Cape Marine Services .99 acres Cape Charles Yacht Center	Harbor	Harbor – Light Industrial	
83A3-A-11	OWNER: Coast Guard Yacht Center 2.2 acres		Harbor – Light Industrial	
83A3-A-17	OWNER: Cape Marine Services, LLC Boat Storage 1100 Bayshore Rd. Across the street	Harbor	Harbor – Light Industrial	
83A3-A-15	OWNER: CTI TOWERS ASSETS II LLC 1.72 acres	Harbor	Open Space (amend uses to include this tower – ZTA)	
83A3-A-13	OWNER: CTI TOWERS ASSETS II LLC .26 acres	Harbor	Open Space (amend uses to include this tower – ZTA)	
83A3-A-14D	OWNER: Cape Charles Rosenwald School Restoration Initiative, Inc 8.72 acres	Harbor	Commercial-1	Propose same zoning designation as our primary commercial district on Mason Avenue
90-A-9	OWNER: Canonie Atlantic Company 28.94 acres Across from Rayfields (behind the hump)	M-2	Harbor - Commercial	
83A3-A-14C	2.72 acres Future Home of Town Hall	Harbor	Commercial-1	Propose same zoning designation as our primary commercial district on Mason Avenue
83A3-A-14A	OWNER: Town of Cape Charles 1.43 acres Public Works Storage	Harbor	Open Space (add some language to the uses – ZTA)	
83A3-A-14B	OWNER: VAW 4.72 acres Wastewater Treatment Plant	Harbor	Open Space	

CHART OF POSSIBLE ZONING MAP AMENDMENTS AS RESULT OF PROPOSED ZONING TEXT AMENDMENTSAS OF MAY 22, 2024

TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING	NOTES
83A4-A-24	OWNER: Wilhemnia Boase .46 acres Vacant land	Harbor	Commercial-1	Propose same zoning designation as our primary commercial district on Mason Avenue
83A3-A-9	OWNER: Canonie Atlantic Company 42.15 acres Old Railroad property Partial harbor frontage where railroad barge loaded/unloaded	Harbor	Harbor – Commercial	
83A3-A-10	OWNER: Town of Cape Charles 17.31 acres Marina, slips, Shanty, Bathhouse, Boat ramp	HARBOR	Harbor-Commercial	
83A3-A-5 83A3-A-5A	OWNER: Cape Charles RF, LLC 6.26 acres North of Harbor adjacent to Mason Avenue at entrance of harbor (former TAVI PROPERTY)	HARBOR	Harbor- Commercial	
83A3-2-2-88 83A3-2-2-87 83A3-2-2-84	OWNER: 1 Mason Avenue, LLC 16,880 sq. ft. Northampton Hotel	HARBOR	Harbor- Commercial	
83A3-A-6	OWNER: Port of Cape Charles Development Corp .48 acres Cape Charles Medical Center	HARBOR	Commercial-1	Propose same zoning designation as our primary commercial district on Mason Avenue
83A3-4-A	OWNER: VARIOUS OWNERS 220 – 236 Mason Avenue (1st Floor – 6 units) 230 Mason Avenue (2nd Floor – 9 units) 28,604 sq. ft or .66 acres Strawberry Station (CC Distillery thru The Bakery)	HARBOR	Commercial-1	Propose same zoning designation as our primary commercial district on Mason Avenue
83A3-4-X	OWNER: Town of Cape Charles 7,349.99 sq. ft. or .17 acres Strawberry Plaza	HARBOR	Commercial-1	Propose same zoning designation as our primary commercial district on Mason Avenue

CHART OF POSSIBLE ZONING MAP AMENDMENTS AS RESULT OF PROPOSED ZONING TEXT AMENDMENTSAS OF MAY 22, 2024

TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING	NOTES
83A3-4-B	OWNER: VARIOUS OWNERS – 1st floor – 4 units ; 2nd floor – 8 units; 3rd floor – 8 units 28,757 sq. ft. or .66 acres 300 Mason Avenue Strawberry Station (Candy Store thru Long & Foster)	HARBOR	Commercial-1	Propose same zoning designation as our primary commercial district on Mason Avenue

Definitions:

Definitions highlighted in GREEN are new.
Definitions highlighted in RED are deleted.

Definitions (put in around page 378, pick up at page 234)

ABANDONMENT means the relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

ABATTOIR means slaughterhouse, a place where livestock is killed and prepared for distribution to butcher shops and food markets.

ACCESS means a way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ACCESSORY USE, except as otherwise provided in the zoning district regulations, an accessory use is:

1. A use which is conducted on the same zoning lot as the principal use to which it is related, whether located within the same building or as an accessory structure, or as an accessory use of land, or which is conducted on a contiguous lot in the same ownership, and
2. Clearly incidental to, and customarily found in connection with, such principal use, and
3. Operated and maintained substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the zoning lot with the principal use.

ACRE is a measure of land area containing 43,560 square feet.

ACREAGE means a parcel of land, regardless of area, described by metes and bounds which respectively are ascribed to them by this section.

ADAPTIVE REUSE means the development of a new use for an older building or for a building originally designed for a special or specific purpose.

ADDITION means a structure added to the original structure at some time after the completion of the original structure or an extension or increase in floor area or height of a building or structure.

ADJACENT includes the term contiguous.

ADJACENT GROUND ELEVATION means the elevation of the surface of the ground between a point touching the exterior wall of a building and a point three feet in distance from such wall measured perpendicularly therefrom.

ADMINISTRATOR, THE ZONING ADMINISTRATOR, is that person appointed by the Town Council as the individual who issues the permit for the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or part of any building.

These are actually done by the Building Official. This will be relabeled for Buildling/Code Official.

ADULT BOOK STORE means any establishment having as a substantial portion of its stock in trade, books, pictures, magazines, and other periodicals which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities or specified anatomical areas, or an establishment trading in such books, pictures,

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magazines, and other periodicals which limits its customers to persons over eighteen years of age.

ADULT CARE means the provision of health care including retirement homes, congregate living, and acute care facilities, or a mixture thereof.

ADULT MOVIE THEATER means any establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein, or an establishment used for presenting such material which limits its customers to persons over eighteen years of age.

"

~~Affordable housing" means, as a~~ guideline, housing ~~that is affordable to households with incomes at or below the area~~ median ~~income, provided that the occupant pays no more than thirty percent~~ of his ~~gross income for gross housing costs, including utilities.~~

For the purpose of administering affordable dwelling unit ordinances authorized by this chapter, local governments may establish individual definitions of affordable housing and affordable dwelling units including determination of the appropriate percent of area median income and percent of gross income.

This language moved to end of new Affordable Housing definition

AGRICULTURE means the tilling of soil, the raising of crops, forestry, the keeping and raising of livestock and fowl, and including the process of any products produced on the premises, such as milk, eggs, and the like.

AGRICULTURAL LANDS means those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

AFFORDABLE HOUSING means housing that is affordable to **households** with incomes typically at or below **120% of** the **area median income**, provided that the occupant pays no more than thirty percent of his gross income for gross housing costs, including utilities.

ALLEY means the minor way used primarily for vehicular access to the rear or side of properties otherwise abutting a street. For an alley way to be recognized as such by the Town, it must have previously been officially adopted by the Town.

ALTERATION means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any exterior change such as in doors, windows, roof, siding, porches, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

OK

AMERICANS WITH DISABILITIES ACT (ADA) is a 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.

ANEMOMETER. Measures the wind speed and may transmit wind speed data to the controller.

OLD- replaced by Apartment Buiding

APARTMENT HOUSE means a building used or intended to be used as the residence of three or more families living independently of each other.

APARTMENT BUILDING means a building used or intended to be used as the residence of three or more households/families living independently of each other.

APARTMENT UNIT is considered one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

AREA MEDIAN INCOME means the midpoint of Northampton County's income distribution for a family of four and is calculated on an annual basis by the Department of Housing and Urban Development as median family income (MFI).

AREA OF SPECIAL FLOOD PLAIN means the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. This area is designated on the Flood Insurance Rate Map (hereinafter as FIRM) as AE and VE.

APPLICANT is the person submitting an application.

ARCHITECTURAL PROJECTION. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning;" "Backlit awning;" and "*Canopy*, Attached and Free-standing."

ATTIC is space between ceiling framing of the top story and the underside of the roof.

AUTOMOBILE GRAVEYARD means any lot or place which is exposed to weather upon which three or more motor vehicles of any kind, incapable of being operated, are placed.

AVERAGE SETBACK shall be the mean setback from a street right-of-way of buildings on both sides of a lot.

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING, BACKLIT. An awning with a translucent covering material and a source of illumination contained within its framework.

BASE FLOOD ELEVATION means the highest height, expressed in feet above sea level, of the level of flood waters occurring in the regulatory base flood.

BANNER. A flexible substrate on which copy, or graphics may be displayed.

BASEMENT means that portion of a building that is partly or completely below grade. A basement is a level within a building that has its floor surface below the adjoining ground level. A basement shall be counted as a story if over 50 percent of its height is above finished grade.

BASE FLOOD/100-YEAR FLOOD means a flood that on the average is likely to occur once every 100 years (i.e., that has a 1 percent chance of occurring each year, although the flood may occur in any year).

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

BED AND BREAKFAST means a single-family dwelling containing sleeping and/or breakfast accommodations as an accessory use to the principal use. Such lodging shall have room accommodations for transient persons and wherein a charge is normally paid for such accommodations. Owner or manager is a permanent dweller residing on site.

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.

BEST MANAGEMENT PRACTICES or **BMP** means a practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with water quality goals.

BIKEWAY means a pathway often paved and separated from streets and sidewalks designed to be used by bicycles.

~~**BILLBOARD.** Any large sign/panel including supporting structure used as an outdoor display for the purpose of displaying advertisements; the product, business, or service so advertised or displayed being remote from the site of the sign. This sign is typically seen alongside roadways or on the sides of buildings. (Sometimes referred to as "Off-premise sign" or "Outdoor advertising sign.")~~

DELETE- included in Sign Ordinance Definitions

BLIGHTED AREA is an area characterized by deteriorating and/or abandoned buildings, inadequate or missing public or community services, and vacant land with debris, litter, lack of sanitation facilities, trash and junk accumulation and impacted by adverse environmental nuisances, such as noise, heavy traffic, and odors.

BOARDING HOUSE or **ROOMING HOUSE** means a dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal and financial services may be offered as well.

BOARD OF ZONING APPEALS means the board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator or Floodplain Manager in the interpretation of this ordinance.

BUFFER AREA means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

BUFFER YARD means an area or areas located within districts or land use classifications which extend along adjacent property lines abutting other districts.

BUILDING means any structure having a roof supported by walls which is solidly enclosed, including any area which is solidly enclosed with glass or any other rigid material which will not allow for the passage of air.

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 unless a zoning permit is issued in compliance with Section 4.2(J).

BUILDING ELEVATION. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

BUILDING FOOTPRINT is the land area on which a proposed building is located.

BUILDING, HEIGHT OF means the vertical distance measured from the finished grade to the top of the highest roof beams on a flat or shed roof, to the top of a parapet, the deck level on a mansard roof, and the average distance between eaves and the ridge level for gable, hip, and gambrel roofs. Note: Mechanical equipment, chimneys, air conditioning units, elevator penthouses, church spires and steeples, water towers, and similar appurtenances are exempted from height restrictions. However, these exclusive items may not exceed the height limit by more than fifteen feet.

BUILDING INSPECTOR/OFFICIAL is the individual designated by the appointing authority to enforce the provisions of the building code.

BUILDING, MAIN means the principal structure or the principal building on a lot or the building or the principal building housing the principal use on a lot.

BUILDING, PARCEL means a fraction of a tract of land containing one or more building lots.

BUILDING PERMIT is an approval statement signed by the Building Permit Office authorizing the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building.

CANOPY, ATTACHED. A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also "Marquee."

CANOPY, FREE-STANDING. A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

CAREGIVER is an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

CARRY-OUT RESTAURANT means an establishment that by design of the physical facilities, service, or packaging sells prepared ready-to-eat foods intended primarily to be consumed off the premises.

CEMETERY means property used for interring of the dead.

CERTIFICATE OF APPROPRIATENESS is a certificate or other statement indicating approval by the Administrator, the Harbor Area Review Board or the Historic District Review Board as the case may require, of plans for construction, alteration, reconstruction, repair, restoration, demolition, or razing of a building or structure or part thereof.

CHESAPEAKE BAY PRESERVATION AREA or **CBPA** means any land designated by the Town Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9VAC25-830-10 et seq., § 62.1-44.15:68 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

CHILD CARE CENTER means any facility, other than a family home, established for providing childcare, supervision, and protection of children.

CHILD AND PERSONAL CARE USES shall mean any care, activity, and supervision (with or without academic instruction) for five or more children.

CHURCH means a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

CLUB means a group of people organized for a common purpose to pursue common goals,

interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

COASTAL HIGH HAZARD AREA means an area subject to high velocity waters including but not limited to hurricane wave wash. The area is designated on the FIRM as VE.

COMMERCIAL USE is an activity involving the sale of goods or services carried out for profit.

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

COMMISSION shall mean the Cape Charles Planning Commission.

COMPREHENSIVE PLAN is a master plan, long-range plan, intended to guide the growth and development of a community or region that typically includes inventory and analytic sections leading to recommendations for the community's future economic development, housing, recreation and open space, transportation, community facilities, and land use, all related to the community's goals and objectives for these elements.

CONDITIONAL USE means a use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

CONDITIONAL USE PERMIT is a permit recommended by the Planning Commission and issued by the Town Council stating that the conditional use meets all conditions set forth in local ordinances.

CONSTRUCTION FOOTPRINT means the area of all impervious surface including but not limited to buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

CONTINUING CARE RETIREMENT COMMUNITY, sometimes known as a life plan community, is a type of retirement community where a continuum of aging care needs from independent living, assisted living, and skilled nursing care can all be met within the community.

CONTRIBUTING PROPERTIES are those properties constructed fifty (50) years or more ago.

COOPERATIVE means real estate owned by an association, each of the members of which is entitles, by virtue of his ownership interest in the association, to exclusive possession of a unit. (See § 55.1-2100 et seq. Of the Code of Virginia)

CONSTRUCTION shall mean any site or building preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

CONTRIBUTING STRUCTURE OR PROPERTY means a structure, building, or place constructed

on or before 1964 OR which has special significance because of notable architectural or historic features relating to the cultural or artistic heritage of the community and whose authentic look and character should be retained. The National Register of Historic Places (amended 2019) provides the listing of contributing structures and properties. Should a building or structure within the boundaries of the historic district not be listed in the national register, the building or structure will be classified as noncontributing.

COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

COUNTRY CLUB is land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses open to members and their guests.

CRAWL SPACE is an under floor space that is not a basement which usually contains pipes, ducts, wiring and lighting fixtures, and permits access but is too low for standing.

CROP is a harvestable product planted, grown, and cultivated in the soil.

DECK is an uncovered platform, constructed of wood or wood substitute.

DEMOLITION is the dismantling or tearing down of all or part of any building and all operations incidental thereto.

DEMOLITION PERMIT means the official authorization in writing to remove part or all of a building or structure.

DENSITY means the total number of families, individuals, dwelling units, households, or housing structures per unit of land.

DESIGN GUIDELINES are those set of recommendations adopted pursuant to §8.20 and §9.20 of this Code. KN will check Section references

DEVELOPER means the owner or any person with written authorization for the owner who intends to improve or to construct improvements upon any given property.

"Development" means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any tract of land which will be principally devoted to agricultural production.

DIAMETER AT BREAST HEIGHT or **DBH** means the diameter of a tree measured outside the bark at a point 4.5 feet above ground.

DISTRICT is a part, zone, or geographical area within the municipality within which certain

zoning or development regulations apply.

DOG PEN means any structure used to enclose and confine domestic canines outside of the principal building or structure on a lot. Pens shall be located only in the rear yard and in accordance with the Town's zoning regulations. Pens shall be designed to provide the canines with shelter from the elements of nature and constructed in such a manner as not to cause injury to the animal or interfere with movement, vision or respiration. Pens shall be in a clean, dry, and sanitary condition at all times. Animal waste shall not be allowed to accumulate.

DRIPLINE means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

DRIVE-THROUGH ESTABLISHMENT/RESTAURANT shall mean a business establishment so developed that its retail or service character includes providing a driveway approach and service window for motor vehicles so as to serve patrons as they are seated in the motor vehicle and passing by the service window rather than serving them from within a building.

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

DWELLING means a structure or portion thereof that is used exclusively for human habitation.

DWELLING, ACCESSORY is a dwelling unit which is an accessory use to a single- family dwelling or commercial use in the Commercial – Residential District.

DWELLING, CONDOMINUM shall mean a single, separately owned dwelling unit in a multi-unit development or structure, with jointly owned and shared areas and facilities.

DWELLING, DUPLEX shall mean a building designed as a single structure, containing two separate dwelling units joined side-by-side, has direct access to the outside, and each of which is designed or arranged to be occupied by two families living independently of each other.

DWELLING, MANUFACTURED HOME or MOBILE HOME means a special form of 'one-family dwellings' with the following characteristics: A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width, or 40 body feet or more in length, or which when erected onsite is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure, and designed and constructed to National Manufactured Housing Construction and Safety Standards Act of 1974. The term does not include any self-propelled recreational vehicle. Calculations used to determine the number of square feet in a structure will include the total of square feet for each transportable section comprising the completed structure and will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected onsite. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

DWELLING, MULTI-FAMILY shall mean a building designed for and containing three or more dwelling units.

DWELLING, SEASONAL is a dwelling unit not used as a principal residence that may be occupied weekends and for brief periods during the year.

DWELLING, SINGLE FAMILY DETACHED shall mean a single-family dwelling that is located on an individual lot of record.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE) shall mean a dwelling unit which is located on an individual lot of record and which is attached to another dwelling unit or any adjoining lot by a common wall.

DWELLING UNIT means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EASEMENT is a grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

ENGINEER means a professional engineer licensed by the Commonwealth of Virginia.

ENLARGEMENT means an increase in the size of an existing structure or use, including the physical size of the property, building, parking, and other improvements.

EVENT CENTER shall mean a multi-purpose facility generally used for meetings, parties, banquets, weddings, and other social gatherings, conventions, and the display of merchandise by a variety of industrial groups, professional groups, social groups and trade organizations.

EXISTING CONSTRUCTION means, for the purpose of determining rates, structures for which the start of construction commenced before the effective date of the FIRM. EXISTING CONSTRUCTION may also be referred to as **EXISTING STRUCTURES.**

EXISTING USE is the use of a lot or structure at the time of the enactment of the zoning ordinance.

FARM or **FARMLAND** is a parcel of land used for agricultural activities.

FENCE means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FLOOD or FLOODING means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas

from:

A. The overflow of inland or tidal waters.
B. The unusual and rapid accumulation or runoff of surface waters from any source.
C. Mudslides (i.e., mudflows) which are approximately caused or precipitated by accumulations of water on or under the ground.

2. The collapse of subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in 1.a of this section.

FLOOD INSURANCE RATE MAP (FIRM) means the official map of the community, on which the administrator has delineated both special hazard areas and the risk premium zones applicable to the community. FLOOD PLAIN means (1) a relatively flat land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation of runoff of surface water from any source.

FLOOD PLAIN means the channel and the relatively flat area adjoining the channel of a natural stream, river, or body of water that has been or may be covered by floodwater.

FLOOD PLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

FLOOD PROOFING means any combination of structural and nonstructural additions, changes, or adjustments to structure which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOR AREA shall mean the gross horizontal areas of a building, including mezzanines and lofts, exclusive of garages, parking structures, basements, open balconies and porches, and equipment and service areas, measured from the exterior face of the exterior walls of a building.

FOOT CANDLE means a standard measurement of light intensity, defined as the illuminance on a one-square foot surface from a uniform source of light.

FORESTRY means an establishment primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

FRONTAGE is the width in linear feet of each lot where it abuts the right-of-way of any public or private street.

FRONTAGE, BUILDING. The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

FRONTAGE, PROPERTY. The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

FUNERAL HOME is a building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE means a deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

GARAGE, PRIVATE RESIDENTIAL is a structure that is an accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

GOLF COURSE means a tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards, and that may include a clubhouse and shelter.

GOVERNING BODY shall mean the Cape Charles Town Council.

GRADE (ADJACENT GROUND LEVEL), generally flat horizontal surfaces, is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building or structure and the property line. When ground level slopes, the reference plane shall be established by the average of elevations at the four corners of the lot and two additional highest points on the lot (i.e., the average of six points).

GRADING is the act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation.

GROSS FLOOR AREA (GFA) shall mean the total covered floor area inside the building envelope, including exterior walls, and excluding the roof.

GROUND COVER means grasses or other plants and landscaping grown to keep soil from being blown or washed away.

GROUP HOME is a residential facility, licensed by the Department of Behavioral Health and Developmental Services, in which no more than eight individuals with mental illness, mental retardation, or developmental disabilities reside, with one or more residential counselors or other staff persons. For the purposes of this ordinance, mental illness and developmental disability shall not include current

illegal use of or addiction to a controlled substance as defined in § 54.1-3401 of the Code of Virginia.

HARBOR DISTRICT is a zoning district emphasizing the maritime experience of Cape Charles.

HARDSHIP means a restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights, and that which relates to the physical characteristics of the property, not the personal, financial, or self-imposed circumstances of the owner or user.

HEALTH CARE FACILITY means a facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

HISTORIC DISTRICT means an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.

HISTORIC LANDMARK is defined as any building or place listed on the National Register of Historic Places or on the Register of the Virginia Historic Landmarks Commission.

HISTORIC STRUCTURES means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the national register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in the states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a. by an approved state program as determined by the Secretary of the Interior, or b. directly by the Secretary of Interior in the states without approved programs.

HOME OCCUPATION means any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling. Home occupations must be constructed wholly within the building or structure and shall not exceed 50 percent of the total floor area and the residential appearances of the building or structure must be maintained.

HOSPITAL means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residents.

HOTEL is a building in which lodging or boarding and lodging facilities are provided for transient guests, and offered to the public for compensation and in which ingress and egress to and from all rooms are through an inside lobby or office supervised by a person in charge at all hours.

HOUSEHOLD (family) all the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.

HYBRID SYSTEM. An energy system that uses more than one technology to produce energy to work (for example a wind/solar system).

IMPERVIOUS is any paved, hardened or structural surfaces which prevent or impede the infiltration of stormwater into the soil.

IMPERVIOUS COVER means a surface composed of any material that significantly impedes or prevents natural infiltration or water into the soil. Impervious surfaces include but are not limited to roofs, buildings, streets, parking areas, and any concrete, asphalt, compacted gravel, or shell surface.

IMPROVEMENT means any permanent structure that becomes part of, placed upon, or is affixed to real estate.

INDUSTRIAL, LIGHT means industrial uses that meet the performance standards, bulk controls, and other requirements established in an ordinance.

INDUSTRIAL PARK means any tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial uses, with consideration of transportation facilities, circulations, parking, utility needs, aesthetics, and compatibility.

INDUSTRY means those fields of economic activity including forestry, fishing, hunting, and trapping; mining; construction; manufacturing; transportation; communications; electric, gas, and sanitary services; and wholesale trade.

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

INSTITUTIONAL USES shall mean a nonprofit or quasi-public use, such as a religious institution, library, public or private school, hospital, or government owned or government operated structure or land used for public purpose.

INTENSELY DEVELOPED AREA or **IDA** means a portion of Resource Protection Area or a Resource Management Area designated by the Town Council where development is concentrated and little of the natural environment remains.

JUNKYARD means any area, lot, parcel, building, or structure or part thereof used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

KENNEL means a commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee. This includes any building or premises used, designed, or arranged for the boarding or breeding or care of four or more dogs, cats, or other domesticated pets of at least six months of age.

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

KILOWATT (kW). A measure of electric power equivalent to 1,000 watts.

LAND USE means a description of how land is occupied or utilized.

LANDSCAPE means an expanse of natural scenery; lawns, trees, plants, and other natural materials, such as rock and wood chips and decorative features, including sculptures, patterned walks, fountains, and pools.

LANDSCAPE PLAN is a plan indicating the location, size, quantity and species of replacement trees and shrubbery.

LANDSCAPE ZONE is an area reserved for the growing and maintenance of landscape materials, including approved street trees and ground cover.

LOT means a parcel of land occupied by a main structure or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open space, and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

LOT AREA means the total area within the lot lines of a lot, excluding any street right-of-ways.

LOT, CORNER means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT COVERAGE is that portion of the lot that is covered by buildings.

LOT DEPTH means the average distance measured from the front of the lot line to the rear of the lot

line.

LOT, FLAG means a lot not meeting minimum frontage requirements and where access to the public road is by narrow private right-of-way or driveway.

LOT FRONTAGE means the length of the front lot line measured at the street right-of-way line.

LOT LINE means a line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT is the lot line separating a lot from the street right-of-way.

LOT LINE, REAR is the lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT OF RECORD means a lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.

LOT WIDTH is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MANSARD. An inclined decorative roof-like projection that is attached to an exterior building facade.

MANUFACTURED HOME means a structure subject to Federal regulations, which is transportable in one or more sections, is eight body feet or more in width and forty body feet in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation when connected to the required facilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

MANUFACTURED HOME PARK/SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more lots for rent or sale. MAP means the Flood Insurance Rate Map (FIRM) for the community issued by the Federal Insurance Administration.

MANUFACTURED HOUSING means factory built, single-family structures that meet national standards.

MANUFACTURING is an establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or lacquers.

MARINA is a facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews, and guests.

MARQUEE. See "Canopy (attached)."

MEAN SEA LEVEL means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on the Flood Insurance Rate Map are referenced.

MEGAWATT (MW). A measure of electric power equivalent to 1 million watts.

MENTALLY or PHYSICALLY IMPAIRED PERSON is a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § 63.2-2200 of the Code of Virginia, as certified in writing by a physician licensed in the Commonwealth of Virginia.

"Mixed use development" means property that incorporates two or more different uses, and may include a variety of housing types, within a single development.

MOBILE HOME PARK is a site containing space with the required improvements and utilities that are leased for the long-term placement of manufactured houses and that may include services and facilities for the residents.

MODULAR BUILDING, OR HOME OR INDUSTRIALIZED BUILDING means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Unlike Manufactured Homes, the design, installation, and construction of modular or Industrialized homes are regulated by the Uniform Statewide Building Code.

MOTEL is one or more buildings in which lodging or board and lodging are provided for transient guests for compensation and supervised by a person in charge at all hours. Ingress and egress to and from all rooms are made primarily directly from an exterior walkaway rather than from an inside lobby.

MUNICIPAL COMMUNITY CENTER. See 'Neighborhood Community Center."

NACELLE. The cover housing surrounding a wind turbine, usually at the center of the blades.

NEIGHBORHOOD is an area of the community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as roads, railroads, or other natural features.

NEIGHBORHOOD COMMUNITY CENTER is a facility within Residential Districts intended for the use of Town citizens for recreational and educational use.

NEW CONSTRUCTION means, for the purpose of determining insurance rates, structures for which the

start of construction commenced on or after the effective date of the initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood management purposes, NEW CONSTRUCTION means structures for which the start of construction commenced on or after the effective date of a flood plain management regulation adopted by a community and includes any subsequent improvement to such structures.

NON-CONFORMING LOT is a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NON-CONFORMING STRUCTURE or **BUILDING** is a structure or building, the size, dimensions, or location of which was lawful prior to adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NON-CONFORMING USE is a use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONTRIBUTING STRUCTURE are those that were built after 1964 or have been altered to such a degree that they are no longer representative of the period which they were built or are in such poor physical condition that their retention is difficult. The National Register of Historic Places (amended 2019) provides the listing of non-contributing structures and properties. Should a building or structure within the boundaries of the historic district not to be listed in the national register, the building or structure will be classified as non-contributing.

NONPOINT SOURCE POLLUTION means pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

NONTIDAL WETLANDS means those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions such as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act in 33 C.F.R. 328.3b.

NOXIOUS WEEDS means weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

OCCUPANCY PERMIT is a required permit allowing the use of a building or structure after it has been determined that all the requirements of applicable ordinances have been met.

OFFICE means a room or group of rooms for conducting affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication

equipment.

OFF-SITE PARKING means parking provided for a specific use but located on a site other than the one on which the specific use is located.

OPEN SPACE is a lot or portion of a lot set aside, designated or reserved for the outdoor enjoyment of the public or for all persons occupying a building on the lot, and is preserved as natural areas or is designed as a park or recreational area.

OUTDOOR STORAGE means the keeping in an enclosed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

OVERLAY ZONE is an area where additional requirements are superimposed upon a base zoning district or underlying district.

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

PARAPET. The extension of a building facade above the line of the structural roof.

PARCEL: See **LOT**.

PARK means a tract of land designated and used by the public for active and passive recreation.

PARKING LOT OR PARKING GARAGE shall mean an area or building designated and designed for the temporary storage of vehicles.

PARKING SPACE shall mean a marked or striped usable hard-surfaced area enclosed within a main or accessory building, or unenclosed, permanently reserved for the temporary storage of one vehicle.

PATIO is an uncovered courtyard composed of a paved surface such as concrete, tile, or brick which lies directly on the ground.

PAVERS shall mean preformed paving blocks that are installed on the ground to form patterns while at the same time facilitate pedestrian and vehicular travel.

PEDESTRIAN WALKWAY shall mean a walking surface similar to a sidewalk, which facilitates the safe, unobstructed and convenient flow of pedestrians internally on a private property.

PEN means a small enclosure used for the concentrated confinement and housing of animals, a place for feeding and fattening animals, or a coop. Enclosed pastures or range with an area in excess of one hundred square feet for each animal shall not be regarded as a pen.

PERIOD OF SIGNIFICANCE: The National Register of Historic Places recognizes buildings, sites, and districts for their historic significance, and has documented that the significance be associated with a discrete chronological period for the Cape Charles Historic District from 1883 to 1964.

PERMEABILITY is the ease with which air, water, or other fluids can move through soil or rock.

PERMIT is any written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

PERMITTED USE means any allowable use in a zoning district and subject to the restrictions applicable to the zoning district.

PERSON means any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

PERVIOUS is any surface or element through which water can infiltrate directly into the ground.

PERVIOUS PAVING is any paving surface that presents an opportunity for precipitation to infiltrate or percolate directly into the ground.

PHASE or **PHASED** is subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

PICNIC AREA means a place equipped with tables, benches, grills, and trash receptacles for people to assemble, cook, eat, and relax.

PLACE OF WORKSHIP shall mean a building where persons regularly assemble for religious purposes and related social events and which is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

"Planned unit development" means a form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

PLAN OF DEVELOPMENT means the process for site plan or subdivision plat review to ensure compliance with § 62.1-44.15:67 et seq. of the Code of Virginia and this Article prior to any clearing or grading of a site or the issuance of a building permit.

"Plat" or "plat of subdivision" means the schematic representation of land divided or to be divided and information in accordance with the provisions of §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and 15.2-2264, and other applicable statutes.

PLAYGROUND means an active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

PLOT means a single-family parcel of land or a parcel of land that can be identified and referenced to a recorded plat or map.

PORCH means a roofed area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned, or has water and sewer service, and when the percentage of window area to wall area is less than fifty percent.

PREMISES shall mean any building, lot, parcel of land, or portion of land whether improved, or unimproved including adjacent sidewalks and parking strips.

PRESERVATION is the process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. However, new exterior additions are not within the scope of this treatment.

PRINCIPAL BUILDING shall mean a building in which is conducted the principal permitted use(s) of the lot on which said building is situated.

PRINCIPALLY ABOVE GROUND means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

PRIVATE shall mean property owned by individuals, corporations, and other organizations and not by city, county, state or federal governments.

PROFFER is an offer of restrictions on use of property presented by an applicant for conditional rezoning or a special exception.

PROJECT shall mean the entire proposed development.

PROPERTY means a lot, parcel, or tract of land together with the building and structures located thereon.

PUBLIC, when used as a modifier shall mean "government-owned" or "government-operated."

PUBLIC AREA means any park, playground, trail, path, or other recreational area and open space; scenic and historical sites; schools and other public buildings and structures; and other places where the public is directly or indirectly invited to congregate.

PUBLIC ART is a fountain, sculpture, painting, mural, or similar object that is sited within a planned development as a focal point and is intended for the enjoyment of the general public.

PUBLIC ROAD means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed and maintained, or both, by the Town of Cape Charles in accordance with the standards of the Town of Cape Charles.

PUBLIC UTILITY means a closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

PUBLIC UTILITY FACILITY means any building, structure, and facility including generating and switching stations, poles, lines, pumping stations, repeaters, antennas, transmitters, and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

RECONSTRUCTION is any or all work needed to remake or rebuild all or part of any building to a sound condition, but not necessarily of original materials. It is the process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location. Reconstruction is different from the other historic treatments in that it is undertaken when there are often no visible historic materials extant or only a foundation remains.

RECREATION, ACTIVE means leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION, PASSIVE means activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar games.

RECREATIONAL VEHICLE means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designated to be self-propelled or permanently towable by a light-duty truck; and
4. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel, or seasonal use.

REDEVELOPMENT means the process of developing land that is or has been previously developed.

REHABILITATION is the process of making possible a compatible use for a property through repair, alterations, and additions while retaining to the maximum extent practicable those portions or features which convey its historical, cultural, or architectural values.

REGULATION shall mean any rule, development standard, or other requirement adopted by the governing body pursuant to the requirements of this Zoning Ordinance.

REPAIRS are any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.

RESIDENCE means a home or abode or place where an individual is actually living at a specific point in time.

RESIDENTIAL PROPERTY shall mean all property used for single-family detached, single-family attached, or multifamily residences, or mixed-use development that contains one or more dwelling units.

RESOURCE MANAGEMENT AREA or **RMA** means that component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

RESOURCE PROTECTION AREA or **RPA** means that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

RESTAURANT means an establishment where food and drink are prepared and served and consumed primarily within the principal building.

RESTORATION is any or all work connected with the returning to or restoring of a building or a part of any building to its original condition through the use of original or nearly original materials. It is the process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

RETAIL is the selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.

RETAIL SALES mean an establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAINING WALL is a structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

RIGHT-OF-WAY means (1) a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipelines, water line, sanitary storm sewer, and other similar uses; (2) generally the right of one to pass over the property of another.

ROOF LINE. The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

SAND DUNES means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

SATELLITE EARTH STATION ANTENNA means a parabolic or dish-shaped antenna over 24 inches in diameter or any other apparatus or device that is designed for the purpose of receiving radio waves.

SETBACK is the minimum distance allowable between a building or structure and any lot line.

will duplicate definitions from Sign Ordinance here

SIGN means any letters, words, numbers, figures, devices, designs, emblems, trademarks, or any parts or combinations thereof, by which anything is made known. The structure, supports, or uprights on which any sign is supported shall be considered a part of the sign.

SIGN. Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN, ANIMATED means A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

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Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle.
2. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other

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devices or displays that respond to naturally occurring external motivation.
Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

SIGN AREA means the entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the support structures.

SIGN AREA. The simple geometric measure of the sign material substrate.

SIGN, AWNING. A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."

SIGN, BANNER. A sign utilizing a banner as its display surface.

SIGN, BUSINESS is a sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

SIGN, CANOPY. A sign affixed to the visible surface(s) of an attached or free-standing canopy. For reference, see Section C.

SIGN, CHANGEABLE. A sign with the capability of content change by means of manual or remote input, including signs which are:

Electrically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."
Manually activated. Changeable sign whose message copy or content can be changed manually.

SIGN, COMBINATION. A sign that is supported partly by a pole and partly by a building structure.

SIGN COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN, DEVELOPMENT COMPLEX. A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with Section I.2 of this chapter.

SIGN, DIRECTIONAL means signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way," "entrance," and "exit."

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SIGN, DIRECTIONAL. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

SIGN, DOUBLE-FACED. A sign with two faces, back to back.

SIGN, ELECTRIC. Any sign activated or illuminated by means of electrical energy.

SIGN, ELECTRONIC MESSAGE. An electrically activated changeable sign whose variable message capability can be electronically programmed.

SIGN, EXTERIOR. Any sign placed outside a building.

SIGN FACE. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. see Section C.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the *sign* copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of *sign* structures with routed areas of sign copy, the *sign* face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the *sign* face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the *sign* copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of *sign* copy enclosed within a painted or illuminated border or displayed on a background contrasting in color with the color of the building or structure, the *sign* face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN, FASCIA. See "Wall or fascia sign."

SIGN, FLASHING. See "Animated sign, electrically activated."

SIGN, FREESTANDING means any non-movable sign not affixed to a building or solid structure.

SIGN, FREE-STANDING. A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. Maximum size of 10 square feet. For visual reference, see Section C.

SIGN, GROUND. See "Free-standing sign."

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SIGN, HOME OCCUPATION means a sign containing only the name of the occupation of a permitted home occupation.

SIGN, ILLUMINATED. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated). Lighting fixtures must be dark sky compliant.

SIGN, INTERIOR. Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

SIGN, MARQUEE. See "Canopy sign."

SIGN, MENU BOARD. A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification. Maximum size of 10 square feet.

SIGN, MULTIPLE-FACED. A sign containing three or more faces.

SIGN, OFF-PREMISE. See "Billboard."

SIGN, ON-PREMISE. A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

SIGN, OUTDOOR ADVERTISING. See "Billboard."

SIGN, POLE. See "Free-standing sign."

SIGN, POLITICAL means a temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

SIGN, POLITICAL. A temporary sign intended to advance a political statement, cause or candidate for office during an election. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

SIGN, PORTABLE. Any sign not permanently attached to the ground or to a building or building surface. See "Temporary Sign."

SIGN, PROJECTING. A sign other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see Section C.

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SIGN, REAL ESTATE means a sign pertaining to the sale or lease of the premises or a portion of the premises on which the sign is located.

SIGN, REAL ESTATE. A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

SIGN, REVOLVING. A sign that revolves 360 degrees (6.28 rad) about an axis. See also "Animated sign, mechanically activated."

SIGN, ROOF. A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs, see Section C.

SIGN, SANDWICH BOARD. A freestanding temporary sign, constructed of two large boards hinged at the top, held together by a chain or rope, with no other moving parts or lights; displayed outside a business, during business hours, to advertise the business, hours of operation, an event, a promotion, etc. Maximum size of 10 square feet.

SIGN STRUCTURE. Any structure supporting a sign.

SIGN, TEMPORARY means a sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

SIGN, TEMPORARY. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

SIGN, UNDER-CANOPY OR UNDER-MARQUEE. A sign attached to the underside of a canopy or marquee.

SIGN, V. Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 (1.57 rad) degrees with the distance between the sign faces not exceeding 5 feet (1524 mm) at their closest point.

SIGN, WALL OR FASCIA. A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs, see Section C.

Deleting-Included in Sign Ordinance Definitions

SIGN, WINDOW. A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

SILVICULTURAL ACTIVITIES means forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code or Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

"Site plan" means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.

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.

SPOT ZONING means the rezoning of a lot or parcel of land to benefit an owner for a use incompatible with the surrounding land uses and that does not further the comprehensive plan.

STANDARDS are Zoning Ordinance requirements that are evaluated by the Zoning Administrator or Code Official and not under the discretion of the Historic District Review Board or the Harbor Area Review Board.

START OF CONSTRUCTION means the date the building permit was issued, provided the actual START OF CONSTRUCTION, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of property or accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual START OF CONSTRUCTION means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

STOOP is a small porch (covered or uncovered) and the step(s) to it.

STORY means that portion of a building included between the surface of any floor and the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it. A basement shall be counted as a story if over 50 percent of its height is above finished grade.

STORY, HALF, HABITABLE ATTIC, means a finished or unfinished area, not considered a full story, complying with all of the following requirements:

- The occupiable floor area is at least 70 square feet.
- The occupiable floor area has a ceiling height of not less than 7 feet. For rooms with sloped ceilings, ceiling height shall not be less than 5 feet and not less than 50 percent of the required floor area shall have a ceiling height of not less than 7 feet. A shower or tub equipped with a shower head shall have a ceiling height in accordance with the Virginia Residential Building Code.
- The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.
- Total occupiable space shall not exceed 50 percent of the greatest story floor area.

"Street" means highway, street, avenue, boulevard, road, lane, alley, or any public way.

STREET, ARTERIAL means a street which moves or is designed to move large volumes of traffic from one part of town to another, connecting residential areas with employment centers and centers of commercial activity. Traffic volumes are usually 500 vehicles per day or greater.

STREET, COLLECTOR means a street that collects traffic from local streets and connects with minor and major arterial.

STREET, LOCAL means a street designed to provide vehicular access to abutting property and to discourage through traffic.

STREET SCAPE means a design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, landscaping, street paving, street furniture, trees and other plantings, awnings, and marquee signs and lighting.

STRUCTURAL ALTERATION means any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimension or configuration of the roof or exterior walls.

STRUCTURE means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

STRUCTURE, APPURTENANT means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

"Subdivision," unless otherwise defined in an ordinance adopted pursuant to § 15.2-2240, means the division of a parcel of land into three or more lots or parcels of less than five acres each for the

purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with § 15.2-2258. Nothing in this definition, section, nor any ordinance adopted pursuant to § 15.2-2240 shall preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size, and such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement shall not result in any nonconformity with local ordinances and health department regulations. Notice shall be provided to the zoning administrator of the locality in which the parcels are located for review. For any property affected by this definition, any division of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction shall take precedence over the requirements of Article 6 (§ 15.2-2240 et seq.) and the minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by more than 20 percent. A copy of the final decree shall be provided to the zoning administrator of the locality in which the property is located.

SUBSTANTIAL ALTERATION means expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENTS means any construction, rehabilitation, addition, or other improvements of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure as continued designation as a historic structure.

TAKING means to take, expropriate, acquire, or seize property without compensation.

TEMPORARY STRUCTURE shall mean a structure without any foundation or footing and removed when the designated time period, activity, or use of which the temporary structure was erected has ceased.

TIDAL SHORE or **SHORE** means land contiguous to a tidal body of water between the mean low water level and the mean high-water level.

TIDAL WETLANDS means the vegetated and non-vegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia.

TOWER (WIND ENERGY). The structure on which the wind system is mounted.

TOWER HEIGHT (WIND ENERGY). The height above grade of the fixed portion of the tower, including the nacelle and excluding the rotor blades.

TRACT is an area, parcel, site, piece of land, or property that is the subject of development applications.

TRAILER means a structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying materials, goods, or objects or as a temporary office.

TRANSPORTATION FACILITY is any structure or facility that is primarily used, as part of a transit system, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

USE means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

UTILITY INSTALLATION. See Public Utility Facility.

VACANCY means any unoccupied land, structure, or part thereof that is available and suitable for occupancy.

"Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

VIEWSHEDS are the areas of land extending south from Washington Avenue to Bayshore Lane, that align in width and angle with the existing streets to the north (including Harbor Street and Peach Street), that shall be restricted to only ground- level development and their amenities, including but not limited to streets, pedestrian or multi-modal trails, or linear parks, so as to maintain the view from the north to the south and vice-versa.

WATER-DEPENDENT FACILITY means a development of land that cannot exist outside the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include but are not limited to: (1) ports; (2) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (3) marinas and other boat docking structures; (4) beaches and other public water-oriented recreation areas; and (5) fisheries or other marine resources facilities.

WETLANDS means tidal and non-tidal wetlands.

All Wind Energy-related removed

WIND ENERGY FACILITY. An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND ENERGY FACILITY, LARGE SYSTEM. A system which has a rated capacity of not more than 999kW.

WIND ENERGY FACILITY, MICRO SYSTEM. A building mounted wind system that has a manufacturer's rating of 10kW or less and projects no more than 18 feet above the highest point of the roof and shall not be considered a small wind energy system in terms of the area or setback requirements. Only one facility is allowed per dwelling unit.

WIND ENERGY FACILITY, SMALL SYSTEM. A system which has a rated capacity of not more than 25kW and primarily used for onsite consumption.

WIND ENERGY FACILITY, UTILITY SCALE. A wind energy conversion system consisting of one or more wind turbine(s), tower(s), and associated control or conversion electronics, which has a rated capacity of 1mW or greater.

WIND FARM. See "Wind Energy Facility – Utility Scale."

WIND POWER. Electrical Power generated by wind driven turbine blades turning an electrical generator.

WIND PUMP. A type of windmill used for pumping water from a well or pond.

WIND TURBINE. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, and pad transformer.

WIND TURBINE HEIGHT. The distance measured from the grade to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

WINDMILL. A machine designed to convert the energy of the wind into more useful forms using rotating blades to turn mechanical machinery to do physical work, such as crushing grain or pumping water.

WORKFORCE HOUSING means housing commonly targeted at "essential workers" in a community (e.g., police officers, firefighters, teachers, nurses, medical personnel, service workers). Workforce housing is targeted more generally at income levels from 80% to 120% of Area Median Income (AMI), regardless of type of employment.

YARD is an open space that lies between the principal building or buildings and the nearest lot.

YARD, FRONT means a space extending the full width of the lot between any building and the front lot line and measured perpendicularly to the building at the closest point to the front lot line.

YARD, REAR means a space extending across the full width of the lot between the principal building and the rear of the lot and measured perpendicularly to the building to the closest point of the rear lot line.

YARD, SIDE means a space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicularly from the side lot line to the closest point of the principal building.

ZONING or **TO ZONE** means the process of classifying land within a locality into areas and districts, being generally referred to as "zones," and the prescribing and application in each of these areas and district regulations concerning buildings and structural designs, building and structure placement, and uses to which the land, buildings, and structures within such designated areas may be put.

June 2024 Treasurer's Report

Page 1 – Cash Position

- An Accounts Payable check run was processed on June 28 in the amount of $220,159 which reduced the cash balance in our Atlantic Union checking account on June 30 to (-$105,452). Funds weren't transferred from the money market account to cover these checks until they were mailed in July. This is only a timing difference.
- A USDA RD debt service payment in the amount of $19,234 was made in June. This loan is associated with the purchase of a police vehicle, police video surveillance equipment, and a water truck in 2021. The loan matures in 2026.
- The facility fee reserve cash balance as of 6-30-24 is $3,801,823.

Page 2 – Revenues vs. Expenditures

- Numbers on this schedule are preliminary. Numerous FY24 closing revenue and expense accruals are pending and these entries will be recorded soon. The June books will remain open until Robinson, Farmer, and Cox CPA's complete their annual audit in 2025.

Page 3 – Capital Projects

- No capital expenditures were incurred during the month. A $32,334 grant check was received in June from Cape Charles Main Street for reimbursement of costs related to the Welcome Center.

Page 4 – Tax Revenue Trends

- FY24 actual BPOL, Meals, TOT, and Harbor dockage revenue streams all fell short of budget projections.

Tax Collection Rate

- This schedule has been omitted from the June report. It will reappear once we bill 2024 real estate personal property taxes this fall.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
June 30, 2024

Cash on Hand	5/31/2024	6/30/2024	Increase/ (Decrease)
Atlantic Union Bank Checking Account	$118,001	-$105,452	-$223,453
Atlantic Union Bank Money Market Account	$1,338,085	$1,213,604	-$124,481
LGIP Account 1 - Unrestricted	$114,244	$114,752	$508
LGIP Account 2 - Unrestricted	$332,562	$334,177	$1,615
Virginia Investment Pool Liquidty Unassigned	$11,997,984	$12,051,410	$53,425
Virginia Investment Pool 1-3 Year Unassigned	$1,046,666	$1,052,936	$6,270
Total Cash On Hand	**$14,947,541**	**$14,661,426**	**-$286,115**

Restricted and Reserved Cash Balances	5/31/2024	6/30/2024	Increase/ (Decrease)
Atlantic Union Bank Checking Account - Police Funds	$431	$431	$0
LGIP Account 2 - Restricted for USDA loan covenant	$30,562	$30,562	$0
Atlantic Union Checking Account Library CD converted to cash	$11,131	$11,131	$0
Atlantic Union Bank Checking Account - E-Summons Revenue Rsrvd	$14,578	$14,751	$173
US Bank - Reserved per VRA Interest Free Loan Requirements	$257,581	$258,658	$1,077
ComputerShare 2010 Debt Service pass through account #300	$0	$0	$0
ComputerShare 2010 Debt Service pass through account #308	$0	$0	$0
Atlantic Union Money Market # ARPA CRF #5847	$0	$0	$0
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	$3,784,969	$3,801,823	$16,854
Total Cash Held in Reserve	**$4,099,252**	**$4,117,355**	**$18,103**
Total Cash - All Accounts	**$19,046,793**	**$18,778,782**	**-$268,012**

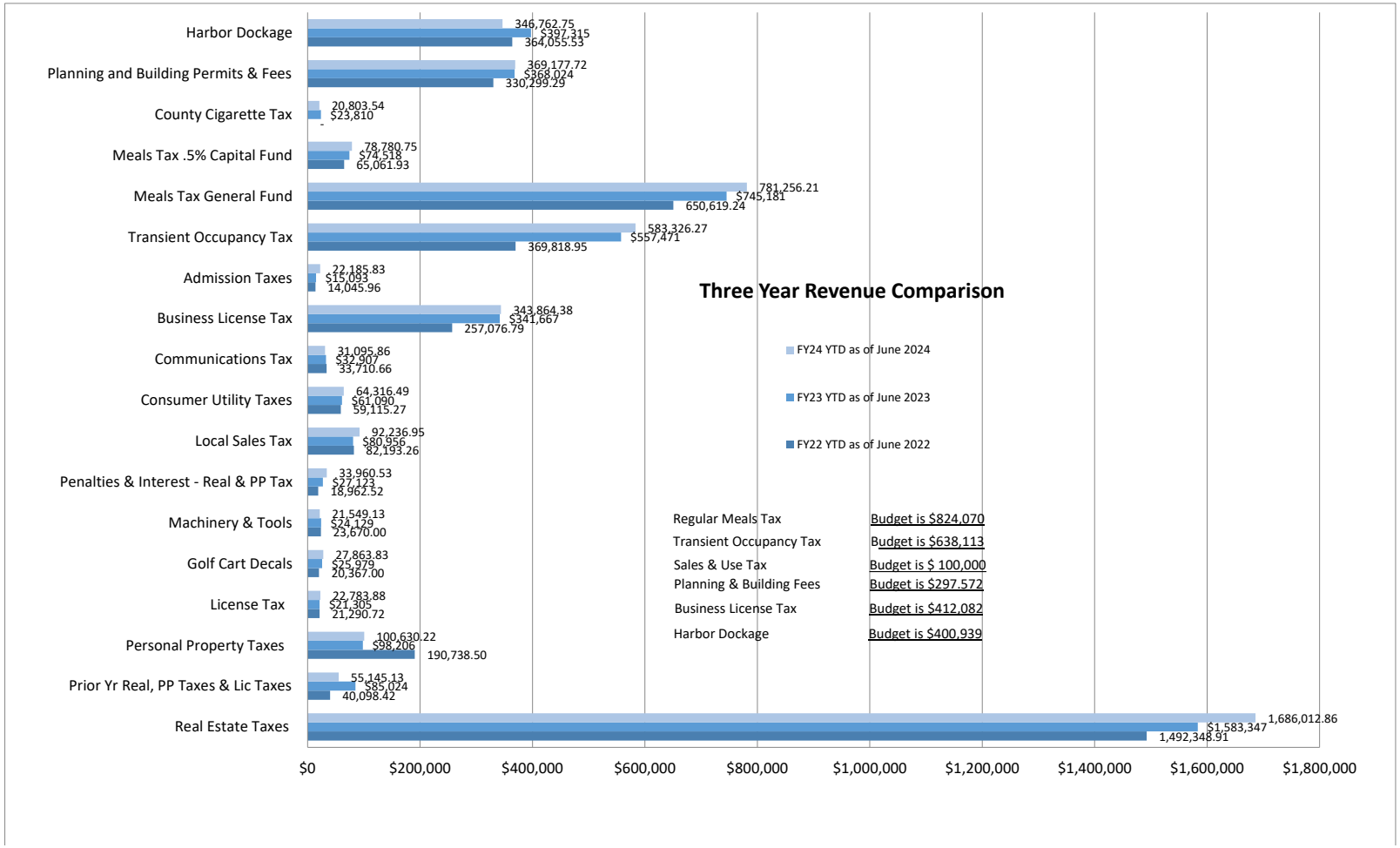
MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
June 30, 2024

REVENUE VS. EXPENDITURES

FUND	CURRENT MONTH	CURRENT YEAR-TO-DATE	ANNUAL BUDGET	% REALIZED/ EXPENDED FY24
GENERAL Fund				
REVENUE	$548,193	$5,369,677	$6,029,809	89.05%
EXPENDITURES	$363,828	$4,568,843	$6,029,809	75.77%
NET	**$184,365**	**$800,834**	**$0**	
GENERAL Capital Fund				
REVENUE	$51,455	$525,808	$2,222,536	23.66%
EXPENDITURES	$7,254	$922,833	$2,222,536	41.52%
NET	**$44,201**	**($397,025)**	**$0**	
GENERAL Debt Service Fund				
REVENUE	$19,234	$846,905	$255,223	331.83%
EXPENDITURES	$19,234	$1,188,507	$255,223	465.67%
NET	**$0**	**($341,601)**	**$0**	
GENERAL Special Activities Fund				
REVENUE	$0	$71,970	$296,350	24.29%
EXPENDITURES	$7,628	$112,937	$296,350	38.11%
NET	**($7,628)**	**($40,966)**	**$0**	
PUBLIC UTILITIES Fund				
REVENUE - Operating	$14,469	$17,388,659	$4,559,315	381.39%
EXPENDITURES - Operating	$195,720	$2,096,228	$4,559,315	45.98%
NET	**($181,251)**	**$15,292,431**	**$0**	
HARBOR Fund				
REVENUE - Operating	$251,796	$1,674,424	$1,626,984	102.92%
EXPENDITURES - Operating	$139,119	$1,435,286	$1,626,984	88.22%
NET	**$112,676**	**$239,138**	**$0**	
SANITATION Fund				
REVENUE	$27,995	$334,290	$314,265	106.37%
EXPENDITURES	$53,176	$325,080	$314,265	103.44%
NET	**($25,182)**	**$9,210**	**$0**	

FY 24 Capital Improvement Project Tracking Report

As of: 6/30/2024	FY24 Status or Start Date	% of Current Year Budget	FY24 Budgeted	QTR 1 Expended	QTR 2 Expended	QTR 3 Expended	QTR 4 Expended	FY24 YTD Expended	(Over)/Under Budget
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	In Process	76.2%	$ 1,055,454	$ 8,860	$ 148,788	$ 323,203	$ 323,704	$ 804,555	$ 250,899
Municipal Space Replacement Planning (ARPA)	In Process	35%	$ 210,000	$ 62,755	$ 11,623			$ 74,378	$ 135,622
Welcome Center Design & Contruction - HBA	In Process	1.0%	$ 455,000	$ 4,070	$ 541			$ 4,611	$ 450,389
4 Police Vehicles; 1 ARPA/2 USDA	In Process	106%	$ 158,300	$ 77,982	$ 7,568	$ -	$ 82,226	$ 167,776	$ (9,476)
Library Upgrade & Condo-ization - HBA	In Process	10%	$ 310,000	$ 4,323	$ 27,203			$ 31,525	$ 278,475
Storage Facility Roofing	Pending	0%	$ 20,000					$ -	$ 20,000
Capital Project Contingency	Pending	0%	$ 41,141					$ -	$ 41,141
Subtotal			**$ 2,249,895.00**	**$ 157,989**	**$ 195,723**	**$ 323,203**	**$ 405,930**	**$ 1,082,846**	**$ 1,167,049**
Utility Fund -Water									
Keck Well Connection	Suspended	3%	$ 1,150,000	$ 15,243	$ 5,335		$ 14,518	$ 35,096	$ 1,114,904
Utility Fund - Wastewater									
WWTP Membrane Replacement	Completed	99%	$ 465,000		$ 445,259	$ 14,820		$ 460,079	$ 4,921
Sewer Pod Controller Upgrades	Completed	101%	$ 14,500		$ 14,635			$ 14,635	$ (135)
Subtotal			**$ 1,629,500.00**	**$ 15,243**	**$ 465,229**	**$ 14,820**	**$ 14,518**	**$ 509,810**	**$ 1,119,690**
Harbor Fund									
Fixed Dock Repair (work t/b done by CC Marine Services)	Pending	0%	$ 13,000					$ -	$ 13,000
Inshore Breakwater Repair/Upgrade	Completed	95%	$ 656,998	$ 4,688	$ 167,592	$ 450,871		$ 623,150	$ 33,848
Subtotal			**$ 669,998**	**$ 4,688**	**$ 167,592**	**$ 450,871**	**$ -**	**$ 623,150**	**$ 46,848**
TOTAL			**$ 4,549,393**	**$ 177,919**	**$ 828,544**	**$ 788,894**	**$ 420,448**	**$ 2,215,806**	**$ 2,333,587**


Three Year Revenue Comparison
FY24 YTD as of June 2024
FY23 YTD as of June 2023
FY22 YTD as of June 2022
Harbor Dockage
346,762.75
$397,315
364,055.53
Planning and Building Permits & Fees
369,177.72
$368,024
330,299.29
County Cigarette Tax
20,803.54
$23,810
-
Meals Tax .5% Capital Fund
78,780.75
$74,518
65,061.93
Meals Tax General Fund
781,256.21
$745,181
650,619.24
Transient Occupancy Tax
583,326.27
$557,471
369,818.95
Admission Taxes
22,185.83
$15,093
14,045.96
Business License Tax
343,864.38
$341,667
257,076.79
Communications Tax
31,095.86
$32,907
33,710.66
Consumer Utility Taxes
64,316.49
$61,090
59,115.27
Local Sales Tax
92,236.95
$80,956
82,193.26
Penalties & Interest - Real & PP Tax
33,960.53
$27,123
18,962.52
Machinery & Tools
21,549.13
$24,129
23,670.00
Golf Cart Decals
27,863.83
$25,979
20,367.00
License Tax
22,783.88
$21,305
21,290.72
Personal Property Taxes
100,630.22
$98,206
190,738.50
Prior Yr Real, PP Taxes & Lic Taxes
55,145.13
$85,024
40,098.42
Real Estate Taxes
1,686,012.86
$1,583,347
1,492,348.91
Regular Meals Tax Budget is $824,070
Transient Occupancy Tax Budget is $638,113
Sales & Use Tax Budget is $ 100,000
Planning & Building Fees Budget is $297.572
Business License Tax Budget is $412,082
Harbor Dockage Budget is $400,939
$0
$200,000
$400,000
$600,000
$800,000
$1,000,000
$1,200,000
$1,400,000
$1,600,000
$1,800,000

July 2024 Treasurer's Report

Page 1 – Cash Position

- A check run in the amount of $304,700 was processed on July 31st. Prior to mailing the checks, funds were transferred to cover the amount paid, but due to the timing, our general operating account shows a "false" negative balance.
- The facility fee reserve cash balance as of 7-31-24 is $3,819,313.
- A payment in the amount of $11,882 was made to Vanasse Hangen Brustlin for consulting services regarding the beachfront master planning effort. Although the payment was recorded as a June expenditure because of our accounting method, it was actually made in July and affected July cash balances.

Page 2 – Revenues vs. Expenditures

- The town paid its first quarter general liability, property and workers' compensation insurance premium in the amount of $30,325. This $12,600 decrease from last year is due to the decreased risk and liability since the sale of the utilities (water and wastewater).
- The Public Works Department purchased three vehicles and additional equipment for a total cost of $223,964, as budgeted.
- The final payment on one of our USDA loans was made in the amount of $5,146. This loan originated from the 2019 purchase of a police vehicle. Two USDA loans for police vehicles remain.

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

Cash on Hand	6/30/2024	7/31/2024	Increase/ (Decrease)
Atlantic Union Bank Checking Account	-$105,452	-$107,885	-$2,433
Atlantic Union Bank Money Market Account	$1,213,604	$708,968	-$504,636
LGIP Account 1 - 0565 - Unrestricted	$114,752	$115,280	$527
LGIP Account 2 - 0195 - Unrestricted	$334,177	$336,296	$2,118
Virginia Investment Pool Liquidty Unassigned - 5003	$12,051,410	$12,106,851	$55,441
Virginia Investment Pool 1-3 Year Unassigned 0001	$1,052,936	$1,063,536	$10,601
Total Cash On Hand	**$14,661,426**	**$14,223,045**	**-$438,382**

Restricted and Reserved Cash Balances	6/30/2024	7/31/2024	Increase/ (Decrease)
Atlantic Union Bank Checking Account - Police Funds	$431	$431	$0
LGIP Account 2 - Restricted for USDA loan covenant	$30,562	$30,120	-$442
Atlantic Union Checking Account Library CD converted to cash	$11,131	$11,131	$0
Atlantic Union Bank Checking Account - E-Summons Revenue Rsrvd	$14,751	$14,868	$117
US Bank - Reserved per VRA Interest Free Loan Requirements	$258,658	$259,703	$1,046
ComputerShare 2010 Debt Service pass through account #300	$0	$0	$0
ComputerShare 2010 Debt Service pass through account #308	$0	$0	$0
Atlantic Union Money Market # ARPA CRF #5847	$0	$0	$0
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	$3,801,823	$3,819,313	$17,490
Total Cash Held in Reserve	**$4,117,355**	**$4,135,566**	**$18,211**
Total Cash - All Accounts	**$18,778,782**	**$18,358,611**	**-$420,171**

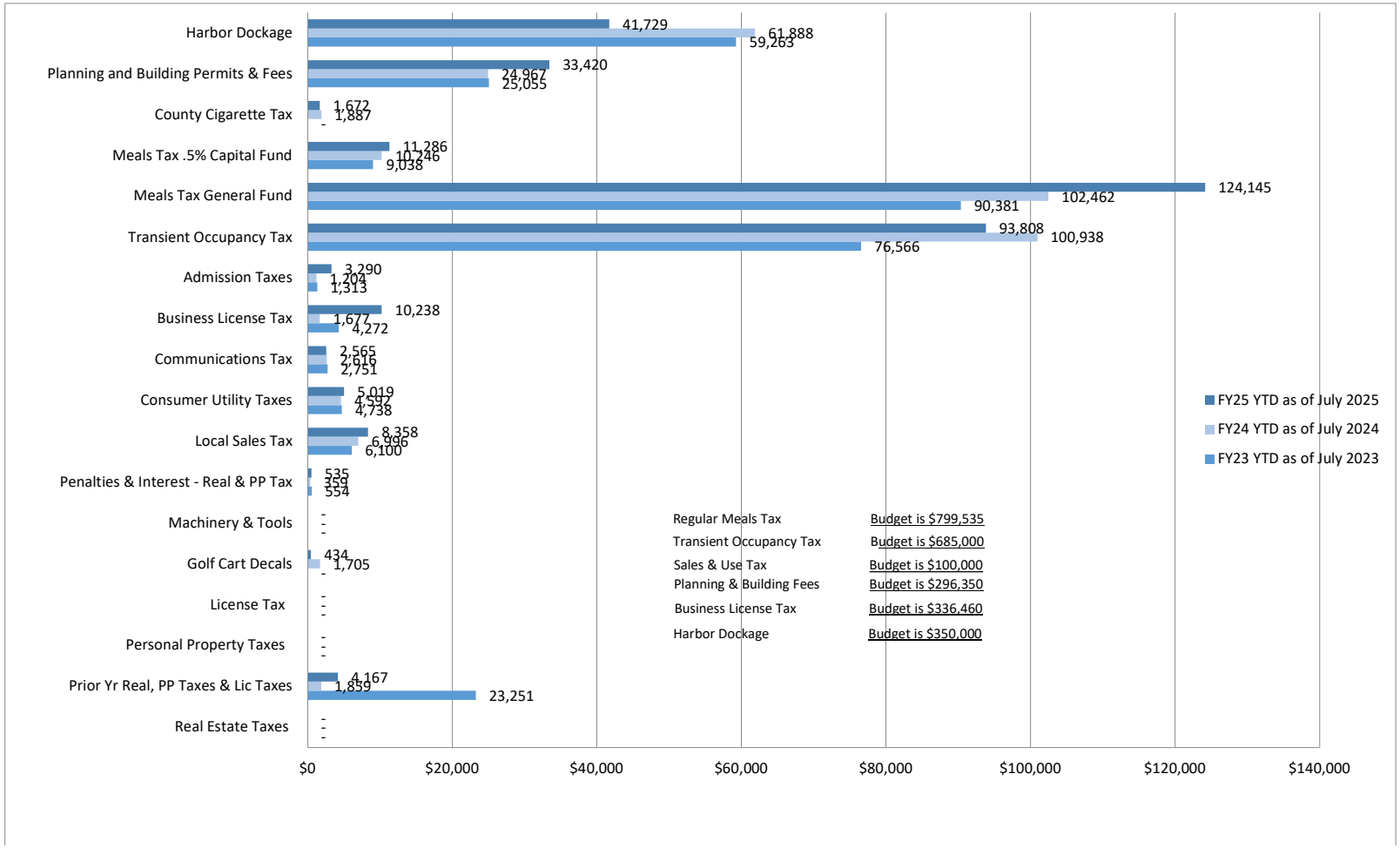
MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
July 31, 2024

REVENUE VS. EXPENDITURES

FUND	CURRENT MONTH	CURRENT YEAR-TO-DATE	ANNUAL BUDGET	% REALIZED/ EXPENDED FY25
GENERAL Fund				
REVENUE	$430,387	$430,387	$5,124,101	8.40%
EXPENDITURES	$644,648	$644,648	$5,124,101	12.58%
NET	**($214,261)**	**($214,261)**	**$0**	
GENERAL Capital Fund				
REVENUE	$11,286	$11,286	$10,790,806	0.10%
EXPENDITURES	$0	$0	$10,790,806	0.00%
NET	**$11,286**	**$11,286**	**$0**	
GENERAL Debt Service Fund				
REVENUE	$0	$0	$25,121	0.00%
EXPENDITURES	$5,146	$5,146	$25,121	20.48%
NET	**($5,146)**	**($5,146)**	**$0**	
GENERAL Special Activities Fund				
REVENUE	$435	$435	$25,500	1.71%
EXPENDITURES	$1,590	$1,590	$25,500	6.24%
NET	**($1,155)**	**($1,155)**	**$0**	
PUBLIC UTILITIES Fund				
REVENUE	$19,215	$19,215	$9,576,514	0.20%
EXPENDITURES	$3,561	$3,561	$9,576,514	0.04%
NET	**$15,654**	**$15,654**	**$0**	
HARBOR Fund				
REVENUE	$125,200	$125,200	$1,162,576	10.77%
EXPENDITURES	$120,437	$120,437	$1,162,576	10.36%
NET	**$4,762**	**$4,762**	**$0**	
SANITATION Fund				
REVENUE	$28,741	$28,741	$345,884	8.31%
EXPENDITURES	$27,400	$27,400	$345,884	7.92%
NET	**$1,341**	**$1,341**	**$0**	

FY 25 Capital Improvement Project Tracking Report

As of: 7/31/2024	FY25 Status or Start Date	% of Current Year Budget	FY25 Budgeted	QTR 1 Expended	QTR 2 Expended	QTR 3 Expended	QTR 4 Expended	FY25 YTD Expended	(Over)/Under Budget
General Capital Fund									
Multi-Use Trails, Phase 3 Construction	Undetermined		$ -	$ -	$ -	$ -	$ -	$ -	$ -
Municipal Space Replacement	In Process	0%	$ 3,250,000	$ -	$ -	$ -	$ -	$ -	$ 3,250,000
Welcome Center Design & Construction	In Process	0%	$ 750,000	$ -	$ -	$ -	$ -	$ -	$ 750,000
Library Upgrade & Condoization	In Process	0%	$ 250,000	$ -	$ -	$ -	$ -	$ -	$ 250,000
Storage Facility Roofing	Suspended		$ -	$ -	$ -	$ -	$ -	$ -	$ -
Subtotal			**$ 4,250,000.00**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 4,250,000**
Harbor Fund									
Inner Harbor Bulkhead Rehab, Phase 3	Pending	0%	$ 221,537	$ -	$ -	$ -	$ -	$ -	$ 221,537
Fixed Dock Rehab	Pending	0%	$ 20,000	$ -	$ -	$ -	$ -	$ -	$ 20,000
Replace Boardwalk With Concrete	Pending	0%	$ 43,000	$ -	$ -	$ -	$ -	$ -	$ 43,000
Subtotal			**$ 284,537**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 284,537**
TOTAL			**$ 4,534,537**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 4,534,537**


Harbor Dockage
41,729
61,888
59,263
Planning and Building Permits & Fees
33,420
24,967
25,055
County Cigarette Tax
1,672
1,887
-
Meals Tax .5% Capital Fund
11,286
10,246
9,038
Meals Tax General Fund
124,145
102,462
90,381
Transient Occupancy Tax
93,808
100,938
76,566
Admission Taxes
3,290
1,204
1,313
Business License Tax
10,238
1,677
4,272
Communications Tax
2,565
2,616
2,751
Consumer Utility Taxes
5,019
4,597
4,738
Local Sales Tax
8,358
6,996
6,100
Penalties & Interest - Real & PP Tax
535
359
554
Machinery & Tools
-
-
Golf Cart Decals
434
1,705
-
License Tax
-
-
Personal Property Taxes
-
-
Prior Yr Real, PP Taxes & Lic Taxes
4,167
1,859
23,251
Real Estate Taxes
-
-
$0
$20,000
$40,000
$60,000
$80,000
$100,000
$120,000
$140,000
FY25 YTD as of July 2025
FY24 YTD as of July 2024
FY23 YTD as of July 2023
Regular Meals Tax Budget is $799,535
Transient Occupancy Tax Budget is $685,000
Sales & Use Tax Budget is $100,000
Planning & Building Fees Budget is $296,350
Business License Tax Budget is $336,460
Harbor Dockage Budget is $350,000

TOWN OF CAPE CHARLES	**AGENDA TITLE:** Reappointment of Building Code Board of Appeals Member		**AGENDA DATE:** September 19, 2024
	SUBJECT/PROPOSAL/REQUEST: Reappointment of Building Code Board of Appeals member for another term		**ITEM NUMBER:** 7A
	ATTACHMENTS: None		**FOR COUNCIL:** Action (X) Information ( )
	STAFF CONTACT (s): Libby Hume	**REVIEWED BY:** John Hozey, Town Manager	

BACKGROUND:

The Building Code Board of Appeals meets as needed to hear appeals concerning the Uniform Statewide building Code. The Board consists of five members each serving five-year terms.

DISCUSSION:

Bruce Brinkley was appointed to the Building Code Board of Appeals in November 2011 and has served continuously on that board. Mr. Brinkley's current term expired on September 10, 2024, and he has expressed his interest in continuing his service to the Town as a member of the Building Code Board of Appeals.

RECOMMENDATION:

Staff recommends that, if deemed appropriate, Council reappoint Mr. Bruce Brinkley to the Building Code Board of Appeals for another term.

TOWN OF CAPE CHARLES	**AGENDA TITLE:** Approval of contract with Baker Tilly for executive recruitment services		**AGENDA DATE** September 19, 2024
	SUBJECT/PROPOSAL/REQUEST: Approval of contract with Baker Tilly for executive recruitment services		**ITEM NUMBER:** 7B
	ATTACHMENTS: Contract and engagement notice		**FOR COUNCIL:** Action (X) Information ( )
	STAFF CONTACT (s): John Hozey, Town Manager	**REVIEWED BY:** John Hozey, Town Manager	

BACKGROUND:

On July 8, 2024, the Town issued an RFP for Recruiting/Marketing services. This solicitation sought a long-term relationship with a professional recruitment consultant to develop certain marketing materials and offer assistance whenever a vacancy occurred at a department head or higher position. The Town received four good proposals. Two were selected by a review committee for interview and negotiation.

ITEM SPECIFICS:

Baker Tilly Advisory Group, LP was selected as the best option due to their qualifications, past work, and familiarity with placements in Virginia. This contract is for two years, with three one-year options to extend. It will enable the Town to negotiate individual engagements each time an appropriate vacancy occurs, at the Town's sole discretion. Each engagement could be customized to the specific situation, with an accompanying scope/fee.

In addition to awarding this broader contract, the action tonight will also include approval of the first of these engagements. This first engagement would be to help recruit a new town manager, in anticipation of the current manager's expected retirement in May of 2025. This particular engagement would include an all-inclusive scope, that includes certain guarantees (please refer to contract documents). The cost of this first engagement will be $26,950.

RECOMMENDATION:

Staff recommends approval of the long-term contact and first engagement with Baker Tilly Advisory Group, as outlined in the attached materials.

Baker Tilly Advisory Group, LP
205 N. Michigan Avenue, Suite 2800
Chicago, IL 60601

www.bakertilly.com

AGREEMENT

This agreement (the "Agreement"), made **September 20, 2024**, documents the **Town of Cape Charles** ("you/r" or "Town") engagement of **Baker Tilly Advisory Group, LP** ("we" or "Baker Tilly") to conduct executive search functions, at the sole discretion of the Town, to include development of associated marketing materials, for executive positions that are or are expected to become vacant in the Town. Each such engagement shall constitute a separate scope of work and shall be compensated based upon separate authorization. This ongoing relationship shall continue for two (2) years, with three (3) one-year options to extend, provided both parties mutually agree. Either party may terminate this arrangement upon 30 days written notice to the other party. The Town's Request for Proposals, dated July 8, 2024, and Baker Tilly's Proposal, dated July 31, 2024 are attached hereto as Exhibit A and B respectfully, and are incorporated by reference.

Scope, Objectives and Approach

All-Inclusive Option:

Phase	Description of Baker Tilly's Professional Services
Phase I	Task 1 – Develop the candidate profile and define the advertising and marketing strategy. Task 2 – Identify qualified candidates that meet the profile.
Phase II	Task 3 – Screen and submit list of recommended semi-finalists to the Town. Task 4 – Conduct reference checks, and academic verifications. A criminal and/or credit history report may also be conducted at this Phase or at the conclusion of Phase III, as specified by you.
Phase III	Task 5 – Final process/on-site interviews with finalists. Task 6 – Assist Client in making offer, which may be made contingent upon the successful completion of a background check as specified by you.
Conclusion	Acceptance of offer by candidate.

Project Timing and Budget

A Project will commence upon your execution of a position specific Agreement and will remain in effect for the period necessary for the successful completion of the Project.

1. The all-inclusive professional fee to complete the Project is $26,950 (the "Fee") and includes the cost of professional services by the Project Team Leader and the project support staff, and all project-related expenses such as advertising, printing, candidate background and reference checks, and travel expenses for on-site visits by the Project Team Leader. Travel expenses incurred by candidates for on-site interviews with the Town are not the responsibility of Baker Tilly and shall be handled directly by the Town. The Town will make payments upon receipt of an invoice submitted by Baker Tilly. Payment to Baker Tilly is due upon receipt. All invoices will be forwarded to the Town for processing unless otherwise directed. For reporting purposes, Baker Tilly's tax identification number is 99-1405547.
2. The Fee will be billed in four installments; 30% of the Fee will be billed upon execution of an Agreement; 30% at the implementation of Phase I; 30% at the implementation of Phase II; and the final 10% upon acceptance of offer by the candidate. The Fee is not contingent. If you terminate this engagement before completion, Baker Tilly shall invoice you for any unpaid portion of the Fee.

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3. If the Town requests Baker Tilly to perform additional services beyond the services described above, such as conducting an employee/community survey or making additional on-site visits, such additional services shall result in additional fees. For an employee/community survey, the additional fee shall be $1650. For additional on-site visits (beyond the three on-site visits which include four consulting days) described above, the additional fee would be an hourly rate of $300 plus expenses.
4. All fees/charges noted above are valid for 12 months from the execution of this agreement. Baker Tilly reserves the right to increase fees/charges for each year beyond 12 months by the lesser of the CPI for Norfolk, Virginia, or five percent (5%).
5. Successive searches conducted within a 12-month period shall be discounted by ten percent (10%).
6. The Town reserves the right to negotiate a scope of work/fee less than the all-inclusive rate on any engagement.
7. Each engagement shall be set forth in writing (Exhibit C), incorporating by reference this entire Agreement, and include the following information:
    a. Title of position being recruited
    b. Project lead for Baker Tilly
    c. Responsible party for the Town
    d. Scope of work for the engagement
    e. Timeline for the engagement
    f. Fees/charges for the engagement
    g. Authorized signatures from both parties

Town's Obligations

1. You agree that you are responsible for candidate selections and that you will not discriminate against any candidate on the basis of age, race, creed, color, religion, sex, sexual orientation, national origin, disability, marital status or any other basis that is prohibited by federal, state or local law.
2. If you decide to not hire a candidate as a result of a criminal or credit history report, you agree to comply with the FCRA with regard to any pre- or post-adverse action notices and requirements.
3. You agree to respond to drafts of documents and reports in a timely manner. Failure to do so on your part will protract timelines and can negatively influence the outcome of the process.

Management's Responsibilities

It is understood that Baker Tilly will serve in an advisory capacity with Town. The Town is responsible for management decisions and functions, and for designating an individual with suitable skill, knowledge or experience to oversee the services we provide. The Town is responsible for evaluating the adequacy and results of the services performed and accepting responsibility for such services. The Town is responsible for establishing and maintaining internal controls, including monitoring ongoing activities.

The procedures we perform in our engagement will be heavily influenced by the representations that we receive from the Town's personnel. Accordingly, false representations could cause material errors to go undetected. The Town, therefore, agrees that Baker Tilly will have no liability in connection with claims based upon a failure to detect material errors resulting from false representations made to us by any Town personnel and our failure to provide an acceptable level of service due to those false representations.

The ability to provide services according to timelines established and at fees indicated will rely in part on

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receiving timely responses from the Town. The Town will provide information and responses to deliverables within the timeframes established in each Agreement unless subsequently agreed otherwise in writing.

The responsibility for auditing the records of Town rests with the Town's separately retained auditor and the work performed by Baker Tilly shall not include an audit or review of the records or the expression of an opinion on financial data.

An executive search for the Town of Cape Charles is considered a non-attest service. As a part of this service, we will not perform any management functions or make management decisions on your behalf. In connection with our performance of this non-attest service, you agree that you will:

- Continue to make all management decisions and perform all management functions.
- Designate an employee with suitable skill, knowledge, and / or experience, preferably within senior management, to oversee the services we perform.
- Evaluate the adequacy and results of our non-attest services.
- Establish and maintain internal controls, including monitoring ongoing activities related to the non-attest function.

Terms and Conditions

1. To the extent allowed under applicable law, the aggregate liability (including attorney's fees and all other costs) of either party and its present or former partners, principals, agents or employees to the other party related to the services performed under this Agreement shall not exceed the fees paid to Baker Tilly under the portion of this Agreement to which the claim relates, except to the extent finally determined to have resulted from the gross negligence, willful misconduct or fraudulent behavior of the at-fault party. Additionally, in no event shall either party be liable for any lost profits, lost business opportunity, lost data, consequential, special, incidental, exemplary or punitive damages, delays or interruptions arising out of or related to this Agreement even if the other party has been advised of the possibility of such damages.
2. Each party recognizes and agrees that the warranty disclaimers and liability and remedy limitations in this Agreement are material bargained for bases of this Agreement and that they have been taken into account and reflected in determining the consideration to be given by each party under this Agreement and in the decision by each party to enter into this Agreement.
3. Neither this Agreement nor any rights or obligations hereunder shall be assigned or delegated by Baker Tilly without your prior written consent. This Agreement shall be modified only by a written agreement duly executed by you and Baker Tilly. Should any of the provisions hereunder be found to be invalid, void, or voidable by a court, the remaining provisions shall remain in full force and effect. Notwithstanding the foregoing, Baker Tilly may assign and transfer this Agreement to any successor that acquires all or substantially all of the business or assets of Baker Tilly by way of merger, consolidation, other business reorganization, or the sale of interests or assets.
4. Copies of all hard copy documents associated with the recruitment will be retained for three (3) years from the anniversary date of the hiring of the candidate. Retention of records beyond three (3) years must be requested in writing before the conclusion of the Project.
5. Baker Tilly US, LLP and Baker Tilly Advisory Group, LP and its subsidiary entities provide professional services through an alternative practice structure in accordance with the AICPA Code of Professional Conduct and applicable laws, regulations and professional standards. Baker Tilly US, LLP is a licensed independent CPA firm that provides attest services to clients. Baker Tilly Advisory Group, LP and its subsidiary entities provide tax and business advisory services to their clients. Baker Tilly Advisory Group, LP and its subsidiary entities are not licensed CPA firms. Baker Tilly Advisory Group, LP and its subsidiaries and Baker Tilly US, LLP are independent members of Baker Tilly International. Baker Tilly International Limited is an English company. Baker Tilly International provides no professional services to clients. Each member firm is a separate and independent legal entity and each describes itself as such. Baker Tilly Advisory Group, LP and Baker Tilly US, LLP are not Baker Tilly International's agents and do not have the authority to bind Baker Tilly International or act on Baker Tilly International's behalf. None of Baker Tilly International, Baker Tilly Advisory Group, LP, Baker Tilly US, LLP, nor any of the other member

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firms of Baker Tilly International has any liability for each other's acts or omissions. The name Baker Tilly and its associated logo is used under license from Baker Tilly International Limited.

6. Ownership of all data, materials, and documentation originated and/or prepared for the Town pursuant to this Agreement shall belong exclusively to the Town and be subject to public inspection in accordance with the Virginia Freedom of Information Act.

Acknowledgment

This Agreement sets forth the understanding of both parties.

Baker Tilly Signature:	**Town Signature:**
_____	_____
Anne Lewis | Managing Director	John Hozey | Town Manager

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EXHIBITS A, B, & C

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Baker Tilly Advisory Group, LP
205 N. Michigan Avenue, Suite 2800
Chicago, IL 60601

www.bakertilly.com

ENGAGEMENT NOTICE

Pursuant to the agreement (the "Agreement"), made **September 20, 2024**, between the **Town of Cape Charles** ("you/r" or "Town") and **Baker Tilly Advisory Group, LP** ("we" or "Baker Tilly") to conduct executive search functions, at the sole discretion of the Town, to include development of associated marketing materials, for executive positions that are or are expected to become vacant in the Town; and which is incorporated in its entirely by this reference; this engagement notice shall constitute a unique scope of work under that agreement and shall be compensated based upon this authorization. Specifics of this engagement:

a. Title of position being recruited: Town Manager

b. Project lead for Baker Tilly: Anne Lewis

c. Responsible party for the Town: John Hozey

d. Scope of work for the engagement: All-Inclusive scope of work

e. Timeline for the engagement: Work shall commence on September 20, 2024, with a targeted placement date of NTL April 15, 2025

f. Fees/charges for the engagement: $26,950

Acknowledgment

This Agreement sets forth the understanding of both parties.

Baker Tilly Signature:

_____
Anne Lewis | Managing Director

_____
Date

Town Signature:

_____
John Hozey | Town Manager

_____
Date

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TOWN OF CAPE CHARLES	**AGENDA TITLE:** Discussion of Town matching grant for a new fire engine		**AGENDA DATE** September 19, 2024
	SUBJECT/PROPOSAL/REQUEST: Discuss intent of Town matching grant for a new fire engine		**ITEM NUMBER:** 7C
	ATTACHMENTS: Town notice of fire engine matching grant		**FOR COUNCIL:** Action ( ) Information (X)
	STAFF CONTACT (s): John Hozey, Town Manager	**REVIEWED BY:** John Hozey, Town Manager	

BACKGROUND:

On June 21, 2024, the Town issued a notice to the Cape Charles Fire Company that the Town Council was willing to participate in the purchase of a new fire engine, to replace their existing 25-year-old apparatus. However, the Town's participation was contingent on several stipulations (see attached notice). The most significant stipulation of this grant was that it be used to leverage additional funding; in a dollar-for-dollar match, up to $250,000.

ITEM SPECIFICS:

On September 6, 2024, the CC Fire Company contacted the Town and asked to be relieved of the requirement to leverage additional outside money with the Town's money (to remove the matching requirement). They essentially would like to just use what the Town has offered, use some of their own cash, and then finance the rest themselves. While this would enable them to secure the desired engine much quicker, it defeats the original intent of the Town Council to use these public funds to generate additional revenue, thereby getting the public a bigger "bang for the buck," while also reducing the short and long-term burden on the Fire Company.

Since this request represents a significant departure from the original grant offer, staff cannot consider it. This therefore requires Town Council discussion and guidance. Please note that the grant pledge was originally expected to take several years to achieve, so the funds needed to award this grant were not appropriated with the Town's FY25 budget. Should the Town Council favor this new approach, an action item would need to be brought back to approve a budget amendment that would appropriate the necessary funds.

Municipal Corp. of

Cape Charles

June 21, 2024

Ryan Peake, Treasurer
Cape Charles Volunteer Fire Company
PO Box 427
Cape Charles, VA 23310

RE: Town matching grant

Dear Ryan,

During recent budget discussions, the Cape Charles Town Council indicated a desire to assist the Cape Charles Volunteer Fire Company's effort to replace your current Fire Engine 15-3, now more than 25 years old. I've been instructed to notify you of the Council's intent and expectations for the Town's participation in this important purchase. The Town of Cape Charles will grant up to $250,000 under the following Council directed parameters:

- Funding is subject to future appropriations by the Town Council, and a sufficient undesignated fund balance in the General Fund, in excess of typical reserves
- Funding will be provided based on a dollar-for-dollar match of other funds dedicated toward this purchase
- Town funding can only be applied to one piece of equipment/apparatus
- Funding may be used for new apparatus or used apparatus if no older than 5 years
- Funding will be provided at the time of purchase
- The Town's commitment under this proposal will expire on June 30, 2029

The Town is excited to be a partner in this vital undertaking, and we'd like to thank everyone associated with the CCVFC for all you do to help keep our town safe.

Sincerely,

John Hozey
Town Manager

Municipal Building · 2 Plum Street · Cape Charles, Virginia 23310
(757) 331-3259 Fax (757) 331-4820