TOWN COUNCIL
Public Hearing & Regular Meeting
April 17, 2025
Cape Charles Civic Center
6:00 PM

1. Call to Order
   A. Roll Call
   B. Establish quorum

2. Moment of Silence and Pledge of Allegiance

3. Public Hearing
   A. Zoning Text Amendment 2025-01: Article III, Section 3.3 (E)
   B. Zoning Map Amendment 2025-01: Tax Map #83A1-3-B2 & 83A1-3-3

4. Close Public Hearing

5. Recognition of Visitors / Presentations / Recognitions
   A. Cape Charles Main Street Presentation – Karen Zamorski
   B. Commission & Boards Annual Reports
      i. Board of Zoning Appeals
      ii. Harbor Area Review Board
      iii. Historic District Review Board
      iv. Planning Commission
      v. Wetlands Board
   C. National Building Safety Month Proclamation
   D. National Police Week Proclamation

6. Public Comments (3 minutes per speaker – For items not included in the public hearing)

7. *Consent Agenda
   A. Approval of Agenda Format
   B. Approval of Minutes
   C. Approval of February 28, 2025 Financial Report

8. Unfinished Business:
   *A. Zoning Text Amendment 2025-01: Article III, Section 3.3 (E)
   *B. Zoning Map Amendment 2025-01: Tax Map #83A1-3-B2 & 83A1-3-3

9. New Business:
   *A. Short-Term Rental Software Contract Award
   *B. Vanassa Hangen Brustlin, Inc. (VHB) Contract Amendment

10. Town Manager Comments

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

12. Announcements
   - April 25, 2025 – Blessing of the Fleet
   - May 1, 2025 – Town Council Work Session
   - May 15, 2025 – Town Council Regular Meeting
   - May 26, 2025 – Town Offices Closed for Memorial Day

13. Adjournment

Town of Cape Charles
Town Council Public Hearings

The Cape Charles Town Council will hold public hearings on Thursday, April 17, 2025, at 6:00 p.m., in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following requests:

A. Zoning Text Amendment (ZTA) 2025-01: application from the Town of Cape Charles to amend Article III, Section 3.3 (E) of the Cape Charles Zoning Ordinance by deleting the provision requiring a 3-acre lot minimum for a Multi-Family Project Development.

B. Zoning Map Amendment (ZMA) 2025-01: application from Seabreeze Associates LP, to Conditionally Rezone with Proffers 201-209 Washington Avenue (Tax Map #83A1-3-B2 and 83A1-3-3) from Residential-1 (R-1) to Residential-3 (R-3) pursuant to CCZO Section 2.7.2. and Section 3.3.

These applications area available for public review on our website at www.capecharles.org under Agendas & Minutes / Town Council. Please contact Town Planner/Zoning Administrator Katie Nunez at 757-331-2036 or by email at planner@capecharles.org if you have any questions or require additional information.

Town Council Presentation
FY2025 –Mid Year Review April, 2025



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



David Gammino
Co-Chair Design



Lenore DeBellis
Co-Chair Design



Tara Ashworth
Co-Chair
Promotions



Gerry Taylor
Co-Chair
Organization



Nancy Perry
Co-Chair
Organization

What Cape Charles Main Street has delivered
First Half FY2025(July 1, 2024 to December 31, 2024)

BUSINESS/TOWN Mkt. SUPPORT - $124,052

Grants completed Through Dec. 1: **$100,817**
FY2025 remaining grants : $194,753
Working on New Grants Now for FY2026 Starting July 1, 2025

- Received Full Accreditation for another year through DHCD and Main Street America Placer ai Software 1 year **$2500**
- Held Monthly Main Street Connect meetings for businesses **$566**
- Continued to update and build on the CCVC website with CCMS Microsite and social media pages **$8,567**
- Map & Distribution **$1025**
- Lightbox in Welcome Center at CBBT: **$850**
- Buy Local Campaign on WESR Radio **$350**
- Giving Tuesday **$210**
- Marketed Cape Charles through various print/Digital/Social campaigns **$9167**
- Cape Charles Gift Card Program*

*(See details in presentation)

BEAUTIFICATION/SPONSORED PROJECTS - $79,713

- Beautification projects (benches, planters, beds flowers) **$1340**
- Train Project: Repair & Maintenance, Lettering Storyboards: **$32,334**
- Gateway Beautification Phase 1 - **$1650**
- Strawberry Street Plaza **$31,113**
- Permanent tree lighting - **$3576**
- Electrical Upgrade in the Plaza - **$9700**

EVENTS - $45,248
Includes Marketing Costs Spent on Events

- Cape Charles Main Street Annual Meeting – Heart & Soul in a Bowl **$1,189**
- LOVEFEST in the Park - **$6,978**
- Festive Fridays - **$37,081**
- Love Run – **Coming April 26,2025**

Cape Charles Main Street Grant Success

Grants Closed YTD FY2025	$100,817
Grants to be completed in FY2025	$194,753
Total Grants Currently working	$295,970

Details on all grants for 2024-2025 in appendix



5-Years of Successful Grant Acquisition and business growth:

$1,481,875 in grants

51 New Businesses/Expansions

Details on Info-graphic in appendix

Key Grant Update





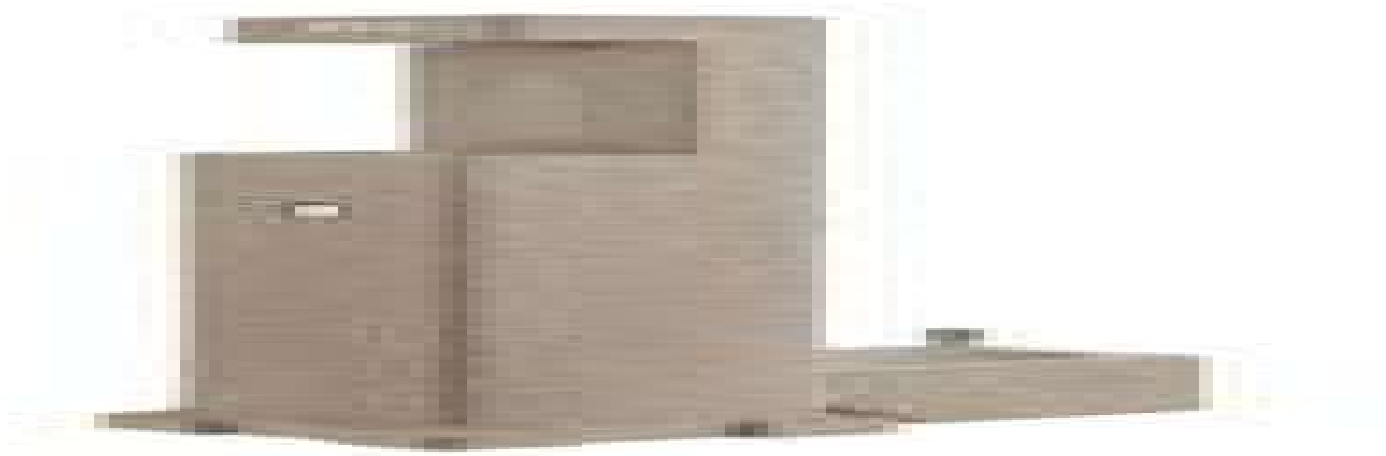
Train at the “Welcome Center” – Train is complete. Story boards for surrounding the train are in process but waiting for Canonie land settlement before installing which is the final project on the books for the train at this time.

Strawberry Street Plaza – All final pieces are scheduled for installation. Wayfinding signage and clock are delayed. Dedication/Ribbon cutting on April 26th at 12 noon following the Love Run.





Beach Bathroom - New roof, fixtures, tile, paint, hardware are complete. New bottle filler/pet watering station and 2 ada compliant showers are here and ready to be installed as soon as concrete is complete. Planning to be ready for season opening.



Gateway Entrance to Cape Charles

Phase 1 of the Gateway Beautification project has been completed. This phase included:

Conceptual Site Planning Services:

- Base Mapping - Federal wetland inventory, FEMA floodplain, USDA soils survey zoning, parcels, speed limits and average trips per day, existing structures, topography, public utilities.
- Feasibility Report and Intersection Base Maps

Applying for a grant to enter into Phase 2 for schematic design services and renderings

Thank You Volunteers!















Our Volunteers ROCK!

Volunteer Hours First ½ FY25:
1,850 hrs. = $55,975

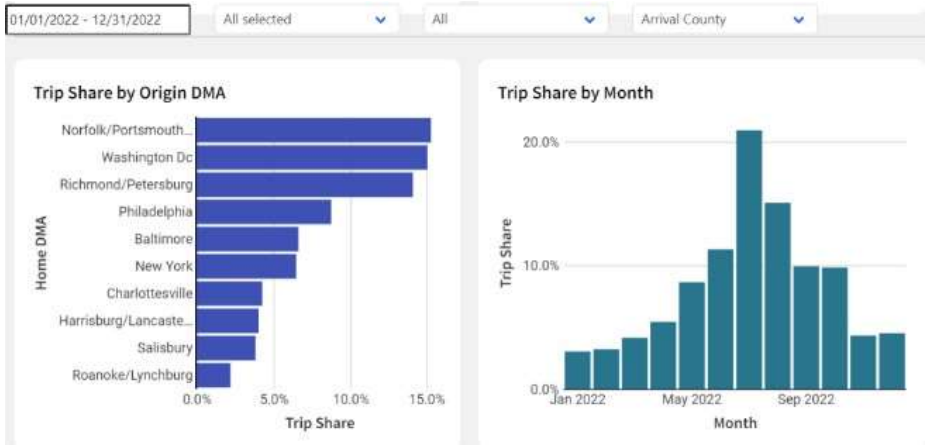
Total Volunteer Hours to Date for CCMS:
16,087 hrs. = $459,736

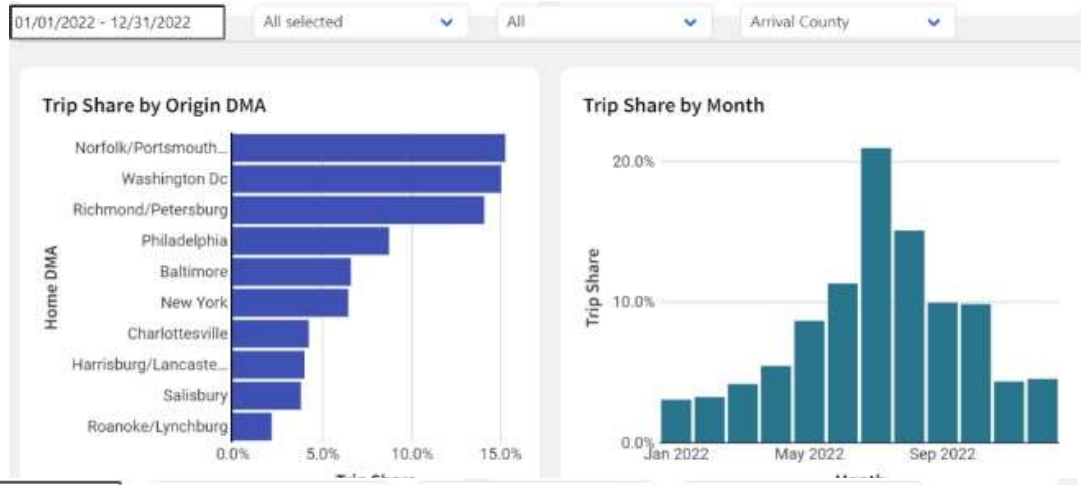


Marketing Cape Charles



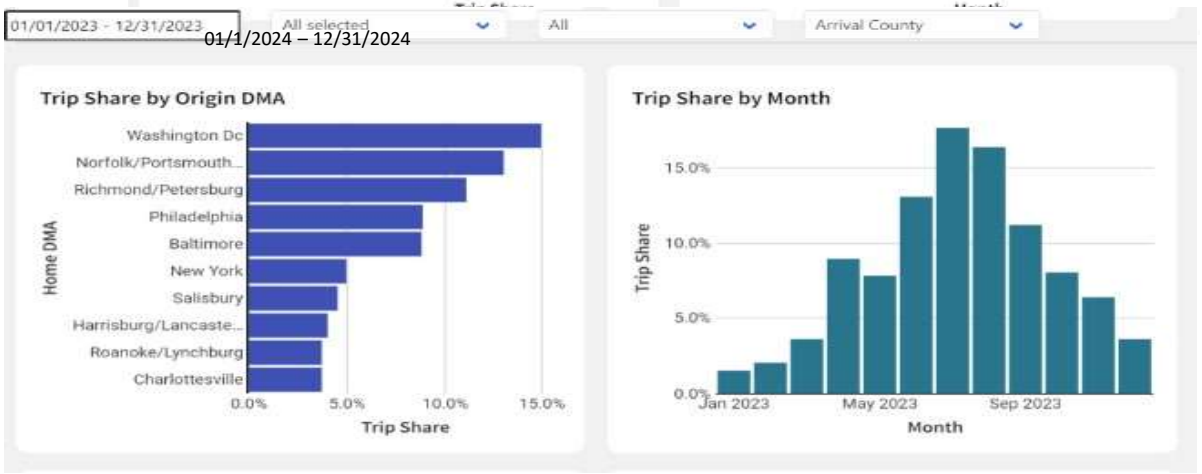
Marketing Cape Charles – Research





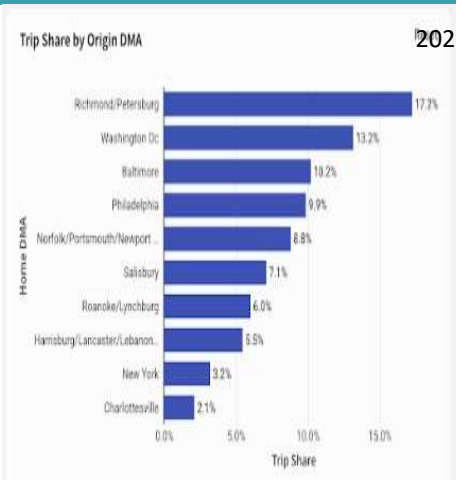
Arrivalist data over last three years shows:

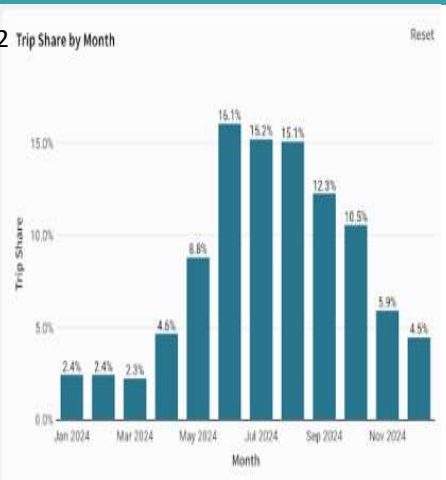
- Travel continues to spread out into shoulder seasons
- Origin of visitors has shifted
- Businesses seeing better business March of 2025 vs. last year



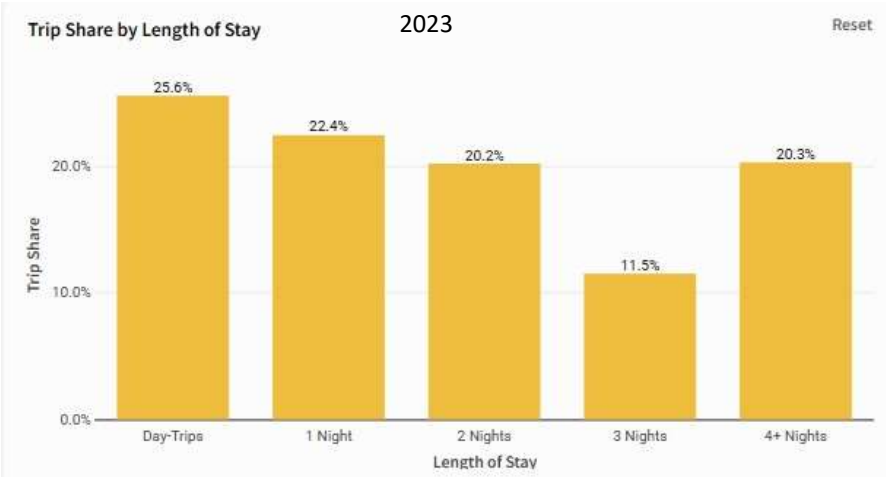
Marketing Cape Charles - Research

2022

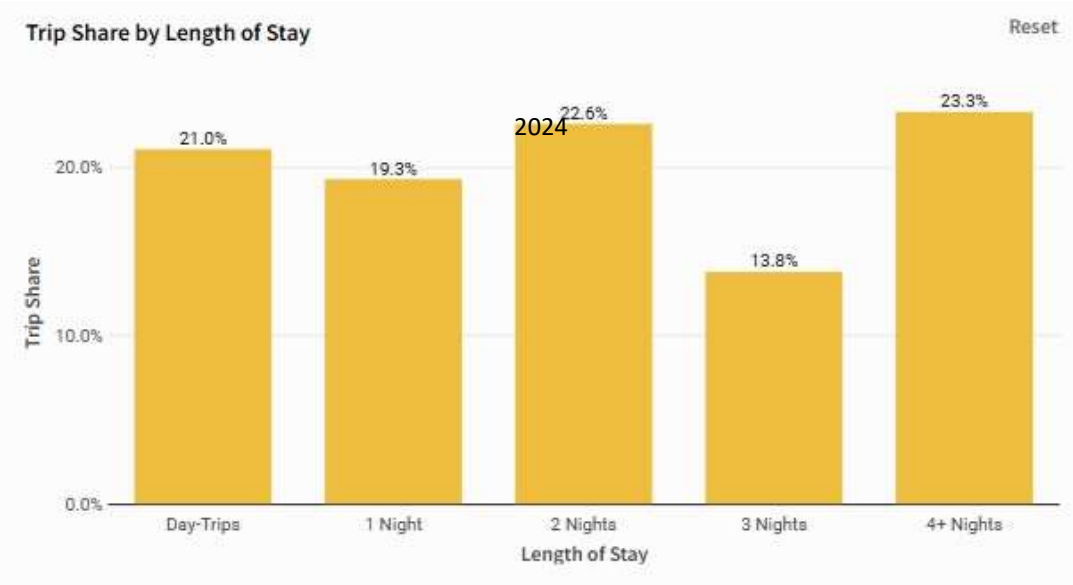




2023

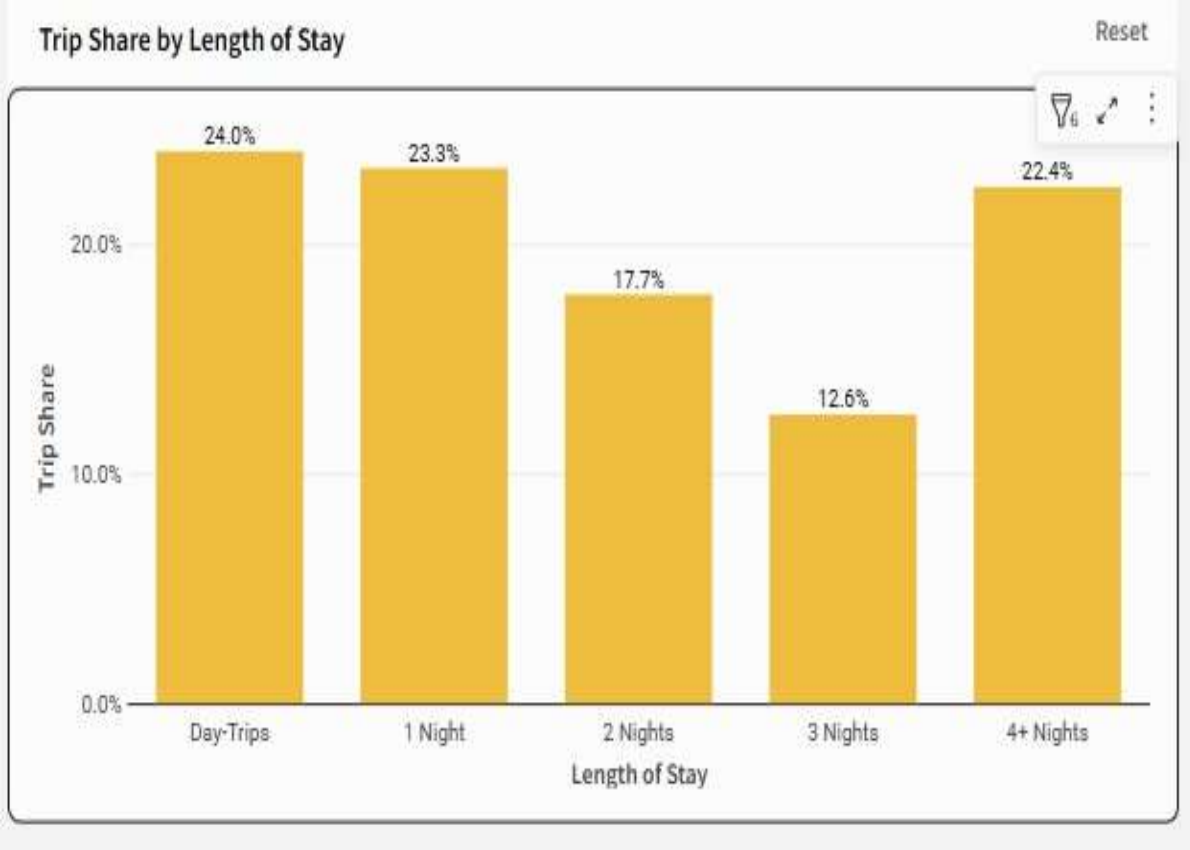


2024



Cape Charles Gift Card Program

A Gift Card that works in 31 of our Businesses



New Website Users: 213,850
Website Views: 679,691
Engagement Rate: 4951:27:33

CCVC – Reach 604,300
Followers 10,900
CCMS – Reach 277,900
Followers 4,600

CCVC - Reach 46,600
Followers – 2,800
CCMS - Reach 12,900
Followers – 2,400

(FY23 to 3/31/25)





- Love Run 5k/10k , April 26, 2025
- Opening Party for Strawberry Street Plaza – April 26th, 2025
- Opening of updated bathrooms at the Beach – Ready to Open (showers and fountain ready for installation
- Reminder, Chamberfest coming May 17th, 2025
- Heart & Soul Soup Night – TBD (Oct/Nov)
- Festive Fridays 2025 (Nov. 28, Dec. 5, 12, & 19th)
- New Visitor Center, Bathrooms, Offices TBD – Holding $67,666 in grant funds
- Sail Fest Cape Charles – June 19 – 22, 2026

SUMMARY & ROI

BENEFITS DELIVERED	AMOUNT	
Town of Cape Charles Investment	$ 45,000.00	Qtr. 1 & 2
- 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)*	$ 191,743.00	⇦ Includes Grants claimed to Date, Profit from events and donations
Investment Gained	$ 146,743.00	
ROI on Investment in CCMS as of 1/1/25	+326%	
Plus Grants Remaining FY25	$ 194,753.00	



Thank You All!

Cape Charles
MAIN STREET
EST. 1884

MAIN STREET AMERICA INSTITUTE™





THE POWER OF MAIN STREET IN VIRGINIA

Cape Charles

We are one of almost 100 cities and towns across Virginia working to strengthen our economic vitality and quality of life by leading a public-private effort to revitalize our historic downtowns.

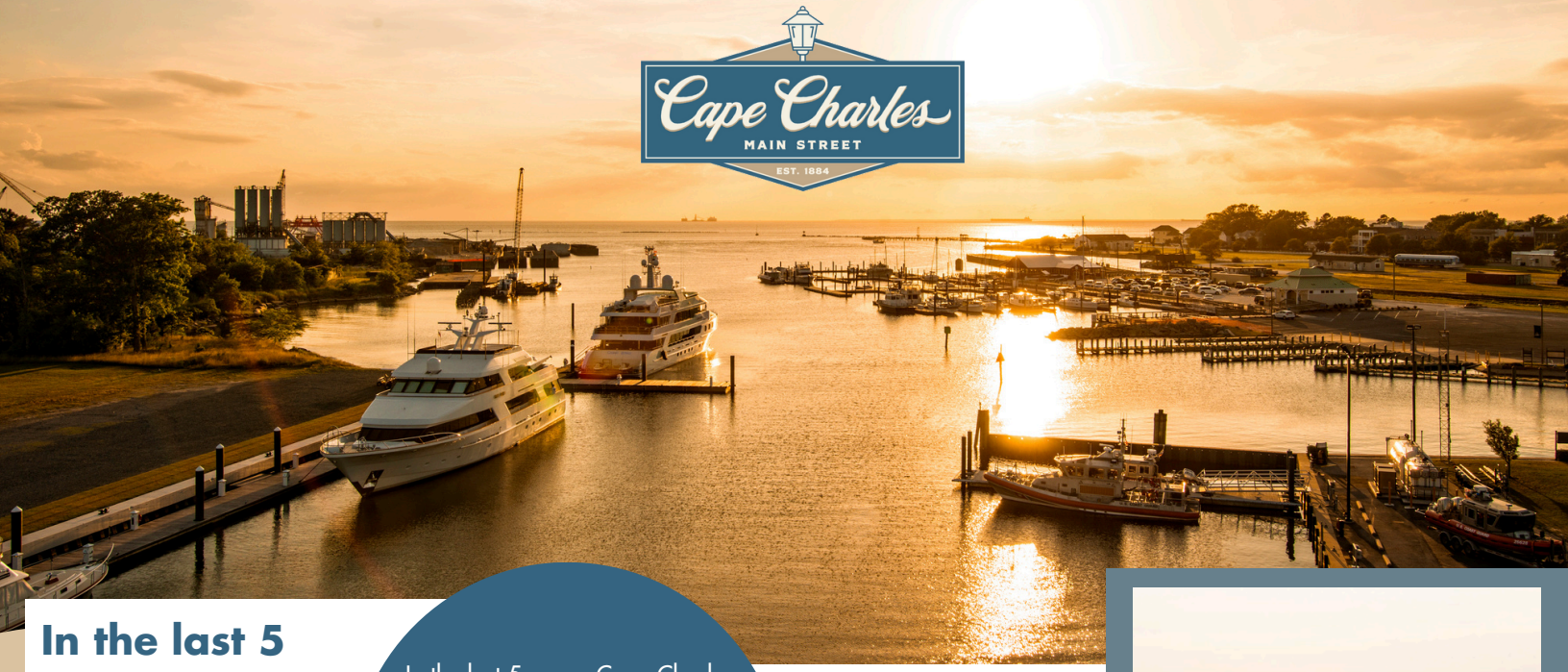
We make our communities more attractive for residents, businesses, investors, and tourists by following Main Street America's proven Main Street Four-Point Approach™, which guides our placed-based, community-driven economic development work. Here's how:

- STRATEGICALLY WORKING TO ACHIEVE A SHARED VISION FOR DOWNTOWN'S FUTURE
- COLLABORATING WITH NUMEROUS PARTNERS FROM OUR MUNICIPALITIES TO CHURCHES & ARTS ORGANIZATIONS
- PROVIDING GRANTS AND ASSISTANCE TO MOM & POP BUSINESSES
- PUBLIC ART AND BEAUTIFICATION PROJECTS
- FREE ARCHITECTURAL SERVICES THAT ENCOURAGE HISTORIC PRESERVATION
- SPECIAL EVENTS AND DESTINATION MARKETING TO BOOST LOCAL CUSTOMER TRAFFIC AND TOURISM

Together, Virginia Main Street communities have seen over **$2.6 B** in investment, created almost **30,000** new jobs, **$43 M** in volunteer time, and over **8,200** new businesses and expansions since 1985.

Our organization is supported by Virginia Main Street (VMS). We receive:

- Grants for organizational development, beautification & economic development
- One-on-one staff support
- Free architectural design services
- Training and educational resources, including conference scholarships



In the last 5 years, VMS has supported communities like Cape Charles with over $954,064 in grants.

In the last 5 years, Cape Charles Main Street has received **$1,481,875** in grants!

That have funded infrastructure improvement, Covid relief, Event Production, Marketing and Promotion of our town

Investing in downtown means new jobs and business activity. Year after year downtown Cape Charles has seen a net gain of businesses and job creation.

Since **2019**, we have had **51** new businesses or expansions



Cape Charles Stats 2020-2023

Total Private Investment: **$3,745,755**

Total Public Investment: **$74,796**

Total Volunteer Hours: **14,237**

Value of Volunteer Time: **$403,761**

A Tale of two towns

Cape Charles is known for its small-town charm mixed with a rich maritime heritage. With a Historic District making up the core of the downtown area (listed on the National Register of Historic Places); while also sporting an upscale residential resort development at Bay Creek, with its own signature golf course, net work of nature trails and sandy beaches. Its marinas are dotted with a variety of vessels, reflecting it's strong connection to the waterman culture, as well as other recreational activities. The town has seen a major revialization with a significant transformation in the last 8 to 10 years; blending old and new with a thriving downtown featuring boutique shops, restaurants and art galleries along its main street, Mason Avenue.

There is always something happening! We have hosted a total of 48 events since 2019. Our designated district TOT tax has increased by 1,518% since 2021 and our Meals Tax has increased by 47% since 2021. This shows our work as a Designated Virginia Main Street is successful! We are ringing cash registers, boosting the tax base, and enhancing the quality of life for all who live, work and visit our historic town.

We aren't saving historic Main Streets because of nostalgia. We save them because they are great places to **LIVE, VISIT,** and **WORK.** Strong **COMMUNITY SUPPORT,** and **STRATEGIC ECONOMIC , DEVELOPMENT EFFORTS** means Main Streets will always have a future.

We appreciate your support of the Virginia Main Street program, which we rely on to help organizations like ours continue to write our success stories and to strengthen Virginia's unique competitive advantage!

TOWN OF CAPE CHARLES	**AGENDA TITLE:** Commission & Boards Annual Reports	**AGENDA DATE** April 17, 2025
	SUBJECT/PROPOSAL/REQUEST: Presentation of Annual Reports for the following: Board of Zoning Appeals, Harbor Area Review Board, Historic District Review Board, Planning Commission, & Wetlands Board	**ITEM NUMBER:** 5B
	ATTACHMENTS: Annual Reports for each of the five Boards listed above.	**FOR COUNCIL:** Action ( ) Information (X)
	STAFF CONTACT (s): Katie H. Nunez, Planning Director & Zoning Administrator	**REVIEWED BY:** John Hozey, Town Manager

BACKGROUND:

As required by the Code of Virginia Section 15.2 – 2221, the Planning Commission is required to provide an annual report to the local governing body concerning the operation of the commission and the status of planning in its jurisdiction.

As required by the Code of Virginia Section 15.2-2309-8 (C), the Board of Zoning Appeals shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

As required by the Code of Virginia Section 28.2-1304, the Wetlands and Coastal Sand Dune Board shall keep a full public record of its proceedings and shall submit report of its activities to the governing body or bodies at least once each year and shall forward a copy of each report to the Virginia Marine Resources Commission.

While the other two boards (Historic District Review Board and the Harbor Area Review Board) do not have a specific mandate in the Code relative to an Annual Report to its governing body, we find this is a useful and valuable tool to ensure the Town Council is apprised of the annual activities of each Board that they appoint and are carrying out the policies and goals and objectives of the Town and Town Council.

ITEM SPECIFICS:

Each Board chairman was extended an invite to present their Annual Report to the Town Council; I have confirmed the following will be in attendance to present and discuss the Annual Report with Town Council and am working to confirm the availability of the remaining chairmen.
The leadership for the Boards are as follows:

Board of Zoning Appeals – Dolores Blackburn, Chairman – will attend
Harbor Area Review Board – Stuart Smith, Chairman – will attend.
Historic District Review Board – Kathy Glaser, Chairman – not attend; Libby Wright, Vice Chairman – will attend
Planning Commission – Bill Stramm, Chairman – will attend
Wetlands and Coastal Sand Dune Board – John Schoeneck, Chairman – will attend

I will be attendance and will present the Annual Report for each Board if the chairman is not present and am prepared to answer any questions.

Town of Cape Charles
Board of Zoning Appeals

2024 Annual Report
(January 1, 2024-December 31, 2024)

_____ _____

Dolores Blackburn
Chairwoman

Jim Holloway
Vice Chairman

2024 Board of Zoning Appeals Members

Name	***Representation***	***Term Expiration***	***Notes***
Dolores Blackburn	Member Chairwomen	10/31/2026	-
Jim Holloway	Chairman Vice – Chairman	10/31/2027	PC Rep for BZA
Pete Baumann	Member	10/31/2026	-
Laura Weigand	Member	10/31/2028	Retired 2/2024
Bill Murphy	Member Chairman	10/31/2028	Resigned 01/2024 (relocated) Position Vacant

2024 Staff

Katie Nunez, Director of Planning & Zoning Administrator & Subdivision Agent
(July 2022 to present)
Tracy Outten, Planning & Zoning Assistant, Preservation & Zoning Administrator
(October 2016 to present)
Maureen Tamarez-Meditz, Planning & Zoning Administrative Assistant (part-time)
(Resigned in April 2024)
Jack Steinmayer, Zoning Compliance Officer & Planning & Zoning Administrative Assistant
(Hired June 2024)

I. Introduction

Section 15.2-2308.C of the Code of Virginia states the following, "The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once a year."

II. Board and Staff Updates

A. Board Membership 2024

After Bill Murphy tendered his resignation in January 2024 due to his move out of town his position remained vacant for a year. Recently, Elise McMath was appointed to fill the vacancy to bring the board back to five members. The Town Council also appointed Brian Murphy as the alternate in case there is any more changes. Both Elise and Brian have since undergone orientation and received the necessary documentation with Ms. Nunez on January 13, 2025.

B. Staff Changes 2024

Staffing for the Department of Planning and Zoning has stabilized since 2022 with both Ms. Nunez and Ms. Outten continuing to fulfill their roles and obligations as full-time members of the department.

In December 2023, the Part-Time Zoning Compliance Officer Robert James resigned. Shortly thereafter, the Department's other part-time employee, Administrative Assistant Maureen Meditz, resigned to take a full-time position with the Library Department. Afterwards, a request was made and support by the Town Manager and Town Council to consolidate both part-time roles into one-full-time position.

In June 2024, Jack Steinmayer joined the department as the new Full-Time Zoning Compliance Officer and Administrative Assistant.

C. Education

Tracy Outten has completed the Virginia Commonwealth University Certified Board of Zoning Appeals Program in August 2024.

Katie Nunez continues to maintain her annual certification as a Certified Zoning Official through the Virginia Association of Zoning Officials (VAZO)

Vice-Chairman Holloway and Member Weigand completed the Virginia Commonwealth University Certified Board of Zoning Appeals Program in December 2024.

III. Meetings

The Board of Zoning Appeals held 3 Meetings during the 2024 calendar year.

2024 Attendance Green highlighted dates are Public Hearings			
	1/9/2024	8/13/2024	10/8/2024
Bill Murphy (Chair)	P	-	-
Pete Baumann	P	-	P
Dolores Blackburn	P	P	P
Jim Holloway	P	-	P
Laura Weigand	P	-	P

On January 9th, 2024, the Board of Zoning Appeals elected Member Dolores Blackburn as the new Chair due to Bill Murphy's resignation and elected Member Jim Holloway as the Vice-Chair and reviewed the 2023 Annual Report and Bylaws: Rules of Procedure and Addition of Remote Meeting Participate Policy.

On August 13th, 2024, the Board of Zoning Appeals was supposed to hold its regular meeting to hear two appeals of decisions made by the Zoning Administrator. However, due to mailing errors and miscommunication, the appellant was not aware of the meeting and would not be in attendance. Due to these errors, the meeting was rescheduled; additionally, the Board of Zoning Appeals did not have a quorum, and the meeting was rescheduled for October 8th, 2024.

At the October 8, 2024 meeting, the Board heard two appeals of Zoning Administrator's decisions and one variance application. See chart below for specifics.

Public Hearings and Decisions of the Board of Zoning Appeals in 2024				
Type of Application	***Meeting Date***	***Property Address***	***Zoning Ordinance Section***	***Board Decision***
Variance to the Side Yard Setback	October 8th, 2024	113 William Scott Lane (Tax Map #90-32-B345)	Cape Charles Zoning Ordinance Appendix – Accawmacke Plantation Planned Unit Development Ordinance (PUD), Article 4.2 (E) (2) which requires for a Single-Family Dwelling for a side yard setback of 10 feet and the applicant is seeking a variance of 3 ft. 1 in. from this setback. Reason for request is to construct a new single-family dwelling.	Approved.
Appeal of Zoning Administrator Decision	August 13th, 2024 & October 8th, 2024.	204 Bay Avenue (Tax Map #83A3-1-1)	Zoning Administrator issued a violation pursuant to Cape Charles Zoning Ordinance Sections 2.4.2 (A) (1), 2.4.3, 8.16, and 8.17 for unauthorized removal and replacement of the roof and installing flashing to a chimney. Appeal filed by property owner.	Approved to overturn decision of Zoning Administrator due to when reading the statute, this does not fall under substantial alterations, it was not different material and does not require a permit of approval from the Historic District Review Board.
Appeal of Zoning Administrator Decision	August 13th, 2024 & October 8th, 2024.	Madison Avenue (Tax Map #83A1-1-97)	Zoning Administrator issued a violation pursuant to Cape Charles Zoning Ordinance Sections Section 3.2 and 2.9 for parking of a commercial vehicle (bus) on the undeveloped lot. Appeal filed by property owner.	Approved to overturn decision of Zoning Administrator due to this undeveloped lot on the 500 block of Madison Avenue should not be considered a parking lot because this lot has not been designated or designed to be a parking lot, and there is only one vehicle on this lot.

Town of Cape Charles
Harbor Area Review Board

2024 Annual Report

Stuart Smith
Chairman

2024 Harbor Area Review Board Members

Name	***Representation***	***Term Expiration***	***Notes***
Stuart Smith	Chairman	12/20/2026	-
Bill Ashworth	PC Rep.	10/31/2024	-
Shannon Smith	PC Rep.	10/31/2025	-
Ken Butta	TC Rep.	12/31/2026	-
Benjamin Lewis	Member At-Large	12/20/2026	-
Rob Harris	Member At-Large	12/20/2026	-
Vacant	-	-	-

2024 Staff

Katie Nunez, Director of Planning/Zoning Administrator & Subdivision Agent
Tracy Outten, Planning/Zoning Assistant, Preservation & Zoning Administrator
Maureen Tamares-Meditz, Planning & Zoning Administrative Assistant (part-time), (resigned in April 2024)
Jack Steinmayer, Zoning Compliance Officer, Planning & Zoning Administrative Assistant (hired June 2024)

There were no meetings held in 2024.

I. Introduction

Section 2.2-3700 of the Code of Virginia states that all public body or bodies shall keep a full record of its proceedings, and the Harbor Area Review Board qualifies. As part of the requirement, the Harbor Area Review Board will also prepare and submit a report of its activities to the governing body (Town Council) at least once a year.

II. Board Updates

The Board remained consistent throughout the 2024 calendar year.

III. Staffing Updates

In April 2024, the part-time Planning & Zoning Administrative Assistant Maureen Tamares-Meditz resigned to take a full-time position at the Cape Charles Library. Afterwards, the decision was made to combine the Zoning Compliance Officer and Planning & Zoning Administrative Assistant into one full-time position. In June 2024, Jack Steinmayer was hired to fill the vacancy.

IV. Meetings

No meetings in 2024.

Town of Cape Charles
Historic District Review Board

2024 Annual Report

(January 1, 2024 - December 31, 2024)

_____	_____
Kathy Glasser	Herbert Thom
Chairwoman	Vice Chairman

2024 Historic Review Board Members

NAME	REPRESENTATION	Term Expiration	NOTES
Kathy Glaser	Member Chairwoman	1/8/2026	
Herbert Thom	Chairman Vice-Chairman	1/8/2028	
Martin Mayer	Member	1/8/2025	
Michael Strub	PC Rep	10/31/2023	Retired 2/2024
Patricia James	Member	1/8/2027	
Elizabeth Wright	PC Rep	10/31/2027	Appointed by PC 2/6/2024

2024 Staff

Katie Nunez, Director of Planning & Zoning Administrator & Subdivision Agent
Tracy Outten, Planning/Zoning Assistant, Preservation & Zoning Administrator
Maureen Tamares-Meditz, Planning & Zoning Administrative Assistant (part-time),
(Resigned in April 2024)
Jack Steinmayer, Zoning Compliance Officer & Planning & Zoning Administrative Assistant
(hired June 2024)

I. Introduction

Section 2.2-3700 of the Code of Virginia states that all public body or bodies shall keep a full public record of its proceedings, and the Historic Area Review Board qualifies. As part of that requirement, the Historic Area Review Board will also prepare and submit a report of its activities to the governing body (Town Council) at least once a year.

The "Town Council-prepared" Annual Report is meant to provide a detailed report on the departmental staffing, ongoing education of both staff and Board members, and breakdown of the types of applications and activities occurring in the Historic District.

Additionally, the Town was designated as a Certified Local Government (CLG) Community on March 12, 2007, pursuant to the National Historic Preservation Act of 1960 and further amended in 1980. This designation establishes a partnership between the Town, the National Parks Service and the Virginia Department of Historic Resources (DHR). A requirement of this designation is for the Town to complete an annual survey or report on forms provided by DHR. The intent of this survey is to verify activity level within the Historic District, compliance of Board appointments with the minimum criteria of background/education of said Board members, continuing education compliance for Board members and staff, update on any zoning ordinance revisions or historic district guidance documents and an audit of Historic District Review Board minutes.

The CLG Annual Report was done for the time period of October 1, 2023 thru September 30, 2024 (EXHIBIT A).

II. Board and Staff Updates

A. BOARD MEMBERSHIP 2024:

Member Michael Strub retired from the Planning Commission therefore he could no longer serve as the Planning Commission representative for the Historic District Review Board. Elizabeth Wright was appointed as an alternate to the Historic District Review Board and then was appointed to the Planning Commission. Since Ms. Wright had knowledge of the Historic District Review Board, she was given the opportunity to continue serving on the board as the Planning Commission representative. At the December 19, 2024 Town Council Regular Meeting Member Herb Thom resigned from the board.

B. STAFF CHANGES 2024:

In April 2024, the Part-Time Planning & Zoning Administrative Assistant Maureen Tamares-Meditz was hired full-time in April 2024 at the Cape Charles Memorial Library. Therefore, after much consideration the decision was made to combine the Zoning Compliance Officer and the Planning & Zoning Administrative Assistant and offer a full-time position. Jack Steinmayer was the lucky candidate and became active in his role in June 2024.

III. EDUCATION

A requirement of the CLG designation is that continuing education must occur annually for both the staff and Board members that is relevant to the Historic District Overlay. To that end, the following training, education and seminars were attended as noted:

Name of Class/ Training/ Seminar	Duration of Training	Provider of Training	DATE	Participants
The ABCs of Historic Designation -Webinar	1.5 hours	NAPC	11/16/2023	Tracy Outten
Early 20th Century Architecture: Looking to the Past and Future - Webinar	1.5 hours	NAPC	12/14/2023	Tracy Outten
Substitute Materials on Historic Building Exteriors - Webinar	1.5 hours	NAPC	3/21/2024	Tracy Outten Kathy Glaser Katie Nunez Herb Thom Elizabeth Wright
Housing and Historic Preservation: A Joint webinar with the Advisory Council on Historic Preservation and NAPC - Webinar	1.5 hours	NAPC	5/23/2024	Tracy Outten
ACHP's Proposed Program on Accessible, Climate – Resilient, Connected Communities	1 hour	NAPC	9/19/2024	Tracy Outten
City of Lynchburg CAMP: Meeting Procedures, Alternative Materials, Envisioning Infill Design, Community Engagement and Building Public Support	7 hours	NAPC	11/8/2024	Paticia James
City of Williamsburg CAMP: Meeting Procedure, Envisioning Infill Design, Community Engagement, Alternative Materials	8 hours	NAPC	11/15/2024	Herb Thom Elizabeth Wright

IV. MEETINGS

HISTORIC DISTRICT REVIEW BOARD MEETING 2024

	2024 Attendance Record P = Present A = Absent V= Vacant											
	1/3/2024	1/16/2024	2/20/2024	3/19/2024	4/10/2024	4/16/2024	5/21/2024	6/18/2024	8/20/2024	9/17/2024	10/15/2024	11/19/2024
Kathy Glaser	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Patricia James	**P**	**A**	**P**	**P**	**A**	**P**	**P**	**P**	**P**	**A**	**P**	**P**
Martin Mayer	**P**	**P**	**P**	**A**	**P**	**A**	**A**	**P**	**P**	**A**	**P**	**P**
Herb Thom	**P**	**A**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**A**	**P**
Michael Strub	**P**	**P**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Elizabeth Wright	**-**	**-**	**P**	**P**	**P**	**P**	**P**	**A**	**P**	**P**	**P**	**P**

The Historic District Review Board reviewed and reached decisions on individual property applications for some level of renovation or rehabilitation or other improvements to their property as well as application for new single-family residences on the infill lots. The types of applications received and acted upon by the HDRB are broken out below and finally followed by a summary table for the calendar year.

The last table for the calendar year is the listing of applications that could and were reviewed administratively by the Zoning Administrator.

PUBLIC HEARINGS AND DECISIONS
HISTORIC DISTRICT AREA REVIEW BOARD 2024

TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
FENCE INSTALLATION	4/16/2024	114 Pine Street	Approved

TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
RENOVATION, MINOR	2/20/2024	616 Strawberry Street	After the Fact Approval
	3/19/2024	612 Pine Street 614 Pine Street	Approved Approved
	4/16/2024	644 Monroe Avenue 543 Mason Avenue 210 Tazewell Avenue	Approved Approved Approved
	11/19/2024	629 Tazewell Avenue	Approved

TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
MODIFICATION OF APPROVED CERTIFICATE OF APPROPROATENESS (COA)	1/16/2024	623 Madison Avenue	Approved
	3/19/2024	110 Tazewell Avenue	Approved
	6/18/2024	301 Mason Avenue	Approved
	9/17/2024	10 Tazewell Avenue	Approved

TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
RENOVATIONS, ADDITIONS & NEW CONSTRUCTIONS	1/3/2024	215 Mason Avenue	Approved
		619 Mason Avenue	Approved
		603 Pine Street	Approved
		110 Tazewell Avenue	Approved
	1/16/2024	542 Monroe Avenue	Approved
		224 Jefferson Avenue	Approved
		212 Madison Avenue	Approved
		646 Tazewell Avenue	Approved
		609 Mason Avenue	Approved
		509 Randolph Avenue	Approved
		Lot 26 on Jefferson Avenue	Approved
		Lot 62 on Jefferson Avenue	Approved
		Lot 31 on Jefferson Avenue	Approved
	2/20/2024	514 Washington Avenue	Approved
		10 Tazewell Avenue	Approved
	3/19/2024	535 Jefferson Avenue	Approved
		122 Peach Street	Approved
	4/10/2024	645 Mason Avenue	Approved
	4/16/2024	505 Harbor Avenue	Approved
		Lots 58B & 59B on Plum Street	Approved
	5/21/2024	644 Monroe Avenue	Approved
		519 Mason Avenue	Approved
		102 Randolph Avenue	Approved
	6/18/2024	118 Fig Street	Approved
		711 Tazewell Avenue	Approved
		212 Randolph Avenue	Approved
		607 Randolph Avenue	Deferred
	8/20/2024	607 Randolph Avenue	Approved
		7 Strawberry Street	Approved
		646 Tazewell Avenue	Approved
	9/17/2024	542 Jefferson Avenue	Approved
		Lot 224 on Jefferson Avenue	Approved
	10/15/2024	526 Tazewell Avenue	Approved
		128 Peach Street	Approved
		Lot 584 on Randolph Avenue	Approved
		Lot 418 on Monroe Avenue	Approved
	11/19/2024	406 Randolph Avenue	Approved
		508 Harbor Avenue	Approved
		602 Washington Avenue	After the Fact Approval
		Lot 32 on Monroe Avenue	Approved
		Lot 420 on Tazewell Avenue	Approved

TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
OTHER	1/3/2024	645 Mason Avenue relocating to 602 Washington Avenue	Approved
	4/10/2024	Lot X on Mason Avenue	Approved

SUMMARY of HDRB MEETINGS FOR 2024					
MEETING DATE	Fence Installation	Renovation, Minor	Modification to Approved COA	Renovations, Additions & New Construction	Other
1/3/2024	-	-	-	4	1
1/16/2024	-	-	1	9	-
2/20/2024	-	1	-	2	-
3/19/2024	-	2	1	2	-
4/10/2024	-	-	-	1	1
4/16/2024	1	3	-	2	-
5/21/2024	-	-	-	3	-
6/18/2024	-	-	1	4	-
8/20/2024	-	-	-	3	-
9/17/2024	-	-	1	2	-
10/15/2024	-	-	-	4	-
11/19/2024	-	1	-	5	-
TOTAL APPROVED	**1**	**6**	**4**	**40**	**2**
APPROVED AFTER THE FACT	**-**	**1**	**-**	**1**	**-**
DENIED	**0**	**0**	**0**	**0**	**0**
HDRB TOTAL APPLICATION	**1**	**7**	**4**	**41**	**2**
HDRB OVERALL TOTAL APPLICATION 2024	**55 Applications**				

ADMINISTRATIVE APPROVAL 2024		
MEETING DATE	PROPERTY ADDRESS	TYPE OF APPLICATION
1/3/2024	540 Jefferson Avenue 549 Randolph Avenue 512 Monroe Avenue	Roof Replacement – front porch Roof Replacement Replace 2 front replacement windows
1/16/2024	Lot 134 on Madison Avenue 649 Randolph Avenue	Modification to Approved CoA for extending rear roof to cover steps Demolish existing rear deck and construct new rear deck

ADMINISTRATIVE APPROVAL 2024		
MEETING DATE	**PROPERTY ADDRESS**	**TYPE OF APPLICATION**
2/20/2024	622 Jefferson Avenue	Install side and rear fence
	303 Madison Avenue	Install gutters
	550 Madison Avenue	Replace existing rear deck and outdoor shower
	2 Monroe Avenue	Install rear outdoor shower
	516 Randolph Avenue	Replace existing concrete walkway with brick
3/19/2024	223 Monroe Avenue	Install gutters
4/16/2024	305, 307, 309 Harbor Avenue	Roof Replacement
	601 Jefferson Avenue	Roof Replacement
	517 Madison Avenue	Replace existing concrete sidewalk/walkway
	623 Madison Avenue	Construct rear accessory structure
	618 Monroe Avenue	Add rear door and construct rear deck
	506 Plum Street	Roof Replacement
	527 Plum Street	Modify Construction of rear accessory structure
	408 Randolph Avenue	Demolish rear accessory structure and construct a new one
	214 Washington Avenue	Install rear paver walkway, rear paver patio with sitting wall
	506 Washington Avenue	Roof Replacement
	618 Washington Avenue	Demolish dilapidated non-contributing accessory structure
5/21/2024	415 Jefferson Avenue	Install rear accessory structure
	501 Jefferson Avenue	Install rear outdoor shower and privacy wall
	608 Jefferson Avenue	Install rear fence
	239 Mason Avenue	Repaint masonry, paint trim, and replace awning covering
	615 Monroe Avenue	Roof Replacement front SFD and Roof and Siding Replacement rear accessory Structure
6/18/2024	122 Peach Street	Remove & reconfigure rear brick patio for ZO compliance
	610 Pine Street	Repair front porch wood flooring, columns, and balusters
	340 Randolph Avenue	Replace front porch wood railing connectors
	408 Randolph Avenue	Install rear fence
	318 Tazewell Avenue	Replace brick front steps
	506 Tazewell Avenue	Roof Replacement - SFD and rear accessory structure
	Lots 58B & 59B on Plum Street	Modification to CoA to move side door to rear and move rear window to right of SFD
8/20/2024	521 Mason Avenue	Install front walkway, side wood wall, outdoor shower
	127 Peach Street	Roof Replacement - front porch including chimney cap
	209 Randolph Avenue	Remove side window and cover opening with siding and replace one rear window with smaller window
9/17/2024	408 Jefferson Avenue	Replace & install rear fence and gates
	515 Monroe Avenue	Roof Replacement
	501 Nectarine Street	Roof Replacement & rebuild rake eave
	217 Randolph Avenue	Roof & Flooring Replacement – front porch
	520 Randolph Avenue	Roof Installation – existing pergola
	649 Randolph Avenue	Roof Replacement
	111 Tazewell Avenue	Roof Replacement
	541 Tazewell Avenue	Install rear accessory structure

ADMINISTRATIVE APPROVAL 2024		
MEETING DATE	**PROPERTY ADDRESS**	**TYPE OF APPLICATION**
10/15/2024	208 Harbor Avenue	Roof Replacement – rear porch
	115 Randolph Avenue	Install front step railing and repair brick steps
	509 Randolph Avenue	Roof Replacement – front porch
	515 Randolph Avenue	Roof Replacement – front porch
	545 Randolph Avenue	Modification to CoA for rear deck
11/19/2024	539 Jefferson Avenue	Roof Replacement
	518 Madison Avenue	Roof Replacement
	549 & 551 Monroe Avenue	Roof Replacement
	4 Randolph Avenue	Install rear accessory structure, rear outdoor shower, fence
	515 Randolph Avenue	Roof Replacement – house
	649 Tazewell Avenue	Construct one dormer on each rear side
	504 Bay Avenue	Roof Replacement
	627 Jefferson Avenue	Roof and Siding Replacement
	214 Washington Avenue	Install Pergola on existing Patio
TOTAL APPROVED = 59		

Town of Cape Charles
Planning Commission

Annual Report
(January 2024-December 2024)

Bill Stramm,
Chairman

Katie Nunez,
Director of Planning/Zoning Administrator
& Subdivision Agent

January 17th, 2025

Mayor Charney & the Cape Charles Town Council:

On behalf of the Cape Charles Planning Commission, I am pleased to provide you the 2024 Annual Report of the Planning Commission, as required by *Section 15.2-2221 of the Code of Virginia, as amended, which prescribes the duties of the local planning commission. The duties include a requirement to provide an annual report to the local governing body concerning the operation of the commission and the status of planning in its jurisdiction.*

At the Town Council meeting on December 16, 2021, a contract was awarded to Summit Design and Engineering Services for the Comprehensive Plan & Zoning Updates. Once the Comprehensive Plan was adopted on December 15, 2022, by Town Council, work immediately commenced on updating the Zoning Ordinance. This process has been a multi-year effort from 2023 thru 2024.

In 2023, Summit Design conducted a thorough review of the entire document to ensure compliance with the Code of Virginia. Additionally, staff provided a list of items/issues that should be reviewed, which Summit Design provided input on these items that were reviewed by the Planning Commission.

A Housing Subcommittee was formed, comprised of Bill Stramm and Paul Grossman, along with Director of Planning Katie Nunez and Building Official Jeb Brady, who reviewed a study commissioned by Northampton County by the Berkley Group titled "Overcoming Land Use Ordinance Barriers to Housing Development" dated May 27, 2022. We reviewed definitions and terms, uses by zoning districts, impacts on lot coverage, setbacks, height requirements, and parking implications. These proposed changes were imported into the larger zoning ordinance amendments project.

A Sign Subcommittee was formed, comprised of Shannon Smith and Bill Ashworth as well as Director of Planning Katie Nunez, to complete revisions to the Sign Ordinance, using a model ordinance from the Virginia Local Government Attorneys Association. This entire document was then incorporated into the larger project on the zoning ordinance and went in as a stand-alone chapter to the Zoning Ordinance.

In addition, the Planning Commission met with the Town Council in six joint work sessions to review the proposed zoning ordinance amendments which also contained adjustments to the Industrial and Harbor Zoning Districts. All of the proposed changes resulted in several mapping amendments as well to align the parcels to the appropriate new or existing zoning district. This led up to a Joint Public Hearing on November 18, 2024, on the amended zoning ordinance and zoning map which was adopted by Town Council with some revisions on December 19, 2024.

Additionally, a new ordinance regarding Short Term Rentals or Vacation Rentals also was developed concurrently over the last 2 years, led by Town Manager John Hozey with

assistance from a working committee and Planning Director Katie Nunez and Councilman Paul Grossman. This was initially adopted on November 21, 2024 as a singular zoning text amendment. However, Town Council chose to consider further changes to the STR Zoning Ordinance which were able to be included into the larger full zoning ordinance revision project and was subsequently amended December 19, 2024 as part of the full Zoning Ordinance revision document.

The full zoning ordinance revision and the creation of a new zoning ordinance on a major community issue (Short Term Rentals) was a significant effort and long overdue project of the department and the Planning Commission and eventually Town Council.

Unfortunately, these two projects did not allow time for pursuit of other identified issues for the department and Commission to handle. In 2025, our focus will turn to developing guidelines and master plan for the harbor area, including the former railroad property and working with Preserve Communities (developer of Bay Creek) to update and amend the zoning ordinance known as the Accawmacke Plantation (Bay Creek) Planned Unit Development ordinance.

In 2025, the Planning & Zoning staff will also be working on several software improvements for the department, including (1) GIS Mapping Software, (2) STR Software, (3) Permitting Software for the planning & zoning issued permits, and (4) Agenda Management Software which will be for all of the Planning & Zoning Boards and Commission but also for Town Council.

2024 Planning Commission Members

Name	*Representation*	*Term of Appointment*	*Notes*
Bill Stramm, Chair	At-Large Member	11/1/2022 – 10/31/2026	Re-elected in December 2023 as Chair
Paul Grossman	Town Council Rep. Vice-Chair	1/1/2023 – 12/31/2027	Elected in December 2023 as Vice-Chair
Libby Wright	At-Large Member HDRB Rep.	2/11/2024 – 10/31/2027	-
Bill Ashworth	At-Large Member HARB Rep.	11/1/2024 – 10/31/2028	-
Shannon Smith	At-Large Member HARB Rep.	1/1/2023 – 10/31/2025	-
Jim Holloway	At-Large Member BZA Rep.	11/1/2022 – 10/31/2027	-
Ian McDonald	At-Large Member	6/7/2024 – 10/31/2028	-

NOTE: The Planning Commission appoints its members to serve as their designee on the following Town Boards:

Historic District Review Board – 1 Appointment

- Libby Wright, term of appointment is: 2/1/2024 - 10/31/2027

Board of Zoning Appeals – 1 Appointment

- Jim Holloway, term of appointment is 11/1/2022-10/31/2027

Harbor Area Review Board – 2 Appointments

- Bill Ashworth, term of appointment is 11/1/2024-10/31/2028
- Shannon Smith, term of appointment is 1/2023 – 10/31/2025

2024 Planning and Zoning Staff

Katie Nunez, Director of Planning & Zoning Administrator & Subdivision Agent
Tracy Outten, Planning/Zoning Assistant, Preservation & Zoning Administrator
Maureen Tamares-Meditz, Planning & Zoning Administrative Assistant (part-time), (Resigned in April 2024)
Jack Steinmayer, Zoning Compliance Officer & Planning & Zoning Administrative Assistant (hired June 2024)

2024 Planning Commission Meetings

For 2024, Bill Stramm and Paul Grossman were elected in December 2023 as Chair and Vice-Chair, respectively.

2024 Attendance

Blue highlighted dates are Work Sessions;
Green highlighted dates are Joint Public Hearings with the Town Council;
Orange highlighted dates are Joint Work Sessions with Town Council.

P = Present; A = Absent; V = Vacant

	01/11/24	02/06/24	02/21/24	2/24/24	04/15/24	06/04/24	08/06/24	08/22/24	09/03/24	10/01/24
Bill Stramm	P	P	P	P	P	P	P	P	P	P
Paul Grossman	P	P	P	P	P	P	P	P	P	P
Bill Ashworth	P	P	P	A	P	P	P	P	P	P
Shannon Smith	P	P	P	P	P	P	A	A	P	P
Jim Holloway	P	P	P	P	P	P	P	P	A	P
Elizabeth Wright	-	P	P	P	P	P	P	P	P	P
Michael Strub	P	-	-	-	-	-	-	-	-	-
Ian McDonald	V	V	V	V	V	P	P	P	P	P

	10/21/24	10/30 /24	11/18/24	12/03/24
Bill Stramm	A	P	P	P
Paul Grossman	P	P	P	P
Bill Ashworth	P	P	P	P
Shannon Smith	A	P	P	P
Jim Holloway	P	P	P	P
Elizabeth Wright	P	A	P	P
Michael Strub	-	-	-	-
Ian McDonald	P	P	A	P

In 2024 the Planning Commission held 7 Regular Session Meetings; 1 Work Session; 6 Joint Work Sessions with Town Council; and 2 Joint Public Hearing with Town Council.

LISTING BY MEETING DATE OF TOPICS/ITEMS ADDRESSED AT THE MEETING

1/11/2024: Planning Commission By-Laws were reviewed and clarifying language was suggested. A clean copy of the By-Laws will be brought to the next meeting. The Remote/Electronic Participation Policy will be added as Appendix C when the Planning Commission By-Laws get adopted. Continued the review and discussion of the proposed sign ordinance.

2/6/2024: Planning Commission By-Laws were accepted. The Remote/Electronic Participation Policy was adopted and added to the Planning Commission By-Laws as Appendix C. Ms. Nunez summarized the Planning Commission Annual Report that will be presented to Town Council. Continued with review and discussion of the proposed sign ordinance.

2/21/2024: Continued with review and discussion of proposed sign ordinance. Finalized the proposed sign ordinance discussion, a draft version of the ordinance will be sent out to the Town Council for the February 29th, 2024, Joint Work Session. Reminded the board about the upcoming Strategic Planning Meeting that will be held at the Northampton YMCA gymnasium.

2/24/2024: Strategic Planning Meeting was held in the YMCA gymnasium with the Town Council, Bay Creek Association, Bay Creek Homeowner's Association, Historic Civic League and Cape Charles Main Street.

2/29/2024: Planning Commission and Town Council Joint Work Session was cancelled due to a lack of quorum.

3/5/2024: Planning Commission Regular Meeting was cancelled.

4/15/2024: Planning Commission held a Joint Work Session with Town Council to go over the draft Zoning Ordinance and the new language for certain sections of the Zoning Ordinance that was discussed at the previous Work Session.

5/7/2024: Planning Commission Regular Meeting was cancelled.

6/4/2024: Planning Commission held a Joint Work Session with Town Council to continue the review of the draft Zoning Ordinance and new sections as prepared by Ms. Nunez as a result of the prior work session. Furthermore, pursuant to the previous work session, Ms. Nunez had been consolidating zoning districts relative to Harbor and Industrial in an effort to reduce the number of zoning districts within the Town of Cape Charles.

7/2/2024: Planning Commission Regular Meeting was cancelled.

8/6/2024: Planning Commission held a public hearing for a Zoning Map Amendment (ZMA 2024-01) application from Donna and Gregory Kohler who were requesting to conditionally rezone all three lots of 711 Tazewell Avenue/302 Fig Street (Fig Street Inn) from Residential-1 to Commercial Residential (CR) with proffers in order to expand their business offerings to allow guests to rent bicycles for the duration of their stay at the Fig Street Inn. After conversations between the Commissioners and Applicants, it was clear that the application would not be approved as is and it was decided to table the application

until further discussions could be held between the applicants and the Zoning Administrator.

9/3/2024: Continued review and discussion of Zoning Map Amendment (ZMA 2024-01) application from Donna and Gregory Kohler to conditionally rezone 711 Tazewell/302 Fig Street (Fig Street Inn) from Residential-1 to Commercial Residential. After their application was tabled during the 08/06/2024 Planning Commission Meeting, the applicants met with Ms. Nunez, and it was decided that additional proffers would need to be removed to move the application forward. After further discussion from the Planning Commission, they recommended that only Lot A would be allowed to be rezoned with the accompanying proffer statement.

10/1/2024: Due to Ms. Nunez not feeling well at the time of the meeting, it was decided that instead of holding the full meeting, the Planning Commission would only go over the upcoming calendar for Short – Term Rentals and all other Zoning Text Amendments. After going over the calendar it was confirmed that the Planning Commission would only hold a special session on October 30th, 2024, if they could not make it through all the required material on the October 21st, 2024, meeting.

10/21/2024: Planning Commission and Town Council held a Joint Public Hearing for a Zoning Text Amendment (ZTA) 2024-01 application from the Town of Cape Charles to add in new regulations for Short – Term Rentals (STRs) as a permitted use in certain identified zoning districts and the criteria required in the establishments and operation of an STR by amending sections of the Zoning Ordinance.

10/30/2024: Continued discussion and review of Zoning Text Amendment (ZTA) 2024-01 application from the Town of Cape Charles to add in new regulations for Short – Term Rentals (STRs) as a permitted use in certain identified zoning districts and the criteria required in the establishments and operation of an STR by amending sections of the Zoning Ordinance. The Planning Commission reached a recommendation in favor with amendments on ZTA 2024-01 to Town Council.

11/18/2024: Planning Commission and Town Council held a Joint Public Hearing for a Zoning Text Amendment (ZTA) 2024-02 application from the Town of Cape Charles for a comprehensive review and revision of the Cape Charles Zoning Ordinance to bring the document into alignment with the update of the Comprehensive Plan including editorial changes for improved clarity and for reason required by public necessity, conveniences, general welfare, and good zoning practices.

12/3/2024: Continued discussion regarding Zoning Text Amendment (ZTA) 2024-02 application from the Town of Cape Charles for a comprehensive review and revision of the Cape Charles Zoning Ordinance to bring the document into alignment with the update of

the Comprehensive Plan including editorial changes for improved clarity and for reason required by public necessity, conveniences, general welfare, and good zoning practices.

LISTING BY SUBJECT MATTER
(INCLUDING TOWN COUNCIL FINAL ACTION)

I. ***Comprehensive Plan*** **-** no changes were made to the Comprehensive Plan in 2024.

II. ***Town Zoning Ordinance 2024***

The Town of Cape Charles conducted a comprehensive review of the Town Zoning Ordinance and with the input of the Planning Commission made the recommended changes. The Planning Commission made their recommendation for approval with modifications on December 3, 2024 and ***Town Council approved with incorporation of the Planning Commission modifications and made several additional changes at their meeting on December 19, 2024. The Full Zoning Ordinance, as adopted by Town Council, will be posted on the Town's MuniCode on the Town website.***

Zoning Text Amendments 2024

A. Zoning Text Amendment (ZTA) 2024-01 application from the Town of Cape Charles to add in new regulations for Short – Term Regulations (STRs) as a permitted use in certain identified zoning districts and the criteria required in the establishment and operation of an STR by amending the following sections of the Zoning Ordinance.

- ***i.*** **Sections 2.9 Definitions:** delete "Dwelling Seasonal" and add "Operator" and "Short – Term Rental"
  - ***1.*** Add Short – Term Rental as by right use in:
    - ***a.*** Section 3.2; Single Family Residential District (R-1)
    - ***b.*** Section 3.3; Residential Mixed District (R-2)
    - ***c.*** Section 3.4; Residential Multi-Family District (R-3)
    - ***d.*** Section 3.5; Commercial Residential (CR)
    - ***e.*** Section 3.6; Commercial District (C-1)
    - ***f.*** Section 3.7; Commercial District (C-2)
    - ***g.*** Section 3.8; Commercial District (C-3)
    - ***h.*** Harbor District (HARB)
- ***ii.*** **Amend Section 3.16 (B):** Permitted Uses: Bay Crossing Planned Unit Development to specifically exclude STRs
- ***iii.*** **Amend Section 4.2 (J):** General Regulations Applicable to All Districts – Accessory Dwellings by deleting (J) (2) (a), under Occupancy Characteristics the section on Transient Occupancy and adding language to (J0 (2) (b) that STRs are not allowed in Accessory Dwellings

iv. **Amend Section 4.5 (B) (3) (a) (9):** under Parking Regulations, by deleting "other temporary residences renting by the day or week"

v. **Add new Section 4.12: Short Term Rental Regulations.**

At their meeting on November 21, 2024, Town Council adopted ZTA 2024-01 on a vote of 4 in favor and 2 against; said ordinance includes the Planning Commission recommendation as well as the following revisions by Town Council:

- ***Item C.5: Add "There shall be no more than two lodgers per bedroom, plus two; with the maximum number of overnight lodgers per dwelling being no greater than ten. Occupancy shall not exceed any limit set by the Uniform Building code or local building code official. Occupancy of greater than the above per STR may be approved through a Conditional Use Permit, provided the property can accommodate sufficient off-street parking, the property meets any other life safety requirements as may reasonably be required for such higher occupancy, and the property does not exceed the Uniform Building Code or local building code official limitations."***
- ***Item E.1.h & E.1.i: remove "or more" from the violation language.***
- ***Item E.1.f: delete from the ordinance***
- ***Add a new item under the STR Zoning requirements that "STR Property Owners are required to have annual certification of town-prepared training sessions.***
- ***Amend Article III moving all Short-Term Rentals from accessory uses (by-right) to Conditional Uses in the respective zoning districts.***

B. Zoning Text Amendment (ZTA) 2024-02 application from the Town of Cape Charles for a comprehensive review and revision of the Cape Charles Zoning Ordinance to bring the document into alignment with the updated of the Comprehensive Plan including editorial changes for improved clarity and for reason required by public necessity, convenience, general welfare, and good zoning practice.

i. **Article II -** General Provisions: update the district references; change the Violation and Penalty section to a civil penalty; remove Change of Use Section regarding Non-Conforming Building or Structure; remove

Occupancy of Vacant Non-Conforming Buildings or Structures; Update the Board of Zoning Appeals Powers and Duties to Code of Virginia requirements; move the Definitions Section to new Appendix A.

ii. **Article III -** District Regulations: converted the dimensional information for each district into digestible charts and standardize each district to have a By-Right Use, Accessory Use and Conditional Use Category and move all Development Standards to a new section in Article IV.

- ***1.*** Delete Residential Estate District (R-E)
- ***2.*** Residential-1 District:
  - ***a.*** Add by-right use of (a) Duplex Dwellings, provided off-street parking is provided, (b) condominium dwellings; (c) cooperative dwellings; (d) manufactured home dwellings, (e) Group Homes, per Code of VA §15.2-2291; delete dog pens; and move Home Occupations and Accessory Dwelling Units to Accessory Units, and (f) Short Term Rentals;
  - ***b.*** add Accessory Uses of (a) home occupations and Accessory Dwelling Units and accessory buildings and electric vehicle charging stations;
  - ***c.*** delete from Conditional Uses (a) libraries, museums, and office & meeting spaces for civic organizations; public utilities and services; neighborhood community center; and Adaptive Reuse of existing structures.
- ***3.*** Residential-2 District
  - ***a.*** Add by-right use of condominium, cooperative, and manufactured home dwellings; Group Homes; Short Term Rentals
  - ***b.*** Streamline the Accessory Uses and Conditional Uses
- ***4.*** Residential-3 District
  - ***a.*** Add by-right use of duplex, condominium, cooperative, manufactured home dwellings, group homes, parks & playgrounds, and Short – Term Rentals
  - ***b.*** Streamline the Accessory Uses and Conditional Uses
- ***5.*** Commercial Residential (CR)
  - ***a.*** Add by-right use of duplex, townhouse, condominium, cooperative, and manufactured home dwellings; Group Homes; Short Term Rentals; consolidated commercial and community uses

b. Added Accessory Uses section and streamlined Conditional Uses

6. Commercial District (C-1): streamline By-Right, Accessory and Conditional Use categories

7. Commercial District (C-2): streamline By-Right, Accessory and Conditional Use

8. Commercial District (C-3): streamline By-Right, Accessory and Conditional Use

9. Restructure Harbor District into Harbor-Commercial and Harbor-Light Industrial

10. Industrial District (M-1) – Delete

11. Industrial District (M-2) – with some modifications

12. Retain Planned Unit Development (PUD) with some modifications

13. Delete General Business/Light Industrial H-1 (GBI H-1) – partially consolidated with new Harbor – Light Industrial

14. Retaining Open Space District with some modifications

15. Retaining Bay Crossing Planning Unit Development (Bay Crossing PUD) with minor modifications

iii. **Article IV –** General Regulations Applicable to All Districts

1. Revised Home-Based Occupation

2. Deleted Sign Regulation and replaced with new Sign Regulation section

3. Exceptions to the Regulations – clarifications and minor corrections

4. Revisions to the Conditional Use Permits Procedures, Off-Street Parking and Loading Standards, Demolition Policy, Swimming Pool Regulations

5. Delete Section 4.4 (E) – Exterior Lighting and replace with new section "Outdoor Lighting"

6. Add new section "Solar Panels-Performance Standards/Design Regulations"

7. Delete Section 4.11 Wind Turbines

8. Add 2 new section containing all of the Performance Design Standards (one Commercial and one Residential) that was formally located in Article III & add new section regarding Sidewalk Development for Infill Lot Development

9. Add new section regarding "Accommodations Relative to the Americans with Disabilities Act and the Fair Housing Act"

10. Add new section regarding "Short Term Rental Regulations"

iv. **Article VI –** Flood Plain District – delete current version and replace with new Model Ordinance with modifications.

v. **Article VIII –** Historic District Overlay

1. Revision to Section 8.17 – update reference to include new section on Solar Panels Standards in Article IV
2. Revision to Section 8.21 – Demolition: Alternate Procedure: Offer to Sell
3. Revision to Section 8.22 – Maintenance and Repair Required
4. Revision to Section 8.33 – Appeals; Decision of the Historic District Review Board to be consistent with the Historic District Guidelines

vi. **Article IX –** Revise to delete "Historic" from the title and throughout this section

vii. **Appendix A –** Subdivision Ordinance – revisions to address consistency with Code of Virginia

viii. **Appendix B –** Site Plan Ordinance

ix. **Appendix C –** Coastal Primary Sand Dunes Ordinance – revisions to address consistency with Code of Viriginia

x. **Appendix D –** Erosion and Sediment Control Ordinance – Delete current version and replace with new Model Ordinance with modifications

xi. **Appendix E –** Wetlands Ordinance – revisions to address consistency with Code of Virginia

xii. **New Appendix –** to contain Definitions that was a section previously in Article II.

and Zoning Map Amendments 2024-02 thru 2024-084 listed below:

ZMA #	TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING
2024-02	90-19-B	Owner: Town of Cape Charles 16.21 acres or 706,161.78 sq. ft. Off Old Cape Charles Road- & Cassatt Parkway	RE	R-3
2024-03	90-19-B1	Owner: Virginia American Water Company (VAW) 1.44 acres or 62,729.79 sq. ft. Known as the Keck Well Site	RE	Open Space (OP)
2024-04	90-3-A2	Owner: Donald Lee 1.55 acres or 67,693.49 sq. ft. 2449 Old Cape Charles Road	RE	R-3
2024-05	90-12-Y	Owner: Brian Chandler Burke 1.1 acres or 47,857.32 sq. ft. 2461 Old Cape Charles Road	RE	R-3

ZMA #	TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING
2024-06	90-12-Z	Owner: Spath Squared LLC 1.1 acres or 47,934.02 sq. ft. Old Cape Charles Road	RE	R-3
2024-07	90-A-6	Owner: The Virginia Port Authority 44.41 acres or 1,934,450.76 sq. ft. Pit for Beach Dredging Spoils Site	M-1	Open Space
2024-08	90-A-90-A-4C	Owner: Commonwealth of Virginia Department of Conservation & Recreation 21.62 acres or 941,701.49 sq. ft.	GBI-H-1	Open Space
2024-09	90-13-A	Owner: Commonwealth of Virginia Department of Conservation & Recreation 21.48 acres or 935,546.37 sq. ft.	Harbor	Open Space
2024-10	90-A-1A6	OWNER: Cherrystone investments, LLC 1.85 acres or 80,577.68 sq. ft.	Harbor	Harbor – Light Industrial
2024-11	90-8-1A4	OWNER: Northampton County Board of Supervisors 2.18 acres or 94,766.52 sq. ft.	GBI-H1	Harbor – Light Industrial
2024-12	90-8-1A3	OWNER: Cape Charles Properties, LLC 8.38 acres or 365,221.75 sq. ft.	GBI-H1	Harbor – Light Industrial
2024-13	90-20-1	OWNER: Fujifilm Wako Chemicals USA Corporation 301 Patrick Henry Ave. 2.75 acres or 119.701.17 sq. ft.	Harbor	Harbor – Light Industrial
2024-14	90-8-1A1	OWNER: Cape Charles Properties, LLC 11.79 acres or 513,729.51 sq. ft.	GBI-H1	Harbor-Light Industrial
2024-15	90-8-1A5	OWNER: Cape Charles Properties, LLC 56.02 acres or 2,440,242.97 sq. ft.	GBI-H1	Harbor-Light Industrial
2024-16	90-A-1B	OWNER: Upfront Storage, LLC 5 acres or 217,639.59 sq. ft.	GBI-H1	Harbor – Light Industrial
2024-17	90-A-1A	OWNER: Cape Charles Properties, LLC 18.13 acres or 789,711.55 sq. ft.	GBI-H1	Harbor – Light Industrial
2024-18	83A3-11-2	OWNER: Cape Harbor Holding Company, LLC 1101 Bayshore Lane 17.18 acres or 784,426.9 sq. ft	M-2	Harbor – Light Industrial
2024-19	83A3-11-1	OWNER: Cape Harbor Holding Company, LLC 2.52 acres or 109,751.96 sq. ft.	Harbor	Harbor – Light Industrial
2024-20	83A3-A-20	OWNER: Cape Marine Services, LLC 1021 Bayshore Road 1.6 acres or 69,610.36 sq. ft.	Harbor	Harbor-Light Industrial
2024-21	83A3-A-19	OWNER: Cape Marine Services, LLC 1011 Bayshore Road 1.42 acres or 61,991.94 sq. ft.	Harbor	Harbor – Light Industrial
2024-22	83A3-A-19A	OWNER: HUSH HUSH LLC 1011 Bayshore Road 5,605 square ft.	Harbor	Harbor - Commercial

ZMA #	TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING
2024-23	83A3-A-12	OWNER: Cape Marine Services .99 acres or 43,274.03	Harbor	Harbor – Light Industrial
2024-24	83A3-A-11	OWNER: Coast Guard Yacht Center 1 Marina Way 2.2 acres or 95,637.52	Harbor	Harbor – Light Industrial
2024-25	83A3-A-17	OWNER: Cape Marine Services, LLC 1100 Bayshore Rd. 12.6 acres or 547,500.56 sq. ft.	Harbor	Harbor – Light Industrial
2024-26	83A3-A-15	OWNER: CTI TOWERS ASSETS II LLC 1.72 acres or 74,866.29 sq. ft.	Harbor	Open Space
2024-27	83A3-A-13	OWNER: CTI TOWERS ASSETS II LLC .26 acres or 11,283.33 sq. ft.	Harbor	Open Space
2024-28	83A3-A-14D	OWNER: Cape Charles Rosenwald School Restoration Initiative, Inc Old Cape Charles Road 8.72 acres or 379,843.33 sq. ft.	Harbor	Commercial-1
2024-29	90-A-9	OWNER: Canonie Atlantic Company 28.94 acres or 1,260,667.69 sq. ft.	M-2	PUD
2024-30	83A3-A-14C	OWNER: Town of Cape Charles 2.72 acres or 118,361.03 sq. ft.	Harbor	Commercial-1
2024-31	83A3-A-14A	OWNER: Town of Cape Charles 1.43 acres or 62, 436.83 sq. ft,	Harbor	Open Space
2024-32	83A3-A-14B	OWNER: Virginia American Water (VAW) 500 Bayshore Road 4.72 acres or 205,442.13 sq. ft.	Harbor	Open Space
2024-33	83A4-A-24	OWNER: Wilhemnia Bosse .46 acres or 20,253.43 sq. ft.	Harbor	Commercial-1
2024-34	83A3-A-9	OWNER: Canonie Atlantic Company 42.15 acres or 754,170.41 sq. ft.	Harbor	Harbor-Commercial for bulk of parcel except Commercial-1 (for approx.. 2,085 sq. ft along Mason Avenue between Peach St. and Nectarine St. for a depth southward of 120 feet)
2024-35	83A3-A-10	OWNER: Town of Cape Charles 17.31 acres or 118,361.03 sq. ft.	Harbor	Harbor-Commercial
2024-36 2024-37	83A3-A-5 83A3-A-5A	OWNER: Cape Charles RF, LLC 7.26 acres or 312,100.06 sq. ft. 1.271 acres or 43,522.18 sq. ft.-	Harbor	Harbor-Commercial
2024-38	83A3-2-2-88 83A3-2-2-87 83A3-2-2-84	OWNER: 1 Mason Avenue, LLC 1 Mason Avenue 16,880 sq. ft.	Harbor	Harbor-Commercial

ZMA #	TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING
2024-39	83A3-A-6	OWNER: Port of Cape Charles Development Corp 216 Mason Avenue .48 acres or 21,065.86 sq. ft	Harbor	Commercial-1
2024-40 2024-41 2024-42 2024-43 2024-44 2024-45 2024-46 2024-47 2024-48 2024-49 2024-50 2024-51 2024-52 2024-53 2024-54 2024-55 2024-56 2024-57 2024-58	83A3-4-**XXXX** 83A3-4-220BO 83A3-4-222BO 83A3-4-224BO 83A3-4-226BO 83A3-4-228BO 83A3-4-230ABO 83A3-4-230BBO 83A3-4-230CBO 83A3-4-230DBO 83A3-4-230EBO 83A3-4-230FBO 83A3-4-230GBO 83A3-4-230HBO 83A3-4-230IBO 83A3-4-232BO 83A3-4-234BO 83A3-4-238BO 83A3-4-240BO	OWNER: VARIOUS OWNERS 220 – 236 Mason Avenue & 230 Mason Avenue (CONDO BUILDING) 28,604 sq. ft or .66 acres	Harbor	Commercial-1
2024-59 2024-60 2024-61 2024-62 2024-63 2024-64 2024-65 2024-66 2024-67 2024-68 2024-69 2024-70 2024-71 2024-72 2024-73 2024-74 2024-75 2024-76 2024-77 2024-78 2024-79	83A3-4-3001ABO 83A3-4-3001BBO 83A3-4-3001CBO 83A3-4-3001DBO 83A3-4-3002ABO 83A3-4-3002BBO 83A3-4-3002CBO 83A3-4-3002DBO 83A3-4-3002EBO 83A3-4-3002FBO	OWNER:VARIOUS OWNERS (CONDO BUILDING) 28,757 sq. ft. or .66 acres 300 Mason Avenue	HARBOR	Commercial-1

ZMA #	TAX MAP #	LOCATION / PARCEL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING
2024-80 2024-81 2024-82 2024-83 2024-84	83A3-4-3002GBO 83A3-4-3002HBO 83A3-4-3003ABO 83A3-4-3003BBO 83A3-4-3003CBO 83A3-4-3003DBO 83A3-4-3003EBO 83A3-4-3003FBO 83A3-4-3003GBO 83A3-4-3003HBO 83A3-4-300A 83A3-4-300B 83A3-4-300C 83A3-4-300D 83A3-4-300E 83A3-4-300F			

At their meeting on December 19, 2024, Town Council voted to amend Cape Charles Zoning Ordinance by replacing it wholly with Zoning Text Amendment 2024-02 and Zoning Map Amendments 2024-02-thru 2024-084 (passed unanimously), including the Planning Commission recommendations along with the following amendments by Town Council:

- ***Amend Section 3.10 Harbor – Light Industrial by amending the Statement of Intent as follows:***

  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 through the harbor. The south side of Mason Avenue shall provide a visually inviting connection to~~

~~*the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs.*~~

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

- ***Amend Section 3.10 Harbor – Light Industrial by adding two uses to the Permitted Uses Category: 1) Port facilities and bulk handling and storage of materials such as stone, sand, timber, steel, etc.; and 2) Manufacture and repair of vessels such as concrete floating docks, barges and ships.***

- ***Amend Section 4.2 {corrected to 4.15 in final Zoning Ordinance} (M) Bed and Breakfasts (B&Bs) requirements, adding item #e which states: "The following ancillary, or accessory, business uses are permissible through a conditional use permit; said uses may be included with the initial Conditional Use Permit application for a Bed & Breakfast or may be applied for as a modification to the approved Conditional Use Permit for the Bed & Breakfast:***
    1. ***Bicycle Rentals***
    2. ***Gift Shops, located within either the principal residence or buildings identified as part of the Bed & Breakfast and not to exceed 20% of the total floor space of the Bed & Breakfast***
    3. ***Electric Vehicle Charging Stations.***

- ***Amend the Short Term Rental ordinance from 11/21/2024 with a new amended STR Ordinance document that restored STRs to by-right Accessory Uses and not as Conditional Uses and delete all of the grandfathered language; add to Section 4.14 (B)(f) the following at the end of the section "certification that contact information has been provided to all current adjacent property owners each permit period" and to amend Section 4.14 (C) (6) to add a sentence to the end of of the paragraph "excluding persons 2 years of age or under from the occupancy count".***

III. Conditional Use Permits 2024

None

IV. Zoning Map Amendments 2024

A. Zoning Map Amendment (ZMA) 2024-01: application from Donna and Gregory Kohler to conditionally rezone 711 Tazewell Avenue/302 Fig Street (aka Fig Street Inn) (Tax Map #83A4-2-A; 83A4-2-J; and 83A4-2-I) from Residential-1 to Commercial Residential (CR) with proffers to limit commercial activity of said proposed rezoning; said property has a Conditional Use Permit for a Bed & Breakfast. ***On October 17th, 2024, the applicants withdrew their application due to indications from the Town Council that they were not going to approve a rezoning of any of the lots that were proposed.***

B. Zoning Map Amendments (ZMA 2024-02 thru 2024-084): see discussion under the full Zoning Ordinance above.

V. General Discussions 2024 - NONE.

Town of Cape Charles
Wetlands and Coastal Dune Board

2024 Annual Report

John Schoeneck
Chairman

William “Bill” Robertson
Vice – Chairman

2024 Wetlands and Coastal Dune Board Members

Name	***Representation***	***Term of Appointment***	***Notes***
Jay Schoeneck	Chairman	11/13/2021 – 11/12/2026	Elected as Chairman in June 2023
William "Bill" Robertson	Vice – Chair	11/13/2019 – 11/12/2029	Elected as Vice – Chair in June 2023
Mike Hudson	Member At-Large	11/13/2022 – 11/12/2027	-
Elizabeth "Liz" Pruitt	Member At-Large	11/13/2023 – 11/12/2028	-
Vacant	Member At-Large	-	-

<u>2024 Staff</u>

Katie Nunez, Director of Planning/Zoning Administrator & Subdivision Agent
Tracy Outten, Planning/Zoning Assistant, Preservation & Zoning Administrator
Jack Steinmayer, Zoning Compliance Officer & Administrative Assistant

<u>2024 Member Attendance</u>		
	7/17/2024	12/18/2024
Jay Schoeneck	P	Cancelled
William Robertson	P	
Mike Hudson	P	
Elizabeth Pruitt	P	

In 2024 the Wetlands and Coastal Dune Board held 1 Regular Session Meeting.

I. Introduction

Section 28.2-1304 of the Code of Virginia states the following, "The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year and shall forward a copy of each report to the Virginia Marine Resources Commission".

This board met infrequently during 2024. Indicated by the lack of meetings.

II. Board Updates

The board remained consistent throughout the 2024 calendar year.

III. Staffing Updates

In April 2024, the part-time Planning & Zoning Administrative Assistant Maureen Tamares-Meditz resigned to take a full-time position at the Cape Charles Library. Afterwards, the decision was made to combine the Zoning Compliance Officer and Planning & Zoning Administrative Assistant into one full-time position. In June 2024, Jack Steinmayer was hired to fill the vacancy.

IV. Meeting Information

7/17/2024:

A. ***VMRC JPA #2024-1368 – application from John and Dorothy Butler – to construct a 119 foot long and 4-foot-wide boardwalk at 604 Carousel Place, using marine grade/pressure treated wood. The Wetlands and Coastal Dune Board reviewed the application and affirmed the by right dock application. Application was approved administratively.***

B. ***VMRC JPA #2024-1343 – application from Ronald Holt – to construct a 120 foot long and 4-foot-wide boardwalk at 614 Carousel Place, using marine grade/pressure treated wood. The Wetlands and Coastal Dune Board reviewed the application and affirmed the by right dock application. Application was approved administratively.***

C. ***VMRC JPA #2024-1348 – application from Dianne Frantz – to construct a 105 foot long and 4-foot-wide boardwalk at 616 Carousel Place, using marine grade/pressure treated wood. The Wetlands and Coastal Dune Board reviewed the application and affirmed the by right dock application. Application was approved administratively.***

D. ***VMRC JPA #2024-1344 – application from George R. Semmens – to construct a 90 foot long by 4-foot-wide boardwalk at 620 Carousel Place, using marine grade/pressure treated wood. The Wetlands and Coastal Dune Board reviewed the application and affirmed the by right dock application. Application was approved administratively.***

E. ***VMRC JPA 2024-1345 – application from Gregg Taylor – to construct a 90 foot long by 4-foot-wide boardwalk at 624 Carousel Place, using marine grade/pressure treated wood. The Wetlands and Coastal Dune Board reviewed the application and affirmed the by right dock application. Application was approved administratively.***

F. ***VMRC JPA 2024-1366 – application from Lorraine Buono – to construct a (1) (73'Lx5'W) private pier with a (20'Lx20'W) "L," (2) and a (16'x12'W) boat lift slip at 124 Creekside Lane. The Wetlands and Coastal Dune Board reviewed the application and affirmed the by right dock application. Application was approved administratively.***

Also at this meeting, the Wetlands and Coastal Dune Board reviewed its By-Laws and adopted the Remote/Electronic Participation Policy, as Appendix C pursuant to the Code of Virginia Sections 2.2-37708.2 and 2.2-3708.3.

<u>12/18/2024</u>

A. ***VMRC JPA 2024-2714 – application from John and Susan Robinson – to construct a 63'x5' dock, 12'x13' L head, 20'x8' floating dock, 3'x16' steel ramp, 7'x6' platform for ramp, and 7'x6' bottom platform for ramp at 113 Creekside Lane. Grider cross beams will be constructed of marine treated 3x8s, stringers and decking will be constructed of marine treated 2x8s. The Wetlands and Coastal Dune Board did not have a quorum, they were going to review the application and affirm the by right dock application. Application was approved administratively.***

B. ***VMRC JPA 2024-2570 – application from Coastal Precast Systems, LLC., - to construct a 625-foot extension to connect Patrick Henry Avenue to the southern end of the concrete plant. The Wetlands and Coastal Dune Board did not have a quorum. Application was administratively approved with the conditions that Coastal Precast Systems, LLC., gave the Planning and Zoning Department a set of plans, with dates, and received the necessary site plan approvals for this project.***



PROCLAMATION 20250417A

BUILDING SAFETY MONTH — MAY 2025

WHEREAS, the Town of Cape Charles is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike, and;

WHEREAS, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians–building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry–who work year-round to ensure the safe construction of buildings, and;

WHEREAS, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play, and;

WHEREAS, these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and;

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety–our local code officials–who assure us of safe, sustainable and affordable buildings that are essential to our prosperity, and;

WHEREAS, "Game On!," the theme for Building Safety Month 20245 encourages us all to get involved and raise awareness about building safety on a personal, local and global scale, and;

WHEREAS, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention departments and federal agencies in protecting lives and property, now

THEREFORE, be it proclaimed that the Cape Charles Town Council hereby designates the month of May 2025 as Building Safety Month.

_____

Mayor Adam Charney

ATTEST:

_____

Town Clerk



TOWN OF CAPE CHARLES
PROCLAMATION #20250417B

TO RECOGNIZE NATIONAL PEACE OFFICERS' MEMORIAL DAY AND NATIONAL POLICE WEEK 2025

To honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, in 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers' Memorial Day and the week in which that date falls as Police Week; and

WHEREAS, May 15, 2025 has been designated as National Police Officers' Memorial Day and May 11-17, 2025 as National Police Week; and

WHEREAS, there are more than 900,000 sworn law enforcement officers serving in communities across the United States, including the dedicated members of the Town of Cape Charles Police Department; and

WHEREAS, the members of the Cape Charles Police Department play an essential role in safeguarding the rights and freedoms of the citizens of the Town of Cape Charles and provide vital public service; and

WHEREAS, since the first recorded death in 1786, 24,067 law enforcement officers in the United States have made the ultimate sacrifice and have been killed in the line of duty; and

WHEREAS, each year, hundreds of names of officers killed in the line of duty are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

WHEREAS, the National Law Enforcement Officers Memorial Fund will host their 37th Candlelight Vigil on May 13, 2025 and the names of the 147 officers lost during 2024 will be read aloud to memorialize them for making the ultimate sacrifice for their communities; now

THEREFORE, BE IT PROCLAIMED that the Cape Charles Town Council formally designates May 15, 2025 as Peace Officers' Memorial Day in honor of all fallen officers and their families and U.S. flags should be flown at half-staff; and

BE IT FURTHER PROCLAIMED that the Cape Charles Town Council formally designates May 11-17, 2025 as Police Week in the Town of Cape Charles and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

****

Adopted by the Town Council of Cape Charles on this 17th day of April 2025.

_____

Mayor Adam Charney

ATTEST:

_____

Town Clerk

DRAFT
TOWN COUNCIL
Public Input Session, Public Hearing & Regular Meeting
Cape Charles Civic Center
March 20, 2025
6:00 PM

At approximately 6:00 p.m. Vice Mayor Andy Buchholz, having established a quorum, called to order the Regular Meeting of the Cape Charles Town Council. In addition to Vice Mayor Buchholz, in attendance were Councilmen Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway. Mayor Charney was out of town and unable to attend. Staff in attendance were Town Manager John Hozey, Treasurer Marion Scofield, Planning & Zoning Director Katie Nunez, Police Officer Jordan Yee, Assistant to the Town Manager Courtney Neale and Town Clerk Libby Hume. There were 15 members of the public physically in attendance, and 15 viewers on Facebook.

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

PUBLIC INPUT SESSION FOR 2025 COMMUNITY STRATEGIC PLAN
John Hozey stated that this portion of the meeting would be handled like a Town Hall meeting. There would be no time limits for comments, and the discussion would be interactive.

Sam Jones, resident
Mr. Jones addressed Council speaking on behalf of the Cape Charles Historic District Civic League regarding Appendix B – Town Priorities List. (Please see attached.)

There was some discussion as follows: i) John Hozey addressed Mr. Jones' comments explaining the layout of Appendix B. The items in blue were those in progress, not a higher priority. Council needed to prioritize the new items listed at the bottom of the page. These items would be worked on as time and staff became available. Staff could only execute so much so fast. Just because an item was not listed on Appendix B did not mean that it was not included in the strategic plan. It was just not listed as a priority; ii) Councilman Grossman stated that the 5-Year Plan included sidewalks but there might not be enough funding to complete it all and added that some items were included in the capital improvement plan but not in the strategic plan; iii) John Hozey added that there was $50K budgeted for sidewalk infill in this year's capital budget. The Strawberry Street sidewalk on the west end of Central Park had just been completed and an invitation for bids was just issued for a sidewalk on Fig Street; iv) Councilman Grossman asked whether the Civic League had looked at possible incentives for full-time residents. Mr. Jones stated that the Civic League had no specific recommendations at this time but they could review information from other localities and bring something back for Council review. Councilman Grossman asked that the Civic League do so and that a possible work session could be scheduled to review the information.

John Hozey stated that he received an email from Mr. Jones regarding the timing of the adoption of the strategic plan with comments being accepted this evening. The reason that the adoption was scheduled for this evening was because the strategic plan was part of the budget process. Once the strategic plan was approved, the proposed budget could be developed and had to be approved in June. There was a strict timeline. We had issues with Council availability in January and the February meeting was cancelled due to the snowstorm. Council was prepared to spend as much time as needed this evening to discuss the comments being received, make any necessary amendments, and adopt the plan.

Jim Metz, resident
Mr. Metz spoke in support of Mr. Jones' comments and elaborated on the future location of the new municipal center. He was in favor of keeping the municipal center in the historic district but

suggested that the initial design might not be suitable at the entrance of the historic district since it looked more like a warehouse than a building that belonged in the historic district and asked that the design be reevaluated if the Meatland site was chosen.

There was some discussion as follows: i) John Hozey stated that he felt the building design was very attractive and nothing like a warehouse and offered to send the design to Mr. Metz since it had been a while since the public had seen the rendering. Regarding the potential location of the new municipal center, he was still negotiating with the owners of the Meatland site, but they may or may not reach an agreement; ii) Councilman Newman asked whether the Town had to go through the same process as others for plan approval. Planner/Zoning Administrator Katie Nunez stated that, yes, the Town had to go through the process but the property under consideration did not fall within the historic district overlay. The building had to compliment but not mimic the historic district. Any plans would have to go through the Historic District Review Board, Department of Environmental Quality, VDOT, erosion & sediment control, etc. Mr. Metz asked for examples of complimentary buildings. Katie Nunez noted Eastern Shore Custom Carts, Beach Market, Mini Golf, and the Cape Charles Brewing Company which all fell within the corridor. Mr. Metz urged that the building be as compliant with the historic district as possible.

Mark Usry, resident

Mr. Usry thanked Council for all their time spent in meetings to get to this point. He just wanted to make a couple of comments: i) He stated that the process for making changes to homes in the historic district needed to be changed, adding that the amount of money charged for review was outrageous; ii) He remembered Town Council meetings going back to 1996, and maybe longer than that, where sidewalks were discussed. He realized that town staff worked long hours, but a project manager was needed to get the sidewalks done; iii) He expressed concern over the large percentage drop of survey responses. He asked if it might be because of less controversy; iv) He felt that the Town needed to prioritize the Canonie property, either purchasing it or rezoning it. If the Town decided to purchase the property, the town offices could go there. Whatever the Town decided about the Town Hall, it seemed that the Town could do something to get the owners of Meatland to fix up the property after Custom Carts moved. It needed to be fixed or bulldozed; v) A couple of years ago, the Town allocated $10K for the Tree Advisory Board (TAB) and he wondered what happened to that $10K. He described a project in Bloomsburg, PA where the staff worked with volunteers to plant about 20 trees. Staff dug the holes and ordered the trees and volunteers planted them. Homeowners were asked to water them; vi) Surely something could be done regarding affordable housing and promoting long-term rentals; vii) He thanked Council for including the fourth gem – Central Park – be included in the strategic plan.

There was some discussion as follows: i) John Hozey explained a technical issue with Survey Monkey related to requesting personal information. Survey Monkey did not like surveys to request personal information, but our survey required it. We had to add a question, whether the individual approved providing their personal information. A large number stated "No," so their responses were not counted; ii) Councilman Grossman asked John Hozey to talk about the Meatland property. John Hozey stated that he was currently in negotiations to purchase the property, but it was not yet a done deal. Councilman Grossman added that if the Town purchased the property for the new Town Hall, the issues with the condition of the Meatland property would go away; iii) Councilman Grossman stated that the money was still in the Public Works budget. John Hozey added that $10K was budgeted for TAB, but when they disbanded, there was no one else to take it over. The funding would go away at the end of this fiscal year (June 30, 2025). TAB had the expertise regarding trees, etc. and they had submitted a plan which was approved by the Town Council for funding. The Town was going to implement the plan but lost the volunteers. If anyone else were to step up to continue the work done by TAB, the money could be budgeted again. It would be a great benefit to the town; iv) Vice Mayor Buchholz stated that it took a long time to get approval for accessory dwelling units (ADUs) which were approved for long-term rentals only. We had 63 ADUs, some being used for long-term rentals and some for the use of the owners' family members. Councilwoman Holloway asked

for recommendations from the Civic League about ways to incentivize owners to consider their ADUs for long-term rentals. Council was open to recommendations.

Ed Wells, resident
Mr. Wells stated that at a recent work session, the number of $3.5M came up for the Meatland property - $250K per lot for 14 lots. The original municipal central plan was about $4.5M to $5M. Adding those two numbers together, the municipal center would cost at least $8M. The money would be better used to purchase the Canonie property, then the Town would have more land to do more things.

Town Clerk Libby Hume read comments submitted in writing from Claudette Lajoie, Elise Petersen-McMath, Susan Burger, and Julie Jones. (Please see attached.)

There was discussion as follows: i) Councilman Grossman asked John Hozey to address the statement about public information. John Hozey stated that he received a Freedom of Information Act request for the survey information and had to release the Excel spreadsheet. It was released to one person only; ii) Councilman Holloway asked John Hozey to address the concern about residents and non-residents in the survey. John Hozey stated that staff had the ability to pull out the non-resident responses. His report to Council covered both. The demographics showed about 90% of the responses were from those who lived or owned property in Cape Charles; iii) Councilman Newman stated that he got the optics that people had the idea that Council did what they wanted to do. He made a comment earlier to Councilwoman Holloway about hearing public comments, then voting on the same night. There was a large amount of work involved with sitting up here at the dais. He met with people every day – at his house, around town, in restaurants, etc. He received input from a lot of different people to make Cape Charles a better town. He liked information. An exit survey of those moving away would be difficult to do. He knew a lot of dirty laundry of why people were leaving such as loss of a job, or an illness, etc. Some people might not want to share that information. If he received that request from someone, he would probably pass on answering. He pleaded to the people of Cape Charles not to wait for a meeting to get your three minutes in. The Council members did not just fly into Town once a month for a meeting. We lived here, too. Come see a Council member and express your concerns; iv) Councilwoman Holloway added that Council held work sessions to talk things through. The meetings were open to the public and she encouraged attendance. Ed Wells and Sam Jones usually attended to watch and hear the discussions and see how Council got to the decisions that were being made; v) Jim Metz stated that the exchange of information was critical to making a decision and he only remembered two meetings of this kind, the Town Hall on short-term rentals and this meeting. Otherwise, the public usually only had three minutes to speak or come to observe only. John Hozey stated that more than two meetings of this kind had been held. We held one every year for the strategic plan. We also held them when the Town sold the utilities, on short-term rentals, etc. Whenever we had a controversial issue, a Town Hall-type meeting was scheduled; vi) Councilman Butta reiterated that everyone should feel free to contact any Town Council member to discuss an issue. It was Council's job to listen to the people. Jim Metz stated that an advantage to meeting like this was that the other attendees also heard the discussion; vii) Councilwoman Ashworth added that she started a "Chat Over Coffee" about two months ago on Thursdays where there was a regular Council meeting scheduled. She opened it up for other Council members to attend as well. A great example of this was when Mark Usry pointed out that Central Park was added to the list in the strategic plan. That came from one of her meetings. She started her meetings because people were coming out in full force to the Council meetings when short-term rentals were a hot topic, then afterwards, attendance dropped to only one or two attendees; viii) Jim Metz stated that some of the Council meetings were on Facebook but not all. Facebook was another way of reaching people.

PUBLIC HEARING

A. *Conditional Use Permit Application 2025-02 – 711 Tazewell Avenue/302 Fig Street*
There were no comments to be heard, nor any comments submitted in writing prior to the meeting.

Motion made by Councilman Grossman, seconded by Councilman Butta, to close the public hearing portion of the meeting. The motion was approved by unanimous vote.

The public hearing was closed at 6:51 p.m.

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

A. *Recognition of Employee Significant Anniversary*
Vice Mayor Buchholz congratulated John Hozey for celebrating 5 years of service with the Town of Cape Charles on March 5, 2025, and presented him with a certificate of appreciation.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

Dianne Davis, resident
Ms. Davis addressed Council regarding several topics. (Please see attached.)

There were no other 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. January 9, 2025 Town Council Executive Session
   ii. January 15, 2025 Town Council Work Session
   iii. January 19, 2025 Town Council Regular Meeting
   iv. January 16, 2025 Town Council Work Session
   v. February 6, 2025 Town Council Public Hearing & Special Meeting
   vi. February 6, 2025 Town Council Work Session
   vii. February 27, 2025 Town Council Work Session
   viii. March 6, 2025 Town Council Special Meeting
C. Approval of December 31, 2024 & January 31, 2025 Financial Reports

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

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

A. *Adoption of 2025 Community Strategic Plan:*
John Hozey stated that work sessions were held, and the proposed changes were shown in red in the Draft Strategic Plan. This was the opportunity to make any additional changes and to address items brought up by citizens during the public input session earlier this evening. First, a motion and second were needed to be put on the table to adopt the plan as presented. From that, motions and seconds to amend would be handled one at a time to make any changes. We would continue until all amendments were made, then vote on an amended main motion.

Motion made by Councilman Grossman, seconded by Councilwoman Ashworth, to adopt the 2025 Town of Cape Charles Community Strategic Plan.

Council proceeded to review the strategic plan page by page.

Page 6:

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to add a metric under objective "Encourage Citizen Engagement," to state "Involve citizens in committee projects/committees where appropriate." The motion was approved by unanimous vote.

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Motion made by Councilwoman Holloway, seconded by Councilwoman Ashworth, to revise item "c" under the second metric under objective "Maintain/improve walkability," to include identifying specific strategies and a timeline for sidewalk infill.

There was some discussion and wordsmithing. The revised language was "Identify specific strategies and prioritization for sidewalk infill and provide capital funding as available."

The motion was approved by unanimous vote.

Motion made by Councilman Butta, seconded by Councilwoman Holloway, to revise metric "iii." under the objective "Promote the arts, entertainment, and recreation," to create a public arts commission to develop guidance for public art displays and provide those recommendations to the Town Council for approval.

There was much discussion as follows: i) Councilman Butta suggested that the Cape Charles Arts Commission could be composed of seven appointed members and a member of the Town Council. Representatives from Citizens for Central Park, Arts Enter, Cape Charles Main Street and the Cape Charles Rosenwald School should hold four of the seven appointed positions. Commissioners would serve two-year terms and could be reappointed; ii) John Hozey requested a defeat of this motion stating that requests for public art displays were very seldom, and did would not justify the amount of staff work that would be created by the addition of another board. Meetings would have to be scheduled, staff reports written, minutes taken, then the recommendation would have to be brought to the Town Council for action. It was a huge amount of unnecessary staff work. Which staff person should be assigned to this board? An ordinance would also have to be adopted to authorize the new board. He recommended having requests be presented directly to the Town Council for a decision since this did not come up very often; iii) Councilman Newman asked why it needed to be a public commission and not a private group. Councilwoman Holloway agreed that a private group, like the former Tree Advisory Board, would be better; iv) Suggested language was discussed and a consensus was reached for "Encourage a public arts league that will develop guidance and promotions for the public arts and provide recommendations to the Town Council when appropriate."

The motion was approved by unanimous vote.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to add an item under the objective "Evaluate short-term rental (STR) regulations," stating "Develop metrics to monitor STR regulation effectiveness." The motion was approved by unanimous vote.

Page 7:

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to revise the goal related to Central Park to read "Protect, support and maintain Central Park" and adding two objectives to provide staffing support for community programming efforts and to work with the Citizens for Central Park to add handicapped parking. The motion was approved by unanimous vote.

Motion made by Councilwoman Ashworth, seconded by Councilman Butta, to revise objective "c" under goal "Promote environmental stewardship" adding reference to financial support of the tree canopy. The motion was approved by unanimous vote.

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to correct the Cape Charles Rosenwald School's name to the Cape Charles Washington-Rosenwald School in the first metric under the objective "Improve business access to workforce resources" under

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the goal "Retain and expand businesses in a business-friendly environment," as they were in the process of changing their name. The motion was approved by unanimous vote.

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to add the goal "To enhance the visitor experience in Cape Charles" to the Our Objectives section, as it currently was not included, and to add four objectives "a. In collaboration with Cape Charles Main Street (CCMS), identify the needs of visitors to the Cape Charles commercial district," "b. In collaboration with CCMS, continue plans to build and fund a visitors' welcome center and restrooms in the commercial district," "c. Work with CCMS to measure and increase traffic and engagement in social media channels and the Cape Charles Virginia's Cape (CCVC) website," and "d. Work with CCMS, Town staff, and other organizations to enhance the process for submitting events for posting on the CCVC website." The motion was approved by unanimous vote.

Page 8:

Motion made by Councilwoman Ashworth, seconded by Councilwoman Holloway, to revise objective "c" under the goal "Advance a variety of housing options" changing "workforce housing" to "long-term housing," and adding another objective to "evaluate incentives for the use of accessory dwelling units as long-term housing." The motion was approved by unanimous vote.

Page 12 – Appendix B

Councilman Grossman stated that under the new items, at the last meeting, Council discussed the issue about surveying former residents to determine why they moved, and language was added as #5. He had put some thought into this and felt that this might work better if Council members contacted those former residents to obtain their input on their primary and secondary reasons for moving. Councilman Grossman distributed the "Analysis of Cape Charles Permanent Residents' Migration" form for review. There was much discussion about this item.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to eliminate item #5 under the New items. The motion was approved by unanimous vote.

Councilman Butta stated that a citizen submitted a comment regarding item #3 – "Pursue development of shared revenue agreement with the County" suggesting that this should not be on the list as it was part of the town manager's job. John Hozey respectfully disagreed, adding that it was not part of running the town, but was extra work which required research. He had brought the issue up, but Charlie Kolakowski had some concerns. This was not part of the town manager's daily job. Everything on Appendix B was extra work for the staff.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to revise item #6 to read "Develop metrics and review short-term rental ordinances/code to determine if changes or updates are needed." The motion was approved by unanimous vote.

Vice Mayor Buchholz asked for a vote on the main motion to adopt the 2025 Cape Charles Community Strategic Plan.

The main motion was approved by unanimous vote.

B. *Conditional Use Permit Application 2025-02 – 711 Tazewell Avenue/302 Fig Street:*
Katie Nunez stated that a Conditional Use Permit (CUP) application was received from Donna and Gregory Kohler to amend a previously approved CUP at 711 Tazewell Avenue/302 Fig Street (aka the Fig Street Inn) to add additional uses as authorized under Cape Charles Zoning Ordinance Section 4.1 (M)(5): i) bicycle rentals; ii) gift shops, located within either the principal residence

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or buildings identified as part of the Bed & Breakfast (B&B) and not to exceed 20% of the total floor space of the B&B; iii) Electric vehicle charging station(s). A public hearing was held earlier this evening, and no comments were heard. The Planning Commission held their public hearing on March 4, 2025 with discussion following during their regular meeting. The Commissioners voted unanimously to recommend Council approval of CUP application 2025-02 to amend the previously approved CUP to include the following ancillary, accessory, and business uses at the Fig Street Inn: bicycle rental; gift shop; and an EV charging station.

There was some discussion about the EV charging station and bicycle rentals, along with the necessity of amending the current CUP to allow for these other uses. Donna Kohler stated that their current CUP was to operate a B&B which allowed them to provide lodging. They sold coffee mugs and had a small gift shop. Since they discovered that these uses were not included in their current CUP, they wanted to honest and up front about it so they applied for the amendment. Their intent was to only rent the bicycles and to offer the EV charging station only to their guests as an added amenity. It was cost prohibitive to upgrade the EV charger to make it available to the general public and they did not anticipate ever doing so. It had been a long and expensive process to just validate what they had been doing.

Motion made by Councilman Grossman, seconded by Councilwoman Ashworth, to approve Conditional Use Permit Application 2025-02 to amend the Conditional Use permit at 711 Tazewell Avenue/302 Fig Street as a bed & breakfast to add the following ancillary, accessory and business uses at the Fig Street Inn: bike rental, gift shop and an EV charging station. The motion was approved by unanimous vote.

C. *Lease Amendment for the Hungry Crab, LLC, dba The Shanty:*
John Hozey stated that Jon Dempster, the owner of The Shanty had recently purchased another restaurant in town and wanted to use his investment in The Shanty as collateral for a loan that would be used to renovate the new restaurant. Upon review of the original lease documents, our attorney determined that the ability to use the improvements on the harbor property as collateral was not contemplated in the existing language. To allow Mr. Dempster's loan to close, an amendment to the original lease was required to allow this activity and to incorporate Mortgagee provisions requested by the lender. The amendment for review this evening was drafted by the town's attorney and approved by the lender. Our attorney also advised that a public hearing was not required for this amendment.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to approve the lease amendment for the Hungry Crab, LLC, dba The Shanty as presented. The motion was approved by unanimous vote.

D. *Real Estate Tax Exemption for Certain Elderly or Disabled Persons:*
John Hozey stated that the Town offered real estate tax exemptions for certain elderly and disabled persons, based on the program offered by Northampton County. The County recently updated their program. This request was to make similar changes to the Town's program.

Motion made by Councilman Grossman, seconded by Councilwoman Ashworth, to adopt Ordinance 20250320 Updating Cape Charles Town Code Chapter 18, Article VIII-Real Estate Tax Exemption from Taxation for Certain Elderly or Handicapped Persons, §§ 18-297 et. seq. as presented. The motion was approved by unanimous vote. Roll call vote: Ashworth, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes; Newman, yes.

E. *Resolution of Intent-Zoning Text Amendment – Article III, Section 3.3.E-Residential-3:*
Katie Nunez stated that as a result of conversations with a prospective purchaser of the Seabreeze Apartments property, which was a parcel just under 1.5 acres that was currently zoned Residential-1 (Single Family Residential), and she had been reviewing the zoning ordinance

regarding what zoning district would be most appropriate for this parcel based upon the existing, legal, non-conforming uses on this property of multi-family dwellings. The examination caused a closer look at the Lot, Yard, Height, Coverage and Density Requirements for the Residential-3 (Multi-Family Residential) District and led to her recommendation to request the Town Council support a Zoning Text Amendment (ZTA) application to amend Article III, Section 3.3 (E) of the zoning ordinance by removing the 3-acre minimum land requirement for a Multi-Family Project Development. At this time, there were 8 parcels that were zoned R-3, and all but 1 were under 3 acres. If Council was supportive of this ZTA, a Resolution of Intent needed to be adopted to advance the application to the Planning Commission to start the review process.

Motion made by Councilman Grossman, seconded by Councilman Newman, to adopt Resolution of Intent 20250320A Proposed Zoning Text Amendment 2025-01 Application from Town of Cape Charles to Amend Article III, Section 3.3(E). The motion was approved by unanimous vote. Roll call vote: Ashworth, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes; Newman, yes.

F. *Resolution of Intent-Zoning Map Amendment – Seabreeze Associates, LP:*
Katie Nunez stated that tax map parcels #83A1-3-B2 and 83A1-3-3, more commonly known as the Seabreeze Apartments, was developed in 1984 with four buildings that housed a total of 28 apartments and one office building/laundry room prior to the Town's zoning ordinance which was first adopted on July 14, 1992. At that time, these two lots were zoned as Residential-1 which did not allow for multi-family dwellings. This did not preclude the apartments on this property from operating, but from a zoning designation, the uses and buildings on this property were considered legal non-conforming uses pursuant to Section 2.5 of the Cape Charles Zoning Ordinance. A legal non-conforming use could continue to exist but there were restrictions on expanding the use or structure on the property. There were imposed time frames when a legal non-existing use could continue on a property when that use ceases to occur. In this case, there were two clocks running on this property: i) the first clock relative to the two buildings on the north end of the property that were deemed unfit for human habitation, and a 12-month clock was placed on those two buildings beginning February 27, 2024 when the Notice of Violation was issued. If not brought back into compliance during that timeframe, the legal non-conforming use as a multi-family dwelling would cease; ii) the second clock was relative to the two buildings to the east, as well as the small office building/laundry room. A 24-month clock began on July 31, 2024, when the last tenants left the buildings. The liquidator trustee for the property owner applied for a six-month extension to address the Notice of Violation for the two buildings on the north end of the property, which was granted, extending this clock to August 27, 2025. The proposed purchaser indicated that they would like to make certain improvements and expansion on this property that could not occur through the Residential-1 zoning, specifically due to the limitations and constraints of the legal non-conforming use designation. After meeting with the representatives of the prospective purchaser, a zoning map amendment (ZMA) application was received to rezone these parcels from Residential-1 to Residential-3. The application was a conditional rezoning application since the applicant included a proffer to restrict the multi-family dwelling units from having rentals of less than 30 days – no short-term rentals. Pursuant to Section 2.7 of the Zoning Ordinance, whenever a ZMA was received, it would first be presented to the Town Council who was required to forward it to the Planning Commission, by adoption of a resolution of intent, for their review process to begin.

Motion made by Councilman Grossman, seconded by Councilwoman Ashworth, to adopt Resolution of Intent 20250320B Zoning Map Amendment 2025-01 Application from Seabreeze Associates, LP to Rezone Tax Map # 83A1-3-B2 and 83A1-3-3 (1.45 acres) from Residential-1 to Residential-3 Multi-Family District with Proffers. The motion was approved by unanimous vote. Roll call vote: Ashworth, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes; Newman, yes.

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G. *June Town Council Meeting Date Change:*
John Hozey stated that the June Town Council Regular Meeting was scheduled for June 19, 2025, which was the federal holiday for Juneteenth. Pursuant to Section 15.2-1416 of the Code of Virginia, regular meeting dates could be changed by the adoption of a resolution and posting of the resolution on the door of the meeting location and newspaper at least seven days prior to the new meeting date. Staff requested Council to select a new meeting date and adoption of Resolution 20250320C.

Council agreed to move the June Regular Meeting to Wednesday, June 18, 2025.

Motion made by Councilwoman Ashworth, seconded by Councilman Grossman, to adopt Resolution 20250320C Changing the Day of the June 2025 Cape Charles Town Council Regular Meeting. The motion was approved by unanimous vote. Roll call vote: Ashworth, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes; Newman, yes.

TOWN MANAGER COMMENTS

John Hozey commented as follows:

i) Adam Buell started on March 11th as the new inspector in the Building and Planning & Zoning Departments.

ii) The request for proposals for the Fig Street Sidewalk by the New Roots Youth Garden was issued.

iii) The submittal date for the no-match grant for the planning and development of the beach front master plan was delayed until last Tuesday, March 11th. He worked with the consultants on the grant package. The grant window went live around 2:05 p.m. and he was able to submit the Town's grant packer at 2:18 p.m. The Town requested $750K for planning and initial design. We will make that point to the citizens at the upcoming Beach Front Master Plan sessions. Our consultants had exceeded the scope of work in the contract and were currently working outside of the contract. A contract amendment had been negotiated and would be brought to Council at the April meeting.

iv) It was noticed that the Beach Front Master Plan sessions were not included in the Announcements on this evening's agenda. On March 29th, the first Beach Front Master Plan Public Input Session will be held from 11:00 a.m. until 2:00 p.m. in the YMCA Gymnasium. The second session will be held on April 2nd from 5:00 p.m. until 8:00 p.m. in the Civic Center. The April 3rd work session was not needed.

There was much discussion about the upcoming Beach Front Master Plan sessions: i) Councilwoman Ashworth asked when Council would be briefed on the details of the Beach Front Master Plan so they would be prepared for the public input sessions: ii) John Hozey stated that there would be four tables with storyboards of the different sections along with hard copies for the residents to take. There would be two big displays showing the original design from last year and the current rough draft. The purpose of the sessions was to listen to the residents. Ricky Wiatt would be there to help answer some of the questions. Residents would be encouraged to write down and submit their thoughts on what they liked and did not like. After the two in person sessions, everything would be posted online, and comments would be solicited for a couple of weeks afterwards. A work session will be scheduled to review all the input; iii) Councilwoman Holloway thought that talking points were going to be provided to the Council adding that she did not remember everything about the plan; iv) Councilwoman Ashworth asked whether the comment forms would list specific items for the citizens to comment on. John Hozey stated that the forms would just be for the citizens to write their comments. Councilman Ashworth suggested listing certain items for the citizens to note their like or dislike, adding that it was important to capture the numbers of responses for and against an item. John Hozey stated that there would be some data points for the citizens to check "yes" or "no," but it would be fairly brief; v) Councilman Butta thought Council members would be at each station to educate the citizens on various aspects of the plan and answer any questions, not just to collect their comments.

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Councilwoman Holloway added that Council needed to know what to tell the citizens about the changes, otherwise they would not necessarily understand why some things were being done, so the comments would not be as useful; vi) John Hozey stated that there would be storyboards showing the history of the beach and dunes specifically addressing storm protection, the history of Bay Avenue and the four plazas. We could have handouts available as well; vii) Councilwoman Ashworth suggested storyboards focusing on specific areas of Bay Avenue regarding parking, the LOVE sign, etc.; viii) Councilwoman Holloway reiterated the need for talking points adding that she wanted to be prepared, adding that a Frequently Asked Questions handout would be beneficial and suggested that the Council email John Hozey with items to include in the FAQs. Councilman Newman agreed that he felt we were going into the same situation as the last plan presentation. There were no explanations provided on the plan prior to the presentation. Nothing has been explained to Council and the amount of misinformation out there was ridiculous. It would be nice to have time to go through everything to reach a consensus prior to the public sessions, especially for a project of such magnitude; ix) Councilwoman Ashworth noted that the Eastern Shore Post recently did an article on the Beach Front Master Plan and included the old plan as part of the article which would cause more confusion; x) John Hozey would work with Ricky Wiatt and try to get the materials as far in advance as possible. A work session was scheduled for 10:00 a.m. on March 29th for Council to review and discuss the storyboards and materials prior to the start of the first public input session.

v) Virginia American Water's new rates would take effect on March 12th, and residents would see the reduction in their April bills. The effective date of the rate change was retroactive to May 2024 so residents would be seeing credits on their accounts. The credits might take up to 90 days to appear.

vi) John Hozey read the press release that was issued this afternoon. It was the official statement from the Chief about the arrest of an individual in the murder which took place on February 18th. He went on to express his pride in the work done by our police department. Chief Pruitt and his officers put in the extra time investigating to get this perpetrator behind bars. He wanted to let the public know that our police department was working for them. Sometimes things were done behind the scenes and could not be discussed. Their number one goal was the safety of the people of this town. It was a job well done.

MAYOR AND COUNCIL COMMENTS

Councilman Newman commented as follows: i) He hoped that going forward, Council members would take advantage of their five minutes to let each other, and the public know what they were doing. He understood that sometimes everyone was so tired by the end of a meeting that they had no additional comments to make; ii) He hoped everyone had the chance to read his long email about things that could be done around town to spruce things up. He struggled with how to address these issues as there was a lot going on. Some of his items of concern were the tree stumps left behind when VDOT cut down some trees, revival of a tree committee, putting away traffic cones left behind from Festive Fridays, removing stickers off the road signs, all little things that could be done to make the Town a better place. None of these were capital expenditures. When the time was right, he might ask Council to push some things forward to get it done.

Councilwoman Holloway commented as follows: i) She congratulated staff on their recent public outreach. She has seen a big improvement, such as extended hours and the Short-Term Rental sessions. They were good customer-service oriented things that did not go unnoticed; ii) She attended the tourism summit in Chincoteague where there were about 100 attendees from the tourism business. Cape Charles had great representation. These summits were a good way for everyone to work together regionally and things went well. She was hopeful to bring it back down here next year; iii) The Civil War Trail ribbon cutting was scheduled for April 10th at noon; iv) In response to the comment about holding public hearings and a vote on the same night, it was an unwritten rule not to vote on the same night. She encouraged us to get back into that routine; v) She thanked everyone who came out for Cape Charles Day. She congratulated Courtney Neale for her

first Cape Charles Day and a job well done. She thanked everyone who joined the town for Smitty Dize's celebration. $1,500 was raised for his memorial bench and they only needed about $300 more. So many people helped with everything such as the harbor and public works staff. It was also so nice to have Smitty's family attend. She was told that this ceremony was the closure that the family needed. John Hozey noted that Councilwoman Holloway organized the ceremony for Smitty Dize.

Councilman Butta commented as follows: i) He realized that he had not had access to his Councilman email for a couple of weeks and he hoped that the issue would be resolved tomorrow; ii) He knew the Planning & Zoning and Building Departments were struggling to get everything done for short-term rental inspections and offered a suggestion that if the short-term rental owner submitted their business license and inspection applications by April 1st, they would be in compliance while the departments worked through their backlogs. John Hozey stated that there were rules in place, and he was unsure if the Town could do as suggested. Katie Nunez interjected that if the property owner already had their business license and submitted their paperwork on time, no penalties would be assessed.

Councilman Grossman stated that the Governor had started to sign and veto bills. He would continue to follow and provide updates on bills related to housing.

Councilwoman Ashworth stated that her "Coffees" were going well and encouraged other Council members to join her on occasion. It was a great opportunity to hear comments and pass along information in a collective setting. Councilmen Grossman and Butta had joined her at previous "Coffees" and she opened it up for any others who might be interested. Her "Coffees" were held monthly on the Thursday mornings of regular Council meetings.

Vice Mayor Buchholz congratulated Courtney Neale, Ralph Bowen and the Public Works crew, Paula Davis and Tyler Brown on great job on Cape Charles Day. Councilwoman Holloway did an outstanding job putting it all together. Looking at the harbor, it was unbelievable how much work had gone into it, and the number of things Smitty Dize brought to this town was mind blowing. He wished more of the family members were able to attend.

There were no additional comments.

Announcements:

- March 29, 2025 - Beachfront Master Plan Public Input Session
- April 2, 2025 – Beachfront Master Plan Public Input Session
- April 17, 2025 – Town Council Regular Meeting
- April 25, 2025 – Blessing of the Fleet

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

The Regular Meeting adjourned at 9:02 p.m.

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Mayor Charney

_____

Town Clerk

DRAFT

March 20, 2025 Town Council Regular Meeting
Comments & Information Provided in Writing

Sam Jones, resident

Mr. Mayor, members of Town Council and Town Manager:
Thank you for the opportunity to provide comment on the draft strategic plan. My name is Sam Jones and my wife Julie, and I live at 538 Monroe Avenue. I am here speaking on behalf of the Cape Charles Historic District Civic League. On Monday night the Civic League devoted its monthly meeting to a review of the draft plan, particularly the priorities and tasks included in Appendix B that we saw as most relevant to the Historic District.

After review, we highlight the following:

1. Under New Items in Appendix B, we support item 2 "Review efficiency of current planning and zoning processes and fees". This is a matter previously raised by the Civic League and one on which the Town Council has previously provided some direction to the Town Manager. Given this, we recommend that this item be moved up to the "Blue" section of work/projects currently underway. We would hope progress could be made quickly with the Town Manager and staff including specific detail on actions taken in their weekly activity reports to Council.

2. Relative to item 5 "Survey former residents to determine the circumstances of their departure", we recommend that this item be expanded to include how to encourage and provide incentives for full-time residency. This can be cross referenced to the strategic plan objective "Retain the small-town character of Cape Charles" where more proactive actions can be added.

3. We support item 1 "Develop harbor/RR area conceptual master plan…" given the impact any development will have on views to the harbor and connections from the Historic District. Early citizen input should be solicited given the significant impact any harbor development will have on the town.

4. We recommend the strategic plan include an item to complete the various sidewalks around town. We are told that this project is included in the town's comprehensive plan and a sidewalk study has been done. Given that, asking town staff to move forward with improvements, and providing funds to support these improvements, would benefit everyone who lives or visits the Historic District.

There was not a consensus regarding the location of the new municipal center. As the Council considers any potential location we request a more public discussion of the rationale for any location decision as well as the total project cost associated with each site before taking final action.

Thank you for the opportunity to speak and your consideration of these comments as you continue to refine the strategic plan prior to approval.

Sam Jones
President, Cape Charles Historic District Civic League

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Jim Metz, resident
As a member of the Historic District Civic League, I support the comments that Sam Jones made tonight. I would like to take the opportunity to elaborate on one of the comments he made regarding the location for the new Civic Center.

I, for one, favor keeping the Civic Center in the Historic District. Given that the Meat Land property is at the entrance to the Historic District, it is important that the design of the Civic Center enhances this part of town. What may have suited the site off the Cassette Parkway may not suit the entrance to the Historic District.

I hope that the Strategic Plan includes time and money to reevaluate the design of the Civic Center should the Meat Land site be chosen.

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Claudette Lajoie, resident
Mr. Mayor, members of Town Council and Town Manager:

I apologize that I am unable to be present at the meeting due to a work conflict. Please accept these comments on the 2025 Ongoing Town Priorities List.

1. Pertaining to the development of the harbor/railroad property master plan, I agree that this is a priority issue; however, I would encourage Town Council to get public/citizen involvement early in the process to capture input how this large property would enhance the character of our Town. Preferably, in person meetings rather than public surveys, as it appears that surveys as currently composed are not an effective tool for citizen input.

2. I applaud the efforts to review the efficiency of our current planning and zoning processes. As the past has shown, it appears that there is a disconnect between the Town Staff changes and the intent of the Town Council. I would encourage Town Council to require Town Staff to provide specific and detailed monthly updates as to what processes/fees are being updated and how.

3. The pursuit of shared revenue agreements with the County, a lofty goal, should be a lower priority as specifically written and should be a normalized job task of the Town Manager.

4. The necessity for a town-wide parking plan seems redundant as the Town Staff should be evaluating parking as part of all master plan processes (i.e. new municipal center, the harbor/railroad area, Rosenwald School, etc.). I would prefer this task be deleted and replaced with the prioritization and funding of other comprehensive plan items (i.e. historic district sidewalk connectivity and environmental stewardship objectives).

5. Survey of former residents although important data will alone not provide information to support resolution of town challenges. The town survey processes should be evaluated to ascertain trend analyses as a more effective planning tool as well as understand the corrective town actions to improve full time resident retention. Town residents have commented on and volunteered to help support Town Staff in the development of more effective surveys but that support to date has been ignored.

6. STR issues, ordinances, and concerns should be a normalized task for the Town Staff departments as the STR evaluations progress through the year. I would prefer to see this priority rewritten to be more specific as to how will Town Staff departments provide metrics to Town Council on a monthly basis to understand issues, trends, etc. so that revisions to potential ordinances and regulations will be evaluated for change.

7. As a coastal community, this priority should be a normalized task of the Town planning processes and not a specific priority. As part of planning processes, Town Council should require regular staff coastal resiliency planning updates, an outline of issues, with specific milestones as to how this issue will be evaluated and resolved.

Thank you for the opportunity to comment and thank you for your time in support of our town.

Respectfully,
Claudette L. Lajoie, PhD

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Elise Petersen-McMath
Mr. Mayor, Members of Town Council, and Town Manager,

Thank you for the opportunity to provide feedback on the draft strategic plan. I plan to attend Thursday's town hall to participate in person, but as a member of the Historic District Civic League, I wanted to submit written comments in advance.

I'd like to highlight two key points:

- Encouraging Full-Time Residency: The current draft plan does not prioritize policies that actively support full-time residency, and we believe this should be added. Policies that encourage year-round residents, particularly in the Historic District, are vital for our community's long-term vitality. The recent community survey highlighted this concern, which is notably your only metric for measuring the success of your goal to maintain small-town character. While efforts to engage volunteers and survey former residents are certainly appreciated, they don't tackle the core issue. We strongly urge the Council to prioritize attracting full-time residents to preserve the town's sense of community and small-town character.

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- Public Input and Adoption of the Strategic Plan: Holding the public input session and the vote in the same meeting is unconventional. A more effective approach would be to review the public feedback in a subsequent work session before voting. This would ensure that public input is thoroughly considered and help maintain trust in the process.

Thank you again for the opportunity to provide input. I look forward to continuing the dialogue and hope the Council will consider these points as the process moves forward.

Sincerely,
Elise McMath

****

Susan Burger, resident
Mr. Mayor, members of Town Council and Town Manager:

I am writing to express my concern about the many residents of the Historic District that are leaving. I suspect it speaks to the growth of STRs and the resulting lack of neighbors and friends who live nearby all year. I am sure there are many reasons. We should learn what those reasons are if we hope to address them and continue the "small town" character that seems to be what attracted many people here, including me and my husband.

I want to acknowledge the efforts that some of the businesses in town make during the winter months to bring people together and that provide a sense of community. For instance, Trivia nights at DeadRise and the Oyster Farm, the special event nights at AJs, lectures and classes at Local-ish, concerts at Lemon Tree and the Theater, and more. It sure is nice to get out of the house and have things to look forward to and see others who are here all year round.

But, as a full time resident who is involved in several ways to recruit volunteers for Town events, I will say that there is a shrinking volunteer pool within the Historic District, and I think it is because there is a shrinking population of people in the Historic District invested in the community.

Therefore, I think it would be very important at this point in time, before it gets worse, for the Town Council to make it a priority of the Strategic Plan to evaluate and address why these folks are leaving.

Thank you.
Susan Burger

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Julie Jones, resident
To Mayor Charney, Town Council, and Town Manager Hozey,

Thank you for providing this time for citizen input on the town's strategic plan. My name is Julie Jones, and my husband, Sam, and I live full time at 538 Monroe Avenue.

I want to express my concerns about the vehicle that led up to the strategic plan: the community survey. I was recently able to see the Excel spreadsheet which documented all of the responses to the community survey, and was shocked to see the information that was available for anyone to see: first and last names of people who responded to the survey, their address, their email address, their age, and their responses to questions like the quality of town services, the small town character of Cape Charles, the future of the railroad property, and the objectives of the town's comprehensive plan.

While it was troubling to realize that this information, plus any comments made by those who completed the survey, is available for anyone to read, it was also troubling to find that people who neither live in Cape Charles, nor own property in Cape Charles, were allowed to have input into this community survey. I would suggest that if I were answering a survey on things that would cost money, and that money was not going to come out of my personal pocket, my answers might be very different from those of a taxpayer who is going to be the one footing the bill.

Why would the opinion of someone who does not live or pay taxes in Cape Charles be valued as much as those of us who pay dearly for the privilege of living in this town?

Town Council should be concerned that there was such a significant drop in the number of surveys submitted, compared to all previous years that this community survey was done.

Maybe the people who did not respond this year realized that their personal information was going to be available for anyone to see.

Maybe the people who did not respond this year were frustrated that in spite of the survey results in previous years, that it appears that very little is ever done by Town Council to address the needs, interests, and quality of life of those who live in Cape Charles.

I taught for a principal once, who used to tell the staff, "Never forget who makes your paycheck possible." I would submit that in the case of Town Council, I would amend this to say, "Never forget who made your presence on Town Council possible."

Going forward, I would hope that if Town Council intends to continue to issue a community survey, that changes would be made, as far as who is eligible to weigh in on the survey; and protecting the privacy of those who make time to complete the survey.

I do hope that you will take time to thoughtfully consider all of the input from your citizens tonight, and that you would not vote to adopt the proposed strategic plan this evening, which would give the strong impression that you came to this meeting tonight, with your minds already made up, which essentially says that it does not matter to you what concerns your citizens may voice.

Sincerely yours,
Julie Jones

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Dianne Davis, resident
Good evening Mr. Mayor, members of the Council, town manager, and town clerk

I would just like to make a few comments:

1. The streets in our town run from north to south and the avenues east to west.
2. We do not have a Washington Street but Washington Avenue.
3. Please remember that the town of Cape Charles includes more than Main Street (which is Mason Avenue), and Bay Avenue.
4. From time to time I would suggest that you either walk or ride up and down the other streets and avenues that we have in our town—even at night from time to time. **Not just when there is an election.**

Last but not least.

Question:

Was it a typographical error in the Eastern Shore Post that we paid $99,000 for the consulting and design for creating the beachfront master plan?

We have been trying to get sidewalks over our entire town where houses have always been since I moved back in 1978, **more than 40 years,** and is always given a reason why it has not happened.

I would like to say to those few people out there who can make a suggestion and get it carried out to help me to get sidewalks—especially in the section that used to be called the Black section of Cape Charles in the northern section.

Thanks for listening and may God bless each of you to do whatever you can for all mankind.

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DRAFT

DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center
March 20, 2025
Immediately Following the Regular Meeting

At 9:11 p.m. Vice Mayor Andy Buchholz, having established a quorum, called to order the Executive Session of the Cape Charles Town Council. In addition to Vice Mayor Buchholz, in attendance were Vice Mayor Buchholz, Councilmen Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway. Also, in attendance was Town Manager John Hozey.

Motion made by Councilwoman Ashworth, seconded by Councilman Grossman, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia, Paragraph 3 for the purpose of: Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Specifically: Update regarding Negotiations of Potential Land Acquisition

Code of Virginia § 2.2-3711-A, 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 Evaluation

Members of the public were asked to leave the room.

Council went into executive session at 9:13 p.m.

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

The open portion of the meeting resumed at 10:14 p.m. There were no members of the public waiting to return to the meeting.

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

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

The Executive Session adjourned at 10:15 p.m.

_____
Vice Mayor Buchholz

_____
Town Clerk

DRAFT

DRAFT
TOWN COUNCIL
Work Session
YMCA Gymnasium, 22257 Parson Circle
March 29, 2025
10:00 AM

At 10:13 a.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 Buchholz, Councilmen Butta, Grossman and Newman, and Councilwoman Holloway. Councilwoman Ashworth arrived at 10:15 a.m. Also, in attendance were Town Manager John Hozey, Town Clerk Libby Hume, and Ricky Wiatt and Doug Mettler from VHB, the Town's consulting firm. There were no members of the public in attendance.

John Hozey welcomed Ricky Wiatt and Doug Mettler.

John Hozey, Ricky Wiatt and Doug Mettler provided an overview of the updated Beachfront Master Plan storyboards, pointing out and explaining the changes that were made based on the public's input. The Mayor and Council were able to ask questions to ensure their understanding so they could meet with and assist the members of the public coming for the Beachfront Master Plan Public Input Session which would begin at 11:00 a.m.

The Mayor and Council members were divided up between the various stations to assist the public.

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

The Town Council Work Session was adjourned at 10:59 a.m.

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Mayor Charney

_____
Town Clerk

DRAFT

DRAFT
TOWN COUNCIL
Public Input Sessions re:
Beachfront Master Plan
March 29, 2025 @ YMCA Gymnasium, 22257 Parsons Circle, 11AM
April 2, 2025 @ Civic Center, 500 Tazewell Avenue, 5PM

The Town Council held two public input sessions regarding the Beachfront Master Plan.

The first session was held on Saturday, March 29, 2025 in the YMCA Gymnasium located at 22257 Parsons Circle, from 11:00 a.m. until 2:20 p.m. In attendance were Mayor Charney, Vice Mayor Buchholz, Councilmen Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway, Town Manager John Hozey, Town Clerk Libby Hume, and Ricky Wiatt and Doug Mettler from VHB, the Town's consulting firm. 51 members of the public attended the session, and 30 comments were collected from the attendees.

The second session was held on Wednesday, April 2, 2025 in the Civic Center located at 500 Tazewell Avenue, from 5:00 p.m. until 8:20 p.m. In attendance were Mayor Charney, Vice Mayor Buchholz, Councilmen Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway, Town Manager John Hozey, Town Clerk Libby Hume, and Ricky Wiatt and Peyton Roedel from VHB, the Town's consulting firm. 63 members of the public attended the session, and 41 comments were collected from the attendees.

Mayor Charney and members of the Town Council manned the various stations – Master Conceptual Plan, Bay Avenue/Parking, and Sand Dunes, and provided an overview of the plan and answered any questions from the attendees. There was open discussion at each station. All attendees were encouraged to stay informed and provide their input.

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Mayor Charney

_____
Town Clerk

DRAFT

Cape Charles Draft Beachfront Master Plan
Frequently Asked Questions

Why is the Town interested in upgrading the beachfront?

During all our recent planning efforts (development of our Comprehensive Plan and Community Strategic Plan) the public has consistently supported planning and upgrades to the beachfront. Therefore, that has been listed as a priority in these plans.

The Town is lucky to have four "gems" that set us apart from other communities. These are:

- The Harbor
- The Commercial District (Mason Ave/Main Street)
- Central Park
- The Beach

Over the past 10 to 15 years, major investments and many improvements have been made to all the town gems, except one... the beach. The improvements to our other gems have significantly increased the charm and character of the town, for residents and visitors alike.

It's now time to show our fourth gem a little LOVE too.

What are the goals of the Beachfront Master Plan (BMP)?

To provide:

- Improved/expanded restrooms
- Better accessibility
- More efficient/safe parking
- Easier maintenance and storm protection for local infrastructure
- Enhanced aesthetics and character

(over)

How will beachfront improvements be funded?

A project of the scope being contemplated will not be cheap. It is impractical to think the Town alone (local taxpayers) could pay for it all. It has therefore always been the Town's plan to seek grant funding to cover the majority of the expected costs.

However, getting a project like this started required a little town seed money to hire the needed expertise not available on staff. This included environmental/coastal engineers, regulatory specialists, grant experts, and architectural/civil designers. The Town put out a request for proposals and received five very qualified proposals in response. These proposals ranged in cost from $99,000 to $292,000 (with an average cost of $180,000). The Town contract with VHB for $99,000, and with their help, we've completed the research and scientific analysis needed to develop initial concepts and to begin pursuing grants.

In fact, the Town has recently applied for a Rural and Tribal Assistance Program Grant (RTA), that could provide up to $750,000 with NO local match requirement. This grant could fully fund all remaining planning/outreach efforts, development of preliminary designs, and development of all the materials that would be needed to apply for the next grant (money for construction).

What is the timeline for beachfront project improvements?

There is currently no defined timeline to implement approved BMP projects. We are still in the very early stages of developing concept designs. However, once a plan is approved, implementation will be phased, and it would be folded into timing requirements dictated by grant funding opportunities. Grant opportunity cycles can take a year or more. Therefore, even an optimistic projection would place buildout of any plan several years down the road.

Can the plan be adjusted during implementation?

Yes. The plan is expected to be constructed in phases. As each phase is developed, the plan can be adjusted based on what was liked, or disliked, from prior phases.

CAPE CHARLES

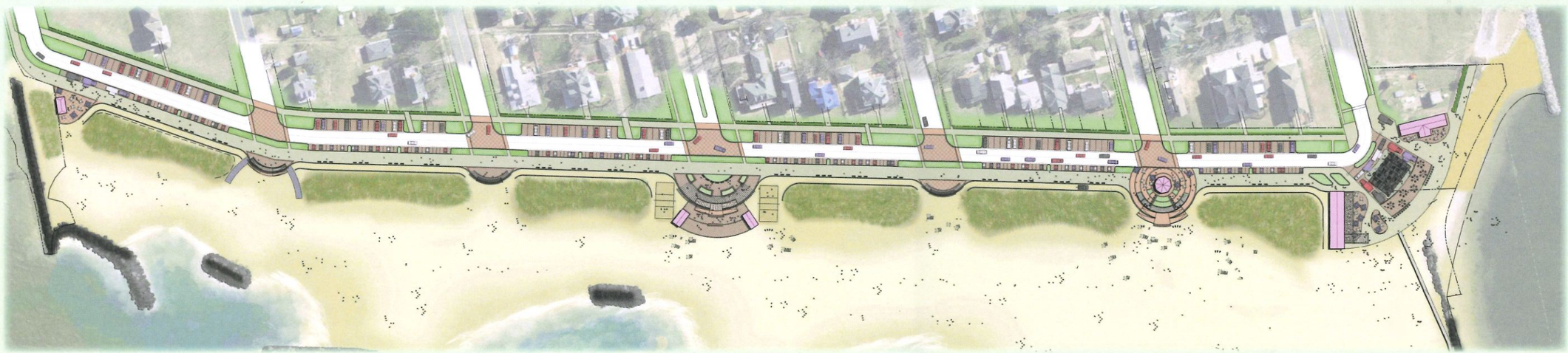
Beachfront Master Plan

CONCEPT DEVELOPMENT

The original concept has been improved after much discussion with Cape Charles Town Council and the residents of Cape Charles.



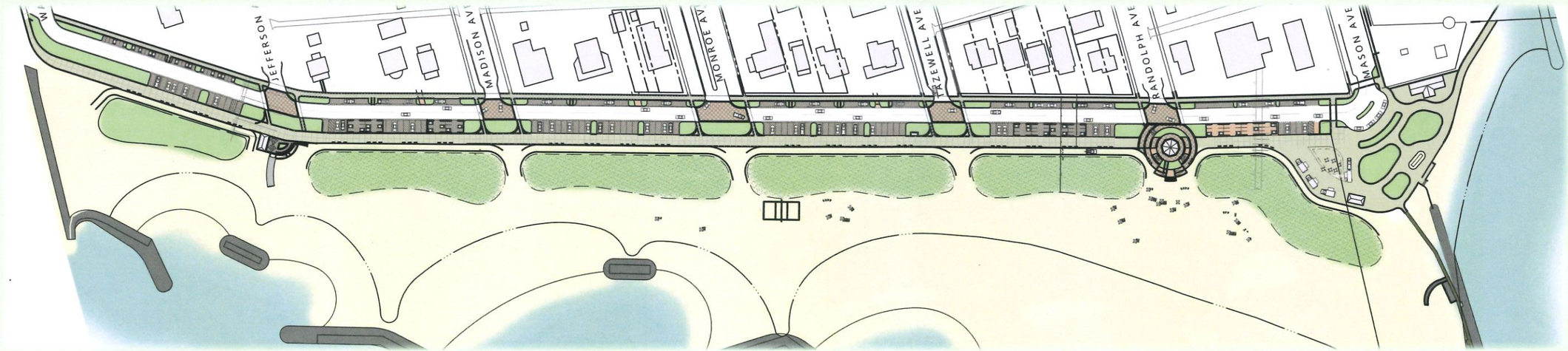
BAY AVENUE IMPROVEMENTS



PREVIOUS CONCEPT

The previous concept included many plazas at beach entrances, as well as a large plaza at the south end of Bay Avenue and around the existing Gazebo.

Public comments expressed desire for more entrances to be natural, as well as decreased size of plazas at key spaces such as the Gazebo and Mason Avenue Plaza.



PROGRESS CONCEPT

This concept addresses many comments received from public forums and Town Council. The new design decreases the amount of impervious pavement, and leaves many of the street entrances as natural sand openings between the dunes. The Mason Avenue plaza and Gazebo Plaza both have been reduced in size and programming to accommodate public comments.

This concept is still a work-in-progress, and additional comments are welcome & encouraged.

CAPE CHARLES

Beachfront Master Plan

MASTERPLAN



EXHIBIT 1





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 »Abundant seating
2 »Flush Curb Intersection
3 »Beach access ramp / Stairs
4 »Preserved Gazebo
5 »Bollards
6 »Planting bed

EXHIBIT 2





JEFFERSON AVE PLAZA

This proposed plaza offers amazing sunset views on the north end of the beach adjacent to Jefferson Avenue. A flex use building and eating spaces allows this plaza to be a great place for sunset gatherings.

1 »Abundant seating
2 »Flexible Use Building
3 »Beach access ramp / Stairs
4 »Planting bed

EXHIBIT 3





SOUTHERN BAY AVENUE PLAZA

This plan enlargement of the Masterplan concept shows the southern end of Bay Avenue. This space will be the nexus of community activities; food trucks, eating spaces, and expansive green space make this area the heart of Cape Charles beachfront.

1 »Covered Dining Pavilion and Outdoor Dining
2 »Vehicle Drop Off / Food Trucks
3 »American Flag Pole
4 »Flexible Use Building
5 »Evergreen screening

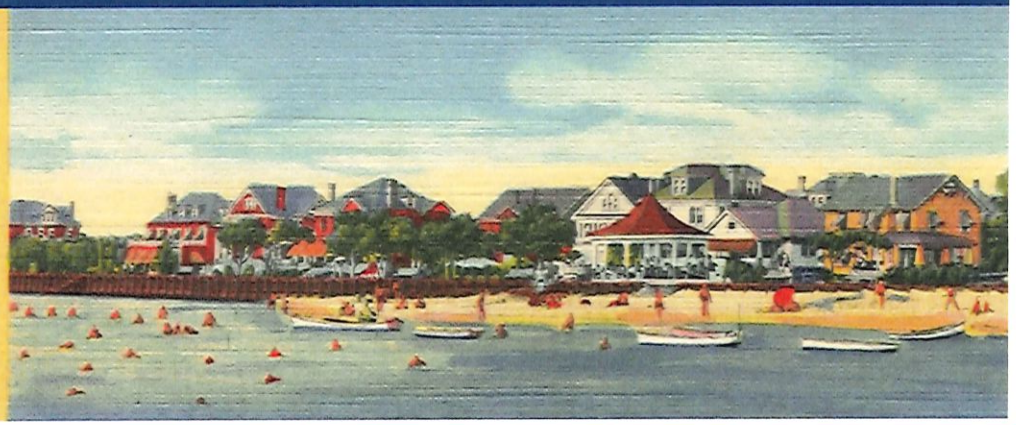
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CAPE CHARLES

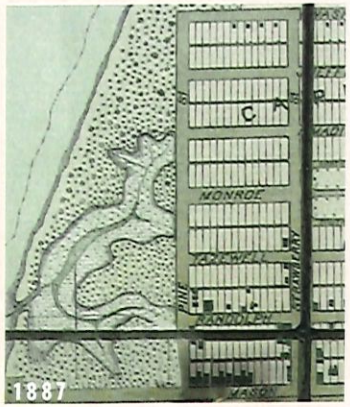
Beachfront Master Plan

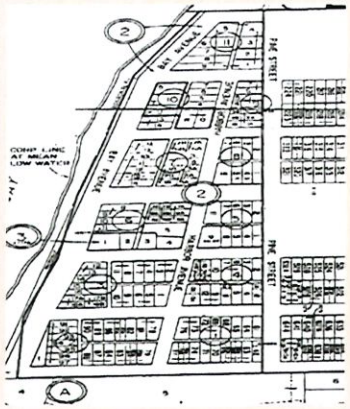
BAY AVENUE

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.

CAPE CHARLES

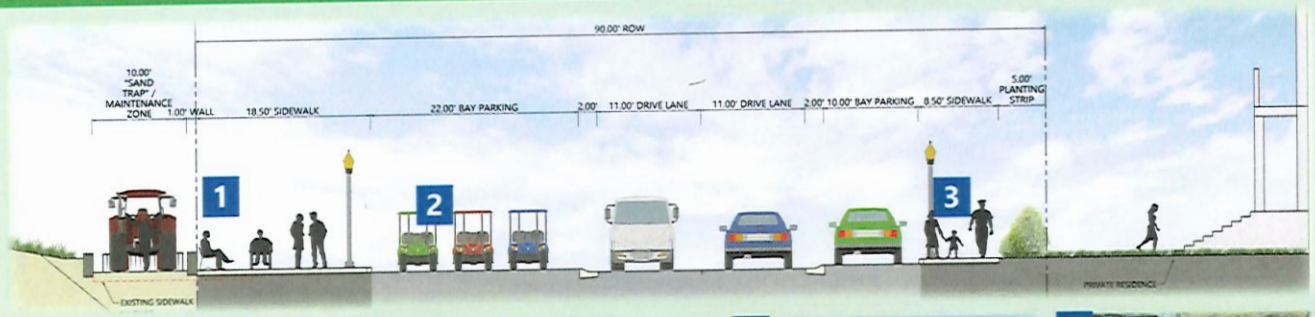
Beachfront Master Plan

BAY AVENUE

The new Bay Avenue parking configuration prioritizes safety, efficiency, and beauty for residents and visitors.



BAY AVENUE IMPROVEMENTS

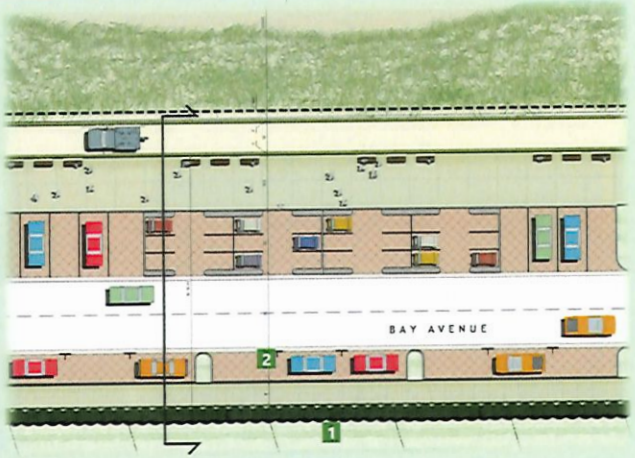



1 *Beach boardwalk*


1 *Wildmell Pedestrian Zone*


2 *Golf Cart Parking*


3 *Residential Privacy Hedges*



PARKING EXHIBIT

EXISTING:

160 Approx. Car Parallel Spaces

PROPOSED:

106 1 Golf Cart Spaces

129 2 Car Bay Spaces

235 PROPOSED SPACES

+47% Increase in Total Spaces

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, multiple golf-cart-only parking bays have been proposed on the west side of Bay Avenue. 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 has been dedicated to parallel parking spaces to maximize pedestrian friendly spaces as well as maintaining the character of Bay Avenue as it exists today.

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.



RAISED INTERSECTION

Drawing sourced from NACTO

1. Raised intersections are flush with the sidewalk and ensure that drivers traverse the crossing slowly.
2. Raised intersections with yield control are preferred to signals on low-speed (<20 mph) and low-volume (<3,000 ADT) streets. Raised intersections help reduce vehicle speeds and crash risk while simultaneously reducing unnecessary delay to motorists and bicyclists.
3. Bollards along corners keep motorists from crossing into the pedestrian space. Bollards protect pedestrians from errant vehicles.

MUNICIPAL CORP. OF CAPE CHARLES 1886

vhb

CAPE CHARLES

Beachfront Master Plan

BEACH HISTORY

Exploring the history of Cape Charles Beach and it's dunes; showing how the town and waterfront have developed and grown together.



TIMELINE



1994

This 1994 aerial image shows the beach before there were breakwaters; the dunes were much smaller and the beachfront much slimmer. Toward the north side of Bay Avenue, the beach was nearly nonexistent!

There were sand dunes existing here, although not to the scale they are today. The fishing pier also did not exist at this point.



2006

Between 1994 and 2006, breakwaters were installed, providing flood protection and expanding the usable beachfront. The fishing pier was also constructed during this time.

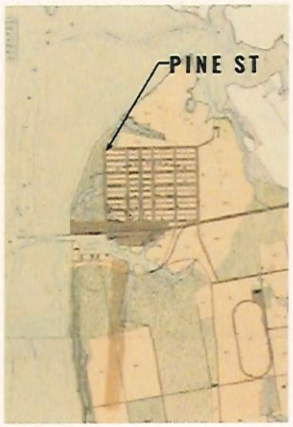
The sand dunes at this point were concentrated on the south end of the beach, closer to the fishing pier and Mason Avenue.

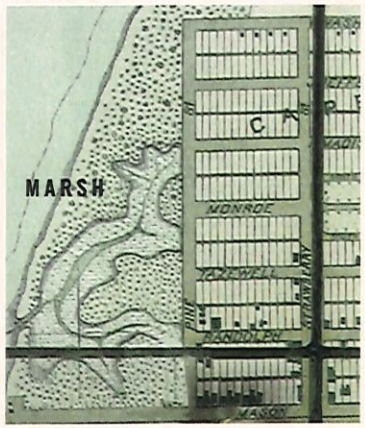


2018

The 2018 image shows how much the man-made dunes have grown, expanding all the way up Bay Avenue and encroaching on usable beach space. The paths between the road and beach have also gotten longer due to this growth.

HISTORY

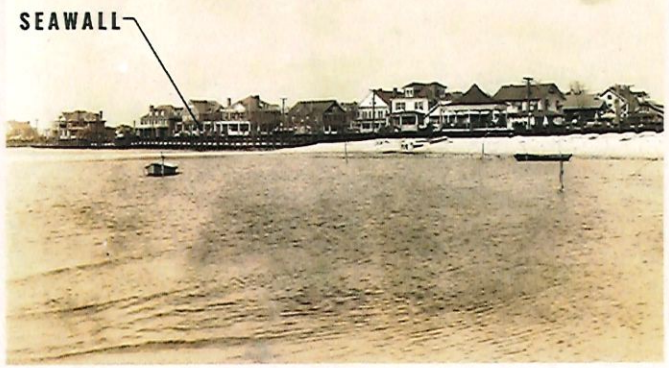




This 1887 map of Cape Charles shows the city's original development; a grid formation that didn't quite reach the water. The westernmost road at this time was Pine Street.

Before Cape Charles had a waterfront, there was a marshy landscape between the town and the bay. This marsh predates the sand dunes, and provided the town with the natural flood protection that the dunes provide now.

This 1920s image demonstrates what the waterfront looked like in Cape Charles before the construction of the beach. Some of these homes are still existing today, demonstrating Cape Charles's lasting history.



The seawall pictured used to be the only barrier between Bay Avenue and the Chesapeake Bay. This seawall actually still exists; it is currently buried underneath the present-day beach. As more and more sand is poured into the beach, the bigger the dunes grow and the deeper the seawall becomes.

CAPE CHARLES

Beachfront Master Plan

SAND DUNES

The master plan aims to modify the dunes to provide beautiful sunset views and enhanced wind blown sand trapping for the benefit of Cape Charles residents.



RECENT DUNE HISTORY







The beach and dunes have come and gone along Bay Avenue prior to the installation of the breakwater system along the north end of the public beach.

These breakwater structures have helped to stabilize the beach berm, but the fine grain sand is subject to wind transport.

Sand fencing was installed near the existing bulkhead around 1988 to reduce wind blown sand transport into the road and begin to build a line of dunes. The dune line has grown up and beachward over the years with wind blown sand transport and additional sand placed in the dunes during nourishment activities.

The 2021 dune has grown to be 3 times the size of the dune in 2010.

ENVIRONMENT



This photo depicts the windblown sand; the sand from the dunes is migrating past the Gazebo and into the road.



Dunes form along the landward side of a natural beach along the vegetation line. Dunes at man-made beach locations such as Cape Charles are created artificially using sand fencing and construction of dunes during nourishments. Dunes protect the uplands from wave attacks during elevated sea levels and storms. In Cape Charles, the dunes protect the street and sidewalks from storm erosion, but they do not prevent storm surges or flooding due to storm events. The dunes also replenish the beach berm during the storm when sand is eroded from the dunes and deposited on the beach. Vegetated dunes trap wind blown sand in the foliage and help the dune grow larger.

SAFETY







In recent years, the Cape Charles sand dunes' footprint has continually grown. The fine grain sand is blown from the beach berm, and it either accumulates on the dune face, or it is deposited along Bay Avenue or in adjacent lawns.
Dune height and width will vary based on regulatory input.

CAPE CHARLES

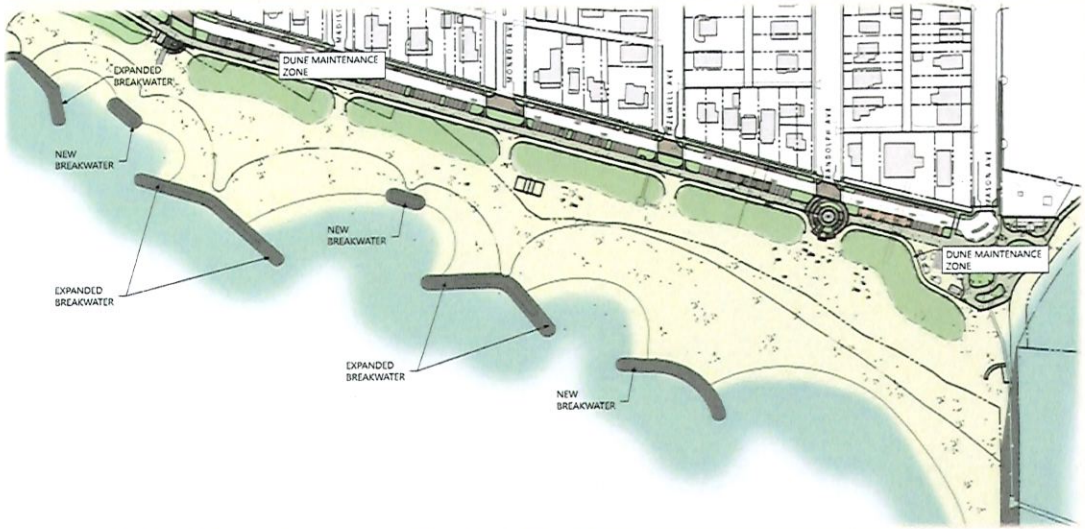
Beachfront Master Plan

DUNE MODIFICATIONS

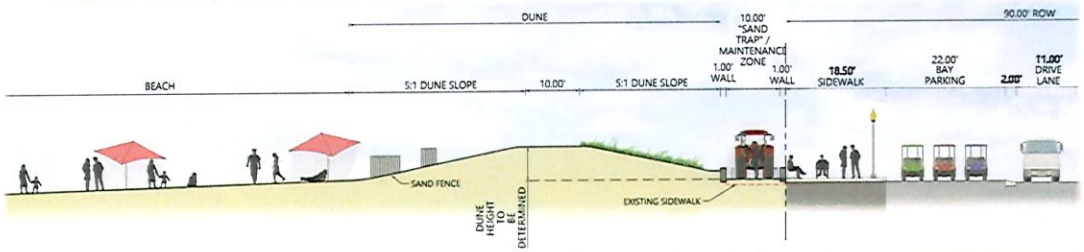
The master plan aims to modify the dunes to provide beautiful sunset views and enhanced wind blown sand trapping for the benefit of Cape Charles residents.



PROPOSED BEACH AND DUNE AREA



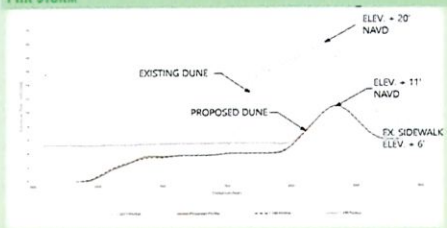
PROPOSED BREAKWATER LAYOUT

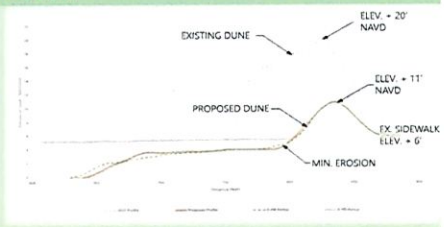


DUNE SECTION VIEW

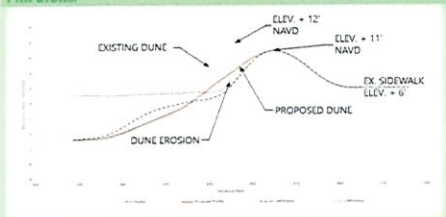
USACE - CSHORE MODELS: 100YR STORM

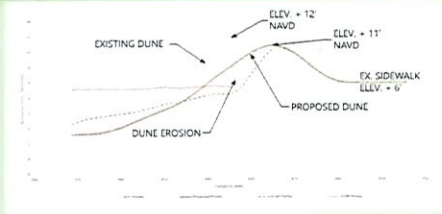
SOUTHERN BEACH





NORTHERN BEACH





CSHORE MODEL FINDINGS

CSHORE Models are 1-Dimensional profile evolution model designed to predict waves, currents, and bed-evolution in the nearshore.

Using the results of the modeling, it is determined that a dune crest elevation of 11' NAVD would provide sufficient elevation to prevent overtopping during the 100-Yr storm across all widths of beach.

Due to the diameter of the sand a dune was prepared with side slips 1:5 and crest (top) width of 10'.

100-YR Conditions:
Water Level - 5.0' NAVd88
Significant Wave Height – 3.6 feet
Peak Wave Period – 6. 3 seconds

MUNICIPAL CORP. OF CAPE CHARLES 1886

vhb

February 2025 Treasurer's Report

Page 1 – Cash Position

- February's month-end Atlantic Union checking account balance shows as negative. This is due only to the "Library CD converted to cash" and "E-Summons Revenue" reserve accounts. These funds are held within the Atlantic Union Checking account but are reported separately in the Treasurer's Report. The finance department believes that these accounts serve no practical purpose for town operations. If Town Council does not object, we will consolidate all three of the above-mentioned line items to improve the clarity of future Treasurer's reports.

Page 2 – Revenues vs. Expenditures

- The issue with Pepup fuel invoices for harbor fuel is still ongoing. These expenses will be reflected as soon as Pepup corrects their invoicing.
- The lag in Sanitation Fund revenue is due to our new quarterly billing schedule. No garbage bills were posted in January or February. A quarterly bill for January, February and March was posted in early April and that revenue will be reflected in April's Treasurer's report.

Page 3 – Capital Projects

- This report reflects the changes to the capital budget adopted in the mid-year budget adjustment. Namely, beachfront revitalization, beach restroom and Mason Ave. electrical projects have been put on hold for the rest of FY25 and $565,000 has been appropriated for the Keck Well water line project.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
February 28, 2025

Cash on Hand	1/28/2025	2/28/2025	Increase/ (Decrease)
Atlantic Union Bank Checking Account	$58,969	-$2,156	-$61,125
Atlantic Union Bank Money Market Account	$1,525,131	$1,398,511	-$126,620
LGIP Account 1 - 0565 - Unrestricted	$118,178	$118,583	$405
LGIP Account 2 - 0195 - Unrestricted	$345,507	$346,794	$1,287
Virginia Investment Pool Liquidty Unassigned - 5003	$16,328,562	$16,384,894	$56,332
Virginia Investment Pool 1-3 Year Unassigned 0001	$1,085,221	$1,092,902	$7,681
Taylor Bank Operating Cash Account	$384,306	$197,963	-$186,343
Taylor Bank Sweep Account	$200,065	$400,400	$200,335
Total Cash On Hand	**$20,045,938**	**$19,937,889**	**-$108,048**

Restricted and Reserved Cash Balances	1/28/2025	2/28/2025	Increase/ (Decrease)
Atlantic Union Bank Checking Account - Police Funds	$431	$431	$0
LGIP Account 2 - Restricted for USDA loan covenant	$30,120	$30,120	$0
Atlantic Union Checking Account Library CD converted to cash	$11,131	$11,131	$0
Atlantic Union Bank Checking Account - E-Summons Revenue Rsrvd	$15,156	$15,192	$37
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	$0	$0	$0
Total Cash Held in Reserve	**$56,837**	**$56,874**	**$37**
Total Cash - All Accounts	**$20,102,775**	**$19,994,764**	**-$108,011**

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
February 28, 2025

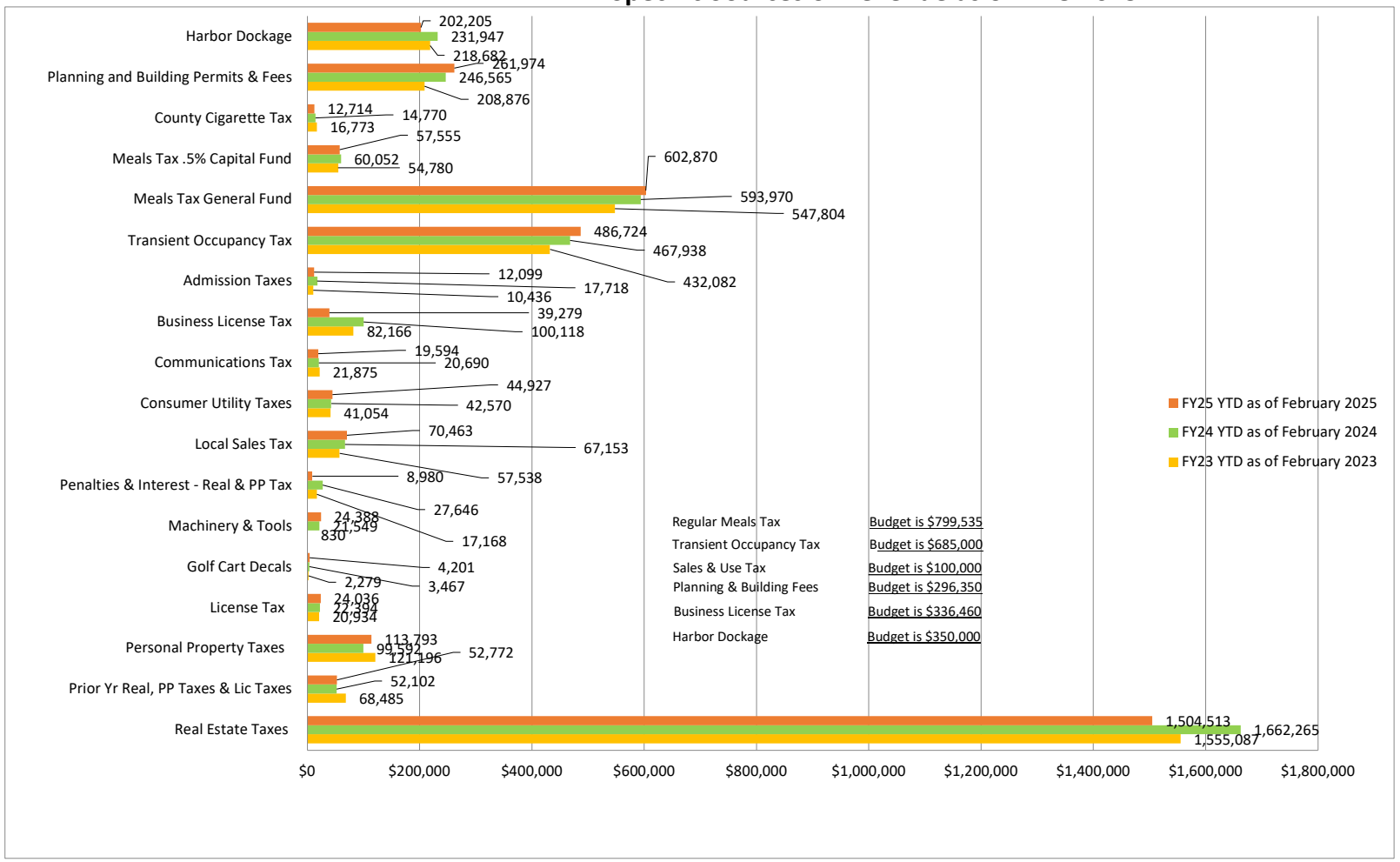
REVENUE VS. EXPENDITURES

FUND	CURRENT MONTH	CURRENT YEAR-TO-DATE	ANNUAL BUDGET	% REALIZED/ EXPENDED FY25
GENERAL Fund				
REVENUE	$174,432	$4,104,002	$5,727,599	71.65%
EXPENDITURES	$235,949	$2,965,076	$5,727,599	51.77%
NET	**($61,517)**	**$1,138,926**	**$0**	
GENERAL Capital Fund				
REVENUE	$44,502	$192,789	$11,127,130	1.73%
EXPENDITURES	$3,053	$38,706	$11,127,130	0.35%
NET	**$41,449**	**$154,083**	**$0**	
GENERAL Debt Service Fund				
REVENUE	$0	$0	$25,121	0.00%
EXPENDITURES	$0	$16,032	$25,121	63.82%
NET	**$0**	**($16,032)**	**$0**	
GENERAL Special Activities Fund				
REVENUE	$0	$58,604	$25,500	229.82%
EXPENDITURES	$0	$16,710	$25,500	65.53%
NET	**$0**	**$41,894**	**$0**	
PUBLIC UTILITIES Fund				
REVENUE	$405	$112,346	$9,576,514	1.17%
EXPENDITURES	$438	$17,871	$9,576,514	0.19%
NET	**($33)**	**$94,475**	**$0**	
HARBOR Fund				
REVENUE	$20,209	$455,854	$1,165,287	39.12%
EXPENDITURES	$37,255	$505,861	$1,165,287	43.41%
NET	**($17,046)**	**($50,007)**	**$0**	
SANITATION Fund				
REVENUE	$0	$170,369	$345,884	49.26%
EXPENDITURES	$41,286	$226,372	$345,884	65.45%
NET	**($41,286)**	**($56,003)**	**$0**	

FY 25 Capital Improvement Project Tracking Report

As of: 2/28/2025	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	Completed in FY24		$ -	$ -	$ -	$ -	$ -	$ -	$ -
Municipal Space Replacement	In Process	0%	$ 3,250,000	$ -	$ -	$ -	$ -	$ -	$ 3,250,000
Welcome Center Design & Construction	In Process	2%	$ 750,000	$ -	$ 1,222	$ 10,654	$ -	$ 11,876	$ 738,124
Library Upgrade & Condoization	In Process	1%	$ 250,000	$ 2,895	$ 450	$ 53	$ -	$ 3,398	$ 246,602
Beachfront Revitalization	Pending		$ -	$ -	$ -	$ -	$ -	$ -	$ -
Beach Restroom/Bathhouse	Pending		$ -	$ -	$ -	$ -	$ -	$ -	$ -
Sidewalk Infill	In Process	47%	$ 50,000	$ 274	$ 84	$ 23,075	$ -	$ 23,432	$ 26,568
Mason Ave. Electrical	Pending		$ -	$ -	$ -	$ -	$ -	$ -	$ -
Keck Wells Water Line Return	Pending	0%	$ 565,000	$ -	$ -	$ -	$ -	$ -	$ 565,000
Subtotal			**$ 4,865,000.00**	**$ 3,169**	**$ 1,756**	**$ 33,782**	**$ -**	**$ 38,706**	**$ 4,261,294**
Harbor Fund									
Inner Harbor Bulkhead Rehab, Phase 3	Pending	3%	$ 221,537	$ 4,750	$ 1,695	$ -	$ -	$ 6,445	$ 215,092
Fixed Dock Rehab	Pending	6%	$ 20,000	$ 1,287	$ -	$ -	$ -	$ 1,287	$ 18,713
Replace Boardwalk With Concrete	Pending	0%	$ 43,000	$ -	$ -	$ -	$ -	$ -	$ 43,000
Subtotal			**$ 284,537**	**$ 6,037**	**$ 1,695**	**$ -**	**$ -**	**$ 7,732**	**$ 276,805**
TOTAL			**$ 5,149,537**	**$ 9,206**	**$ 3,451**	**$ 33,782**	**$ -**	**$ 46,438**	**$ 4,538,099**

Specific Sources of Revenue as of 2.28.2025



TOWN OF CAPE CHARLES	**AGENDA TITLE:** Public Hearing & Unfinished Business – Zoning Text Amendment 2025-01	**AGENDA DATE** April 17, 2025
	SUBJECT/PROPOSAL/REQUEST: Amend Article III, Section 3.3 (E) by removing the 3-acre land requirement for multi-family development	**ITEM NUMBER:** 3A & 8A
	ATTACHMENTS: 1) Application for Zoning Text Amendment 2025-03-14 with Article 3 Attachment 2) Resolution of Intent #20250320A – Zoning Text Amendment ZTA2025-01 3) Planning Commission Staff Report 4) Ordinance 20250417A	**FOR COUNCIL:** Action (X) Information ( )
	STAFF CONTACT (s): Katie H. Nunez, Director of Planning & Zoning Administrator	**REVIEWED BY:** John Hozey, Town Manager

Town Council is requested to hold a public hearing on Zoning Text Amendment (ZTA) 2025-01 application from Town of Cape Charles Town Council to amend Cape Charles Zoning Ordinance Article III, Section 3.3 (E) to delete the 3-acre minimum acreage requirement for Multi-family Project Development.

BACKGROUND & ITEM SPECIFICS:

At your March 20, 2025 meeting, I submitted a request for Town Council to consider amending Article III, Section 3.3 (E) of the Cape Charles Zoning Ordinance which was approved (attached).

This request occurred as a result of conversations with a prospective purchaser of the Seabreeze Apartments property, which is a parcel just under 1.5 acres and is currently zoned Residential-1 (R-1), the Planning and Zoning Administrator has been reviewing the Zoning Ordinance and what zoning district would be most appropriate for this parcel based upon the existing, legal, non-conforming uses on this property of multi-family dwellings.

This examination has led to a closer look at the Lot, Yard, Height, Coverage and Density Requirements for the Residential-3 (R-3) Multi-Family District. There is a minimum 3-acre requirement in the R-3 zoning district for multi-family project development. When we rezoned several parcels in December 2024 to R-3 as a result of eliminating the RE Zoning District, we did not catch the 3-acre minimum requirement, and the majority of those parcels do not meet that requirement. Below is a listing and map of these 8 parcels with their information.

1) Tax Map #90-19-B: Owner – Town of Cape Charles – 16.21 Acres
2) Tax Map #90-3-A2: Owner – Donald Lee – 1.55 Acres
3) Tax Map #90-12-Y: Owner – Brian Chandler Burke – 1.1 Acres
4) Tax Map #90-12-Z: Owner – Spath Squared, LLC – 1.1 Acres
5) Tax Map #90-29-1: Owner – Harbour Green – 1 Acre
6) Tax Map #90-29-2: Owner – CEM Investments, LLC – 1 Acre
7) Tax Map #90-29-3: Owner – BRRRR Funding VA, LLC c/o Richmond Rehab Funding, LLC – 1 Acre
8) Tax Map #90-29-4: Owner – BRRRR Funding VA, LLC c/o Richmond Rehab Funding, LLC – 1 Acre



When you utilize the setback requirements along with the other development provisions contained in the ordinance (parking, driveways, sidewalks, landscaping, stormwater), this will determine how much land is necessary to accommodate a multi-family project development, which could be as small as 2 apartment buildings with 2 or 3 units in each building or could be larger, depending upon the piece of property that the development is being considered for. An acreage requirement is not a necessary component for this zoning district. The current 3-acre requirement is highly restrictive of property that could otherwise meet all of the other criteria for multi-family dwellings.

Review with Respect to Comprehensive Plan

Housing – Overview – (pg. 39)

"Despite positive changes in the Town's housing stock, some residents face major housing issues. Although rising property values have benefited many homeowners, increased rents and housing prices create difficulties for low- and moderate-income households."

Furthermore, it states, "the town needs to be concerned with planning for quality affordable housing as its economy grows. It is necessary to reduce the percentage of cost burdened households, one way of which is providing more affordable housing stock, since this will encourage people to live in stable neighborhoods in the town instead of moving out into the unincorporated areas in the county. Making the Town economically viable throughout the year.

Finally, the Comprehensive Plan states, "the increased housing costs within the Town make it difficult to attract younger families, Cape Charles has a need for a greater diversity of housing types to improve affordability as well as support a stable and resilient community in the future."

The Town has acknowledged many times within the Comprehensive Plan that both affordable housing and workforce housing (used interchangeably) are needed within the community. By moving forward with the proposed Zoning Text Amendment, the Town will begin to take the necessary steps to reduce the barriers to help diversify the Town's housing stock and make the Town as a whole more affordable, which is a primary objective in the Comprehensive Plan.

PLANNING COMMISSION PUBLIC HEARING:

The Planning Commission held a public hearing on Thursday, April 10, 2025. The staff report was presented and John Hozey, Town Manager, was present to represent the Town Council application.

One public comment was received from Peter Alpern, 3 Bay Vistas Way, who spoke in opposition to this application. He stated that the Town amended its zoning ordinance in the fall and there is no reason to consider amending the ordinance again, especially to meet the demands of one developer for the Seabreeze Apartments property. He stated that the 3-acre minimum requirement for R-3 parcels is reasonable and should be removed as a requirement.

The public hearing was closed to comment at 6:15 p.m.

The Planning Commission opened a discussion on the matter. Commissioner McDonald wanted to know if they did not approve the zoning text amendment would they need to revisit the map and change the current R-3 zoned parcels back. Ms. Nunez explained that they could not be changed back because the Residential Estate (RE) district was eliminated. This would have to be addressed one way or another. The Commission could lower the minimum acreage threshold for the R-3 district based upon the smallest acreage of the 8 parcels which is around 1 acre. The 8 parcels that are zoned R-3 are not in danger through the creation of any legal, non-conforming situations since the ordinance was adopted on 12/19/2024 since no further or increased development has occurred on the parcels since the ordinance was amended.

Commissioner Newman wanted to know if any of the parcels are being considered for Town projects for affordable housing. Ms. Nunez explained that the Town-owned parcel has been discussed as a possible location for a multi-family housing project and there have been general discussions to that effect but there is no project under way at this time.

Commissioner McDonald expressed his discomfort with having no acreage limit in the R-3 Zoning District.

Commissioner Newman wanted to know how many units the Bay Lake Condominiums had. Ms. Nunez believed there were 16 units and that it consisted of several parcels combined to create that development. She thought it involved 7 lots coming together to form Bay Lake but would need to confirm that information. [There are actually 12 units (3 units in 4 townhomes) on .5 acres made out of 4 legal, conforming parcels (5,600 sq. ft. per parcel) – Correction Note from Katie Nunez].

Commissioner Newman supported Commissioner McDonald, stating that it was challenging to discuss acreage without a reference point for what is considered reasonable.

Commissioner Wright noted that the minimum lot size for Multi-Family Developments is 1,500 square feet, which translates to 29 units per acre. Ms. Nunez then explained that other developments would reduce the available developable area due to road frontage requirement of 40 feet per lot, parking, trash, and utilities.

Motion was made by Commissioner McDonald, seconded by Commissioner Holloway, to table the topic until the town staff comes back with other options. Motion died with a 5-2 no vote. Commissioners Stramm, Smith, Ashworth, Wright, and Newman voted against.

Town Manager John Hozey explained that one of the reasons staff were comfortable removing the 3-acre requirement was because of all the other requirements. Putting in an arbitrary size requirement when other requirements would eat at the usable land wouldn't make sense. If tabled, this application would fall to the bottom of the priority list and will come back in time but probably not in a sufficient time frame relative to the consideration of the zoning map amendment application on Seabreeze Associates, LP property.

Ms. Nunez followed this by explaining that developers were looking at constructing more affordable housing in a variety of configurations and removing the acreage requirement would allow for smaller parcels to be utilized for affordable housing. Offering more housing options (townhouses, duplexes, apartments) is going to require supplying this at many parcels throughout the Town and not just one

large project/concentration of a very large apartment complex to solve the housing demands of our community.

PLANNING COMMISSION RECOMMENDATION:
Motion was made by Commissioner Smith, seconded by Commissioner Ashworth, that the Planning Commission recommend approval to Town Council on ZTA2025-01 to remove the requirement of three acres on R-3 lots. The motion was approved by a vote of 6-1, with Commissioner McDonald voting against.

TOWN COUNCIL ACTION: Town Council is requested to hold their public hearing on ZTA2025-01. Following their public hearing, the Town Council is requested to review the application and consider the recommendation from the Planning Commission and vote to approve Ordinance 20250417A to amend Cape Charles Zoning Ordinance by deleting the 3-acre minimum requirement in Article III, Section 3.3 (E) – Residential-3 Zoning District for Multi-Family Project Development.

ATTACHMENTS:
5) Application for Zoning Text Amendment 2025-03-14 with Article 3 Attachment
6) Resolution of Intent #20250320A – Zoning Text Amendment ZTA2025-01
7) Planning Commission Staff Report
8) Ordinance 20250417A

Zoning Text Amendment Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x30

planner@capecharles.org

Revised 03/2023	
Taxes	
Violations	
Fee	
Decision	

Budge Code: MISPL 100-3100-1070

PART 1. APPLICATION NOTES

1. A pre-application conference with Planning staff is strongly recommended prior to submission of a zoning text amendment.
2. The Zoning Text Amendment application process typically takes about four (4) months.
3. A Zoning Text Application may be submitted by any Cape Charles property owner. It may only be advanced to either the Planning Commission or the Town Council for a public hearing following staff consultation with the Town Manager.
4. Either the Planning Commission or Town Council may submit an application for a zoning text amendment with the Town Manager, Zoning Administrator or Planning Director representing the application on behalf of the Town.
5. The application will need to receive an affirmative vote of the Cape Charles Town Council or Cape Charles Planning Commission to step in as the applicant and to set a calendar advancing the application to public hearing in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204
6. The applicant will be required to make a presentation to fully explain the request and demonstrate its need. The presentation should show how the proposed change supports and maintains compliance with the goals and objectives of the Comprehensive Plan.
7. The final decision will be made by Town Council, which approves zoning text amendments at their legislative discretion.

PART 2: APPLICANT INFORMATION

Applicant Name: Town of Cape Charles

Cape Charles Address: 2 Plum Street

Mailing Address: 2 Plum Street

Email address: townmanager@capecharles.org | Phone: 757-331-3259

If the applicant has property owned by an LLC, LP, or other form of corporation, list all landowners and their contact information.

PART 3: Description of Request

Answer all questions in this section. Attach additional sheets as needed.

Submission Date: 03/14/2025 | Zoning Ordinance Sections Proposed to be Amended (Sec. # and Title): Section 3.3 (E)

Existing Text: See attached mark-up of Section 3.3 (E)

Proposed Text: Proposing to delete the 3-acre minimum requirement for Multi-Family Development in the use table.

PART 4: Written Narrative – Provide on a separate sheet(s)

Provide a written narrative that, at a minimum, covers the following information:

A) Relevant code section(s) to be amended and proposed changes to the Zoning Ordinance.

B) Whether and the extent to which the proposed amendment is consistent with the comprehensive plan and any other applicable and adopted long range planning documents. Cite the document and page.

C) Whether the proposed amendment conflicts with any provision of the Zoning Ordinance and any other regulations contained in the City Code or other applicable regulations.

D) Whether and the extent to which the proposed amendment addresses a demonstrated community need.

E) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

F) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, floodplains, wetlands, and the natural functioning of the environment.

Whether to amend the text of this Ordinance is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment, the Town Council may consider any factor it deems applicable and consistent with the Code of Virginia, including but not limited to the Town's comprehensive plan, and the public health, safety, and general welfare.

PART 5: Applicant Certification

By signing this application below, I hereby attest to the truth and accuracy of all facts and information presented with this application and any attachments and supplemental information submitted with the application.

Applicant's signature: _____ Date: _____

Zoning Administrator's Signature: _____ Date: _____

PART 6: To Be Completed by P & Z Department Staff

Date Application Received in Office:	Application #: ZTA
Planning Commission	**Town Council**
Date referred:	Date received from Planning Commission:
Action deadline (100 days from receipt):	Action deadline (max. 365 days from referral to PC):
Public hearing date:	Public hearing date:
Decision:	Decision:

Article III - District Regulations

Section 3.1: Residential District R-1

A. Statement of intent. The intent of this basic zoning district is to provide quiet, medium density, single-family residential development plus provide open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to restrict all activities of a commercial nature as described in Section 3.5 (A) of this ordinance, known as Commercial Districts C-1, C-2, and C-3 which are characterized by heavy traffic, noise, and congestion of people and passenger vehicles and by large office buildings and retail establishments, and to promote a convenient, attractive, and harmonious community. This section is created in recognition of the existence of developed areas where single-family and duplex dwellings currently exist on lots of five thousand six hundred square feet (5,600 SF) and where the characteristics of the neighborhood include both permanent as well as seasonal residents.

B. Permitted Uses. The following uses are permitted by right:
   1. Single-family dwellings.
   2. Duplex dwellings provided off-street parking is provided.
   3. Condominium dwellings.
   4. Cooperative dwellings.
   5. Manufactured home dwellings.
   6. Churches and places of worship.
   7. Parks and playgrounds.
   8. Schools, community centers, and public facilities
   9. Group Homes per § 15.2-2291 of the Code of Virginia.

C. Accessory Uses.
   1. Accessory buildings.
   2. Accessory Dwelling Units by right in compliance with the requirements of Section 4.1 (J).
   3. Home occupations in accordance with Section 4.0.
   4. Short Term Rentals, in accordance with Section 4.14
   5. Up to two (2) single electric vehicle charging stations.
   6. Uses which are customarily accessory and clearly incidental and subordinate to the principal use and structure.

D. Conditional Uses: The following uses may also be permitted, subject to securing a use permit as provided for in this ordinance:
   1. Outdoor recreation facilities
   2. Residential dwelling units in square footage area below the minimum or above the maximum stated in Section 3.1 (E)
   3. Bed and Breakfast Establishments, in accordance with Section 4.1(M)

E. Area and Height Regulations. The following regulations apply to lots and structures in the R-1 zoning district.

	Legal Conforming Lots	***Legal, Non-Conforming Lot***		
Minimum Lot Size	5,600 (SF)	Up to 5,600 (SF)	5,601 to 8,400 (SF)	8,401 or more (SF)
Minimum Lot Width at Setback Line	40’	-	40’	40’
*Front Setback (minimum) *see prevailing standard below*	30’	30’	30’	30’
Side Setback (minimum)	5’	5’	5’	5’
Rear Setback (minimum)	25’	25’ Unless lot is less than 40’ deep, then 5’	25’	25’
*Corner Lot Setback *see prevailing standard below*	5’	5’	5’	5’
Maximum Height	40’ or 2.5 stories	40’ or 2.5 stories	40’ or 2.5 stories	40’ or 2.5 stories
Maximum Lot Coverage	See Section 4.1 (E) for this requirement in conjunction with accessory structures on lots.			
Minimum Dwelling Unit Size	960 (SF)	960 (SF)	960 (SF)	960 (SF)
Maximum Dwelling Unit Size	4,500 (SF)	2,400 (SF)	3,000 (SF)	4,500 (SF)

NOTE: A lot can be a contiguous assemblage of lots under common ownership to meet the lot size requirements. There is no requirement that lot lines must be vacated between two (2) or more lots; however, the lots must remain under common ownership if the lot is developed according to the development standards in the chart above.

PREVAILING STANDARDS: Prevailing standards exist when fifty percent (50%) or more of the buildings exhibit similar attributes in a neighborhood overlay. Where less than fifty percent (50%) of the buildings exhibit similar attributes, any of the range of attributes in the neighborhood would be acceptable.

NEIGHBORHOOD OVERLAY is defined as parts of a six-square block area, including all parcels on the subject block and all parcels facing on three sides, with the property in question located in the center block.

FRONT YARD SETBACKS shall adhere to a prevailing setback standard for new housing.

CORNER LOTS shall adhere to a prevailing setback standard in built up neighborhoods for new housing.

F. Other Regulations
   1. Subdivision of residential lots is not permitted.
   2. Decks and patios may not be constructed in the front yard area. Decks and patios constructed in the backyard area may be enclosed. Front porches may be enclosed by insect screening, preferably placed on the inside (house side) of architectural elements such as railings and columns. No permanent enclosures of front porches are allowed except for insect screening.
   3. Utilities. Upon installation of utility access lines, such lines shall be installed underground. The Town encourages replacement lines to be installed underground.
   4. Developmental standards are found in Section 4.12.

Section 3.2: Residential Mixed District R-2

A. Statement of Intent. The intent of this basic zoning district is to provide quiet, medium density residential development with a mixture of single-family and multi-family housing. This district is designed to promote and encourage a suitable environment for family life and to restrict activities of a commercial nature to those which serve the needs of the neighborhood itself.

B. Permitted Uses. The following uses shall be permitted by right:
   1. Single-family dwellings.
   2. Duplex dwellings provided off-street parking is provided.
   3. Condominium dwellings.
   4. Cooperative dwellings.
   5. Manufactured home dwellings.
   6. Churches and places of worship.
   7. Parks and playgrounds.
   8. Schools, community centers, and public facilities
   9. Group Homes per § 15.2-2291 of the Code of Virginia.

C. Accessory Uses. Within the R-2 Land Use Classification, the following accessory uses shall be allowed:
   1. Accessory buildings.
   2. Accessory Dwelling Units by right in compliance with the requirements of Section 4.1 (J).
   3. Home occupations in accordance with Section 4.0.
   4. Up to two single electric vehicle charging stations.
   5. Uses which are customarily accessory and clearly incidental and subordinate to the principal use and structure.
   6. Short Term Rentals in accordance with Section 4.14

D. Conditional Uses. The following uses are permitted, subject to securing the proper permits:
   1. Outdoor recreation facilities
   2. Childcare/adult daycare facilities and nursing homes

G. Area and Height Regulations. The following regulations apply to lots and structures in the R-2 zoning district.

	SF	***Duplex***	***Zero Lot Line***
Minimum Lot Size (sf)	6,000	10,000	6,000
Minimum Lot Width at Setback Line (ft)	50’	60’	50’
Lot Depth (ft)	85’	85’	85’
Front Yard (ft)	25’	25’	25’
Side Yard (ft)	15’	20’	15’ and 0’
Side Yard Corner (ft)	25’	30’	25’
Rear Yard (ft)	20’	20’	20’
Rear Yard Corner Lot (ft)	20’	20’	20’
Max Height (ft)	40’	40’	40’
Max Lot Coverage	50% max may be covered by the principal building and accessory buildings		
Minimum Dwelling Unit Size (SF)	1,000’	850 per dwelling unit	-
Max Dwelling Unit Size	None Specified	-	-

Section 3.3: Residential Multi-Family District R-3

A. Statement of Intent. The intent of this basic zoning district is to provide for relatively high density, multi-family residential development. This district is designed to promote and encourage a suitable environment for family life and to restrict activities of a commercial nature to those which serve the needs of the surrounding residential neighborhood.

B. Permitted Uses. The following uses shall be permitted by right:
1. Single-family dwellings
2. Duplex dwellings, provided off-street parking is provided
3. Townhouse dwellings
4. Multi-family dwellings
5. Condominium dwellings
6. Cooperative dwellings
7. Group homes
8. Manufactured home dwellings
9. Parks and playgrounds

C. Accessory Uses. Within the R-3 Land Use Classification, the following accessory uses shall be permitted.
1. Accessory buildings.
2. Accessory Dwelling Units by right in compliance with the requirements of Section 4.1 (J).
3. Home occupations in accordance with Section 4.0.

4. Short Term Rentals, in accordance with Section 4.14.
5. Up to two (2) single electric vehicle charging stations.
6. Uses which are customarily accessory and clearly incidental and subordinate to the principal use and structure.

D. Conditional Uses. Within the R-3 Land Use Classification, the following conditional uses may be allowed:
1. Churches and places of worship
2. Childcare/ adult daycare facilities and nursing homes

E. Lot, Yard, Height, Coverage and Density Requirements. Within the R-3 Residential Land Use Classification, the following minimum standards shall apply as follows:

Single Family Dwelling Development

Minimum Lot Size (SF)	1,500 (SF)
Minimum Lot width (ft)	20’
Front Setback (with no parking in front yard) (ft)	25’
Front Setback (parking in front yard) (ft)	30’
Side Setback (ft)	20’
Rear Setback (no parking in rear) (ft) Rear Setback (parking in rear) (ft)	15’ 30’
Maximum Height	40'
Maximum Lot Coverage	60%
Minimum Dwelling Unit Size	1,000 (SF)

For Multi-Family Project Development, in addition to the above regulations

~~For townhouses:~~	~~3 acres minimum~~
Minimum Lot Size (lot area per dwelling unit) (SF)	1,500 (sf)
Front Yard (no parking in front yard) (ft)	30’
Front Yard (parking in front yard) (ft)	35’
Side Yard between separate structures	25’
Side Yard between end structure and side property line	35’
Rear Yard (no parking in rear) (ft)	20’
Rear Yard (parking in rear) (ft)	35’
Maximum Building Height	40’
Maximum Lot Coverage	45%
Minimum Lot Width (ft)	100’

F. Additional Development Requirements.
   1. Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located closer than ten feet (10') from any lot line.
   2. Off-street parking. Parking shall be provided on the premises. No such parking lot or garage shall be located more than two hundred feet (200') from the dwelling unit which it serves.
   3. Maximum development of eight townhouse dwelling units in a continuous row and no row shall exceed two hundred forty feet (240').

Section 3.4: Commercial Residential CR

A. Statement of Intent. The purpose of this district is to recognize the unique juxtaposition of the existing residential structures within the central business district and the future needs of Cape Charles commercial districts. It is the intent of this zone to promote the continued residential character of these areas while allowing commercial uses to be introduced.

The specific intent of this district is (1) to encourage retention of the existing residential buildings and character of the area and (2) to encourage compatible uses for these buildings.

B. Permitted Uses. The following uses are permitted by right:
   1. Single-family dwellings
   2. Duplex dwellings provided off-street parking is provided.
   3. Townhouse dwellings
   4. Condominium dwellings
   5. Cooperative dwellings
   6. Manufactured home dwellings
   7. Group homes
   8. Bed and Breakfasts, in accordance with Section 4.1 (M)
   9. Churches and places of worship
   10. Parks and playgrounds
   11. Retail and other stores
   12. Offices
   13. Galleries and museums
   14. Indoor recreational facilities
   15. Other food establishments
   16. Professional services
   17. Any other use which is compatible in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.

C. Accessory Uses:
   1. Accessory Buildings
   2. Accessory Dwelling Units in accordance with Section 4.1 (J)
   3. Home occupations in accordance with Section 4.0.
   4. Short Term Rentals, in accordance with Section 4.14
   5. Up to two (2) single electric vehicle charging stations.
   6. Uses which are customary accessory and clearly incidental and subordinance to principal use and structure.

D. Conditional Uses:
   1. Childcare/adult daycare facilities and nursing homes
   2. Conference centers
   3. Restaurants and bars

E. Lot, Yard, Height, Coverage and Density Requirements. Within the CR Land Use Classification, the following minimum standards shall apply, unless noted below:

Lot Size (SF)	5,600 (SF)
Lot width (ft)	40’
Lot depth (ft)	140’
Front Setback (ft)	30’; or prevailing front setback in existing built-up areas
Side Setback (ft)	5’
Rear Setback (ft)	25’
Maximum Height (ft)	40’
Dwelling Unit Size, excluding garages, porches & patios (SF)	960 (SF)

Section 3.5: Commercial District C-1

A. Statement of Intent. The intent of this zoning district is to preserve and enhance the traditional mixed use urban nature of Cape Charles commercial districts, to encourage the location of regional and local business and professional activities, to facilitate the development of buildings in keeping with its largely National Historic District character, and to protect against destruction of or undesirable encroachment on these areas.

B. Mainstreet Mixed Use Area
   1. The area 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 one hundred twenty feet (120’) 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 (2) 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 forty feet (40') in height.
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 the Historic District Review Board.
i. Whenever the provisions of this subsection (3.5 (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.

C. Permitted Uses. The following uses are permitted by right:
1. Hotels and motels
2. Schools, community centers, and public facilities
3. Auditoriums, theatres, and assembly halls
4. Retail and other stores
5. Offices
6. Galleries and museums
7. Restaurants and bars
8. Other food establishments
9. Funeral homes
10. Medical/dental practices (outpatient) and labs
11. Any other commercial or professional use which is compatible in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurrent with by the Planning Commission.

D. Accessory Uses: Within the C-1 District the following accessory uses shall be permitted:
   1. Only those uses which are customarily accessory and clearly incidental and subordinate to the principal use and structure;
   2. Short Term Rentals, in accordance with Section 4.14 and;
   3. Home occupation per Section 4.0 in the residential uses.

E. Conditional Uses:
   1. Single-family and Multi-family dwellings provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first (1st) level).
   2. Charging stations for Electric Vehicles

F. Lot, Yard, Height, Coverage and Density Requirements. Within the C-1 Land Use Classification, the following minimum standards shall apply:

Minimum Lot Size (40 x 140) (SF)	5,600 (SF)
Front Setback	Prevailing
Side Setback (ft)	0’
Rear Setback (ft)	10’
Maximum Height (ft)	40’

G. Developmental standards are found in Section 4.13.

H. Additional Requirements
   1. Architectural Treatment. No building exterior (whether front, side, or rear) will consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different building exteriors (which would be acceptable if representative of good architectural design) but rather shall preclude the use of inferior materials on sides which face adjoining property and thus might adversely impact existing or future development causing a substantial depreciation of property values. No portion of a building constructed of unadorned concrete or concrete block or corrugated and/or sheet metal shall be visible from any adjoining residential district or public right-of-way. Mechanical equipment, whether ground level or roof top shall be shielded and screened from public view and designed to be perceived as an integral part of the building.
   2. Driveways and Parking Areas. Driveways and parking areas shall be paved with concrete, bituminous concrete, or other similar material. Surface penetration treated parking areas and drives shall be prohibited. Concrete curbs and gutters shall be installed around the

perimeter of all driveways and parking areas. Other curbing material of similar quality like brick or cobblestone shall be permitted at the discretion of the Zoning Administrator. Drainage shall be designed to meet the requirements of the Virginia Department of Transportation.

3. New in-fill structures or change of use projects on the first (1st) floor of structures in C-1 shall be exempt from complying with the exact requirements of Section 4.5 (A), Section 4.6, and Table 4.8. Owners are encouraged to provide off-street parking for themselves, employees, and loading facilities where possible (i.e., alleys to backyard areas). Owners shall evaluate existing parking and access and submit proposed plan to Town for review. Projects will be evaluated on a case-by-case basis. New or change of use second (2nd)- or third (3rd)-floor projects shall be required to conform to the parking requirements as set forth herein.
4. Outside Storage Areas. All outdoor storage areas shall be visually screened from public streets, internal roadways, and adjacent property. Screening shall consist of either a ventilated solid board fence, masonry wall, dense evergreen plant materials, or such other materials as may be approved. All such screenings shall be of sufficient height to screen storage areas from view. Outdoor storage shall include parking of all company owned and operated vehicles with the exception of passenger vehicles.

Section 3.6: Commercial District C-2

A. Statement of Intent. The intent of this zoning district is to recognize the existing commercial areas which are less densely developed than the C-1 District and to encourage compatible commercial uses and density. This area generally has been developed with larger lots and larger individual buildings.

The specific intent of this district is to recognize the existing and possibly new freestanding commercial development.

B. Permitted Uses. The following uses are permitted by right:
   1. All uses as allowed in C-1
   2. Gas stations/service stations
   3. Vehicle rental/sales
   4. Vehicle repair/service
   5. 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.

C. Accessory Uses. Within the C-2 District the following accessory uses shall be permitted:
   1. Only those uses which are customarily accessory and clearly incidental and subordinate to the principal use and structure; and
   2. Short Term Rentals, in accordance with Section 4.14.

D. Conditional Uses:
   1. Multi-family dwellings provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first level).
   2. Charging stations for Electric Vehicles

E. Lot, Yard, Height, Coverage and Density Requirements. Within the C-2 Land Use Classification, the following minimum standards shall apply:

Lot size (60' x 150') (SF)	9,000 (SF)
Lot width (ft)	60'
Front Setback	Shall be determined by the average setback of the existing built-up commercial area
Side Yard Setback (ft)	10'
Rear Yard Setback (ft)	10' or prevailing rear yard if less.
Height (ft)	35'

F. Development/Redevelopment Standards, Other Requirements, and Accessory Uses. The standards for development and/or redevelopment, specific additional requirements, and accessory uses shall be the same as those listed and described for Section 4.13.

G. Sign design shall relate to the architectural character of the building and, if ground mounted, shall be appropriately landscaped.

Section 3.7: Commercial District C-3

A. Statement of Intent. The intent of this zoning district is to recognize this existing linear commercial zone which flanks Route 184 entering Cape Charles. This area is divided into smaller lots. The zone shall require a uniform requirement for setbacks as this is recognized as the gateway road into Cape Charles.

   The specific intent of this district is (1) to allow development of individual or grouped lots, (2) to encourage uses to service the community, and (3) to encourage quality construction and design recognizing the importance of the district's impact on drivers entering Cape Charles.

B. Permitted Uses. The following uses are permitted by right:
   1. All uses as allowed in C-1 and C-2
   2. Single-family dwellings
   3. Duplex dwellings
   4. Schools, community centers, and public facilities
   5. Auditoriums, theatres, and assembly halls

6. 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.

C. Accessory Uses. Within the C-3 District the following accessory uses shall be permitted:
   1. Only those uses which are customarily accessory and clearly incidental and subordinate to the principal use and structure;
   2. Short Term Rentals, in accordance with Section 4.14 and;
   3. Home occupation per Section 4.0 in the residential uses.

D. Conditional Uses:
   1. Multi-family dwellings
   2. Charging stations for Electric Vehicles

E. Lot, Yard, Height, Coverage and Density Requirements. Within the C-3 Land Use Classification, the following standards shall apply:

Lot Size (SF)	NA
Lot Width (ft)	40’
Front Setback (ft)	80’ from center of Right-of-Way or 40% of the lot depth, whichever is less
Side Yard (ft)	5’
Rear Yard (ft)	10’
Height (ft)	35’

F. Additional Requirements
   1. Materials and design shall follow site plan ordinance requirements and be considered and approved by a review body named by Town Council.
   2. Sign design shall relate to the architectural character of the building and, if ground mounted, shall be appropriately landscaped. Additional sign details are found in Article V.
   3. Developmental standards are found in Section 4.13.

Section 3.8: Harbor – Commercial

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

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

and connect to the other existing and future links to Cape Charles and environs.

The district's intent is to permit retail and commercial businesses generally found in a retail business area 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.

B. Permitted Uses. The following uses are permitted by right:
   1. Condominium dwellings
   2. Cooperative dwellings
   3. Parks and playgrounds
   4. Schools, community centers, and public facilities
   5. Retail and other stores (less than twenty-five hundred square feet (2,500 SF) of gross floor area)
   6. Offices
   7. Galleries and museums
   8. Indoor recreation facilities
   9. Performing Arts Center
   10. Conference centers
   11. Restaurants and bars
   12. Personal services (less than twenty-five hundred square feet (2,500 SF) of gross floor area)
   13. Medical/dental practices (outpatient) and labs
   14. Vehicle rental/sales (less than twenty-five hundred square feet (2,500 SF) of gross floor area)
   15. Marinas, docks, and wharves (if contiguous to harbor)
   16. Utility Facilities

C. Accessory Uses. The following accessory uses shall be allowed.
   1. Accessory buildings
   2. Other uses that are customarily associated and 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.
   4. Short Term Rental in accordance with Section 4.14
   5. Home occupation per Section 4.0 in the residential uses

D. Conditional Uses. The following uses may also be permitted, subject to securing a Conditional Use Permit as provided for in this ordinance:
   1. Recreational, cultural, and entertainment uses of the following types:
      a. Assembly halls
      b. Auditoriums
      c. Theaters
   2. Retail goods establishments of the following types with more than two thousand five hundred square feet (2,500 SF) of gross floor area:

a. Antique shops
b. Bookstores
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. Upholstering shops and fabric stores
l. Watch and jewelry stores

3. Retail service establishments of the following types with more than two thousand five hundred square feet (2,500 SF) 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
4. Multi-family dwellings
   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 (1st) level is not permitted.
   b. The first (1st) floor of all building facades adjacent to a public street shall have a commercial appearance and shall not have a residential appearance.
5. Childcare/adult daycare facilities and nursing homes
6. Hotels and motels
7. Laundromats
8. 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.

E. Lot, Yard, Height, Coverage & Density Requirements.

Minimum Lot Size (SF)	11,200 (SF)
Minimum Lot Width at Setback Line (ft)	80’
Lot Depth	140’
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
Height (ft)	40’
Maximum Lot Coverage	75%
Open Space Requirement	25%

F. Developmental standards are found in Section 4.13.

Section 3.9: Harbor - Light Industrial

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

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

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

B. Permitted Uses. The following uses are permitted by right.
   1. Communication and telecommunications centers
   2. Flex industrial use
   3. Fire, police, rescue stations
   4. Food production, packaging, packing, and canning
   5. 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, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.
   6. Marinas, docks, wharves, and marina related businesses & industry.
   7. Medical care facility, outpatient only
   8. Offices – administrative, business, professional, and telecommunication
   9. Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Accawmacke PUD Appendix A, applicable category.
   10. Park, plaza, or natural area
   11. Parking structure
   12. Post office, drop off and pick up, mail courier and parcel services
   13. Public utility service center, without outdoor storage
   14. Recording studio
   15. Research, experimental testing or development activities

16. Restaurant, indoor and outdoor (excluding drive-through), restaurant/brewery
17. Training center (excluding rehabilitation and institutional facilities)
18. Utility installations
19. Utility substations provided storage or maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be landscaped sufficient to screen area
20. Warehousing facility (excluding mini-storage facility)
21. Water storage tank
22. Wholesale trade establishment

C. Accessory Uses.
1. Only those that are customarily accessory and clearly incidental and subordinate to the principal uses and structures.

D. Conditional Uses. The following conditional uses may be allowed, subject to the issuance of a Conditional Use Permit.
1. Structures, other than buildings, exceeding fifty feet (50').
2. Buildings over forty feet (40') but equal or less than 50 feet (50') or building of structures other than building may be constructed to a maximum height of seventy-five feet (75') if the building is set back at least one hundred twenty-five additional feet (125') from the required setback for all yards abutting residential properties.
3. Hotels
4. Boatels
5. Utility generating plant and transmission facilities using renewal energy sources
6. Indoor Recreational, Business
7. 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.

E. Lot, Yard, Height, Coverage & Density Requirements.

Minimum Lot Size (SF)	15,000 (DF)
Minimum Lot Width at Setback Line (ft)	100'
Front Setback (ft)	10'
Side Setback (ft)	None or 5' between buildings, 10' adjacent to street
Rear Setback (ft)	20'
Height (ft)	45' for buildings; 50' for structures other than buildings
Maximum Lot Coverage	50%

F. For developmental standards see reference Section 4.13.

G. Additional development requirements.

1. Buffer yards. Where the Harbor- Light Industrial District adjoins the R (residential) zoning districts within the Accawmacke PUD or CO Land Use Classifications or C districts within the Accawmacke PUD, buffer yards are required as follows:
    i. Where the lot is adjacent to Accawmacke Plantation PUD any R-Zoning Districts, then a two hundred foot (200') 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 two hundred feet (200') of any zoning district or zoning classification within the Accawmacke 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 Accawmacke 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 the Accawmacke PUD Appendix A, except that the width of the landscaped area shall be at least one hundred feet (100') wide and run continuously for the length of the buffer.
        a. When a zoning lot within the Harbor-Light Industrial District adjoins an Accawmacke Plantation PUD CO Land Use Classification, the following shall be required along all lot lines adjoining the Accawmacke Plantation PUD CO Land Use Classification:
            i. A one hundred foot (100') 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 one hundred feet (100') of any zoning district or zoning classification within the Accawmacke Plantation 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 Accawmacke Plantation 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 the Accawmacke Plantation PUD Appendix A, except that the width of the landscaped area shall be at least fifty feet (50') wide and run continuously for the length of the buffer.

b. When a zoning lot within the Harbor -Light Industrial District adjoins an Accawmacke Plantation PUD C district, the following shall be required along all lot lines within the Harbor – Light Industrial District adjoining the C district:

i. A fifty foot (50') 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 seventy-five feet (75') of any zoning district or zoning classification within the Accawmacke Plantation 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 Accawmacke Plantation 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 Accawmacke Plantation PUD Appendix A, except that the width of the landscaped area shall be at least fifty feet (50') wide and run continuously for the length of the buffer.

2. Placement of drives and parking areas when adjacent to a public right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet (20') 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 Accawmacke Plantation PUD Appendix A, Category I for requirements.

3. All parking must comply with Off Street Parking and Loading Requirements.
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.
6. All Exterior Lighting shall comply with the requirements contained in Section 4.4 "Outdoor Lighting".
7. 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.
8. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property.
9. No delivery or transmission of materials or products shall be permitted to or from the property by truck between 11 p.m. and 5 a.m. Monday through Sunday.
10. Utilities are to be underground. See section 4.1 (I).
11. Reference Article V for signs.

Section 3.10 Industrial District (M-2)

A. Statement of Intent. The district's intent is to permit 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 industrial economy and historic port of Cape Charles and Northampton County
   2. Create family-wage employment and training opportunities for residents.

B. Permitted Uses. The following uses are permitted by right.
   1. Electric vehicle charging facilities
   2. Offices
   3. Marinas, wharves, and docks (if contiguous to harbor)
   4. Manufacturing and material processing
   5. Machine shops, blacksmith shops, and welding shops
   6. Wholesale business and warehousing
   7. 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
   8. Concrete plant; manufacturing, sales and distribution of concrete and related products
   9. Adult and/or Child daycare center
   10. Educational Institute

C. 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 structures.

D. 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. 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.
3. Food production, packaging, packing, and canning.
4. Outdoor storage provided it shall be sufficiently screened and/or landscaped as a fully buffer, except for the areas of the entrance(s) and exit(s).
5. Public utilities substations provided storage or maintenance facilities shall not be permitted and provided further those utilities substations, other than transformers, shall be sufficiently screened and/or landscaped as a fully buffer, except for the areas of the entrance(s) and exit(s).
6. Utility generating plant and transmission facility using renewable energy sources.
7. Public utility service center
8. Water storage tank
9. Utility installations
10. Structures, other than buildings, exceeding fifty feet (50')

E. Lot, Yard, Height, Coverage & Density Requirements.

Minimum Lot Size (SF)	15,000 (SF)
Minimum Lot Width at Setback Line (ft)	100'
Front Setback (ft)	10' minimum
Side Setback (minimum)	None or 5' between buildings, 10' adjacent to street
Rear Setback (ft)	20'
Corner Lot Setback (minimum)	
Maximum Height	45' for buildings, 50' for structures other than buildings
Maximum Lot Coverage	60%

F. Additional Development Requirements.

1. Buffer yards. When a zoning lot within the M-2 District adjoins 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-1, R-2, or R-3 Districts, a fifty foot (50') 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 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.
3. No parking or drive aisles shall be located within the required buffer yards.
4. No outside storage of parts, materials, fossil fuels, raw materials, or petroleum shall be permitted within the M-2 District.
5. 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.
6. No outside loudspeakers, intercoms, sirens, 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.
7. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property.
8. No delivery or transmission of materials of products shall be permitted to or from the property by truck before 8 a.m. and after 9 p.m. Monday through Saturday and no such deliveries to or from the property by truck, excluding half-ton trucks, shall occur on Sunday.

Section 3.11: Planned Unit Developments (PUD)

A. Statement of Intent. The intent of this district is to promote creative and imaginative development designs for residential and commercial uses by allowing greater flexibility than is possible under the restrictions of conventional zoning regulations. It is further intended to promote more efficient use of land while encouraging variety and convenience for the overall development and the development of recreational areas and open spaces within the project. As in all zoning districts, the intent of the district is to ensure approved development will comply with the Zoning Ordinance, Town Code, and any adopted master plans. Whenever the provisions of this section 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.

B. Permitted Uses. The following uses may be permitted within PUD districts:
   1. Any use permitted in the R-1, R-2, R-3, CR, C-1, C-2, C-3, and Harbor – Commercial.
   2. Commercial recreation uses
   3. Outdoor recreational uses
   4. Transportation facilities

5. PUD districts shall provide a mix of a minimum of two of the following use categories:
    a. Residential units;
    b. Commercial offices;
    c. Retail;
    d. Hotel; or
    e. Civic uses.

C. Accessory uses
    1. Accessory uses as permitted in the R-1, R-2, and R-3 districts

D. Conditional uses
    1. Any use listed as a conditional use in the R-1, R-2, R-3, CR, C-1, C-2, C-3, and Harbor – Commercial may be a conditional use in PUD districts and shall follow the procedures of this ordinance on issuance of Conditional Use Permits.

E. Lot, Yard, Height, and Density Requirements. Within any PUD district, the following standards shall apply:
    1. Area Regulations. The minimum contiguous area for PUD districts shall be five acres (5 ac).
    2. Setbacks. Side and rear yard setbacks shall be per the underlying zoning district requirement. Front yard setbacks other than the R-1 underlying zone district shall be located directly adjacent to the supplemental zone, as described in subsection 3.12 (G) (b) (iii). The applicant may propose modifications to the setback regulations in accordance with the procedures of Section 3.12 (I) below.
    3. Coverage. The maximum impervious surface coverage in PUD districts shall not exceed eighty percent (80%) of the total gross area of development. Impervious surface includes building footprints, impervious private roads, and impervious parking lots. Not included as impervious surface any recreational facility such as tennis courts, bathhouses, swimming pools, required landscape, sidewalk clear, and supplemental zones, and public roads pervious roads, and pervious parking lots. No more than thirty-three percent (33%) of wetlands present in PUD districts may be used when calculating total gross area of development.
    4. Height. The maximum height of any building in PUD districts shall be per the underlying zoning district requirement.
    5. Density of Development. The sub-areas of PUD districts may contain the density requirements of one or more of the R-1, R-2, and R-3 for residential districts, and CR, C-1, C-2, C-3, and HARB–C for the commercial districts to accommodate flexibility and imaginative development designs. Density shall be consistent with conditions that are applicable to the property, such as topography, the character of the surrounding property, potential health or safety hazards, traffic safety considerations, and the effects upon existing public facilities that could be alleviated by a reduction in density.

F. Additional Development Requirements

1. Common Areas. All common areas including open spaces, parking areas, street, and landscape areas shall be maintained by the owner/developer of the project until transfer to a corporation of property owners, organizing and operating in accordance with the incorporation law of Virginia. All common areas shall provide a permanent easement arrangement to ensure public access to said areas.
2. Utilities. All utilities shall be installed underground. Central instrumentation and substations shall be screened from all rights-of-way with approved fencing and/or landscaping.

G. Design Guidelines.

1. External Relationships: PUD districts shall provide protection for areas within PUD districts and for existing surrounding areas from potentially adverse surrounding influences. In particular, the Overall Development Plan for PUD districts shall demonstrate the following features:
    a. Access. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Left-hand storage and right-hand turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. Existing public streets on adjacent properties shall be utilized as access into PUD districts.
    b. Screening. Screening at the edges of PUD districts shall be provided when necessary to protect residents from undesirable view, lighting, noise, or other off-site influences, or to protect adjoining residential districts from similar adverse influences within PUD districts. In particular, off-street areas for parking, service areas for loading and unloading non-passenger vehicles, and areas of storage and collection of refuse and garbage shall be screened with approved fencing and/or landscaping.
2. Internal Relationships. PUD districts shall provide safe, efficient, convenient, and harmonious grouping of structures, uses, and facilities. Elements of the proposed development shall be organized in relation to topography, the size and shape of the plot, the character of adjoining property, existing desirable trees, and views within and beyond the site. In particular, the Overall Development Plan for PUD districts shall demonstrate the following features:
    a. Multi-modal circulation and street cross-sections. Private streets may be permitted by Conditional Use Permit in the PUD district. However, unless specifically approved by the Town Council as a Conditional Use Permit, the arrangement, character, extent, width, grade, and location of all streets shall be designed and constructed in accordance with specifications acceptable to the Virginia Department of Transportation for inclusion in the state highway

system for maintenance. When private streets are proposed as a Conditional Use Permit, the standards, specifications and a proposed maintenance agreement shall be submitted with the Conditional Use Permit application and shall also be included on the concept plan for the proposed PUD rezoning request. There shall be no gated communities or gated roads allowed in PUD districts. Streets shall travel east-west and north-south to the greatest extent possible, and there shall be no cul-de-sacs or dead ends.

b. Streetscape design. Properties with required landscape, sidewalk clear, or supplemental zones that are located on private property shall provide a permanent easement arrangement to ensure public access to said zones. The following standards apply to all streets within PUD districts:

   i. Landscape zone. All required street trees, streetlights, and pedestrian lights shall be provided in the landscape zone, which shall be five foot minimum. Said zone shall be located immediately adjacent to the curb and shall be continuous. All street tree and other plantings in the landscape zone shall follow the VDOT standards for street trees and plantings. Trees shall be located forty foot (40') on center with pedestrian lights located between every other street (eighty foot (80') on center). Streetlights shall be located as required by the Zoning Administrator. Landscaping shall be kept to no more than thirty-six inches (36") tall for ground cover and limbed up to no lower than six-foot (6') above ground to provide clear, uninterrupted sight lines.

   ii. Sidewalk clear zone. The sidewalk clear zone shall be located immediately contiguous to the landscape zone and shall be continuous. Sidewalks meeting VDOT standards shall be installed in the sidewalk clear zone, which shall be a minimum of five feet (5'). Sidewalk clear zones located adjacent to Marina Road and Bayshore Road shall be a minimum of ten feet (10'). Sidewalks shall be unobstructed for a minimum height of eight feet (8'). Where newly constructed sidewalks abutting narrower existing adjacent sidewalks, the newly constructed sidewalk shall provide an adequate transitional clear zone width for the purposes of providing a safe facilitation of pedestrian flow between the adjacent sidewalks, as approved by the Zoning Administrator. All existing sidewalks shall be replaced in accordance with these provisions within a PUD district. Sidewalks shall be broom- finished concrete with four feet (4') trowel edge along edge joints.

   iii. Supplemental zone. All lots within an underlying zoning district sub-area of R-1 shall be exempt from the supplemental zone requirements. Non-residential, multifamily, and mixed-use developments shall be hardscaped. However, a maximum of twenty percent (20%)

may be occupied by landscaping, planters, or other areas not accessible by pedestrians. The zone shall be used for the following pedestrian amenities: benches, trash receptacles, pet stations, bicycle parking racks, outdoor dining, display of public art, other street furniture, or similar elements. The supplemental zone shall be located on private property.

3. Facades shall be located immediately adjacent to the supplemental zone(s).
4. At a minimum, at least one (1) bench, one (1) trash receptacle shall be provided on each street frontage, unless a bench or receptacle is already provided within five hundred feet (500') on the same street frontage.
5. At least one (1) additional pedestrian amenity shall be provided on each street's frontage.
6. Adjacent ground floor uses must be visible, accessible, and oriented toward the supplemental zone.
7. The supplemental zone shall be no more than twenty-four inches (24") higher than the adjacent sidewalk, unless existing topographical conditions render this requirement unreasonable, per approval by the Zoning Administrator.
8. Any authorized walls surrounding landscaped and grassed areas shall not exceed twenty-four inches (24"), except retaining walls which shall not exceed a maximum of thirty-six inches (36"), unless existing topographical conditions render this requirement unreasonable, as approved by the Zoning Administrator.
9. Pedestrian amenities shall be connected to the public sidewalk with a public access easement.
10. Storage, utility rooms, private restrooms, or other accessory service uses shall not be located adjacent to the supplemental zone.

H. Modifications to Standards. PUD districts may provide flexibility through modifications to the standards of Section 3.12. All such modifications shall be expressly shown in the Overall Development Plan and approved by the Town Council after lawfully advertised public hearings with the Planning Commission and Town Council and shall be in keeping with the purpose of PUD districts, the intent of the Zoning Ordinance, the Comprehensive Plan, and any adopted master plans.

I. Procedures for Applications. The creation of PUD districts has the same effect as rezoning of property. The Planning Commission and Town Council shall consider applications for PUD districts in accordance with the Town's and the Code of Virginia's rezoning procedures, which includes advertised public hearings. In approving the application based on the Overall Development Plan, the Council may establish such conditions and require such modifications as deemed necessary to ensure fulfillment of the intent of PUD districts, the purposes of the Zoning Ordinance, the goals of the adopted Comprehensive Plan, and compliance with applicable subdivision and site plan ordinances and the Code of Virginia. For PUD districts proposed for property located in a Chesapeake Bay Preservation

Area, the development plan shall have been approved pursuant to the procedures of the Town of Cape Charles Chesapeake Bay Preservation Ordinance prior to submission for approval to the Planning Commission and Town Council.

1. Overall Development Plan (ODP). Development of PUD districts is governed by an Overall Development Plan that designates the standards of zoning and development for PUD districts. The ODP shall be submitted as part of a PUD application, shall be prepared by a licensed professional team, and a list of members of the team with their qualifications shall be submitted with the ODP.
2. At a minimum, the ODP must include:
    a. Analysis of existing site conditions. An analysis of existing site conditions including a boundary survey and topographic map of the site at a minimum one inch equals forty feet (1"=40') scale and shall include the total area of the tract presented in square feet or acreage, and information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved, or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement, and location of any existing buildings or structures on the lot shall be included.
    b. Master plan. A master plan at a minimum of one inch equals forty feet (1"=40') scale outlining all proposed regulations and calculations which shall include, but not be limited to, the following:
        i. Information on proposed improvements, including proposed building footprints, door locations, densities, parking ratios, open space, height, sidewalks, yards, under and overhead utilities, internal circulation and parking, grading, lighting, the general location of all proposed community and public facilities and the generalized proposed plan for water, sanitary waste facilities and drainage improvements, drainage, amenities, and similar details including their respective measurements;
        ii. The type and location of all intended uses, together with their sub-area zoning district designations, and including all proposed modifications to the permitted uses, area regulations, density of development, coverage, common area, utilities, height, yard requirement, and design guidelines listed in this section of the ordinance, together with the rational for such modifications;
        iii. Expected gross land area for all intended uses, including open space;
        iv. A statement of the anticipated residential density, residential unit sizes for all buildings, and the total number of dwelling units;
        v. The total floor area of all commercial uses;
        vi. The names and route numbers of all boundary roads or streets and the width of existing rights-of-way;
        vii. The owners, zoning districts, and uses of each adjoining

tract;

c. Landscape plan. A site plan at a minimum of one inch equals forty feet (1"=40') scale showing proposed regulations and calculations which shall include, but not be limited to, information on landscaping, tree species, and the number of all plantings and open space including the landscaping that is being preserved, removed, and that which is replacing the landscaping that is removed;

d. Architectural design. Preliminary architectural plans and all elevations with sufficient detail to demonstrate proposed design criteria that shall include, but not be limited to, scaled floor plans and elevation drawings of proposed buildings and structures and information on building materials, features, exterior finish legend, windows, doors, colors, and items affecting exterior appearance, including their respective measurements;

e. Phasing plan. Should a PUD be expected to require five (5) years or longer to complete, a phasing plan shall be proved by the applicant that indicates the timeframe for construction and development of different aspects of the PUD;

f. Parking analysis. A parking analysis must be prepared by a qualified third-party professional engineer;

g. Environment impact plan. A comprehensive plan that describes the natural features and characteristics of a proposed development site, the changes that will occur as a result of the proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development, and the mitigation measures to be taken to minimize undesirable impacts to the environment.

h. An attorney's certificate showing the owner or owners of the subject property, marketable title to the subject property in such owner or owners, naming the source of applicant's title or interest in the subject property, and the place of record of the latest instrument in the chain of title for each parcel constituting the tract; and

i. Any other information deemed necessary by the Zoning Administrator.

3. Proffers. If the applicant proffers reasonable conditions in connection with the application, a set of signed proffers must be submitted prior to the public hearing with the Town Council in accordance with Section 2.7 (5) of this ordinance.

J. Effect of approval of PUD districts.

1. All terms, conditions, safeguards and stipulations included in the Town Council's approval of PUD districts, including without limitation those contained in the Overall Development Plan to the extent approved and adopted by the Town Council, shall be part of the zoning applicable to the property, shall be included in the ordinance approving the rezoning to PUD district, and shall be binding upon the applicant and all successors in

interest. Unapproved modifications from the Overall Development Plan or failure to comply with any requirements, conditions, or safeguards shall constitute a violation of the Zoning Ordinance.

2. After approval of PUD districts, the owner may submit subdivision plats and site plans for approval consistent with the Overall Development Plan. No building permits will be issued until site plan approval and final subdivision plats have been approved and recorded in the County land records according to applicable law.

Section 3.12: Open Space District

A. Statement of Intent. The intent of the Open Space District (OSD) zoning district is to provide opportunities for recreational activities, a network of recreational path to preserve natural resources and create buffer zones within the town.

B. Permitted Uses
   1. Non- commercial recreational uses which are primarily open air.
   2. Swimming Pools.
   3. Court sports such as but not limited to tennis, volleyball, croquet and basketball.
   4. Structures such as picnic shelters, piers and docks, equipment storage buildings associated with permitted recreational uses.
   5. Parking areas associated with permitted recreational uses.
   6. Retention areas and streets
   7. Public Utility Facilities
   8. Public Amenities such as restrooms, bath houses, fountains, etc.

C. Accessory Uses. Within the Open Space District, the following accessory uses shall be allowed.
   1. Uses customarily accessory and clearly incidental and subordinate to the permitted uses.

D. Conditional Uses. Within the Open Space District, the following conditional uses may be allowed, subject to the issuance of a Conditional Use Permit.
   1. None

E. Lot, Yard, Height, and Density Requirements. Within the Open Space District, the following standards shall apply.
   1. Minimum setbacks
      a. Buildings
         i. All sides.....twenty feet (20')
      b. Courts
         i. From Buildings.....twenty feet (20')
         ii. Property Lines.....twenty feet (20')
         iii. Streets.....None
   2. In built up neighborhoods, the prevailing setbacks of the neighborhood as defined in Section 3.1 of the Zoning Ordinance.

F. Additional Development Requirements. To help preserve the architectural

cohesiveness of the Town, all buildings, structures, public amenities and storage units in the OSD shall be compatible, sympathetic and complimentary with buildings in the neighborhood as defined in Section 3.1 of the Zoning Ordinance.

Section 3.13: Bay Crossing Planning Unit Development (Bay Crossing PUD)

A. Statement of Intent. The intent of this PUD district is to provide for low-to moderate density residential development designed to serve the workforce and other housing needs of the Town of Cape Charles and Northampton County. The targeted workforce housing segment income range is up to one hundred and fifty percent (150%) of the Area Median Income (AMI). Additionally, this district provides for residential and limited complimentary commercial development with substantial Town control by both the Town Council and Planning Commission through the existing Conditional Use Permit process to ensure any proposed use and application is appropriate for the development and harmonious with the associated multi-family residential development.

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

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 one thousand square feet (1,000 SF) and the short term rental is defined as thirty (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.

D. Lot, Yard, Height, Coverage and Density Requirements for Residential Development Within the Bay Crossing PUD District. The following standards shall apply: Minimum of five acres (5 ac) for the PUD District.
    1. In addition to the following, townhouse projects must have minimum of one acre:
        a. Minimum lot requirements
            i. lot area dwelling units (square feet): N/A
            ii. lot width (feet): fifteen (15)
        b. Minimum yard requirements
            i. front yard (feet): ten (10)
            ii. side yard between principal structures (feet): twenty (20)
            iii. side yard between end structures and side property line(feet): ten (10)
            iv. side yard between units: N/A

v. rear yard (feet): ten (10)
vi. rear yard (parking in rear yard): ten (10)

c. Maximum building height (feet): forty (40)
d. Building coverage: No more than sixty percent (60%) of the lot may be covered by the structures.
e. Maximum development: No more than twenty-five (25) town-house dwelling units shall be constructed or attached together in a continuous row, and no such row shall exceed two hundred and forty feet (240') in length.
f. Off-street parking: Parking shall be provided on the premises. No such parking lot or garage shall be located more than two hundred feet (200') from the dwelling unit which it serves (excluding non-residential parking such as guest, golf cart or flex parking). Two (2) spaces per dwelling unit shall be required.
g. The definition of a townhouse is a multi-floor home that shares one or more walls with adjacent properties.

2. In addition to the following, multi-family projects must have minimum of one acre (1 ac):
   a. Minimum lot requirements lot area per building (FAR): 0.35
   b. Minimum yard requirements
      i. front yard (no parking in front yard) (feet): thirty (30)
      ii. front yard (parking in front yard) (feet): thirty (30)
      iii. side yard between separate structures (feet): twenty (20)
      iv. side yard between end structure and side property line (feet): twenty (20)
      v. rear yard (no parking in rear yard) (ft): twenty (20)
      vi. rear yard (parking in rear yard) (ft): thirty-five (35)
   c. Furthermore, no multi-family unit may be erected on a lot which has a width at the building line of less than sixty feet (60').
   d. Maximum building height (feet): forty (40)
   e. Building coverage: No more than sixty percent (60%) of the lot may be covered by the structure.
   f. Parking: Multi-family projects must have one space per one bedroom dwelling unit or studio, otherwise two spaces per dwelling unit.
   g. Required open space. Open space shall be provided equivalent to ten percent (10%) of lot area. For the purpose of this section, the term open space shall be construed to consist of open space amenities and spacing between buildings. Open space amenities include plazas, esplanades, landscaped areas, walkways, public recreational facilities, and the like designed and maintained for use by residents, pedestrians and open to the public. Where feasible, open space shall be designed to serve as part of a coordinated pedestrian circulation system.
   h. Development in this district may contain the density requirements of one or more of the R-1, R-2, and R-3 for residential districts, and CR, C-1, C-2 and C-3, for the commercial districts to accommodate

flexibility and imaginative development designs. Density shall be consistent with conditions that are applicable to the property, such as topography, the character of the surrounding property, potential health or safety hazards, traffic safety considerations, and the effects upon existing public facilities that could be alleviated by a reduction in density.

i. Additional Development Terms. Placement of drives and parking areas. Entrances and exits, drives or parking areas may be located adjacent to any lot line.

E. Lot, Yard, Height Requirements for Commercial Development Within the Bay Crossing PUD District.

1. In addition to the following, commercial projects must have minimum of ¼ acre:
    a. Lot width at setback line (feet): forty (40)
    b. Side yard (feet): five (5)
    c. Rear yard (feet): ten (10)
    d. Front setback (feet): twenty-five feet (25') from center of right-of-way (defined as centerline of main street roadway) or fifteen percent (15%) ± of the lot depth, whichever is less.
    e. Height Regulations. Buildings may be erected up to a height of thirty-five feet (35') from the adjacent ground elevation.
    f. Notwithstanding the foregoing, any electric vehicle charging stations shall be implemented with no setback or minimum land area restrictions provided they meet the adequate landscaping and screening requirements.
    g. Buffer yards. The following Buffer Yards shall apply, in lieu of any other setbacks, as follows. If the Bay Crossing PUD adjoins:
        i. Open Space/Conservation Easement zoning from the Accawmacke Plantation PUD, there shall be no buffer yard requirement.
        ii. Old Cape Charles Road, there shall be a one hundred feet (100') buffer yard requirement.
        iii. Cassatt Parkway, there shall be a thirty-foot (30') setback.
        iv. R3 Zoned property, there shall be a twenty-foot (20') setback.

F. Other applicable provisions and limitations as follows:

1. Primary Access: All development on the parcel shall maintain primary access (and signage, if applicable) to Cassatt Parkway via the Main Street access road.
2. All other provisions of the Cape Charles Zoning Ordinance shall apply to this Bay Crossing PUD District unless stated herein. In the event there is a conflict between this Bay Crossing PUD District and the applicable Zoning Ordinance, the Bay Crossing PUD District terms shall apply, to the extent they are not inconsistent with the provisions of this chapter.

RESOLUTION OF INTENT 20250320A__

PROPOSED ZONING TEXT AMENDMENT 2025-01 APPLICATION FROM TOWN OF CAPE CHARLES TO AMEND ARTICLE III, SECTION 3.3(E)

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

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

WHEREAS, the Cape Charles Town Council finds that the public necessity, convenience, general welfare, and good zoning practice requires that a zoning text amendment be considered, as a result of staff input to amend Article III, Section 3.3 (E) to delete the 3 acre minimum for multi-family developments;

WHEREAS, said proposed revision to Section 3.3 would provide increased opportunity for additional property to offer and construct multifamily dwelling units which has been identified as a necessity in the Town's Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Ordinance to amend Section 3.3 (E) of the Zoning District Regulation Article, specifically, the Residential Multi-Family District R-3, by deleting the provision requiring a 3-acre lot minimum for a Multi-Family Project Development.

Said Zoning Text Amendment 2025-01 is referred to the Cape Charles Planning Commission to convene the requisite public hearings and public notifications, which may be done jointly between the Cape Charles Planning Commission and Cape Charles Town Council and for the Cape Charles Planning Commission to prepare its recommendation on said Zoning Text Amendment 2025-01 for Cape Charles Town Council's consideration.

****

Adopted by the Town Council of the Town of Cape Charles on March 20, 2025

By: _____
Mayor Charney

Attest:

_____
Town Clerk

Planning Commission

Meeting Date: April 10th, 2025
Item #: 5A & 7A
Date: March 25th, 2025
Prepared by: Jack Steinmayer,, Zoning Compliance Officer
Reviewed by: Katie Nunez, Director of Planning & Zoning Administrator

Type of Application:	Zoning Text Amendment (ZTA2025-01)
Applicant:	Town of Cape Charles
Proposal:	To amend Article III, Section 3.3 (E) of the Cape Charles Zoning Ordinance by deleting the provision requiring a 3-acre lot minimum for a Multi-Family Development.
Legal Deadline	
For Planning Commission (100 days):	July 20, 2025
For Town Council (Directory, not Mandatory)	*Can act upon receipt of recommendation from Planning Commission; if PC fails to provide recommendation within the prescribed deadlines, it is deemed a favorable recommendation by the PC.* Town Council max time frame is 12 months from when referred to the Planning Commission: **October 20, 2025**

Background

As a result of conversations with a prospective purchaser of the Seabreeze Apartments property, which is a parcel just under 1.5 acres and is currently zoned Residential-1 (R-1), the Planning and Zoning Administrator has been reviewing the Zoning Ordinance and what zoning district would be most appropriate for this parcel based upon the existing, legal, non-conforming uses on this property of multi-family dwellings.

This examination has led to a closer look at the Lot, Yard, Height, Coverage and Density Requirements for the Residential-3 (R-3) Multi-Family District. There is a minimum 3-acre requirement in the R-3 zoning district for multi-family project development. When we rezoned several parcels in December 2024 to R-3 as a result of eliminating the RE Zoning District, we did not catch the 3-acre minimum requirement, and the majority of those parcels do not meet that requirement.

When you utilize the setback requirements along with the other development provisions contained in the ordinance (parking, driveways, sidewalks, landscaping, stormwater), this will determine how much land is necessary to accommodate a multi-family project

development, which could be as small as 2 apartment buildings with 2 or 3 units in each building or could be larger, depending upon the piece of property that the development is being considered for. An acreage requirement is not a necessary component for this zoning district. The current 3-acre requirement is highly restrictive of property that could otherwise meet all of the other criteria for multi-family dwellings.

The Town Council agreed to advance a Zoning Text Amendment to amend Cape Charles Zoning Ordinance Article III, Section 3.3 (E) – Residential-3 Multi-Family District R-3 by removing the 3-acre minimum land requirement for a Multi-Family Project Development and passed the Resolution of Intent at their meeting on March 20, 2025.

Item Specifics

§ 15.2-2286(A)(7) of the Code of Virginia requires that amendments to a zoning ordinance shall be initiated by a resolution of the local governing body; a motion of the planning commission; or in the case of zoning district map amendments, by application of the landowner or the landowner's authorized agent. § 15.2-2285(B) of the Code of Virginia provides that no zoning ordinance shall be amended or re-enacted unless the governing body has referred the amendment or reenactment to the local planning commission for its recommendation. The Town Council passed a Resolution of Intent on March 20, 2025 for ZTA2025-01 application.

The Town would propose that the Cape Charles Zoning Ordinance be amended in such a way that the 3-acre minimum land requirement found in Article III, Section 3.3 (E) – Residential-3 Mult-Family District be removed.

For Multi-Family Project Development

For Townhouses	***3-Acres Minimum***
Minimum Lot Size (lot area pre dwelling unit) (sf)	1,500 (sf)
Front Yard (no parking in front yard) (ft)	30'
Front Yard (parking in front yard) (ft)	35'
Side Yard between separate structures	25'
Side Yard between end structure and side property line	35'
Rear Yard (no parking in rear) (ft)	20'
Rear Yard (parking in rear) (ft)	35'
Maximum Building Height	40'
Maximum Lot Coverage	45%
Maximum Lot Width (ft)	100'

If ZTA2025-01 is passed by the Town Council, following their public hearing after receiving the recommendation from the Planning Commission, please note that this proposed Zoning

Text Amendment would be applicable to all property in the Town of Cape Charles that are currently zoned Residential-3 and any future parcels that may be rezoned to Residential-3 (R-3).

Currently, there are 8 parcels that are zoned R-3 within the Town:

1) Tax Map #90-19-B: Owner – Town of Cape Charles – 16.21 Acres
2) Tax Map #90-3-A2: Owner – Donald Lee – 1.55 Acres
3) Tax Map #90-12-Y: Owner – Brian Chandler Burke – 1.1 Acres
4) Tax Map #90-12-Z: Owner – Spath Squared, LLC – 1.1 Acres
5) Tax Map #90-29-1: Owner – Harbour Green – 1 Acre
6) Tax Map #90-29-2: Owner – CEM Investments, LLC – 1 Acre
7) Tax Map #90-29-3: Owner – BRRRR Funding VA, LLC c/o Richmond Rehab Funding, LLC – 1 Acre
8) Tax Map #90-29-4: Owner – BRRRR Funding VA, LLC c/o Richmond Rehab Funding, LLC – 1 Acre



Review with Respect to Comprehensive Plan

Housing – Overview – (pg. 39)

"Despite positive changes in the Town's housing stock, some residents face major housing issues. Although rising property values have benefited many homeowners, increased rents and housing prices create difficulties for low- and moderate-income households."

Furthermore, it states, "the town needs to be concerned with planning for quality affordable housing as its economy grows. It is necessary to reduce the percentage of cost burdened households, one way of which is providing more affordable housing stock, since this will encourage people to live in stable neighborhoods in the town instead of moving out into the unincorporated areas in the county. Making the Town economically viable throughout the year.

Finally, the Comprehensive Plan states, "the increased housing costs within the Town make it difficult to attract younger families, Cape Charles has a need for a greater diversity of housing types to improve affordability as well as support a stable and resilient community in the future."

The Town has acknowledged many times within the Comprehensive Plan that both affordable housing and workforce housing (used interchangeably) are needed within the community. By moving forward with the proposed Zoning Text Amendment, the Town will begin to take the necessary steps to reduce the barriers to help diversify the Town's housing stock and making the Town as a whole more affordable, which is a primary objective in the Comprehensive Plan.

Staff Recommendation

Staff is requesting the Planning Commission hold the required public hearing on ZTA2025-01and consider all comments received and determine if there are additional issues raised that were not considered by staff which may need to be considered. Staff is recommending favorable consideration of Zoning Text Amendment Application (ZTA2025-01) to amend Article III, Section 3.3 (E) of the Cape Charles Zoning Ordinance by deleting the provision requiring a 3-acre minimum for a Multi-Family Development.

Proposed Planning Commission Motion

I would recommend the following motion for the Planning Commission's consideration:
Motion to recommend to Town Council to approve Zoning Text Amendment (ZTA) 2025-01: Application from the Town of Cape Charles to amend Article III, Section 3.3 (E) of the Cape Charles Zoning Ordinance by deleting the provision requiring a 3-acre lot minimum for a Multi-Family Development.

ORDINANCE 20250417A

AMENDING CAPE CHARLES ZONING ORDINANCE ARTICLE III –DISTRICT REGULATIONS, SECTION 3.3 – RESIDENTIAL MULTI-FAMILY DISTRICT R-3 (E) LOT, YARD, HEIGHT COVER AND DENSITY REQUIREMENTS

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

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

WHEREAS the proposed text amendment proposes to delete the 3-acre minimum requirement for Multi-Family Project Development and the staff report demonstrates compliance with the Comprehensive Plan that this will assist with housing development and expansion of housing type in the Town for the parcels zoned Residential-3; and

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice, a public hearing was held by the Planning Commission on April 10, 2025 and the Planning Commission reviewed and deliberated the proposed zoning ordinance amendment, and approved by majority vote, making recommendation for Town Council approval as requested based upon the support in the Staff Report dated March 25, 2025; and

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice, a public hearing was held by the Town Council on April 10, 2025 and based upon the Staff Report to Town Council and the Planning Commission favorable recommendation to approve as requested by the applicant;

NOW, THEREFORE, BE IT RESOLVED that, for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Zoning Ordinance be revised in compliance with ZTA2025-01 application to delete the 3-acre minimum requirement for Multi-Family Project Development in Article III, Section 3.3 (E), to become effective immediately.

****

Adopted by the Town Council of the Town of Cape Charles on April 17, 2025.

By: _____
Mayor Charney

Attest:

_____
Town Clerk

TOWN OF CAPE CHARLES	**AGENDA TITLE:** Public Hearing & Unfinished Business – Zoning Map Amendment 2025-01	**AGENDA DATE** April 17, 2025
	SUBJECT/PROPOSAL/REQUEST: Conditionally rezone Tax Map #83A1-3-B2 & 83A1-3-3 (Seabreeze Associates, LP) from R-1 to R-3	**ITEM NUMBER:** 3B & 8B
	ATTACHMENTS: 1) Zoning Map Amendment Application and Proffers 2) CCZO Section 2.7.2 & 2.7.4 thru 2.7.9 – Conditional Rezoning 3) CCZO Section 2.5 – Legal, Non-Conforming Uses 4) CCZO Article 3 – Zoning District Regulations 5) Public Comment Letters from Adjacent Property Owners 6) Ordinance 20250417B	**FOR COUNCIL:** Action (X) Information ( )
	STAFF CONTACT (s): Katie H. Nunez, Director of Planning & Zoning Administrator	**REVIEWED BY:** John Hozey, Town Manager

Town Council is requested to hold a public hearing on Zoning Map Amendment (ZMA) 2025-01 application from Town of Cape Charles Town Council to conditionally rezone Tax Map #83A1-3-B2 and 83A1-3-3 (Seabreeze Associates, LP) from R-1 to R-3.

BACKGROUND & ITEM SPECIFICS:

This property was developed in 1984 with four buildings that housed a total of 28 apartments and one office building/laundry room (known as the Seabreeze Apartments) when the Town did not have Zoning. In 1992, the Town adopted a Zoning Ordinance and zoned this property as Residential-1 which does not allow for multi-family dwellings but was meant for single-family residential developments. However, due to the Seabreeze Apartments predating the Zoning Ordinance, both the buildings and the manner in which they were being used as rental housing units are allowed to continue operating as such and are classified from a zoning perspective as a legal, non-conforming use, pursuant to Cape Charles Zoning Ordinance Section 2.5 (attached).



PROPERTY DESCRIPTION

Building #203 (lower right side of the map) - six apartments #20301 thru 20306 – each of these units are three bedroom apartments.
Building #205 – (adjacent to #203) - eight apartments #20507 thru 20514 – each of these units are three bedroom apartments.
Building #207 – (upper right side of the map) eight apartments #20715 thru 20722: each of these units are two bedroom apartments.
Building #209 – (upper left of the map) - six apartments #20923 thru 20928: each of these units are two bedroom apartments.

This is a total of 28 apartments: 14 two-bedroom units and 14 three-bedroom units. The building at the lower left of the map had at least three to four shared uses: office space for the property management company, community room, laundry room for the tenants on this property and storage.

In February 2024, the Town issued a Notice of Violation regarding two of the buildings that were found to be unfit for human habitation. Because of the Towns' findings, the funding partners of HUD and USDA for the low-income housing at this property subsequently terminated their funding which then led to the full-scale relocation of all of the tenants from this property. There were underlying issues with the ownership of the entity of Seabreeze Associates, LP due to the deaths of the primary partners; that was only recently resolved when a liquidator trustee was named (Lynn Tavenner, Esq.) and given authority to seek a purchaser for this property which has occurred. The property is under a purchase agreement and there is a period due diligence before the sale will occur; said due diligence has included a robust discussion with the Town regarding the zoning for this property, including the restrictions associated with the R-1 zoning and the uses & structures being designated as legal, non-conforming uses and structures.

As mentioned in the Cape Charles Zoning Ordinance Section 2.5, a legal, non-conforming use can continue to exist but there are strict restrictions on expanding the use or structure on the property. Additionally, there are imposed time frames when a legal non existing use can continue on a property when that use ceases to occur. In this case, there are currently 2 clocks running on this property: 1) the first clock is relative to the 2 buildings on the north end of the property that were deemed unfit for human habitation – a 12-month clock was placed on those two buildings from the date of February 27, 2024 when the Notice of Violation was received in order to address the Notice of Violation and return the 2 buildings to service; otherwise, the legal, non-conforming use as a multi-family dwelling building will cease and that use is not a use allowed in the R-1 zoning district; and 2) the second clock is relative to the 2 buildings to the east as well as the small office building/laundry room – there is a 24-month clock from when there were last tenants in the building, which was July 31, 2024, for the use of a multi-family dwelling to resume in these 2 buildings & the office building/laundry room.

While the liquidator trustee for the property owner applied for an extension of six months to address the Notice of Violation for the 2 buildings on the north end of the property which the Zoning Administrator granted, thus extending this clock to August 27, 2025, the proposed purchaser has indicated that they would like to make certain improvements and expansions on this property that could not occur through the R-1 Zoning, specifically due to the limitations and constraints of the legal, non-conforming use designation.

CONDITIONAL REZONING REQUEST

The applicant (Seabreeze Associates, LP.) is seeking to rezone their two parcels (Tax Map #83A1-3-B2 & 83A1-3-3) from Residential-1 (R-1) to Residential-3 (R-3) with the following proffer conditions:

- *The individual residential units on the property shall not be rented for periods of time of less than 30 days each;*
- *It is understood that all phases of the proposed project shall comply with all ordinances of the Town of Cape Charles;*
- *Further lawful conditions or restrictions against the Property may be required by Grantee during the detailed Site Plan review and administration of applicable codes and regulations of Grantee by all appropriate agencies and departments of Grantee, which shall be observed or performed by Grantor.*

Grantor acknowledges that additional further lawful conditions or restrictions may be imposed by Grantee as a condition of approvals, including but not limited to final site plan approval;

- *All references hereinabove to zoning districts and to regulations applicable thereto refer to the Town Zoning Ordinance of the Town of Cape Charles, in force as of the date the conditional rezoning amendment is approved by the Grantee;*
- *The Grantor convents and agrees that:*
    - *The foregoing conditions are reasonable;*
    - *The Zoning Administrator of the Town of Cape Charles, VA, shall be vested with all the necessary authority on behalf of the governing body of the Town of Cape Charles, VA, to administer and enforce the foregoing conditions and restrictions specified in this agreement, including (i) the ordering in writing of the remedying of any noncompliance with such conditions, (ii) the bringing of legal action or suit to ensure compliance with such conditions, including mandatory or prohibitory injunction, abatement, damages or other appropriate action, suit or proceeding;*
    - *Failure to meet all conditions shall constitute cause to deny the issuance of any of the required building or occupancy permits as may be appropriate; and*
    - *The Zoning Map shall show by an appropriate symbol on the Map of the existence of conditions attaching to the zoning of the subject Property on the Map and that the ordinance and conditions may be readily available and accessible for public inspection in the office of the Planning & Zoning Department and that this Agreement shall be recorded in the Clerk's Office of the Circuit Court of the County of Northampton, Virginia and indexed in the name of the Grantor and Grantee.*

REVIEW WITH RESPECT TO COMPREHENSIVE PLAN

Affordable Housing – (pg. 47)

With Cape Charles having the highest owner-occupied median housing value in the region, the Town has a greater need for a variety of housing types that are affordable. A diversity of housing types is one way to provide greater housing options.

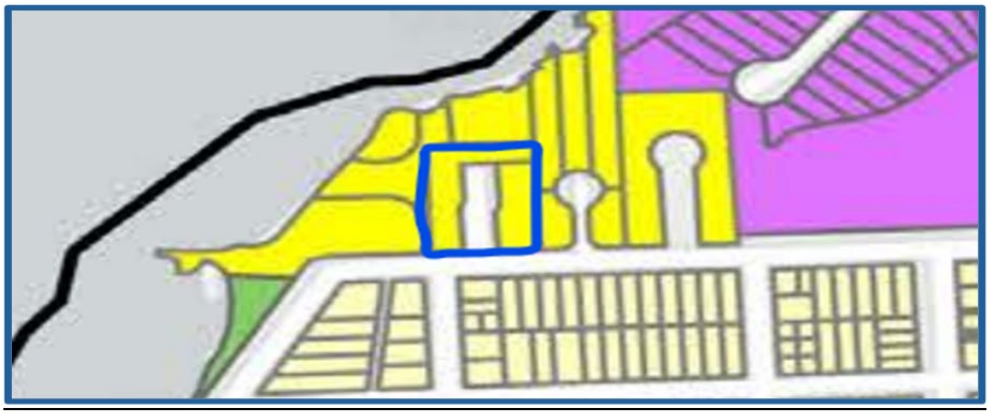
Housing Objectives and Strategies – (pg. 47)

1. *Pursue character appropriate additional supply and diversity of housing, including smaller single-family homes, duplexes, town homes, and* ***condos*** *to increase the availability of affordable housing.*

Future Land Use – (pg. 131)

b. Preferred Uses

1. Land uses in this designation should consist of single-family dwellings, ***multifamily housing****, including row houses containing two to four dwelling units per structure, or single-family houses which have been converted into two-family or multi-family dwelling units.*



Residential: The Residential category is intended for a variety of housing types to meet the needs of Cape Charles residents. Development in this area should include housing of various types, sizes, and prices to meet the needs of seasonal workers, families, etc.

REVIEW WITH RESPECT TO ZONING ORDINANCE: ZONING DISTRICTS – INTENT

In the work on the recently amended Zoning Ordinance (adopted 12/19/2024), the Planning Commission had formed a Housing Subcommittee which made numerous recommendations for changes in the zoning ordinance that supported the development of medium-to-high density housing in an effort to create more housing diversity within the Town of Cape Charles.

The Cape Charles Zoning Ordinance provides a statement of intent for the current zoning district of Residential-1 (R-1) as follows:

> *The intent of this basic zoning district is to provide quiet, medium density, single-family residential development plus provide open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to restrict all activities of a commercial nature as described in Section 3.5 (A) of this ordinance, known as Commercial Districts C-1, C-2, and C-3 which are characterized by heavy traffic, noise, and congestion of people and passenger vehicles and by large office buildings and retail establishments, and to promote a convenient, attractive, and harmonious community. This section is created in recognition of the existence of developed areas where single-family and duplex dwellings currently exist on lots of five thousand six hundred square feet (5,600 sf) and where the characteristics of the neighborhood include both permanent as well as seasonal residents.*

The proposed rezoning district of Residential-3 (R-3) provides the following statement of intent:

> *The intent of this basic zoning district is to provide for relatively high density, multi-family residential development. This district is designed to promote and encourage a suitable environment for family life and to restrict activities of a commercial nature to those which serve the needs of the surrounding residential neighborhood.*

PLANNING COMMISSION PUBLIC HEARING:

Planning Director & Zoning Administrator Katie Nunez summarized the staff report for the Planning Commission. Ms. Nunez introduced Attorney Lynn Tavenner, Liquidator Trustee for Seabreeze Associates, LP; and Attorney Don Schulz, personal attorney for the various heirs of Seabreeze Associates, LP; and Bill Parr, agent representing the prospective purchaser [JC Stanley, Inc] and has been authorized to speak on this application on behalf of Seabreeze Associates, LP.

The applicant, Seabreeze Associates, LP., represented by Bill Parr, then spoke on the application and offered clarifying information for the Commission.

Chairman Stramm opened the floor to the Commission for any questions to the applicant or staff.

Commissioner Ashworth wanted to know the price point for the units and condos. Mr. Parr stated that it would cost anywhere from $450,000 to $500,000.

Commissioner Ashworth then wanted to know about any possible parking considerations that have been made. Mr. Parr detailed the current parking situation and explained that if they needed to increase parking on-site, then some clean-up would need to be done on the property. If they had to move the dumpster to add spaces and find a new arrangement for trash pickup, that would be a possibility.

Commissioner Ashworth then followed up by asking why they decided to proffer short-term rentals (STRs). Mr. Parr explained that after talking with the Town staff and understanding the Town's position on the matter, they were willing to forgo this use on the property to help move their application forward. He further explained that the buyers of the units would not want STRs as it's a little tight.

Mr. Parr then explained that it is a costly proffer to give up as some future owners may want the extra cash flow and business, but the purchaser developer is willing to eliminate STRs from this property through the proffer to offer a better product.

Commissioner Ashworth explained that Mr. Parr would find general support for short-term rentals as there was a recent election in which the 3 new Town Council Members ran on being in favor of short-term rentals. He further explained that he was confused as to why a developer would offer a proffer that would possibly reduce resale value. Mr. Parr explained that the Commission could reject the proffer if the Commission saw fit to allow short-term rentals, and they would make business decisions later on the sensibility of whether they would allow them or not.

Commissioner Smith explained that 230 Mason Avenue had the same restriction of no STRs when that building project was developed.

Commissioner Ashworth explained that he was concerned with the precedent that this could be setting, as the Town has a Zoning Ordinance, and an accessory use is short-term rentals, and what wasn't able to be codified during those discussions is now trying to be achieved administratively, contrary to public opinion.

Commissioner McDonald then asked why this property couldn't stay Residential-1 (R-1) and do all of the items that they are requesting. Ms. Nunez explained that it is primarily a density issue as the sheer number of units would not be allowed within the R-1 zoning district. She then explained that they are seeking improvements that would not be allowed to occur under the R-1 zoning as they do not meet the density requirements and run contrary to the legal, non-conforming use statute.

Commissioner Newman wanted to know if there was any plan to increase the density. Mr. Parr explained that they were considering turning the office/laundry building into 2 additional housing units. They were also looking at the feasibility of reducing the current number of units (28) by making the existing apartments larger, as they would be more valuable.

Commissioner Wright had the same concerns on the short-term rental proffer as Commissioner Ashworth. She sensed that these condominiums being on the bay would be pretty luxurious and that the owners of these future condominiums would not need the extra income that short-term rentals would bring in. Mr. Parr explained that if they stuck with the 28 original units, they would have plenty of interest from people who would not need to utilize these units as short-term rentals.

Commissioner Ashworth was concerned that the Town was going to throw the short-term rental proffer back at property owners looking to expand their houses, as if they agreed to never use their dwellings as STR, only then would they be allowed to expand their homes.

Ms. Nunez explained that proffers are only a functionality of rezoning from one zoning district to another. She stated that what Commissioner Ashworth is describing – that a building permit for an addition to a house in the R-1 zoning district would be delayed or denied unless the property owner forgoes an STR by right on the property – is illegal and the staff does not have that authority in the Zoning Ordinance.

Commissioner Ashworth wondered about the other properties in the R-3 district. Ms. Nunez explained that the Zoning Map Amendment stands by itself, and the proffer only sits with the parcel in question.

Town Manager John Hozey then wanted to address the point that somehow staff were pressuring proffers to achieve some sort of agenda. He explained that when a developer comes to the Town, it is the town's job to try to make it happen, not knowing how things are going to play out because of how new the STR ordinance is. It is simply providing them an option to move forward; if the Commission was not favorable to the proffer, then they can reject it. He mentioned that STRs generally have a greater requirement for parking, so if STRs were permitted at this location, then the odds are that parking would spill out onto Washington Avenue. The Town staff is simply trying to help the developer accomplish their goal, not trying to push any sort of agenda.

Commissioner Ashworth was simply building upon Ms. Nunez's comments and the developers' comments.

Commissioner Smith stated that the developer was trying to appeal to the market, as when she purchased her unit, one of the items that made it attractive was the inability to have STRs as it is tight living.

Seeing as there were no more comments from the Planning Commission, Chairman Stramm opened the public comment portion of the hearing.

PUBLIC COMMENTS:
Peter Alpern, 3 Bay Vista Way, stated this is an inappropriate plan for the Seabreeze Apartments to rezone so that they can be "fixed and flipped" by another developer. He stated that the buildings were unsalvageable because there were vermin and birds entering and exiting the building and the buildings had not been maintained at all. Mr. Alpern then spoke on how he saw men in orange HAZMAT suits going in and out of the buildings. Finally, he stated that fixing and flipping these buildings was an abomination and would only benefit the developers, not anyone else.

WRITTEN COMMENTS READ INTO THE RECORD
A. Erin and Don Sedgley (TX #83A1-18-BV2) – see letter attached.
B. Devon and Linda Johnson (2 Bay Vista Way) – see letter attached.
C. Fabien and Shashi Baksh (4 Bay Vista Way) – see letter attached.
D. John and Antoinette Payne (TM #83A1-18-BV4) - see letter attached.

Bill Parr was then granted time to rebut the comments. Mr. Parr explained that Seabreeze has been very contentious and all the issues that were brought up in the public comments would not be happening again. He then explained that, when the Bay Vista Way residents bought their properties, they were aware that there was a low incoming housing development next door. He states that what is being proposed for this property is going to be far superior to what was previously there.

Commissioner Holloway wanted to know if Seabreeze was within the Historic District. Ms. Nunez explained that it was not within the Historic District and does not need to adhere to those guidelines, however, it does have to adhere to other developmental standards contained in CCZO Section 4.

Commissioner Wright wanted to know, if changes were going to be made, would they have to come before the Planning Commission. Ms. Nunez explained it would not come before the Planning Commission; however, it would come before the Town Staff through a Site Plan review. Any new structures proposed would have to adhere to the setback requirements and parking requirements. This is not the case for the buildings that are currently on the property.

Ms. Nunez explained that the bulk of this property does not fall within the 100 ft. RPA line as outlined by the Chesapeake Bay Preservation Act (CBPA).

Commissioner McDonald wanted to know for clarification purposes if 207 or 209 would not meet the rear setback requirements as of today. Ms. Nunez explained that she would need to look at their survey regarding the Chesapeake Bay Preservation Act and where that falls relative to those two buildings. If those buildings remain in that footprint, then they do not have to comply with the setback requirements of the zoning district.

Commissioner McDonald also wanted to know if they could convert them to condominiums or if they would need to stay as apartments. Ms. Nunez explained that it is simply a form of ownership and condominiums would be allowed at this property under State Code.

Motion to close the public hearing at 7:16 p.m. was made by Commissioner McDonald, seconded by Commissioner Wright. The vote was approved unanimously.

PLANNING COMMISSION RECOMMENDATION:
Commissioner Newman stated that he was sympathetic whenever people who are stakeholders in Cape Charles come to meetings and express their feelings and emotions about things like this. He feels conflicted about the comments that were submitted, as they were contradictory in some ways. It is hard for him to place the evil hat on developers when they want to come in and approve things. It is hard for him to think that this is a bad improvement for the Town. Finally, he hopes no one blames the Town as they are not the owners of the property.

Commissioner McDonald's concern with the property was that two of the buildings did not meet the setback requirements and did not meet the Chesapeake Bay setback requirements. They can still make upgrades even if they stay zoned as R-1. Rezoning this to make it easier for them to make upgrades is a problem.

Commissioner Ashworth did have his concerns with not allowing STRs on this property, as it would limit dollars going into the town's economy, especially during the summer months. If those dollars go away, then we will not be able to enjoy those businesses.

Motion made by Commissioner Newman, seconded by Commissioner Wright, to recommend to the Town Council to approve the Conditional Rezoning (ZMA2025-01) of 201-209 Washington Avenue (Tax Map #83A1-3-B2 & 83A1-3-3) from Residential-1 (R-1) to Residential-3 (R-3) with the proffers provided by the applicant. The vote was approved unanimously.

TOWN COUNCIL ACTION:

Town Council is requested to hold their public hearing on ZMA2025-01. Following their public hearing, the Town Council is requested to review the application and consider the recommendation from the Planning Commission and ***vote to approve Ordinance 20250417B to amend Cape Charles Zoning Map by conditionally rezoning Tax Map #83A1-3-B2 & 83A1-3-3 (Seabreeze Associates, LP) from R-1 to R-3 and accept the Proffer Statement presented by the applicant.***

ATTACHMENTS:

Attachment 1 – Zoning Map Amendment Application and Proffers
Attachment 2 – CCZO Section 2.7.2 & 2.7.4 thru 2.7.9 – Conditional Rezoning
Attachment 3 – CCZO Section 2.5 – Legal, Non-Conforming Uses
Attachment 4 – CCZO Article 3 – Zoning District Regulations
Attachment 5 – Public Comment Letters from Adjacent Property Owners
Attachment 6 – Ordinance 20250417B

Zoning Map Amendment Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-2036
planner@capecharles.org

Revised 08/2023	
Taxes	✓ paid 12.5
Violations	—
paid Fee	$550
Decision	

Budget Code: MISPL 100-3100-1070

PART 1. APPLICATION NOTES

1. A pre-application conference is mandatory prior to submission of an application for a zoning map amendment.
2. A zoning map amendment application should be consistent with the Comprehensive Plan and therefore, may also require a Comprehensive Plan amendment, which should be approved prior to the zoning amp amendment application.
3. The Town Council may not add conditions of approval to a zoning map amendment application.
4. If proffers are being offered, the proffer statements may not be less restrictive than the requested base zoning district standards.
5. If proffers are being offered, proffer statements may not be amended after the public notification of a public hearing to consider the application has been sent. The applicant may voluntarily offer proffered conditions as part of their application, which must be listed in a separate voluntary proffer statement using the template found on our website.
6. **Fees: Regular Rezoning – (a) Non-PUD = $500 + $50/acre****
   (b) PUD = $1,000 + $50/acre (i) Amendment to Comp. Plan; Concept Approvals: $550/app**
   Conditional Rezoning = $1000 + $50/acre**
   plus, any actual cost for advertising & adjacent property owner notification mailings

PART 2: PROPERTY INFORMATION

Property Address: 201-209 Washington Avenue	Tax Map #: 83a1-3-B2
Project name: Seabreeze Apartments	Current Zoning District: R-1
Does this application include proffers? ☐ No ☑ Yes, if so, attach separate form	Proposed Zoning District: R-3

PART 3: PROPERTY OWNER INFORMATION

Applicant Name: Seabreeze Associates LP

Mailing Address: 20 N. Eight Street, 2nd Floor,Richmond VA 23219

Email address: ltavenner@tb-lawfirm.com | Phone: (804) 783-8300

If property is owned by an LLC, LP, or other form of corporation, list all landowners and their contact information.
Lynn Tavenner, Esq., Liquidator

Zoning Map Amendment Application (also referred to as a Rezoning or Conditional Rezoning) may be submitted by a Cape Charles property owner and may be advanced to public hearing, after this application is submitted to Town Council who authorizes said applications to public hearings, first to the Planning Commission in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204.

The applicant will be required to make a presentation to fully explain the request and demonstrate the need for said request and how the Comprehensive Plan supports and maintains compliance with the goals and objectives of the Comprehensive Plan

Additionally, the Planning Commission or Town Council may prepare and apply for a zoning map amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

PART 4: Written Description of Request – Answer all questions in this section. Attach additional sheets as needed.

A) Describe the existing conditions on the property including existing land uses and buildings as well as the land uses and zoning districts on the abutting properties.

A 28 unit apartment complex with 4 brick buildings, on site parking and an office/utility building. Property along the west of the complex is zoned R-1, with vacant property to the North that is a thin sliver of shoreline also zoned R-1. Property along the East of the complex is currently a Bay Creek Subdivision zoned PUD called Bay Vista. Finally, On the southernmost point of the complex fronting on Washington Avenue is also zoned R-1.

B) Describe how existing conditions have changed, thereby making the proposed amendment needed.

The apartment complex was approved and built in 1984, prior to the adoption of a zoning ordinance. It was subsequently zoned as R-1 when the ordinance was adopted on 07/14/1992 which eventually caused the property to become a non-conforming use.

C) Describe how the proposed amendment furthers the objectives of the Comprehensive Plan.

The R-3 zoning conforms to the current use and will allow for the property to be improved by new owners

D) Describe why the proposed rezoning is necessary.

redevelopment of the site is not possible with a non-conforming zoning designation. Redevelopment requires changes to the property that are not allowed of non-conforming buildings.

E) Describe the proposed use of the rezoned property including a site plan with the proposed types of site improvements and buildings.

Renovation to and Conversion of the apartment buildings to condominiums

Applicant's signature: AuthentiSIGN 03/13/25 Date: _____

Zoning Administrator's Signature: _____ Date: _____

PART 5: To Be Completed by P & Z Department Staff

Date Application Received in Office:	Application #: ZMA
Planning Commission	**Town Council**
Date referred:	Date received from Planning Commission:
Action deadline (100 days from receipt):	Action deadline (max. 365 days from referral to PC):
Public hearing date:	Public hearing date:
Decision:	Decision:

Prepared by:
Seabreeze Associates L.P.
c/o Lynn Tavenner, Liquidator
20 North Eight Street, 2nd Floor
Richmond VA 23219

After recording return to:
Town of Cape Charles
Department of Planning & Zoning
2 Plum Street
Cape Charles, VA 23310

Tax Map #: 83A1-3-B2

PROFFER AGREEMENT

THIS PROFFER AGREEMENT ("Agreement") made this 12th day of March, 2025, by and between Seabreeze Associates L.P. (the "Grantor"); and THE TOWN OF CAPE CHARLES, a municipal corporation of the Commonwealth of Virginia (the "Grantee"), with an address of 2 Plum Street, Cape Charles, VA 23310.

RECITALS

A. Seabreeze Associates LP is the owner(s) of a certain parcel of property located in the Town of Cape Charles (the "Town"), herein known as Tax Map # 83A1-3-B2 with a street address of 201,203,205,207 and 209 Washington Avenue, Cape Charles VA 23310 and more fully described on "Exhibit A" (the "Property")

B. Grantor has initiated a conditional amendment to the zoning map of the Town of Cape Charles, Virginia, by petition addressed to the Grantee so as to change the zoning classification of the Property from the R-1 Zoning district to the R-3 Zoning District.

C. Grantor has requested approval of this Agreement.

D. Grantee's policy is to provide for the orderly development of land for various purposes, including commercial purposes, through zoning and other land development legislation.

E. Grantor desires to offer the Town of Cape Charles certain conditions for the enhancement of the community and to provide for the highest quality and orderly development of the Property.

F. The conditions outlined in this Agreement have been proffered by Grantor and allowed and accepted by Grantee as a part of the amendment of the Town Zoning Ordinance and the Zoning Map. These conditions shall continue in full force and effect until a subsequent amendment changes the zoning of the Property; provided, however, that such conditions shall continue if the subsequent amendment is part

of the comprehensive implementation of a new or substantially revised zoning ordinance of Grantee.

G. This Agreement has been fully authorized by Grantor and the person(s) signing this Agreement on behalf of Grantor have full power and authority to bind Grantor to this Agreement.

NOW, THEREFORE, for and in consideration of the foregoing Recitals, which Grantor acknowledges to be true and correct, and pursuant to Section 2.7.5 of the Town Zoning Ordinance, Grantor proffers and agrees that it will perform and comply with all of the following conditions in developing the Property. In the event the requested change of zoning classification is not granted by the Grantee, these Proffers shall thereupon become null and void. Grantor, its heirs, successors, assigns, grantees and other successors in title or interest to the Property, voluntarily and without any requirement by or exaction from Grantee or its governing body and without any element or compulsion or quid pro quo for zoning, rezoning, site plan, building permit or subdivision approval, makes the foregoing declaration of conditions and restrictions governing the use and physical development and operation of the Property, and covenants and agrees that this declaration and the further terms of this Agreement shall constitute covenants running with the Property, which shall be binding upon the Property, and upon all persons and entities claiming under or through the Grantor, its heirs successors and assigns, grantees and other successors in interest or title to the Property; namely:

CONDITIONS

A) The individual residential units on the property shall not be rented for periods of time of less than 30 days each.

B) It is understood that all phases of the proposed project shall comply with all ordinances of the Town of Cape Charles.

C) Further lawful conditions or restrictions against the Property may be required by Grantee during the detailed Site Plan review and administration of applicable codes and regulations of Grantee by all appropriate agencies and departments of Grantee, which shall be observed or performed by Grantor. Grantor acknowledges that additional further lawful conditions or restrictions may be imposed by Grantee as a condition of approvals, including but not limited to final site plan approval.

D) All references hereinabove to zoning districts and to regulations applicable thereto, refer to the Town Zoning Ordinance of the Town of Cape Charles, in force as of the date the conditional rezoning amendment is approved by the Grantee.

E) The Grantor covenants and agrees that:

1) The foregoing conditions are reasonable;

2) the Zoning Administrator of the Town of Cape Charles, Virginia, shall be vested with all necessary authority on behalf of the governing body of the Town of Cape Charles, Virginia, to administer and enforce the foregoing conditions and restrictions specified in this Agreement, including (i) the ordering in writing of the remedying of any noncompliance with such conditions, and (ii) the bringing of legal action or suit to ensure compliance with such conditions, including mandatory or prohibitory injunction, abatement, damages or other appropriate action, suit or proceedings;

3) the failure to meet all conditions shall constitute cause to deny the issuance of any of the required building or occupancy permits as may be appropriate; and

4) the Zoning Map shall show by an appropriate symbol on the Map the existence of conditions attaching to the zoning of the subject Property on the Map and that the ordinance and conditions may be made readily available and accessible for public inspection in the office of the Planning & Zoning Department and that this Agreement shall be recorded in the Clerk's Office of the Circuit Court of the County of Northampton, Virginia and indexed in the name of the Grantor and Grantee.

[REMAINDER OF PAGE INTENTIONALLY BLANK. SIGNATURE PAGE FOLLOWS.]

WITNESS the following signatures:

Grantor: AuthentiSIGN 03/13/25

Seabreeze Associates L.P.by Lynn Tavenner, Liquidator, Seabreeze LP

SIGNATURE

DATE: Mah 26, 25 (design date)

STATE OF VIRGINIA

~~Town of Cape Charles and County of Northampton~~, to-wit: City of Richmond, VA

I, Amy Haynes Morris, the undersigned, a Notary Public in and for the Town and County and State aforesaid, do hereby certify that Lynn L. Tavenner, whose name is signed to the foregoing instrument as (title) Liquidator of Seabreeze Associates, LP, a Virginia (type of entity) limited partnership, has sworn to, subscribed, and acknowledged the same before me in the Town and County and State aforesaid, this 26 day of March, 2025 on behalf of said limited partnership. He/she ☐ is personally known to me or ☐ has produced _____ as identification.

Notary Public

My commission expires: 3-31-25
Registration No. 7907534

AMY HAYNES MORRIS
COMMISSION EXPIRES
03-31-2025
REGISTRATION
7907534
NOTARY PUBLIC
COMMONWEALTH
OF VIRGINIA

Exhibit A
Legal Description

Attached:
Deed Book 209 page 136-138
Plat Book 12 Page 58
Physical Survey Plat dated March 15, 1984



BOOK 209 PAGE 136

STATE OF VIRGINIA,

COUNTY/CITY OF Norfolk, to wit:

The foregoing instrument was duly acknowledged before me this 27th day of May, 1983, by ANNE H. PLOTT/RANSOM Trustee in Dissolution of Eastern Shore - Yorktown Ferries, Incorporated.

Shirley C. Massey
Notary Public

My commission expires: Sept. 11, 1983.

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Northampton, on the 31st day of May, A. D., 1983. This deed from Frank E. Schlegel, et als, Trs. in Dissolution of Eastern Shore-Yorktown Ferries, Inc., to Robert E. Schlegel, et ux, was, with the certificates of acknowledgment thereof thereto annexed, received by me in my said office this day and admitted to record at 4:00 o'clock, P. M.

Teste: Clyde S. Hubbard, Clerk

Mailed to Harry Plotkin P.O. Drawer 70 Newport News Va. 23607 6-9-83

$35,000

OUR FILE NO. 05720-10-011(006)

No. 368

This Deed, made May 24, 1983 between

ROBERT E. SCHLEGEL and JEANNE H. SCHLEGEL, husband and wife,

party of the first part, and

SEABREEZE ASSOCIATES, a Virginia Limited Partnership,

party of the second part

BEACON CONSTRUCTION COMPANY, a Virginia corporation, party of the third part,

Witnesseth: That for and in consideration of the sum of Ten and 00/100 Dollars ($10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said party of the first part does grant and convey, with GENERAL WARRANTY and with ENGLISH COVENANTS OF TITLE unto the said SEABREEZE ASSOCIATES, a Virginia Limited Partnership, the following described property, to wit:

FOR LEGAL DESCRIPTION, SEE EXHIBIT A ATTACHED

EXHIBIT A

All that certain tract or parcel of land situate, lying and being in the Town of Cape Charles, Northampton County, Virginia, containing 1.453168 Acres (63,300 Sq. Ft.), as shown on plat entitled, "SUBDIVISION OF PROPERTY OWNED BY ROBERT E. SCHLEGEL & JEANNE M. SCHLEGEL, TO BE CONVEYED TO SEABREEZE ASSOCIATES, A VIRGINIA LIMITED PARTNERSHIP, TOWN OF CAPE CHARLES, NORTHAMPTON COUNTY, VIRGINIA," dated May 16, 1983, made by Hassull & Folkes, P.C., Surveyors & Engineers, Portsmouth, Virginia, duly recorded in the Clerk's office of the Circuit Court of Northampton County, Virginia, in Plat Book 12, page 57, to which plat reference is here made, and which property is more particularly described as follows:

Beginning at a point on Washington Avenue, which point of beginning lies S 84° 17' 00" E a distance of 255.16 feet from the top of a bank overlooking the Chesapeake Bay, as shown on said plat, and from the point of beginning thus established, running thence N 05° 43' 00" E a distance of 300.00 feet to a point; running thence S 84° 17' 00" E a distance of 211.00 feet to a point; running thence S 05° 43' 00" W a distance of 300.00 feet to a point; running thence N 84° 17' 00" W along Washington Avenue a distance of 211.00 feet to a point, the place or point of beginning.

Together with all and singular the buildings and improvements thereon, riparian rights, rights and privileges, tenements and hereditaments, and appurtenances thereunto belonging, or in anywise appertaining.

Subject, however, to any and all restrictions and easements of record affecting said property.

THE PARTY OF THE THIRD PART joins in the execution of this deed for the purpose of transferring, quit-claiming and releasing unto the party of the second part all of its right, title and interest in and to the property herein conveyed by reason of a certain option agreement dated January 21, 1983, which said option agreement was subsequently assigned to the said party of the second part, and by its execution of this deed, doth authorize and direct the parties of the first part to convey said property unto the said party of the second part.

TO HAVE AND TO HOLD the said property unto the said SEABREEZE ASSOCIATES, a Virginia Limited Partnership, its successors and assigns, in fee simple and forever.

BOOK 203 PAGE 138

Whenever used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall include all other genders.

WITNESS the following signatures and seals:

Robert E. Schlegel (Seal)
ROBERT E. SCHLEGEL

Jeanne M. Schlegel (Seal)
JEANNE M. SCHLEGEL

(Seal)

BEACON CONSTRUCTION COMPANY (Seal)

By: (SEAL)
MARVIN I. MAZUR, President

STATE OF VIRGINIA,
CITY OF Norfolk to-wit:

I, Shirley C. Massey, a Notary Public in and for the City and State aforesaid, do certify that ROBERT E. SCHLEGEL and JEANNE M. SCHLEGEL

whose names are signed to the foregoing deed dated

have acknowledged the same before me in my City and State aforesaid.

Given under my hand May 24, 1983

My commission expires Sept. 11, 1983

Shirley C. Massey
Notary Public

STATE OF VIRGINIA,

CITY OF NEWPORT NEWS, to wit:

I, Marguerite W. Bridges, a Notary Public in and for the City and State aforesaid, do certify that MARVIN I. MAZUR, President of BEACON CONSTRUCTION COMPANY, its officer in this behalf first duly authorized, whose name is signed to the foregoing deed dated May 24, 1983, has acknowledged the same before me in my City and State aforesaid.

Given under my hand this 31st day of May, 1983.

My commission expires: Dec. 13, 1985.

Marguerite W. Bridges
Notary Public

VIRGINIA:

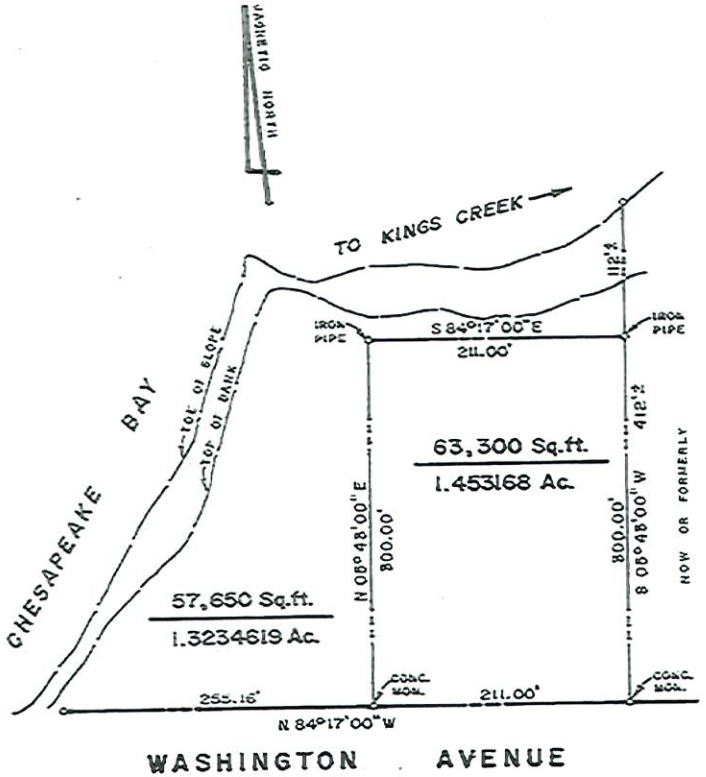
In the Clerk's Office of the Circuit Court of the County of Northampton, on the 31st day of May, A. D., 1983. This deed from Robert E. Schlegel, et ux, et al, to SEABREEZE ASSOCIATES, a Virginia Limited Partnership, was, with the certificates of acknowledgment thereof thereto annexed, received by me in my said office this day and admitted to record at 4:00 o'clock, P. M. Taxes imposed by Sec. 58-54.1 of the Code of Virginia have been paid in the amount of $35.00.

Teste: Clyde S. Hebb, Clerk

Nic in the City and State afore-
signed to the above writing
has acknowledged the same

1983

PB12/P58



described hereon and its source
ocy required and that the
rdance with the requirements

SUBDIVISION OF PROPERTY
OWNED BY
ROBERT E. SCHLEGEL & JEANNE M. SCHLEGEL
TO BE CONVEYED TO
SEABREEZE ASSOCIATES
A VIRGINIA LIMITED PARTNERSHIP
TOWN OF CAPE CHARLES, NORTHAMPTON COUNTY, VIRGINIA

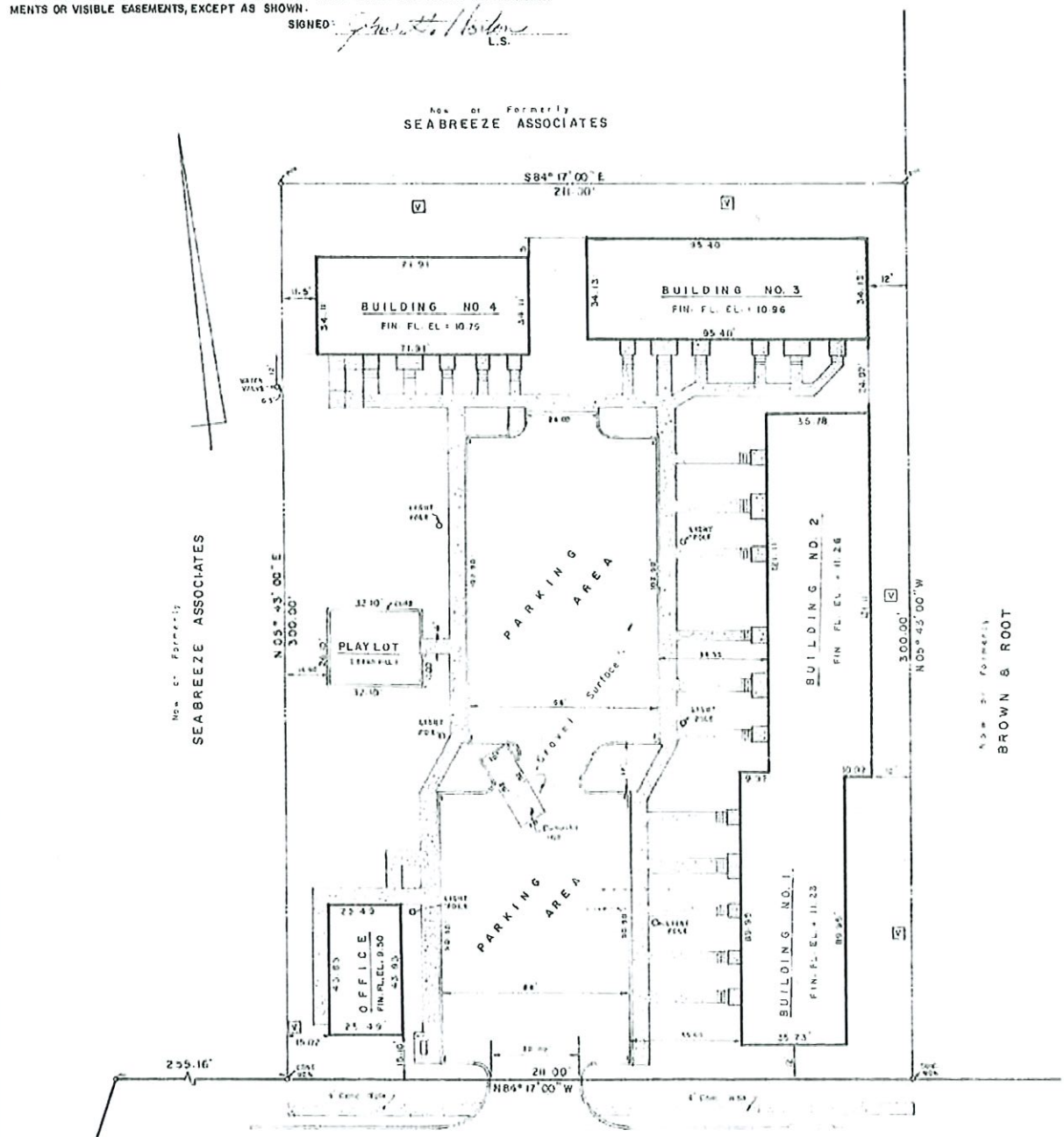
Scale: 1" = 100' Date: MAY 16, 1983

HASSELL & FOLKES, P.C.
Surveyors and Engineers
PORTSMOUTH, VA

THIS IS TO CERTIFY THAT I, ON MARCH 15, 1984 SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDING ARE AS SHOWN ON THIS PLAT.

THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE NO ENCROACHMENTS OR VISIBLE EASEMENTS, EXCEPT AS SHOWN.

SIGNED: _____ L.S.



[V] : DENOTES VERGO TRANSFORMER

PHYSICAL SURVEY
OF
PARCEL OF PROPERTY
LOCATED ON WASHINGTON AVENUE
TOWN OF CAPE CHARLES
NORTHAMPTON COUNTY, VA.
FOR
SEABREEZE ASSOCIATES
A VIRGINIA LIMITED PARTNERSHIP

Scale 1" = 25'

March 15, 1984

HASSELL & FOLKES, PC
Surveyors and Engineers
PORTSMOUTH, VIRGINIA

REV: APRIL 2, 1984

Attachment 2 – CCZO Section 2.7.2 & 2.7.4 thru 2.7.9 – Conditional Rezoning

The board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and the material to show the grounds of the decision appealed from and verification.

If, upon hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

Costs shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event that a decision of the board is affirmed, and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ.

Section 2.6.6: Fee for Appeals and Applications for Variance

Every appeal to the Board of Zoning Appeals from a determination of the Zoning Administrator and every application for a variance shall be accompanied by a fee governed by ordinance set forth by the Town Council of the Town of Cape Charles.

Section 2.6.7: Expiration of Variances

If any variance granted by the Board of Zoning Appeals is not acted on in accordance with the conditions and stipulations required by the Board within a period of thirty (30) months, then the variance shall be null and void and of no force and effect.

Section 2.6.8: Tax Payments Required

Pursuant to § 15.2-2286.B of the Code of Virginia, prior to the initiation of an application for a special use permit, variance, rezoning, zoning clearance, building permit, or other land use permit, the applicant for same must produce satisfactory evidence that any and all delinquent real estate taxes and any fees owed to the Town of Cape Charles which have been properly assessed against the subject property have been paid in full.

Section 2.7: Amendments of Chapter and Zoning Map; Conditional Zoning

Section 2.7.1: Amendments Permitted; How Initiated

In accordance with § 15.2-2286.A.7 of the Code of Virginia, whenever public necessity, convenience, general welfare or good zoning practice require, the Town Council may amend, supplement, or change the regulations, district boundaries or classifications of property contained in this Chapter. Any such amendment may be initiated by (a) resolution of the Town Council, (b) motion of the Town's Planning

Commission, or (c) the petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefore, of the property which is the subject of the proposed zoning map amendment, addressed to the Town Council or the Town's Planning Commission, which shall forward such petition to the Town Council.

Section 2.7.2: Procedures for Amending Chapter or Zoning Map

A. All proposed amendments or reenactments of this Chapter, and all proposed amendments to the zoning map, shall be referred by the Town Council to the Town's Planning Commission for its recommendations. Failure of the Planning Commission to report within one hundred (100) days after the first meeting of the Planning Commission after the proposed amendment or reenactment has been referred to it shall be deemed approval of the proposal by the Planning Commission, unless the proposal has been withdrawn by the applicant prior to the expiration of said time period. In the event of such withdrawal, processing of the proposal shall cease without further action.

B. Prior to issuing its recommendations, the Planning Commission shall hold at least one public hearing after notice of same has been published once a week for two successive weeks in some newspaper having general circulation in the Town, with the first notice appearing no more than twenty-eight (28) days before and the second notice appearing no less than seven (7) days before the day for the meeting reference in the notice. Such public hearing shall be held not less than seven (7) days after the second advertisement appears. Such additional and further notice shall be given as required by § 15.2-2204 of the Code of Virginia. The Planning Commission may make appropriate changes in the proposed amendments as a result of the public hearing. Upon the completion of its work, the Planning Commission shall present the proposed amendments, including revised district maps, to the Town Council together with its recommendations and appropriate explanatory materials.

C. Prior to approving and adopting any amendment to this Chapter or the zoning map, the Town Council shall hold at least one (1) public hearing after giving such public notice as may be required by § 15.2-2204 of the Code of Virginia after which the Council may make appropriate changes or corrections in the proposed amendment. In the case of a proposed amendment to the zoning map, the public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the Town's then effective comprehensive plan. No land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after such notice as is required by § 15.2-2204 of the Code of Virginia. Following the required public hearing(s), the Town Council shall act on the proposed amendment in the

same manner as adopting any other ordinance.

Section 2.7.3: Appeals

Every action contesting a decision of the Town Council adopting or failing to adopt a proposed amendment to this Chapter or the zoning map shall be filed within thirty days of the Town Council's decision with the Circuit Court of Northampton County.

Section 2.7.4: Conditional Zoning - Statement of Intent

In accordance with § 15.2-2296 et seq. of the Code of Virginia, it is the general policy of the Town of Cape Charles to provide for the orderly development of land, for all purposes, through zoning and other land development legislation. Frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time recognize effects of change. It is the purpose of Sections 2.7.4 through 2.7.10 to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning. Conditional zoning allows a zoning reclassification subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned. The provisions of Sections 2.7.4 through 2.7.10 shall not be used for the purpose of discrimination in housing.

Section 2.7.5: Conditional Zoning - Conditions as Part of a Rezoning or Amendment to the Zoning Map

As part of a rezoning or amendment to the zoning map, the owner of the parcel for which the rezoning or amendment is sought may voluntarily proffer, in writing made prior to the Town Council's public hearing on same, reasonable conditions in connection with the proposed rezoning or amendment. Applications for conditional zoning shall be handled in the same manner and following the same procedures as provided in Section 2.7.2 with respect to amendments generally. Once proffered and accepted as part of an amendment to this Chapter or the zoning map, such conditions shall continue in effect until a subsequent amendment changes the zoning of the property covered by such conditions. However, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

Section 2.7.6: Conditional Zoning - Enforcement and Guarantees

The Zoning Administrator is hereby vested with all necessary authority on behalf of the Town Council to administer and enforce conditions attached to a rezoning or amendment to the zoning map, including (a) the ordering in writing of the remedy of any noncompliance with the proffered and accepted conditions; (b) the bringing of legal action to ensure compliance with the conditions, including injunction, abatement, or other appropriate action or proceeding; and (c) requiring a guarantee satisfactory to the Town Council, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the

Town upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate.

Section 2.7.7: Conditional Zoning - Records

The zoning map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The Zoning Administrator shall keep in his or her office and shall make available for public inspection a Conditional Zoning Index. The Index shall provide ready access to the ordinance, creating the conditions in addition to the regulations provided for in a particular zoning district or zone.

Section 2.7.8: Conditional Zoning - Petition for Review of Decision

Any zoning applicant or other person who is aggrieved by a decision of the Zoning Administrator made pursuant to the provisions of Section 2.7.6 may petition the Town Council for review of the decision of the Zoning Administrator. All petitions for such review shall be filed with the Zoning Administrator and the Town Clerk within thirty (30) days from the date of the decision for which review is sought and shall specify the ground upon which the petitioner is aggrieved.

Section 2.7.9: Conditional Zoning - Amendments and Variations of Conditions

There shall be no amendment or variation of conditions created pursuant to the provisions of Section 2.7.5 until after the Town Council holds a public hearing which hearing is advertised as required by § 15.2-2204 of the Code of Virginia.

Section 2.7.10: Limitation on Reconsideration of Request for Amendment

No application for an amendment to this Chapter or the zoning map, including an application for conditional zoning, shall be considered by the Town Council within one year (1 yr) from the Council's last consideration of same. This limitation shall not apply to amendments proposed by either the Planning Commission or the Town Council on its own motion where that body finds it to be in the public interest to reconsider same.

Section 2.8: Condominiums and Cooperatives

Condominiums and cooperative real estate developments must meet all requirements and regulations of the Virginia Condominium Act or Virginia Real Estate Cooperative Act, as appropriate (§ 55.1-1900 et seq.; § 55.1-2100 et seq. of the Code of Virginia).

Attachment 3 –

CCZO Section 2.5 – Legal, Non-Conforming Uses

6. If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the Town to establish the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purposes.
7. No provision herein shall be construed to allow the imposition of civil penalties:
    a. For activities related to land development; or
    b. For violation of any provision of this chapter relating to the posting of signs on public property or public right-of-way.
8. Any official or public employee authorized of this jurisdiction who is vested with the duty of authority to issue permits shall conform to the provisions of this ordinance. Any such permit, if issued in conflict with the provisions of this ordinance, shall be canceled in writing.

Section 2.5: Non-Conforming Uses

Section 2.5.1: Continuation of Existing Non-Conforming Uses and Permits

A. Any legal use, building, or structure existing at the time of adoption of this ordinance, or any amendment thereto may be continued even though such use, building, or structure may not conform with the provisions of this ordinance for the district in which it is located. Such use, building, or structure shall be deemed a "Non- Conforming Use." A non-conforming use, building, or structure may be continued provided by the following.
    1. No such non-conforming use, building, or structure shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of the adoption of this ordinance, unless said enlargement does not result in an increase in nonconformity or result in a change to a use permitted in the district.
    2. No such non-conforming use, building, or structure shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use, building, or structure at the effective date of adoption of this ordinance or amendment of this chapter, unless such move results in decreasing the degree of nonconformity with the requirements of this district.
    3. No additional structures which do not conform to the requirements of this ordinance shall be erected in connection with such non-conforming use of land. No additional uses of a nature which would be prohibited generally in the district involved shall be permitted.

4. Any non-conforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance.
5. When any non-conforming use is superseded by a permitted use, the use shall thereafter conform to the regulations for the district, and no non- conforming use shall thereafter be resumed with the exception of existing duplexes specifically designed as such.
6. If any such non-conforming use or structure ceases for any reason for a period of more than two years (2 yrs), except when government action impedes access to the premises, any subsequent use of such land or structure shall conform to the regulations specified by this chapter for the district in which such land or structure is located with the exception of existing duplexes specifically designed as such.

B. The rights pertaining to a non-conforming use, building, or structure shall be deemed to pertain to the use or building itself, regardless of the ownership of the land or the building on or in which such non- conformity is conducted or of such non-conforming building or the nature of the tenure of the occupancy thereof.

Section 2.5.2: Restoration of Non-Conforming Use

No building or structure which has been damaged by any cause including neglect to the extent of more than fifty percent (50%) of the fair market value of the building immediately prior to damage shall be restored except in conforming with the regulations of this ordinance, and all rights as a non-conforming use are terminated. If a building or structure is damaged by less than fifty percent (50%) of the fair market value, it may be repaired or reconstructed and used as before the time of damage provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage. If delay of reconstruction is caused by reasons beyond the owner's control, extension may be given to substantially complete reconstruction.

Section 2.5.3: Changes in District Boundaries

Whenever the boundaries of a district are changed, any uses of structures or buildings which become non-conforming as a result of change shall be subject to the provisions of this ordinance.

Section 2.6: Appeals and Variances

Section 2.6.1: Board of Zoning Appeals

A. In accordance with § 15.2-2308 through § 15.2-2314 of the Code of Virginia, any municipality which has enacted or enacts a zoning ordinance shall therefore create a Board of Zoning Appeals. The Town of Cape Charles Board of Zoning Appeals will consist of five (5) members who shall be appointed by the circuit court of Northampton County. Members of the board shall hold no other public office in the

Attachment 4 –

CCZO Article III: Zoning District Regulation

Article III - District Regulations

Section 3.1: Residential District R-1

A. Statement of intent. The intent of this basic zoning district is to provide quiet, medium density, single-family residential development plus provide open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to restrict all activities of a commercial nature as described in Section 3.5 (A) of this ordinance, known as Commercial Districts C-1, C-2, and C-3 which are characterized by heavy traffic, noise, and congestion of people and passenger vehicles and by large office buildings and retail establishments, and to promote a convenient, attractive, and harmonious community. This section is created in recognition of the existence of developed areas where single-family and duplex dwellings currently exist on lots of five thousand six hundred square feet (5,600 SF) and where the characteristics of the neighborhood include both permanent as well as seasonal residents.

B. Permitted Uses. The following uses are permitted by right:
   1. Single-family dwellings.
   2. Duplex dwellings provided off-street parking is provided.
   3. Condominium dwellings.
   4. Cooperative dwellings.
   5. Manufactured home dwellings.
   6. Churches and places of worship.
   7. Parks and playgrounds.
   8. Schools, community centers, and public facilities
   9. Group Homes per § 15.2-2291 of the Code of Virginia.

C. Accessory Uses.
   1. Accessory buildings.
   2. Accessory Dwelling Units by right in compliance with the requirements of Section 4.1 (J).
   3. Home occupations in accordance with Section 4.0.
   4. Short Term Rentals, in accordance with Section 4.14
   5. Up to two (2) single electric vehicle charging stations.
   6. Uses which are customarily accessory and clearly incidental and subordinate to the principal use and structure.

D. Conditional Uses: The following uses may also be permitted, subject to securing a use permit as provided for in this ordinance:
   1. Outdoor recreation facilities
   2. Residential dwelling units in square footage area below the minimum or above the maximum stated in Section 3.1 (E)
   3. Bed and Breakfast Establishments, in accordance with Section 4.1(M)

E. Area and Height Regulations. The following regulations apply to lots and structures in the R-1 zoning district.

	Legal Conforming Lots	***Legal, Non-Conforming Lot***		
Minimum Lot Size	5,600 (SF)	Up to 5,600 (SF)	5,601 to 8,400 (SF)	8,401 or more (SF)
Minimum Lot Width at Setback Line	40’	-	40’	40’
*Front Setback (minimum) *see prevailing standard below*	30’	30’	30’	30’
Side Setback (minimum)	5’	5’	5’	5’
Rear Setback (minimum)	25’	25’ Unless lot is less than 40’ deep, then 5’	25’	25’
*Corner Lot Setback *see prevailing standard below*	5’	5’	5’	5’
Maximum Height	40’ or 2.5 stories	40’ or 2.5 stories	40’ or 2.5 stories	40’ or 2.5 stories
Maximum Lot Coverage	See Section 4.1 (E) for this requirement in conjunction with accessory structures on lots.			
Minimum Dwelling Unit Size	960 (SF)	960 (SF)	960 (SF)	960 (SF)
Maximum Dwelling Unit Size	4,500 (SF)	2,400 (SF)	3,000 (SF)	4,500 (SF)

NOTE: A lot can be a contiguous assemblage of lots under common ownership to meet the lot size requirements. There is no requirement that lot lines must be vacated between two (2) or more lots; however, the lots must remain under common ownership if the lot is developed according to the development standards in the chart above.

PREVAILING STANDARDS: Prevailing standards exist when fifty percent (50%) or more of the buildings exhibit similar attributes in a neighborhood overlay. Where less than fifty percent (50%) of the buildings exhibit similar attributes, any of the range of attributes in the neighborhood would be acceptable.

NEIGHBORHOOD OVERLAY is defined as parts of a six-square block area, including all parcels on the subject block and all parcels facing on three sides, with the property in question located in the center block.

FRONT YARD SETBACKS shall adhere to a prevailing setback standard for new housing.

CORNER LOTS shall adhere to a prevailing setback standard in built up neighborhoods for new housing.

F. Other Regulations
   1. Subdivision of residential lots is not permitted.
   2. Decks and patios may not be constructed in the front yard area. Decks and patios constructed in the backyard area may be enclosed. Front porches may be enclosed by insect screening, preferably placed on the inside (house side) of architectural elements such as railings and columns. No permanent enclosures of front porches are allowed except for insect screening.
   3. Utilities. Upon installation of utility access lines, such lines shall be installed underground. The Town encourages replacement lines to be installed underground.
   4. Developmental standards are found in Section 4.12.

Section 3.2: Residential Mixed District R-2

A. Statement of Intent. The intent of this basic zoning district is to provide quiet, medium density residential development with a mixture of single-family and multi-family housing. This district is designed to promote and encourage a suitable environment for family life and to restrict activities of a commercial nature to those which serve the needs of the neighborhood itself.

B. Permitted Uses. The following uses shall be permitted by right:
   1. Single-family dwellings.
   2. Duplex dwellings provided off-street parking is provided.
   3. Condominium dwellings.
   4. Cooperative dwellings.
   5. Manufactured home dwellings.
   6. Churches and places of worship.
   7. Parks and playgrounds.
   8. Schools, community centers, and public facilities
   9. Group Homes per § 15.2-2291 of the Code of Virginia.

C. Accessory Uses. Within the R-2 Land Use Classification, the following accessory uses shall be allowed:
   1. Accessory buildings.
   2. Accessory Dwelling Units by right in compliance with the requirements of Section 4.1 (J).
   3. Home occupations in accordance with Section 4.0.
   4. Up to two single electric vehicle charging stations.
   5. Uses which are customarily accessory and clearly incidental and subordinate to the principal use and structure.
   6. Short Term Rentals in accordance with Section 4.14

D. Conditional Uses. The following uses are permitted, subject to securing the proper permits:
   1. Outdoor recreation facilities
   2. Childcare/adult daycare facilities and nursing homes

G. Area and Height Regulations. The following regulations apply to lots and structures in the R-2 zoning district.

	SF	***Duplex***	***Zero Lot Line***
Minimum Lot Size (sf)	6,000	10,000	6,000
Minimum Lot Width at Setback Line (ft)	50’	60’	50’
Lot Depth (ft)	85’	85’	85’
Front Yard (ft)	25’	25’	25’
Side Yard (ft)	15’	20’	15’ and 0’
Side Yard Corner (ft)	25’	30’	25’
Rear Yard (ft)	20’	20’	20’
Rear Yard Corner Lot (ft)	20’	20’	20’
Max Height (ft)	40’	40’	40’
Max Lot Coverage	50% max may be covered by the principal building and accessory buildings		
Minimum Dwelling Unit Size (SF)	1,000’	850 per dwelling unit	-
Max Dwelling Unit Size	None Speci[illegible]ied	-	-

Section 3.3: Residential Multi-Family District R-3

A. Statement of Intent. The intent of this basic zoning district is to provide for relatively high density, multi-family residential development. This district is designed to promote and encourage a suitable environment for family life and to restrict activities of a commercial nature to those which serve the needs of the surrounding residential neighborhood.

B. Permitted Uses. The following uses shall be permitted by right:
1. Single-family dwellings
2. Duplex dwellings, provided off-street parking is provided
3. Townhouse dwellings
4. Multi-family dwellings
5. Condominium dwellings
6. Cooperative dwellings
7. Group homes
8. Manufactured home dwellings
9. Parks and playgrounds

C. Accessory Uses. Within the R-3 Land Use Classification, the following accessory uses shall be permitted.
1. Accessory buildings.
2. Accessory Dwelling Units by right in compliance with the requirements of Section 4.1 (J).
3. Home occupations in accordance with Section 4.0.

4. Short Term Rentals, in accordance with Section 4.14.
5. Up to two (2) single electric vehicle charging stations.
6. Uses which are customarily accessory and clearly incidental and subordinate to the principal use and structure.

D. Conditional Uses. Within the R-3 Land Use Classification, the following conditional uses may be allowed:
   1. Churches and places of worship
   2. Childcare/ adult daycare facilities and nursing homes

E. Lot, Yard, Height, Coverage and Density Requirements. Within the R-3 Residential Land Use Classification, the following minimum standards shall apply as follows:

Single Family Dwelling Development

Minimum Lot Size (SF)	1,500 (SF)
Minimum Lot width (ft)	20’
Front Setback (with no parking in front yard) (ft)	25’
Front Setback (parking in front yard) (ft)	30’
Side Setback (ft)	20’
Rear Setback (no parking in rear) (ft) Rear Setback (parking in rear) (ft)	15’ 30’
Maximum Height	40'
Maximum Lot Coverage	60%
Minimum Dwelling Unit Size	1,000 (SF)

For Multi-Family Project Development, in addition to the above regulations

For townhouses:	3 acres minimum
Minimum Lot Size (lot area per dwelling unit) (SF)	1,500 (sf)
Front Yard (no parking in front yard) (ft)	30’
Front Yard (parking in front yard) (ft)	35’
Side Yard between separate structures	25’
Side Yard between end structure and side property line	35’
Rear Yard (no parking in rear) (ft)	20’
Rear Yard (parking in rear) (ft)	35’
Maximum Building Height	40’
Maximum Lot Coverage	45%
Minimum Lot Width (ft)	100’

F. Additional Development Requirements.
   1. Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located closer than ten feet (10') from any lot line.
   2. Off-street parking. Parking shall be provided on the premises. No such parking lot or garage shall be located more than two hundred feet (200') from the dwelling unit which it serves.
   3. Maximum development of eight townhouse dwelling units in a continuous row and no row shall exceed two hundred forty feet (240').

Section 3.4: Commercial Residential CR

A. Statement of Intent. The purpose of this district is to recognize the unique juxtaposition of the existing residential structures within the central business district and the future needs of Cape Charles commercial districts. It is the intent of this zone to promote the continued residential character of these areas while allowing commercial uses to be introduced.

The specific intent of this district is (1) to encourage retention of the existing residential buildings and character of the area and (2) to encourage compatible uses for these buildings.

B. Permitted Uses. The following uses are permitted by right:
   1. Single-family dwellings
   2. Duplex dwellings provided off-street parking is provided.
   3. Townhouse dwellings
   4. Condominium dwellings
   5. Cooperative dwellings
   6. Manufactured home dwellings
   7. Group homes
   8. Bed and Breakfasts, in accordance with Section 4.1 (M)
   9. Churches and places of worship
   10. Parks and playgrounds
   11. Retail and other stores
   12. Offices
   13. Galleries and museums
   14. Indoor recreational facilities
   15. Other food establishments
   16. Professional services
   17. Any other use which is compatible in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.

C. Accessory Uses:
   1. Accessory Buildings
   2. Accessory Dwelling Units in accordance with Section 4.1 (J)
   3. Home occupations in accordance with Section 4.0.
   4. Short Term Rentals, in accordance with Section 4.14
   5. Up to two (2) single electric vehicle charging stations.
   6. Uses which are customary accessory and clearly incidental and subordinance to principal use and structure.

D. Conditional Uses:
   1. Childcare/adult daycare facilities and nursing homes
   2. Conference centers
   3. Restaurants and bars

E. Lot, Yard, Height, Coverage and Density Requirements. Within the CR Land Use Classification, the following minimum standards shall apply, unless noted below:

Lot Size (SF)	5,600 (SF)
Lot width (ft)	40’
Lot depth (ft)	140’
Front Setback (ft)	30’; or prevailing front setback in existing built-up areas
Side Setback (ft)	5’
Rear Setback (ft)	25’
Maximum Height (ft)	40’
Dwelling Unit Size, excluding garages, porches & patios (SF)	960 (SF)

Section 3.5: Commercial District C-1

A. Statement of Intent. The intent of this zoning district is to preserve and enhance the traditional mixed use urban nature of Cape Charles commercial districts, to encourage the location of regional and local business and professional activities, to facilitate the development of buildings in keeping with its largely National Historic District character, and to protect against destruction of or undesirable encroachment on these areas.

B. Mainstreet Mixed Use Area
   1. The area 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 one hundred twenty feet (120’) 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 (2) 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 forty feet (40') in height.
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 the Historic District Review Board.
i. Whenever the provisions of this subsection (3.5 (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.

C. Permitted Uses. The following uses are permitted by right:
1. Hotels and motels
2. Schools, community centers, and public facilities
3. Auditoriums, theatres, and assembly halls
4. Retail and other stores
5. Offices
6. Galleries and museums
7. Restaurants and bars
8. Other food establishments
9. Funeral homes
10. Medical/dental practices (outpatient) and labs
11. Any other commercial or professional use which is compatible in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurrent with by the Planning Commission.

D. Accessory Uses: Within the C-1 District the following accessory uses shall be permitted:
   1. Only those uses which are customarily accessory and clearly incidental and subordinate to the principal use and structure;
   2. Short Term Rentals, in accordance with Section 4.14 and;
   3. Home occupation per Section 4.0 in the residential uses.

E. Conditional Uses:
   1. Single-family and Multi-family dwellings provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first (1st) level).
   2. Charging stations for Electric Vehicles

F. Lot, Yard, Height, Coverage and Density Requirements. Within the C-1 Land Use Classification, the following minimum standards shall apply:

Minimum Lot Size (40 x 140) (SF)	5,600 (SF)
Front Setback	Prevailing
Side Setback (ft)	0’
Rear Setback (ft)	10’
Maximum Height (ft)	40’

G. Developmental standards are found in Section 4.13.

H. Additional Requirements
   1. Architectural Treatment. No building exterior (whether front, side, or rear) will consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different building exteriors (which would be acceptable if representative of good architectural design) but rather shall preclude the use of inferior materials on sides which face adjoining property and thus might adversely impact existing or future development causing a substantial depreciation of property values. No portion of a building constructed of unadorned concrete or concrete block or corrugated and/or sheet metal shall be visible from any adjoining residential district or public right-of-way. Mechanical equipment, whether ground level or roof top shall be shielded and screened from public view and designed to be perceived as an integral part of the building.
   2. Driveways and Parking Areas. Driveways and parking areas shall be paved with concrete, bituminous concrete, or other similar material. Surface penetration treated parking areas and drives shall be prohibited. Concrete curbs and gutters shall be installed around the

perimeter of all driveways and parking areas. Other curbing material of similar quality like brick or cobblestone shall be permitted at the discretion of the Zoning Administrator. Drainage shall be designed to meet the requirements of the Virginia Department of Transportation.

3. New in-fill structures or change of use projects on the first (1st) floor of structures in C-1 shall be exempt from complying with the exact requirements of Section 4.5 (A), Section 4.6, and Table 4.8. Owners are encouraged to provide off-street parking for themselves, employees, and loading facilities where possible (i.e., alleys to backyard areas). Owners shall evaluate existing parking and access and submit proposed plan to Town for review. Projects will be evaluated on a case-by-case basis. New or change of use second (2nd)- or third (3rd)-floor projects shall be required to conform to the parking requirements as set forth herein.
4. Outside Storage Areas. All outdoor storage areas shall be visually screened from public streets, internal roadways, and adjacent property. Screening shall consist of either a ventilated solid board fence, masonry wall, dense evergreen plant materials, or such other materials as may be approved. All such screenings shall be of sufficient height to screen storage areas from view. Outdoor storage shall include parking of all company owned and operated vehicles with the exception of passenger vehicles.

Section 3.6: Commercial District C-2

A. Statement of Intent. The intent of this zoning district is to recognize the existing commercial areas which are less densely developed than the C-1 District and to encourage compatible commercial uses and density. This area generally has been developed with larger lots and larger individual buildings.

The specific intent of this district is to recognize the existing and possibly new freestanding commercial development.

B. Permitted Uses. The following uses are permitted by right:
   1. All uses as allowed in C-1
   2. Gas stations/service stations
   3. Vehicle rental/sales
   4. Vehicle repair/service
   5. 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.

C. Accessory Uses. Within the C-2 District the following accessory uses shall be permitted:
   1. Only those uses which are customarily accessory and clearly incidental and subordinate to the principal use and structure; and
   2. Short Term Rentals, in accordance with Section 4.14.

D. Conditional Uses:
   1. Multi-family dwellings provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first level).
   2. Charging stations for Electric Vehicles

E. Lot, Yard, Height, Coverage and Density Requirements. Within the C-2 Land Use Classification, the following minimum standards shall apply:

Lot size (60' x 150') (SF)	9,000 (SF)
Lot width (ft)	60'
Front Setback	Shall be determined by the average setback of the existing built-up commercial area
Side Yard Setback (ft)	10'
Rear Yard Setback (ft)	10' or prevailing rear yard if less.
Height (ft)	35'

F. Development/Redevelopment Standards, Other Requirements, and Accessory Uses. The standards for development and/or redevelopment, specific additional requirements, and accessory uses shall be the same as those listed and described for Section 4.13.

G. Sign design shall relate to the architectural character of the building and, if ground mounted, shall be appropriately landscaped.

Section 3.7: Commercial District C-3

A. Statement of Intent. The intent of this zoning district is to recognize this existing linear commercial zone which flanks Route 184 entering Cape Charles. This area is divided into smaller lots. The zone shall require a uniform requirement for setbacks as this is recognized as the gateway road into Cape Charles.

The specific intent of this district is (1) to allow development of individual or grouped lots, (2) to encourage uses to service the community, and (3) to encourage quality construction and design recognizing the importance of the district's impact on drivers entering Cape Charles.

B. Permitted Uses. The following uses are permitted by right:
   1. All uses as allowed in C-1 and C-2
   2. Single-family dwellings
   3. Duplex dwellings
   4. Schools, community centers, and public facilities
   5. Auditoriums, theatres, and assembly halls

6. 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.

C. Accessory Uses. Within the C-3 District the following accessory uses shall be permitted:
   1. Only those uses which are customarily accessory and clearly incidental and subordinate to the principal use and structure;
   2. Short Term Rentals, in accordance with Section 4.14 and;
   3. Home occupation per Section 4.0 in the residential uses.

D. Conditional Uses:
   1. Multi-family dwellings
   2. Charging stations for Electric Vehicles

E. Lot, Yard, Height, Coverage and Density Requirements. Within the C-3 Land Use Classification, the following standards shall apply:

Lot Size (SF)	NA
Lot Width (ft)	40’
Front Setback (ft)	80’ from center of Right-of-Way or 40% of the lot depth, whichever is less
Side Yard (ft)	5’
Rear Yard (ft)	10’
Height (ft)	35’

F. Additional Requirements
   1. Materials and design shall follow site plan ordinance requirements and be considered and approved by a review body named by Town Council.
   2. Sign design shall relate to the architectural character of the building and, if ground mounted, shall be appropriately landscaped. Additional sign details are found in Article V.
   3. Developmental standards are found in Section 4.13.

Section 3.8: Harbor – Commercial

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

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

and connect to the other existing and future links to Cape Charles and environs.

The district's intent is to permit retail and commercial businesses generally found in a retail business area 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.

B. Permitted Uses. The following uses are permitted by right:
   1. Condominium dwellings
   2. Cooperative dwellings
   3. Parks and playgrounds
   4. Schools, community centers, and public facilities
   5. Retail and other stores (less than twenty-five hundred square feet (2,500 SF) of gross floor area)
   6. Offices
   7. Galleries and museums
   8. Indoor recreation facilities
   9. Performing Arts Center
   10. Conference centers
   11. Restaurants and bars
   12. Personal services (less than twenty-five hundred square feet (2,500 SF) of gross floor area)
   13. Medical/dental practices (outpatient) and labs
   14. Vehicle rental/sales (less than twenty-five hundred square feet (2,500 SF) of gross floor area)
   15. Marinas, docks, and wharves (if contiguous to harbor)
   16. Utility Facilities

C. Accessory Uses. The following accessory uses shall be allowed.
   1. Accessory buildings
   2. Other uses that are customarily associated and 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.
   4. Short Term Rental in accordance with Section 4.14
   5. Home occupation per Section 4.0 in the residential uses

D. Conditional Uses. The following uses may also be permitted, subject to securing a Conditional Use Permit as provided for in this ordinance:
   1. Recreational, cultural, and entertainment uses of the following types:
      a. Assembly halls
      b. Auditoriums
      c. Theaters
   2. Retail goods establishments of the following types with more than two thousand five hundred square feet (2,500 SF) of gross floor area:

a. Antique shops
b. Bookstores
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. Upholstering shops and fabric stores
l. Watch and jewelry stores

3. Retail service establishments of the following types with more than two thousand five hundred square feet (2,500 SF) 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
4. Multi-family dwellings
   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 (1st) level is not permitted.
   b. The first (1st) floor of all building facades adjacent to a public street shall have a commercial appearance and shall not have a residential appearance.
5. Childcare/adult daycare facilities and nursing homes
6. Hotels and motels
7. Laundromats
8. 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.

E. Lot, Yard, Height, Coverage & Density Requirements.

Minimum Lot Size (SF)	11,200 (SF)
Minimum Lot Width at Setback Line (ft)	80’
Lot Depth	140’
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
Height (ft)	40’
Maximum Lot Coverage	75%
Open Space Requirement	25%

F. Developmental standards are found in Section 4.13.

Section 3.9: Harbor - Light Industrial

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

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

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

B. Permitted Uses. The following uses are permitted by right.
   1. Communication and telecommunications centers
   2. Flex industrial use
   3. Fire, police, rescue stations
   4. Food production, packaging, packing, and canning
   5. 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, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.
   6. Marinas, docks, wharves, and marina related businesses & industry.
   7. Medical care facility, outpatient only
   8. Offices – administrative, business, professional, and telecommunication
   9. Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Accawmacke PUD Appendix A, applicable category.
   10. Park, plaza, or natural area
   11. Parking structure
   12. Post office, drop off and pick up, mail courier and parcel services
   13. Public utility service center, without outdoor storage
   14. Recording studio
   15. Research, experimental testing or development activities

16. Restaurant, indoor and outdoor (excluding drive-through), restaurant/brewery
17. Training center (excluding rehabilitation and institutional facilities)
18. Utility installations
19. Utility substations provided storage or maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be landscaped sufficient to screen area
20. Warehousing facility (excluding mini-storage facility)
21. Water storage tank
22. Wholesale trade establishment

C. Accessory Uses.
1. Only those that are customarily accessory and clearly incidental and subordinate to the principal uses and structures.

D. Conditional Uses. The following conditional uses may be allowed, subject to the issuance of a Conditional Use Permit.
1. Structures, other than buildings, exceeding fifty feet (50').
2. Buildings over forty feet (40') but equal or less than 50 feet (50') or building of structures other than building may be constructed to a maximum height of seventy-five feet (75') if the building is set back at least one hundred twenty-five additional feet (125') from the required setback for all yards abutting residential properties.
3. Hotels
4. Boatels
5. Utility generating plant and transmission facilities using renewal energy sources
6. Indoor Recreational, Business
7. 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.

E. Lot, Yard, Height, Coverage & Density Requirements.

Minimum Lot Size (SF)	15,000 (DF)
Minimum Lot Width at Setback Line (ft)	100'
Front Setback (ft)	10'
Side Setback (ft)	None or 5' between buildings, 10' adjacent to street
Rear Setback (ft)	20'
Height (ft)	45' for buildings; 50' for structures other than buildings
Maximum Lot Coverage	50%

F. For developmental standards see reference Section 4.13.

G. Additional development requirements.

1. Buffer yards. Where the Harbor- Light Industrial District adjoins the R (residential) zoning districts within the Accawmacke PUD or CO Land Use Classifications or C districts within the Accawmacke PUD, buffer yards are required as follows:

i. Where the lot is adjacent to Accawmacke Plantation PUD any R-Zoning Districts, then a two hundred foot (200') 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 two hundred feet (200') of any zoning district or zoning classification within the Accawmacke 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 Accawmacke 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 the Accawmacke PUD Appendix A, except that the width of the landscaped area shall be at least one hundred feet (100') wide and run continuously for the length of the buffer.

a. When a zoning lot within the Harbor-Light Industrial District adjoins an Accawmacke Plantation PUD CO Land Use Classification, the following shall be required along all lot lines adjoining the Accawmacke Plantation PUD CO Land Use Classification:

i. A one hundred foot (100') 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 one hundred feet (100') of any zoning district or zoning classification within the Accawmacke Plantation 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 Accawmacke Plantation 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 the Accawmacke Plantation PUD Appendix A, except that the width of the landscaped area shall be at least fifty feet (50') wide and run continuously for the length of the buffer.

b. When a zoning lot within the Harbor -Light Industrial District adjoins an Accawmacke Plantation PUD C district, the following shall be required along all lot lines within the Harbor – Light Industrial District adjoining the C district:

i. A fifty foot (50') 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 seventy-five feet (75') of any zoning district or zoning classification within the Accawmacke Plantation 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 Accawmacke Plantation 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 Accawmacke Plantation PUD Appendix A, except that the width of the landscaped area shall be at least fifty feet (50') wide and run continuously for the length of the buffer.

2. Placement of drives and parking areas when adjacent to a public right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet (20') 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 Accawmacke Plantation PUD Appendix A, Category I for requirements.

3. All parking must comply with Off Street Parking and Loading Requirements.
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.
6. All Exterior Lighting shall comply with the requirements contained in Section 4.4 "Outdoor Lighting".
7. 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.
8. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property.
9. No delivery or transmission of materials or products shall be permitted to or from the property by truck between 11 p.m. and 5 a.m. Monday through Sunday.
10. Utilities are to be underground. See section 4.1 (I).
11. Reference Article V for signs.

Section 3.10 Industrial District (M-2)

A. Statement of Intent. The district's intent is to permit 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 industrial economy and historic port of Cape Charles and Northampton County
   2. Create family-wage employment and training opportunities for residents.

B. Permitted Uses. The following uses are permitted by right.
   1. Electric vehicle charging facilities
   2. Offices
   3. Marinas, wharves, and docks (if contiguous to harbor)
   4. Manufacturing and material processing
   5. Machine shops, blacksmith shops, and welding shops
   6. Wholesale business and warehousing
   7. 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
   8. Concrete plant; manufacturing, sales and distribution of concrete and related products
   9. Adult and/or Child daycare center
   10. Educational Institute

C. 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 structures.

D. 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. 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.
3. Food production, packaging, packing, and canning.
4. Outdoor storage provided it shall be sufficiently screened and/or landscaped as a fully buffer, except for the areas of the entrance(s) and exit(s).
5. Public utilities substations provided storage or maintenance facilities shall not be permitted and provided further those utilities substations, other than transformers, shall be sufficiently screened and/or landscaped as a fully buffer, except for the areas of the entrance(s) and exit(s).
6. Utility generating plant and transmission facility using renewable energy sources.
7. Public utility service center
8. Water storage tank
9. Utility installations
10. Structures, other than buildings, exceeding fifty feet (50')

E. Lot, Yard, Height, Coverage & Density Requirements.

Minimum Lot Size (SF)	15,000 (SF)
Minimum Lot Width at Setback Line (ft)	100'
Front Setback (ft)	10' minimum
Side Setback (minimum)	None or 5' between buildings, 10' adjacent to street
Rear Setback (ft)	20'
Corner Lot Setback (minimum)	
Maximum Height	45' for buildings, 50' for structures other than buildings
Maximum Lot Coverage	60%

F. Additional Development Requirements.

1. Buffer yards. When a zoning lot within the M-2 District adjoins 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-1, R-2, or R-3 Districts, a fifty foot (50') 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 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.
3. No parking or drive aisles shall be located within the required buffer yards.
4. No outside storage of parts, materials, fossil fuels, raw materials, or petroleum shall be permitted within the M-2 District.
5. 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.
6. No outside loudspeakers, intercoms, sirens, 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.
7. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property.
8. No delivery or transmission of materials of products shall be permitted to or from the property by truck before 8 a.m. and after 9 p.m. Monday through Saturday and no such deliveries to or from the property by truck, excluding half-ton trucks, shall occur on Sunday.

Section 3.11: Planned Unit Developments (PUD)

A. Statement of Intent. The intent of this district is to promote creative and imaginative development designs for residential and commercial uses by allowing greater flexibility than is possible under the restrictions of conventional zoning regulations. It is further intended to promote more efficient use of land while encouraging variety and convenience for the overall development and the development of recreational areas and open spaces within the project. As in all zoning districts, the intent of the district is to ensure approved development will comply with the Zoning Ordinance, Town Code, and any adopted master plans. Whenever the provisions of this section 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.

B. Permitted Uses. The following uses may be permitted within PUD districts:
   1. Any use permitted in the R-1, R-2, R-3, CR, C-1, C-2, C-3, and Harbor – Commercial.
   2. Commercial recreation uses
   3. Outdoor recreational uses
   4. Transportation facilities

5. PUD districts shall provide a mix of a minimum of two of the following use categories:
    a. Residential units;
    b. Commercial offices;
    c. Retail;
    d. Hotel; or
    e. Civic uses.

C. Accessory uses
    1. Accessory uses as permitted in the R-1, R-2, and R-3 districts

D. Conditional uses
    1. Any use listed as a conditional use in the R-1, R-2, R-3, CR, C-1, C-2, C-3, and Harbor – Commercial may be a conditional use in PUD districts and shall follow the procedures of this ordinance on issuance of Conditional Use Permits.

E. Lot, Yard, Height, and Density Requirements. Within any PUD district, the following standards shall apply:
    1. Area Regulations. The minimum contiguous area for PUD districts shall be five acres (5 ac).
    2. Setbacks. Side and rear yard setbacks shall be per the underlying zoning district requirement. Front yard setbacks other than the R-1 underlying zone district shall be located directly adjacent to the supplemental zone, as described in subsection 3.12 (G) (b) (iii). The applicant may propose modifications to the setback regulations in accordance with the procedures of Section 3.12 (I) below.
    3. Coverage. The maximum impervious surface coverage in PUD districts shall not exceed eighty percent (80%) of the total gross area of development. Impervious surface includes building footprints, impervious private roads, and impervious parking lots. Not included as impervious surface any recreational facility such as tennis courts, bathhouses, swimming pools, required landscape, sidewalk clear, and supplemental zones, and public roads pervious roads, and pervious parking lots. No more than thirty-three percent (33%) of wetlands present in PUD districts may be used when calculating total gross area of development.
    4. Height. The maximum height of any building in PUD districts shall be per the underlying zoning district requirement.
    5. Density of Development. The sub-areas of PUD districts may contain the density requirements of one or more of the R-1, R-2, and R-3 for residential districts, and CR, C-1, C-2, C-3, and HARB–C for the commercial districts to accommodate flexibility and imaginative development designs. Density shall be consistent with conditions that are applicable to the property, such as topography, the character of the surrounding property, potential health or safety hazards, traffic safety considerations, and the effects upon existing public facilities that could be alleviated by a reduction in density.

F. Additional Development Requirements

1. Common Areas. All common areas including open spaces, parking areas, street, and landscape areas shall be maintained by the owner/developer of the project until transfer to a corporation of property owners, organizing and operating in accordance with the incorporation law of Virginia. All common areas shall provide a permanent easement arrangement to ensure public access to said areas.
2. Utilities. All utilities shall be installed underground. Central instrumentation and substations shall be screened from all rights-of-way with approved fencing and/or landscaping.

G. Design Guidelines.

1. External Relationships: PUD districts shall provide protection for areas within PUD districts and for existing surrounding areas from potentially adverse surrounding influences. In particular, the Overall Development Plan for PUD districts shall demonstrate the following features:
    a. Access. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Left-hand storage and right-hand turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. Existing public streets on adjacent properties shall be utilized as access into PUD districts.
    b. Screening. Screening at the edges of PUD districts shall be provided when necessary to protect residents from undesirable view, lighting, noise, or other off-site influences, or to protect adjoining residential districts from similar adverse influences within PUD districts. In particular, off-street areas for parking, service areas for loading and unloading non-passenger vehicles, and areas of storage and collection of refuse and garbage shall be screened with approved fencing and/or landscaping.
2. Internal Relationships. PUD districts shall provide safe, efficient, convenient, and harmonious grouping of structures, uses, and facilities. Elements of the proposed development shall be organized in relation to topography, the size and shape of the plot, the character of adjoining property, existing desirable trees, and views within and beyond the site. In particular, the Overall Development Plan for PUD districts shall demonstrate the following features:
    a. Multi-modal circulation and street cross-sections. Private streets may be permitted by Conditional Use Permit in the PUD district. However, unless specifically approved by the Town Council as a Conditional Use Permit, the arrangement, character, extent, width, grade, and location of all streets shall be designed and constructed in accordance with specifications acceptable to the Virginia Department of Transportation for inclusion in the state highway

system for maintenance. When private streets are proposed as a Conditional Use Permit, the standards, specifications and a proposed maintenance agreement shall be submitted with the Conditional Use Permit application and shall also be included on the concept plan for the proposed PUD rezoning request. There shall be no gated communities or gated roads allowed in PUD districts. Streets shall travel east-west and north-south to the greatest extent possible, and there shall be no cul-de-sacs or dead ends.

b. Streetscape design. Properties with required landscape, sidewalk clear, or supplemental zones that are located on private property shall provide a permanent easement arrangement to ensure public access to said zones. The following standards apply to all streets within PUD districts:

   i. Landscape zone. All required street trees, streetlights, and pedestrian lights shall be provided in the landscape zone, which shall be five foot minimum. Said zone shall be located immediately adjacent to the curb and shall be continuous. All street tree and other plantings in the landscape zone shall follow the VDOT standards for street trees and plantings. Trees shall be located forty foot (40') on center with pedestrian lights located between every other street (eighty foot (80') on center). Streetlights shall be located as required by the Zoning Administrator. Landscaping shall be kept to no more than thirty-six inches (36") tall for ground cover and limbed up to no lower than six-foot (6') above ground to provide clear, uninterrupted sight lines.

   ii. Sidewalk clear zone. The sidewalk clear zone shall be located immediately contiguous to the landscape zone and shall be continuous. Sidewalks meeting VDOT standards shall be installed in the sidewalk clear zone, which shall be a minimum of five feet (5'). Sidewalk clear zones located adjacent to Marina Road and Bayshore Road shall be a minimum of ten feet (10'). Sidewalks shall be unobstructed for a minimum height of eight feet (8'). Where newly constructed sidewalks abutting narrower existing adjacent sidewalks, the newly constructed sidewalk shall provide an adequate transitional clear zone width for the purposes of providing a safe facilitation of pedestrian flow between the adjacent sidewalks, as approved by the Zoning Administrator. All existing sidewalks shall be replaced in accordance with these provisions within a PUD district. Sidewalks shall be broom- finished concrete with four feet (4') trowel edge along edge joints.

   iii. Supplemental zone. All lots within an underlying zoning district sub-area of R-1 shall be exempt from the supplemental zone requirements. Non-residential, multifamily, and mixed-use developments shall be hardscaped. However, a maximum of twenty percent (20%)

may be occupied by landscaping, planters, or other areas not accessible by pedestrians. The zone shall be used for the following pedestrian amenities: benches, trash receptacles, pet stations, bicycle parking racks, outdoor dining, display of public art, other street furniture, or similar elements. The supplemental zone shall be located on private property.

3. Facades shall be located immediately adjacent to the supplemental zone(s).
4. At a minimum, at least one (1) bench, one (1) trash receptacle shall be provided on each street frontage, unless a bench or receptacle is already provided within five hundred feet (500') on the same street frontage.
5. At least one (1) additional pedestrian amenity shall be provided on each street's frontage.
6. Adjacent ground floor uses must be visible, accessible, and oriented toward the supplemental zone.
7. The supplemental zone shall be no more than twenty-four inches (24") higher than the adjacent sidewalk, unless existing topographical conditions render this requirement unreasonable, per approval by the Zoning Administrator.
8. Any authorized walls surrounding landscaped and grassed areas shall not exceed twenty-four inches (24"), except retaining walls which shall not exceed a maximum of thirty-six inches (36"), unless existing topographical conditions render this requirement unreasonable, as approved by the Zoning Administrator.
9. Pedestrian amenities shall be connected to the public sidewalk with a public access easement.
10. Storage, utility rooms, private restrooms, or other accessory service uses shall not be located adjacent to the supplemental zone.

H. Modifications to Standards. PUD districts may provide flexibility through modifications to the standards of Section 3.12. All such modifications shall be expressly shown in the Overall Development Plan and approved by the Town Council after lawfully advertised public hearings with the Planning Commission and Town Council and shall be in keeping with the purpose of PUD districts, the intent of the Zoning Ordinance, the Comprehensive Plan, and any adopted master plans.

I. Procedures for Applications. The creation of PUD districts has the same effect as rezoning of property. The Planning Commission and Town Council shall consider applications for PUD districts in accordance with the Town's and the Code of Virginia's rezoning procedures, which includes advertised public hearings. In approving the application based on the Overall Development Plan, the Council may establish such conditions and require such modifications as deemed necessary to ensure fulfillment of the intent of PUD districts, the purposes of the Zoning Ordinance, the goals of the adopted Comprehensive Plan, and compliance with applicable subdivision and site plan ordinances and the Code of Virginia. For PUD districts proposed for property located in a Chesapeake Bay Preservation

Area, the development plan shall have been approved pursuant to the procedures of the Town of Cape Charles Chesapeake Bay Preservation Ordinance prior to submission for approval to the Planning Commission and Town Council.

1. Overall Development Plan (ODP). Development of PUD districts is governed by an Overall Development Plan that designates the standards of zoning and development for PUD districts. The ODP shall be submitted as part of a PUD application, shall be prepared by a licensed professional team, and a list of members of the team with their qualifications shall be submitted with the ODP.
2. At a minimum, the ODP must include:
    a. Analysis of existing site conditions. An analysis of existing site conditions including a boundary survey and topographic map of the site at a minimum one inch equals forty feet (1"=40') scale and shall include the total area of the tract presented in square feet or acreage, and information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved, or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement, and location of any existing buildings or structures on the lot shall be included.
    b. Master plan. A master plan at a minimum of one inch equals forty feet (1"=40') scale outlining all proposed regulations and calculations which shall include, but not be limited to, the following:
        i. Information on proposed improvements, including proposed building footprints, door locations, densities, parking ratios, open space, height, sidewalks, yards, under and overhead utilities, internal circulation and parking, grading, lighting, the general location of all proposed community and public facilities and the generalized proposed plan for water, sanitary waste facilities and drainage improvements, drainage, amenities, and similar details including their respective measurements;
        ii. The type and location of all intended uses, together with their sub-area zoning district designations, and including all proposed modifications to the permitted uses, area regulations, density of development, coverage, common area, utilities, height, yard requirement, and design guidelines listed in this section of the ordinance, together with the rational for such modifications;
        iii. Expected gross land area for all intended uses, including open space;
        iv. A statement of the anticipated residential density, residential unit sizes for all buildings, and the total number of dwelling units;
        v. The total floor area of all commercial uses;
        vi. The names and route numbers of all boundary roads or streets and the width of existing rights-of-way;
        vii. The owners, zoning districts, and uses of each adjoining

tract;

c. Landscape plan. A site plan at a minimum of one inch equals forty feet (1"=40') scale showing proposed regulations and calculations which shall include, but not be limited to, information on landscaping, tree species, and the number of all plantings and open space including the landscaping that is being preserved, removed, and that which is replacing the landscaping that is removed;

d. Architectural design. Preliminary architectural plans and all elevations with sufficient detail to demonstrate proposed design criteria that shall include, but not be limited to, scaled floor plans and elevation drawings of proposed buildings and structures and information on building materials, features, exterior finish legend, windows, doors, colors, and items affecting exterior appearance, including their respective measurements;

e. Phasing plan. Should a PUD be expected to require five (5) years or longer to complete, a phasing plan shall be proved by the applicant that indicates the timeframe for construction and development of different aspects of the PUD;

f. Parking analysis. A parking analysis must be prepared by a qualified third-party professional engineer;

g. Environment impact plan. A comprehensive plan that describes the natural features and characteristics of a proposed development site, the changes that will occur as a result of the proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development, and the mitigation measures to be taken to minimize undesirable impacts to the environment.

h. An attorney's certificate showing the owner or owners of the subject property, marketable title to the subject property in such owner or owners, naming the source of applicant's title or interest in the subject property, and the place of record of the latest instrument in the chain of title for each parcel constituting the tract; and

i. Any other information deemed necessary by the Zoning Administrator.

3. Proffers. If the applicant proffers reasonable conditions in connection with the application, a set of signed proffers must be submitted prior to the public hearing with the Town Council in accordance with Section 2.7 (5) of this ordinance.

J. Effect of approval of PUD districts.

1. All terms, conditions, safeguards and stipulations included in the Town Council's approval of PUD districts, including without limitation those contained in the Overall Development Plan to the extent approved and adopted by the Town Council, shall be part of the zoning applicable to the property, shall be included in the ordinance approving the rezoning to PUD district, and shall be binding upon the applicant and all successors in

interest. Unapproved modifications from the Overall Development Plan or failure to comply with any requirements, conditions, or safeguards shall constitute a violation of the Zoning Ordinance.

2. After approval of PUD districts, the owner may submit subdivision plats and site plans for approval consistent with the Overall Development Plan. No building permits will be issued until site plan approval and final subdivision plats have been approved and recorded in the County land records according to applicable law.

Section 3.12: Open Space District

A. Statement of Intent. The intent of the Open Space District (OSD) zoning district is to provide opportunities for recreational activities, a network of recreational path to preserve natural resources and create buffer zones within the town.

B. Permitted Uses
   1. Non- commercial recreational uses which are primarily open air.
   2. Swimming Pools.
   3. Court sports such as but not limited to tennis, volleyball, croquet and basketball.
   4. Structures such as picnic shelters, piers and docks, equipment storage buildings associated with permitted recreational uses.
   5. Parking areas associated with permitted recreational uses.
   6. Retention areas and streets
   7. Public Utility Facilities
   8. Public Amenities such as restrooms, bath houses, fountains, etc.

C. Accessory Uses. Within the Open Space District, the following accessory uses shall be allowed.
   1. Uses customarily accessory and clearly incidental and subordinate to the permitted uses.

D. Conditional Uses. Within the Open Space District, the following conditional uses may be allowed, subject to the issuance of a Conditional Use Permit.
   1. None

E. Lot, Yard, Height, and Density Requirements. Within the Open Space District, the following standards shall apply.
   1. Minimum setbacks
      a. Buildings
         i. All sides.....twenty feet (20')
      b. Courts
         i. From Buildings.....twenty feet (20')
         ii. Property Lines.....twenty feet (20')
         iii. Streets.....None
   2. In built up neighborhoods, the prevailing setbacks of the neighborhood as defined in Section 3.1 of the Zoning Ordinance.

F. Additional Development Requirements. To help preserve the architectural

cohesiveness of the Town, all buildings, structures, public amenities and storage units in the OSD shall be compatible, sympathetic and complimentary with buildings in the neighborhood as defined in Section 3.1 of the Zoning Ordinance.

Section 3.13: Bay Crossing Planning Unit Development (Bay Crossing PUD)

A. Statement of Intent. The intent of this PUD district is to provide for low-to moderate density residential development designed to serve the workforce and other housing needs of the Town of Cape Charles and Northampton County. The targeted workforce housing segment income range is up to one hundred and fifty percent (150%) of the Area Median Income (AMI). Additionally, this district provides for residential and limited complimentary commercial development with substantial Town control by both the Town Council and Planning Commission through the existing Conditional Use Permit process to ensure any proposed use and application is appropriate for the development and harmonious with the associated multi-family residential development.

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

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 one thousand square feet (1,000 SF) and the short term rental is defined as thirty (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.

D. Lot, Yard, Height, Coverage and Density Requirements for Residential Development Within the Bay Crossing PUD District. The following standards shall apply: Minimum of five acres (5 ac) for the PUD District.
    1. In addition to the following, townhouse projects must have minimum of one acre:
        a. Minimum lot requirements
            i. lot area dwelling units (square feet): N/A
            ii. lot width (feet): fifteen (15)
        b. Minimum yard requirements
            i. front yard (feet): ten (10)
            ii. side yard between principal structures (feet): twenty (20)
            iii. side yard between end structures and side property line(feet): ten (10)
            iv. side yard between units: N/A

v. rear yard (feet): ten (10)
vi. rear yard (parking in rear yard): ten (10)

c. Maximum building height (feet): forty (40)
d. Building coverage: No more than sixty percent (60%) of the lot may be covered by the structures.
e. Maximum development: No more than twenty-five (25) town-house dwelling units shall be constructed or attached together in a continuous row, and no such row shall exceed two hundred and forty feet (240') in length.
f. Off-street parking: Parking shall be provided on the premises. No such parking lot or garage shall be located more than two hundred feet (200') from the dwelling unit which it serves (excluding non-residential parking such as guest, golf cart or flex parking). Two (2) spaces per dwelling unit shall be required.
g. The definition of a townhouse is a multi-floor home that shares one or more walls with adjacent properties.

2. In addition to the following, multi-family projects must have minimum of one acre (1 ac):
   a. Minimum lot requirements lot area per building (FAR): 0.35
   b. Minimum yard requirements
      i. front yard (no parking in front yard) (feet): thirty (30)
      ii. front yard (parking in front yard) (feet): thirty (30)
      iii. side yard between separate structures (feet): twenty (20)
      iv. side yard between end structure and side property line (feet): twenty (20)
      v. rear yard (no parking in rear yard) (ft): twenty (20)
      vi. rear yard (parking in rear yard) (ft): thirty-five (35)
   c. Furthermore, no multi-family unit may be erected on a lot which has a width at the building line of less than sixty feet (60').
   d. Maximum building height (feet): forty (40)
   e. Building coverage: No more than sixty percent (60%) of the lot may be covered by the structure.
   f. Parking: Multi-family projects must have one space per one bedroom dwelling unit or studio, otherwise two spaces per dwelling unit.
   g. Required open space. Open space shall be provided equivalent to ten percent (10%) of lot area. For the purpose of this section, the term open space shall be construed to consist of open space amenities and spacing between buildings. Open space amenities include plazas, esplanades, landscaped areas, walkways, public recreational facilities, and the like designed and maintained for use by residents, pedestrians and open to the public. Where feasible, open space shall be designed to serve as part of a coordinated pedestrian circulation system.
   h. Development in this district may contain the density requirements of one or more of the R-1, R-2, and R-3 for residential districts, and CR, C-1, C-2 and C-3, for the commercial districts to accommodate

flexibility and imaginative development designs. Density shall be consistent with conditions that are applicable to the property, such as topography, the character of the surrounding property, potential health or safety hazards, traffic safety considerations, and the effects upon existing public facilities that could be alleviated by a reduction in density.

i. Additional Development Terms. Placement of drives and parking areas. Entrances and exits, drives or parking areas may be located adjacent to any lot line.

E. Lot, Yard, Height Requirements for Commercial Development Within the Bay Crossing PUD District.

1. In addition to the following, commercial projects must have minimum of ¼ acre:
   a. Lot width at setback line (feet): forty (40)
   b. Side yard (feet): five (5)
   c. Rear yard (feet): ten (10)
   d. Front setback (feet): twenty-five feet (25') from center of right-of-way (defined as centerline of main street roadway) or fifteen percent (15%) ± of the lot depth, whichever is less.
   e. Height Regulations. Buildings may be erected up to a height of thirty-five feet (35') from the adjacent ground elevation.
   f. Notwithstanding the foregoing, any electric vehicle charging stations shall be implemented with no setback or minimum land area restrictions provided they meet the adequate landscaping and screening requirements.
   g. Buffer yards. The following Buffer Yards shall apply, in lieu of any other setbacks, as follows. If the Bay Crossing PUD adjoins:
      i. Open Space/Conservation Easement zoning from the Accawmacke Plantation PUD, there shall be no buffer yard requirement.
      ii. Old Cape Charles Road, there shall be a one hundred feet (100') buffer yard requirement.
      iii. Cassatt Parkway, there shall be a thirty-foot (30') setback.
      iv. R3 Zoned property, there shall be a twenty-foot (20') setback.

F. Other applicable provisions and limitations as follows:

1. Primary Access: All development on the parcel shall maintain primary access (and signage, if applicable) to Cassatt Parkway via the Main Street access road.
2. All other provisions of the Cape Charles Zoning Ordinance shall apply to this Bay Crossing PUD District unless stated herein. In the event there is a conflict between this Bay Crossing PUD District and the applicable Zoning Ordinance, the Bay Crossing PUD District terms shall apply, to the extent they are not inconsistent with the provisions of this chapter.

Planning Commission Public Hearing and Regular Meeting

April 10th, 2025

Citizen Written Comments Received

A. Zoning Text Amendment (ZTA) 2025-01: Town of Cape Charles

1. Peter Alpern (3 Bay Vista Way)

B. Zoning Map Amendment (ZMA): Seabreeze Associates, LP.

1. Erin and Don Sedgley (TM #83A1-18-BV2)
2. Devon and Linda Johnson (2 Bay Vista Way)
3. Fabien and Shashi Baksh (4 Bay Vista Way)
4. John and Antoinette Payne (TM #83A1-18-BV4)
5. Peter Alpern (3 Bay Vista Way)

Peter Alpern
3 Bay Vista
Cape Charles, VA 23310

April 7, 2025

Cape Charles Zoning
2 Plum Street
Cape Charles, VA 23310

RE: ZTA 2025-01

To whom it may concern:

This letter is intended to be read by me in person at the April 10, 2025 meeting of the Board of Zoning and is regarding the Zoning Text Amendment ZTA 2025-01.

To wit:

- My wife Elizabeth and I own the house at 3 Bay Vista in the Bay Vista Planned Unit Development in Cape Charles, VA.
- The Bay Vista PUD is currently being encroached upon by the Cape Charles Planning Department from the East by a variance requested by "Dreams by the Water" to reduce the back yard set back by 10 feet, and from the West by a ridiculous and inappropriate plan to rezone the Seabreeze Apartments so that they can be "fix and flipped" by another developer.
- In 1992 and again twice last fall, the Cape Charles zoning rules were ratified requiring R-3 parcels to sit on no less than 3 acres of land to avoid overcrowding and resource scarcities.
- The Planning Department is looking to remove the 3 acre requirement of R-3 properties to facilitate the proposed buyer of the 1.5 acre Seabreeze parcel who would like its zoning changed from R-1 to R-3.
- The Planning Department's Agenda on March 20 as prepared by Katie Nunez and reviewed by John Hozey noted that the thought of changing the R-3 zoning to no longer require a minimum of 3 acres was originated from a conversation with a single developer who would like to fix and flip the existing unsalvageable Seabreeze apartment buildings.

- If approved the entire Town of Cape Charles must deal with this change to the Zoning rule putting all single family homes at risk to their next door properties being rezoned for multi family housing.
- Why would the Town planning department change a zoning requirement for the entire town at the request of one business person?
- If the 3 acre requirement for R-3 parcels is an important requirement for the Town, why wasn't it taken up at either zoning amendment review last fall (2024)?
- The fixing and flipping of the Seabreeze Apartments is an abomination that will benefit the builder only. What kind of people would buy a luxury condo that was retrofitted from a condemned low income apartment? What kind of people does the Planning Department want to draw to Cape Charles so that this developer can make their $ while the rest of Cape Charles suffers with the inappropriate fixing and flipping of condemned apartments? Advantage takers?

I respectfully request that the planning department retain the 3 acre requirement for R-3 zoned properties in Cape Charles to relieve over crowding and resource scarcity. Please do not let one profit motivated developer put the entire Town's (and my family's) investments at risk by drawing "advantage takers" to Cape Charles.

Deny ZTA 2025-01

Sincere regards,
Peter Alpern
908-868-8350

Erin & Don Sedgley

Bay Vistas

Cape Charles, VA

April 8, 2025

Cape Charles Zoning Department

2 Plum Street

Cape Charles, Virginia 23310

To Whom it May Concern,

This letter is to be read at the April 10, 2025 Cape Charles Planning Commission Meeting.

As property owners on Bay Vistas, Erin & Don Sedgley, we are vehemently opposed to the following:

- Proposed rezoning of 201-209 Washington Avenue from Residential-1 (R-1) to Residential-3 (R-3) (being non-compliant against rezoning property)
- Altering town R-3 parameters (Vote against Resolution of Intent 20250320A) The R-3 requirements of minimum 3 acres, for inhabitants of the property and surrounding properties, are very appropriate and should remain. Three acres is adequate for this purpose
- Inhabitation of the existing apartments on the property

Previous town elders were wise and thoughtful when they rezoned this Seabreeze property at 201-209 Washington Avenue) to R-1. They used great thought in establishing overall R-3 town land usage limits as well. It is highly recommended that the Municipal Corporation of Cape Charles channel that same wisdom and uphold the current zone requirements. Have appropriate residential units developed on these parcels under the existing R-1 and existing town R-3 restrictions remain as they stand.

Most people at this meeting are homeowners who understand the need for regular and preventative maintenance. Some also understand that a property can get to a point of no return. This is the case here.

The thought of building reuse is preposterous. Don having worked for Gensler, a global architecture design firm, part of his role was to determine if a proposed space and parcel were viable (i.e. codes, traffic flow, existing conditions, etc.) for a proposed use.

The situation at 201-209 Washington Avenue is worse than we all are aware. These apartments are not suitable to inhabit, and the parcel is not and should not be rezoned for reuse. They need to be demolished, and the property reestablished within appropriate existing zoning regulations.

These buildings have been a health hazard and an eye sore to the town since owner neglect began many years ago. It was an injustice to have the residents in them as long as they did. To appropriately retrofit would not be cost effective besides 8-foot ceilings are not apropos to "luxury" living.

Previous Seabreeze residents reported that they lived in abhorrent conditions with non-existent engagement of the management company. Issues include plumbing, electrical, foundational, mechanical, roofing and structural. Building #3 is in serious structural jeopardy, appearing to be sinking into the bay. This is another example of property disregard and deterioration.

As an aside, we miss seeing and chatting with the previous Seabreeze residents and look to welcome them back. We are in favor of Cape Charles supporting the development of new cost-friendly housing on appropriate parcels within the town proper or on its periphery.

Thank you for accepting and sharing our letter with the zoning leadership and the parties impacted by this decision.

Thank you,

Don & Erin Sedgley

704.838.6393

From: Linda Johnson
To: Katie Nunez
Cc: Devon Johnson
Subject: RE: ZMA2025 - 01 - Application from Seabreeze Associates, LP
Date: Friday, March 28, 2025 9:15:26 PM

To: Katie Nunez, Director of Planning/Zoning Administrator and Subdivision Agent

From: Devon and Linda Johnson, 2 Bay Vistas Way, Cape Charles, VA 23310

Dear Ms. Nunez,

My wife and I are opposed to the rezoning application from Seabreeze Associates LP from Residential-1 (R-1) to Residential-3 (R-3).

My wife and I are against changing the current zoning which will affect the Town's comprehensive plan for this non-conforming property. Why should this property be the change agent for the Town zoning/comprehensive plan?

The eight parcels cited who's zoning will be affected will not have the same effect on the Town historic character and the residents that live in the Washington St corridor.

The Town now has the opportunity to have this non-conforming property developed within the current zoning ordinance and in a manner that is representative of the housing within the Town. Look at what is being built and renovated on Washington Avenue.

As far as the Town's affordable housing and adding units issue. Yes if this rezoning is approved it will add back units however affordability will not be addressed. Look at what one bedroom condo's are being listed for in Cape Charles.

I truly believe that by changing this zoning it will have unintended consequences for the Town and all property owners.

The current zoning has benefited everyone and this property should not be used as the foundation to change it.

Sincerely, Devon and Linda Johnson

Drs. Fabien and Shashi Baksh,
4 Bay Vistas Way,
Cape Charles VA
4/8/2025

Planning Commission,
Town of Cape Charles,
2 Plum St.,
Cape Charles, VA

Re: 1. Zoning Text Amendment (ZTA) 2025-01: application from the Town of Cape Charles to amend Article III, Section 3.3 (E) of the Cape Charles Zoning Ordinance by deleting the provision requiring a 3-acre lot minimum for a Multi-Family Project Development.

2. Zoning Map Amendment (ZMA) 2025-01: application from Seabreeze Associates, LP., to Conditionally Rezone with Proffers 201-209 Washington Avenue (Tax Map #83A1-3-B2 & 83A1-3-3) from Residential-1 (R-1) to Residential-3 (R-3) pursuant to CCZO Section 2.7.2 and Section 3.3.

We purchased our home at Bay Vistas Way in 2018 as a vacation home, and we plan to eventually retire there. We fell in love with the quiet and historic town of Cape Charles, with well-developed zoning plans and controlled growth to preserve the town's character. We are not fans of busy beach towns, as our “too busy” daily lives leave us yearning for a quiet getaway location, which Cape Charles provides.

Our first point is that the above two proposals appear to be intimately linked but have quite different consequences and should be decoupled. The removal of the R-3 - 3-acre minimum has long-term implications for the development of the entire town and should not be pushed through to facilitate the singular Seabreeze application, as appears to be the case. We would recommend tabling the R-3 3-acre minimum and reviewing it as a separate issue after the Seabreeze application has been considered. This approach ensures that the matter is evaluated as a long-term issue impacting the entire town, thereby eliminating any perception that decisions are being made exclusively to favor the Seabreeze application. If the proposal is still however considered, then we would like to register our objection to the removal of this clause.

Regarding the Seabreeze application, firstly we would like to acknowledge that most of us purchased our homes with the multi-unit dwelling in existence. While it obviously was an outlier as far as structure and use, we certainly understood that it served an important social purpose and had no issues with the community or the residents. This however is significantly different from a developer trying to flip the structure to make a profit, leaving us, the neighbors to live with it. Any argument that we have been living with Seabreeze for so long that we can just continue with a similar structure, in our opinion leaves us closed minded as to what “could be” rather than “what is”.

The Seabreeze property is prime bayfront property, and we should not pretend otherwise. The fact that the town planners made this property R-1 even though it already had an R-3 structure in place speaks volumes as to their long-term intent for the neighborhood – “The intent of this basic zoning district is to provide quiet, medium density, single-family residential development plus provide open areas where similar residential development appears likely to occur”. This is compared to R-3, which allows for high density housing including limited commercial activity.

We would also like to address the overall housing issues that have been raised, outlining the need for diverse and affordable housing. This property, as previously mentioned, is prime bayfront property, and should not be used to provide affordable housing. There is no shortage of land around Cape Charles that can be used for this purpose. The town will be better served by keeping the waterfront developed in the manner that it is currently, with R-1 housing. Flipping an old and dilapidated, previously condemned structure and giving it a face lift will not provide long-term benefit for Cape Charles but ONLY short-term profit for the investors, leaving us to live with it for years to come.

Additionally, we have not heard the 100ft Chesapeake Bay setback addressed, as the front Seabreeze buildings do not appear to conform to this stipulation.

In summary, as property owners immediately adjacent to Seabreeze, we strenuously object to rezoning this land parcel to R-3 as it will result in a permanent change in the nature of the neighborhood from quiet, medium density housing to high density housing. The previous non-conforming use was inherently temporary and should not be the basis for a change in zoning. One of the attractive features of Cape Charles is the quiet, small town feel that embodies this community. It is what drew us to this location. There is no shortage of busy, crowded beach towns but people visit and buy in Cape Charles specifically for the opposite experience, and we would like it to stay that way.

Sincere Regards,
Fabien and Shashi Baksh

We had plans to be at this meeting, however my work schedule has interfered with me being there. I'm hoping the following can be read on our behalf.

Planning Commission Members and staff;

I would like to introduce myself John and my wife Antoinette, as the land owners of lot 0 Bay Vista Way. We have owned this lot for six years with plans to build our house on the lot. We recently had a site plan prepared by MAS of Virginia Beach and are moving closer to construction of our home. When we bought the property, we were aware of Sea Breeze, as an attainable housing development, and had no issue with the development. As lot owners we are aware of many of the changes forcing this property to not be habitable. Since this property is in transition, in ownership, and use, it is our our opinion it should not be changed from R-1 zoning to R-3. We believe it is zoned appropriately in this cartegory consistent with adjoining properties including Dreams by the Water. The consistency continues with all single family developments along Washington Avenue in this area. The intent of the R-3 zone stated in the ordinance is to provide high density multi family development. The intent of the R-1 zone is to provide quiet medium density single family; the regulations are "designed to stabilize and protect the essential characteristics of the district". To rezone this property to R-3 in my opinion would be arbitrary, and capricious, and inconsistent with the current future land use of the latest adopted Comprehensive Plan. It is also my read, (subject to correction)that rezoning to R-3 would not allow the existing property to meet current required setbacks of the R-3 zone. Because this has been a non-conforming use I believe it does not guarantee redevelopment of the property in R-3. We do believe that reducing the minimum required acreage of R-3 from 3 to a 2 acres minimum is a better balance of the needs of the town and its future multi-family needs. We therefore recommend, as directly adjacent property owners, the denial of the elimination of the minimum acreage requirement for R-3, and recommend denial of the rezoning of Sea Breeze to R-3. We believe maintaining the current zoning would be consistent with character of the town and particularly Washington Street and the land use pattern in the Comprehensive Plan . We thank you for your consideration, of our thoughts, and expectations in your deliberations.

Sincerely,

John and Antoinette Payne
11219 Lake Jackson Drive
Manassas Virginia 20111
johnpayneuptown@gmail.com
phone
5713328106

Peter Alpern
3 Bay Vista
Cape Charles, VA 23310

April 7, 2025

Cape Charles Zoning
2 Plum Street
Cape Charles, VA 23310

RE: ZMA 2025-01

To whom it may concern:

This letter is intended to be read by me in person at the April 10, 2025 meeting of the Board of Zoning and is regarding the Zoning Map Amendment ZMA 2025-01.

To wit:

- My wife Elizabeth and I own the house at 3 Bay Vista in the Bay Vista Planned Unit Development in Cape Charles, VA.
- The Bay Vista PUD is currently being encroached upon by the Cape Charles Planning Department from the East by a variance requested by "Dreams by the Water" to reduce the back yard set back by 10 feet, and from the West by a ridiculous and inappropriate plan to rezone the Seabreeze Apartments so that they can be "fix and flipped" by another developer.
- In 1992 and again twice last fall, the Cape Charles zoning rules were ratified requiring R-3 parcels to sit on no less than 3 acres of land to avoid overcrowding and resource scarcities.
- The Seabreeze Apartments is on 1.5 acres and was built in the early 80s. The drafters of the 1992 zoning map zoned the property R-1 knowing at the time that the property was not in compliance with "single family housing"; R-1 zoning. It must have been the case that they saw a moment in time when the town would want to reclaim the property and develop it in compliance with R-1 codes, Historic District guidelines, and CBPA setbacks. Now is that time.
- Over the years, the Seabreeze buildings in no way received the maintenance required of waterfront property and as a result they arrived at the unsalvageable condition they are in. They are vermin infested with birds flying in and out of the rafters. The residents poured things from their kitchen windows (I can only suspect)

because the drains don't work. Labor Day weekend 2023, one of the Seabreeze buildings was on fire; 10 feet from our house.

- Look at the property from the King's Creek channel and you will see the rear retaining wall falling into the Bay. This particular building was nearly condemned in 2013 after Hurricane Sandy almost took out the north facing wall. I also have video of men in orange HAZMAT suits randomly going in and out of one of the buildings. The conditions of the Seabreeze buildings were so bad, upon inspection in February of 2024 the residents were evacuated.
- The fixing and flipping of the Seabreeze Apartments is an abomination that will benefit the builder only. The town planners in 1992 and twice last fall intended for the property to be developed as an R-1 parcel; not a low-income apartment building retrofitted for gullible, rich advantage takers from out of town? Will these advantage takers have a sufficient critical eye to recognize that the builder is merely polishing up a dilapidated, condemned facility?
- What kind of people would buy a luxury condo that was retrofitted from a condemned low-income apartment? What kind of people does the Planning Department want to draw to Cape Charles so that this developer can make their $ while the rest of Cape Charles suffers with the inappropriate fixing and flipping of condemned apartments? Out of town advantage takers – that's who.

I respectfully request that the planning department retain the R-1 zoning of the Seabreeze properties in Cape Charles. Please do not let one profit motivated developer put the entire Town's (and my family's) investments at risk by drawing "advantage takers" to Cape Charles.

Deny ZMA 2025-01

Sincere regards,
Peter Alpern
908-868-8350

ORDINANCE 20250417B

CONDITONALLY AMEND CAPE CHARLES ZONING MAP FOR TAX MAP #83A1-3-B2 & 83A1-3-3 FROM RESIDENTIAL-1 to RESIDENTIAL -3

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

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

WHEREAS, an application was made by Seabreeze Associates, LP to rezone Tax Map #83A1-3-B2 & 83A1-3-3 at 201, 203, 205, 207 & 209 Washington Avenue(aka Seabreeze Apartments) with proffers to prohibit Short Term Rentals (STRs) on this property which are defined as rentals less than 30 days; and

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice, a public hearing was held by the Planning Commission on April 10, 2025 and the Planning Commission reviewed and deliberated the proposed zoning map amendment, and approved by unanimous vote, to recommend for Town Council approval as requested based upon the support in the Staff Report dated March 25, 2025 along with the Proffer Statement; and

WHEREAS, pursuant to Code of Virginia §§ 15.2-2285 and 15.2-2204, after proper notice, a public hearing was held by the Town Council on April 17, 2025 and based upon the Staff Report to Town Council and the Planning Commission favorable recommendation to approve as requested by the applicant;

NOW, THEREFORE, BE IT RESOLVED that, for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Zoning Map be amended to show Tax Map Parcels #83A1-3-B2 and 83A1-3-3 in the Residential-3 (R-3) Zoning District, with proffers, to become effective immediately.

****

Adopted by the Town Council of the Town of Cape Charles on April 17, 2025.

By: _____
Mayor Charney

Attest:

_____
Town Clerk

TOWN OF CAPE CHARLES	**AGENDA TITLE:** Short Term Rental Software Contract Award	**AGENDA DATE** April 17, 2025
	SUBJECT/PROPOSAL/REQUEST: Short Term Rental Software Contract Award	**ITEM NUMBER:** 9A
	ATTACHMENTS: 1) Town Issued Request for Proposals with Addendum 2) Proposal from Recommended Vendor – Deckard Technologies	**FOR COUNCIL:** Action (X) Information ( )
	STAFF CONTACT (s): Katie H. Nunez, Director of Planning & Zoning Administrator	**REVIEWED BY:** John Hozey, Town Manager

BACKGROUND:

In February 2025, the Town issued a Request for Proposals (RFP) from qualified firms to provide Software as a Service (SaaS) assisting the Town with the management of Short-Term Rentals (rental of residential property for lodging purposes for a term of less than 30 days) operating in the corporate limits of Cape Charles. Said service to include the electronic submission and payment of all associated fees in the monitoring, registration, compliance, oversight and enforcement of Short-Term (Vacation) Rentals. Bids were opened on March 7, 2025. The Town received six proposals from the following companies:

COMPANY NAME	ADDRESS
GovOS	8310 N. Capital of Texas Hwy Bldg 2, Ste 250 Austin, TX 78731
Azavar Audit Solutions, Inc. dba Azavar Government Solutions and Localgov	55 East Jackson Boulevard, Suite 2100 Chicago, IL 60604
Granicus Products aka govService Host Compliance	1152 15th Street, NW Suite 800 Washington, DC 20005
Deckard Technologies	1620 Fifth Avenue, Suite 400 San Diego, CA 92101
iWorQ Systems, Inc.	1125 W 400 N # 102 Logan, UT 84321
Avenu Insights & Analytics	5860 Trinity Parkway, Suite 120 Centreville, VA 20120

ITEM SPECIFICS:

All of the goals and objectives stated in the RFP, including the ability of the software to meet our needs in a time sensitive work plan with ongoing support services as well as the price for said software, were all elements of our review and determination as to which vendor is being recommended.

The Review Committee, composed of Town Manager John Hozey, Code Official Jeb Brady, Deputy Treasurer Adrian Oei, and I, reviewed each proposal against the RFP and narrowed down the list to our top 3 proposals: GovOS, Avenu Insights & Analytics, and Deckard Technologies. A follow-up demonstration of the top 3 vendors was arranged for the committee members as well as the applicable support staff from the respective departments who would be utilizing this software daily as part of their job. Based upon those demonstrations, the committee ranked Deckard Technologies as the top choice in meeting all of the stated objectives and goals listed in the RFP that the Town is seeking to obtain with this software and their product was extremely user friendly and graphically appealing to a broad range of users who would be infrequent users of the software (a few times a year for registration, monthly reporting) to the daily employee use by Town staff. Deckard Technologies demonstrated that they are able to provide the necessary user interface to provide online application submission for STR business licensing, safety inspections, and zoning permitting as well as payment for all applicable fees STR permits. Additionally, they are able to provide the monthly (or quarterly, if the Town so decides) remittance and reporting of Transient Occupancy Taxes by the STR licensee and/or

the STR Management Company on behalf of multiple licensees. Their outreach campaign at beginning of the season and the compliance module with the 24/7 complaint hotline provides the Town staff with the needed resources to handle the newly adopted STR Zoning Ordinance and be able to generate the reports that the Town will need to ensure compliance and understanding of the STR business operating within our Town limits.

While price was not the predominant component in determining the award of this contract, it is an important component and Deckard Technologies was extremely competitive in their annual pricing as the lowest price proposal received at $32,000 for Year One and the company has agreed to hold that price for Year Two as well.

RECOMMENDATION:

I am recommending to the Town Council to award the Short-Term Rental Management Software contract to Deckard Technologies based upon the Town's Request for Proposal dated February 6, 2025 with Addendum #1 dated February 27, 2025 and their response dated March 7, 2025 at the Year One and Year Two Price of $32,000 for each year, contingent upon the Town Manager's review and acceptance of the Service Agreement between Deckard Technologies and the Town of Cape Charles.

TOWN OF CAPE CHARLES, VIRGINIA

REQUEST FOR PROPOSALS (RFP)
SHORT TERM RENTAL (VACATION RENTAL) SOFTWARE
FEBRUARY 6, 2025

The Town of Cape Charles, Virginia is seeking proposals from qualified firms to provide services assisting the Town with the management of Short-Term Rentals (rental of residential property for lodging purposes for a term of less than 30 days) operating in the corporate limits of Cape Charles. The specific services being sought are professional software support services concerning the administration, regulation, and compliance of Short-Term Rentals. Such services include address identification, compliance monitoring, permit application acceptance with online payment capacity, rental activity monitoring, 24/7 hotline, public outreach, providing information and updates to permit holders, data analysis capabilities, and other relevant services.

I. GENERAL BACKGROUND

The Town of Cape Charles is located in Northampton County on Virginia's Eastern Shore. The Town is situated on a small peninsula, bordered by the Chesapeake Bay to the west, King's Creek to the north and Old Plantation Creek to the southeast. With a land area of 2,817 acres and a population of approximately 1,200 residents, Cape Charles is the largest of Northampton County's five incorporated towns in land size and the second largest in terms of population. The Town has a strong tourist economy and hosts 2 boutique hotels and 2 Bed & Breakfast establishments that provide 35 rooms, which has been insufficient to service the number of visitors choosing to vacation here overnight. For many years, the Town has tacitly allowed the use of residential homes to be used as short-term vacation rentals with limited government oversight. However, with the expanded use of on-line vacation rental platforms and an increase in public awareness of Cape Charles as a reasonable vacation destination spot, the Town has recently adopted new Zoning Regulations concerning Short Term Rentals (ATTACHMENT A) which require overview, management, compliance and enforcement oversight through a unified software solution that will tie in the existing annual business license requirements for Short Term Rentals through the Treasurer's office as well as the remittance and reporting of the monthly Transient Occupancy Tax for Short Term Rentals and the annual safety inspections of these properties through the Building Official's Office.

The Town has now implemented hard copy application documents for each of the processes contained in the new Short Term Rental Zoning Ordinance (ATTACHMENT B). These are provided as a sample of the information that will need to be obtained through this RFP but the Town is open to an improved information collection system that ensures compliance with the Town Short Term Rental Zoning Ordinance

II. SCOPE:

A. ZONING ORDINANCE and TOWN CODE REQUIREMENTS

The Town has two distinct areas which are identified as follows and are shown on the Town Zoning Map (ATTACHMENT C):

1) Historic District: this is compromised of the following zoning districts where Short Term Rentals are permitted: R-1, R-2, R-3, CR (Commercial Residential), C-1, C-2, C-3 & the Harbor-Commercial. Some of the C-3 and Harbor-Commercial are located outside of the parameters of the Historic District but, for purposes of this RFP, the term "Historic District" will include all of the listed Zoning Districts that allow Short Term Rentals (STRs) by right outside of the Bay Creek Area (see Item 2 below).

   Within this area, there are approximately 222 current Short-Term Rentals operating. They are subject to compliance with obtaining an Annual Town Business License, remitting and reporting monthly on Transient Occupancy Tax (see Fee Schedule – ATTACHMENT D), obtaining an annual safety inspection, and obtaining a Short-Term Rental Zoning Permit. Please note that the Town Council has granted relief for one year, until December 18, 2025, for an STR Property to fully comply only with the terms and conditions of the STR Zoning Permit.

2) Bay Creek: this is a Planned Unit Development (PUD) that is located just north of the Historic District of the Town as well as south and east of the Harbor area of the Town and is compromised of the following zoning districts: PUD-R1, PUD-R2, PUD-R3, PUD Village which include the following named subdivisions as of this date:

Bayside Village	Marina Resort
Bay Vista	Marina Village East
Colony	Muirfield Village
Fairways	New Quarter
Heron Pointe	Plantation Pointe
Hollies	Signature
Kings Bay	

   There are approximately 108 current Short-Term Rentals operating in Bay Creek. The properties in the Bay Creek area are not currently governed by the recently adopted Short Term Rental Zoning Ordinance (Attachment A). This PUD is governed under a separate zoning ordinance known as the Accawmacke Planation Planned Unit Development (PUD) Zoning Ordinance which has not been amended to reflect the STR Zoning Ordinance that became effective for the rest of the Town as of December 19, 2024. The Bay Creek STR Properties are still required to obtain an annual business license, remit and report Transient Occupancy Tax on a

monthly basis, and obtain an annual safety inspection which are requirements set through the Town Code.

B. SERVICES REQUIRED

The Town is requesting proposals from qualified firms to provide Software as a Service (SaaS) to provide the following services through electronic submission and payment of all associated fees in the monitoring, registration, compliance, oversight and enforcement of short term vacation rentals in accordance with the Cape Charles Zoning Ordinance (ATTACHMENT A) and Town Code Sections amended through Ordinance 20241219B (ATTACHMENT E).

Specific components of monitoring/registration/compliance/oversight & enforcement may include but is not limited to:

1. Identify short term rental facilities in the Town by various analytical data, including a GIS Mapping of Short Term Rentals in the Town of Cape Charles as a result of searching the internet for properties being marketed as Short Term Rentals or Vacation Rentals and utilizing the Town-provided business list for Short Term Rentals from 2024, thus creating a STR Database for our community. Provide ongoing monitoring of Short-Term Rentals, including platforms where marketed and include the dates/weeks advertised for rental, along with description information regarding occupancy for the property, including # of bedrooms. Ability to provide reports as needed on any new Short Term Rental properties identified that may not be licensed by the Town yet.

   This STR Database should include and archive screenshots of the STR listings as well as copies of the photographs appended to the STR listings. Screenshots and photographs should contain readily identifiable information such as date taken and URL or other such information that makes it readily identifiable. STR database should include the ability to mass export said screenshots and photographs with the identifiable information affixed. The STR Database should be sufficient for the Town to use for outreach, monitoring, and code enforcement purposes. The STR Database should allow Town staff to append additional information in separately created fields, separate from the aggregated characteristics.

2. Provide educational services and customer support services to short-term rental owners and management companies regarding the Town's reporting requirements.

3. An online website, reachable through the Town's website, for the Annual Registration/renewal services of short-term vacation rentals in accordance with Town Code to include workflow processes that will include business licensing, safety inspection, and STR Zoning Permit for each distinct Short

Term Rental property. Said process needs to include the following: 1) automatic notice capability of renewal deadlines to property owners and/or their property agent; 2) submission of all applications and supporting documents electronically to the Town; 3) internal work flow approval process to the involved departments of Building, Treasurer, and Planning/Zoning; and 4) issuance of said permits electronically with e-mail notification to the applicant, once approved by the Town.

Individual property owners will need to have distinct account creation and log-in for their property into this software for applying, editing, reviewing, renewing and responding to any communication from the Town regarding their Short-Term Rental property. Additionally, vacation management companies and/or agents will need the ability to access and submit for multiple properties on behalf of the individual property owner(s) and will need to have the same level of communication and interface with the software that the individual property owner will have.

This online website will need to be able to accept payments associated with the application for a STR Permit, Annual Safety Inspection and Annual Business License.

4. An online website to allow for monthly reporting and payment of Transient Occupancy Tax by the applicant or their designated agent.

5. Conversion file capability on a weekly basis to transmit the financial payment information of the initial licensing/permitting requirements as well as the monthly Transient Occupancy Tax collections from the Short Term Rental Software to the Town's General Ledger which is on software from Southern Software, Inc. through their Financial Management Software (FMS) suite.

6. Forward facing platform for the general public to look up a property to determine if it has a STR Zoning Permit with the associated components of the Safety Inspection and Business License and contact info for the 24/7 oversight contact for the property.

7. 24/7 hotline for complaint/concern calls and generation of associated violation or complaint items through a Town approved Notice of Violation letter with applicable resolution requirements and rights of appeal contained in said electronic correspondence.

8. Assistance with dispute resolution with violators, i.e. provision of evidentiary items, especially concerning components concerning the advertised description of the property as it relates to compliance with the Short Term

Rental Zoning Ordinance (i.e. occupancy/ # of bedrooms), information concerning the rental rate used relative to the calculation of Transient Occupancy Tax and the days and weeks in which a property was rented.

9. Effective communication with the Town regarding concerns or issues related to short-term rentals.

10. Availability to conduct compliance audits of short-term rental operators.

11. Monthly reporting (or as needed) of key analytical information to the Town.

12. Level of service and customer support for the STR SaaS and the Town staff.

13. According to the Code of Virginia, Section 58.1-3826, all third party Accommodation Intermediary Companies, such as Airbnb and VRBO, are required to file, collect and remit the local Transient Occupancy Tax on short-term rental accommodations, along with a list of the property addresses of the short term rental reservations provided through their rental platforms. The Town is receiving direct payment from at least 2 such companies but the accompanying reporting breakdown information is not being supplied for proper crediting to the accounts of monthly Transient Occupancy Tax (TOT) Payments nor verification of accuracy of TOT due and remitted, based upon actual rental rates and nights occupied. Need SaaS to address this issue within their proposal if they have experience with this issue and how this has been addressed for other localities.

14. Historic Data Import: The Town is currently using Southern Software, Inc., specifically their Financial Management Software (FMS) suite, for handling the business license component for Short-Term Rentals as well as the monthly remittance of the Transient Occupancy Tax. With the adoption of new Short-Term Rental Zoning Ordinance, the Town has now developed an internal database thru an excel spreadsheet, using the property address as the primary account unifier between the FMS software and Excel spreadsheet which is tracking the additional data now required under the STR Zoning Ordinance, including the size of bedrooms, # of bedrooms authorized, and resulting occupancy limits per address. The Town is desirous to determine the feasibility of incorporating this historic data into this new software product for ease of customer use.

C. CALENDAR

The Town is currently using a hybrid approach (Financial Software for components of this process – business license registration and renewal & Transient Occupancy Tax payment & reporting), Excel Spreadsheet for summary tracking by property address

for property details regarding bedrooms & occupancy as well as approval of property safety inspections, and hard copy paper applications for every property to initiate all of these reviews and approvals required under the STR Ordinance. All approvals and licenses run on a calendar year basis.

The Town is desirous of mid to late summer 2025 "GO LIVE" date to ensure sufficient time is allotted to fully ensure the system setup is accurate and in compliance with the Town Zoning Ordinance and Town Code Requirements. We would like to have an October 1, 2025 opening for license renewal and new license applications for Short-Term Rentals and safety inspections for the upcoming 2026 rental season on the new SaaS platform, including training for the external users of the software. All proposals need to provide a proposed calendar that addresses the feasibility of both the projected dates that the Town is hoping to achieve with this RFP as well as the attendant external user training to assist in the transition from our current processes to an on-line, automated. process

III. CAPE CHARLES EVALUATION CRITERIA AND SELECTION

Proposals must be submitted in accordance with the instructions and requirements contained in this RFP. Failure to do so may result in the proposal being considered non-responsive and it may be rejected. **Submit one original, signed by an authorized representative, with four hard copies of the proposal, as well as an electronic version.**

The Town's Evaluation Committee, comprised of the Town Manager, Planning Director, Building Official and Treasurer, will review and evaluate all proposals based on the following criteria and may elect to interview and receive a demonstration of the software of some or all of the proposers. ***Please ensure your proposal addresses the Scope contained in Section II above but also the items listed below:***

1. **Understanding of the project (max 10 points):** Include a description of their understanding of the project in the proposal narrative. This will include articulation of the Town's vision and expected outcomes.

2. **Experience and Qualifications (max 35 points):** Qualifications of the company and prior experience. (Staff strength & experience with similar projects). Include at least 3 references with name of organization, contact individual with address, phone number & e-mail; Include information on the size of the municipalities that you have provided this service for with focus on municipalities of similar size and length of relationship.
    - Describe any integrations you have implemented with permitting applications and collection services for associated annual fees and monthly tax remittance fees, including integration of collection data with the municipality's general ledger/finance software.

- Discuss your company's views on customer service and outline your familiarity with the sensitivity of this type of process. Include a description of how active or passive your techniques are and include examples of your practices.
- List of personnel that would be assigned to this project with their resumes and experience, relevant to our particular project and needs.
- Identification of all sub-consultants, if any, and their work experience relevant to this request for services

3. **Project Approach (max 20 points): Work Plan/Approach to Project;** Comprehensiveness of SaaS services provided to meet all of the Scope contained in Section II above.
   - Detailed description of the methodology of your company's short-term rental monitoring services. Include a description of the tools used to discover new short term vacation rentals.
   - Detailed description of the flow of paperwork and correspondence with short term rental owners and your firm and what part Town staff plays in the correspondence process for bringing existing businesses into compliance as well as the newly discovered businesses.
   - Include sample letters with the language your firm uses for related compliance correspondence.
   - Include proposed compliance program, and how violations are handled by the company initially; when violations progress to Town staff for oversight and possible hearings and how that is tracked in the software, especially when that could involve multiple Town staff (police, Building, Zoning, Finance and/or Town Manager).

4. **Proposed time frame and ability to perform the services (max 5 points):** Provide a timeline with milestones for completion of each phase/task of the project, to include the total time of the project and assurances that work can be completed within the company's existing workload.

5. **Project Cost (Max of 20 points):** Competitiveness of the fee and cost structure. Clearly list the cost of your company's services, including a listing of one-time costs vs. recurring fees for the various components of service the Town is requesting. Please include package pricing and whether a la carte pricing is available.

IV. INSTRUCTIONS TO PROPOSERS

A. Proposers must promptly notify the Town of any ambiguity, inconsistency, or error which may be discovered upon examination of the RFP.

B. For clarification or interpretation of this RFP, contact the Planning Director & Zoning Administrator who is serving as Project Lead, Ms. Katie H. Nunez, at 757-331-3259 ext. 30, or knunez@capecharles.org.

C. The proposal must be submitted to the Town of Cape Charles, 2 Plum Street, Cape Charles, Virginia 23310, in a sealed envelope clearly labeled, "Request for Proposals, Comprehensive Plan & Zoning Update Consulting Services". **Deadline for submission is 2:00 PM, March 7, 2025.**

D. The Town may request additional information, clarification, or presentations from any of the proposers, after reviewing the proposals.

E. The Town has the right to use any or all ideas presented in reply to this RFP, subject only to the limitations regarding proprietary/confidential data of the proposer.

F. The Town is not liable for any costs incurred by any offeror in connection with this RFP or any response by any proposer in connection with this RFP. The expenses incurred in the preparation, submission, and presentation of the proposal are the sole responsibility of the proposer and may not be charged to the Town.

G. Contract Award. This solicitation is being conducted per Code of Virginia, Section 2.2-4302.2. A. 3. Proposals will be evaluated based on the factors contained above, and competitive negotiations will be conducted with the two highest ranked proposers.

H. All firms doing business in the Town are required to be licensed in accordance with the Business, Professional and Occupational Licensing (BPOL) Tax ordinance. Questions concerning business licenses should be directed to the Town Treasurer at 757-331-3259, X.23

I. Sham or Collusion. The proposal of any proposer or proposers who engage in collusion shall be rejected. Any offeror who submits more than one proposal in such a manner as to make it appear that the proposals submitted are on a competitive basis from different parties shall be considered a collusive offeror.

J. Debarment. By submitting their proposal, proposers certify that they are not now debarred by the United States, the Commonwealth of Virginia, or any town, city or county within the Commonwealth of Virginia, from submitting proposals on contracts for the services described in this RFP, nor are they an agent of any person or entity that is now so debarred.

K. Rejection of Proposal. The Town reserves the right to reject any and all proposals, to waive any informality or irregularity in the proposals received, and to make the award to the offeror whose proposal is deemed to be in the best interest of the Town.

L. Miscellaneous.

1. Ownership of all data, materials, and documentation originated and prepared for the Town pursuant to the RFP shall belong exclusively to the Town and be subject to public inspection in accordance with the Virginia Freedom of Information Act. Trade secrets or proprietary information submitted by the offeror shall not be subject to public disclosure under the Freedom of

Information Act, unless otherwise required by law or a court. **However, the offeror must invoke the protection of Section 2.2-4342(F) of the Code of Virginia, in writing, either before or at the time the data or other material is submitted.** The written notice must SPECIFICALLY identify the data or materials to be protected and state the reason why protection is necessary. The proprietary or trade secret material submitted must be identified by some distinct method such as highlighting or underlining and must indicate only the specific words, figures, or paragraphs that constitute trade secret or proprietary information. The classification of an entire proposal document, line-item prices, and/or total proposal prices as proprietary, or trade secrets, is NOT ACCEPTABLE and may result in rejection of the proposal.

2. No information regarding the proposal records or the contents of proposals will be released except in accordance with Section 2.2-4342 of the Code of Virginia. Once an award has been made, all proposals will be open to public inspection, subject to the provisions set forth above.
3. Any interpretation, correction or change of the RFP will be made by an addendum. Interpretations, corrections, or changes of this RFP made in any other manner will not be binding and offerors must not rely upon such interpretations, corrections, or changes. Addenda will be emailed or mailed to all who are listed as having received the RFP. Acknowledgement of receipt of all addenda issued and taken into consideration in the submittal of any proposal is required as part of the proposal package.
4. No proposer shall confer on any public employee having official responsibility for a purchasing transaction any payment, loan, subscription, advance, deposit or money, service, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value.
5. The Town may conduct investigations to determine the ability of the offeror to perform or supply the services as described in this RFP. The Town reserves the right to reject any proposal if the proposer fails to satisfy the Town that it is qualified to carry out the obligations of the proposed contract.
6. The successful proposer must comply with the nondiscrimination provisions of Virginia Code Section 2.2-4311, which are incorporated herein by reference.
7. The successful proposer must comply with the drug-free workplace provisions of Virginia Code Section 2.2-4312, which are incorporated herein by reference.
8. It is the policy of the Town to maximize participation by minority and women owned business enterprises in contracting opportunities.
9. The successful offeror shall comply with all applicable Town, State and Federal laws, codes, provisions, and regulations.
10. Providers of any subcontract services shall be subject to the same conditions and requirements as the successful offeror regarding law, code, or regulation

compliance. The Town reserves the right of approval for any subcontract work, including costs thereof.

11. Ethics in Public Contracting. The provisions, requirements, and prohibitions as contained in Sections 2.2-4367 through 2.2-4377 of the Virginia Code, pertaining to bidders, proposers, contractors, and subcontractors are applicable to this RFP.
12. Conflict of Interests Act. The provisions, requirements, and prohibitions as contained in Sections 2.2-3100, et. seq., of the Virginia Code are applicable to this RFP.

M. **Cooperative Procurement**: As authorized in Section 2. 2-4304 of the Code of Virginia, this procurement is being conducted on behalf of and may be used by public bodies, agencies, institutions and localities of the several states, territories of the United States, and the District of Columbia with the consent of the proposer.

V. CONTRACT TERMS AND CONDITIONS.

Below are additional terms and conditions applicable to any contract that may be awarded:

A. Choice of Law and Venue: Any disputes that cannot be resolved between the Town and the Contractor must be resolved in the Courts of Northampton County, Virginia. The contract shall be governed by the laws of the Commonwealth of Virginia.

B. Termination: It shall be the sole right of the Town to terminate the contract upon written notification to the Contractor.

C. Modification: The contract shall not be amended, modified, or otherwise changed except by a written change order. Change orders may be proposed by either the Contractor or the Town.

D. Nondiscrimination: In accordance with Section 2.2-4311 of the Code of Virginia, during the performance of this contract the Contractor agrees as follows:

1. The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

2. The Contractor, in all solicitations or advertisements for employees on behalf of the Contractor, will state that such Contractor is an equal opportunity employer.

3. Notices, advertisements, and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

4. The Contractor shall include the provisions of the foregoing paragraphs (Items #1, 2 & 3 directly above) in every subcontract or purchase order of over $10,000 so that the provisions will be binding upon each subcontractor or vendor.

E. Unauthorized Aliens: In accordance with Section 2.2-4311.1 of the Code of Virginia, during the performance of this contract the contractor shall not knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

F. Insurance: The contractor shall purchase and maintain in force, at his own expense:

1. Workers' Compensation Insurance – Standard Virginia Worker's Compensation Policy.

2. Broad Form Comprehensive General Liability - $1,000,000 Combined Single Limit coverage to include: Premises – Operations; Products/Completed Operations; Contractual; Independent Contractors; County and Contractor's Protective; Personal Injury (Libel, Slander, Defamation of Character, etc.).

3. Professional Liability Coverage (errors and omissions) - $1,000,000 minimum.

4. Automobile liability insurance shall be written with a Comprehensive Form and include coverage for owned, hired, and non-owned vehicles the limit for any one accident or loss shall be $1,000,000.

The insurance specified herein shall name the Town as additional insured regarding work performed under any Contract. All policies shall provide that the Town is to receive written notice by certified mail, thirty (30) days in advance of cancellation or alteration of any policy. The Contractor shall provide the Town with copies of certificates of insurance coverage and proof of payment for all premiums.

G. Drug Free Workplace: In accordance with Section 2.2-4312 of the Code of Virginia, during the performance of this contract the contractor agrees to:

1. Provide a drug-free workplace for the contractor's employees.

2. Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a

controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition.

3. State in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace.

4. Include the provisions of the foregoing clauses in every subcontract or purchase order of over $10,000, so the provisions will be binding upon each subcontractor or vendor.

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with this section, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of this contract.

H. Faith-based Organizations: The Town does not discriminate against faith-based organizations in accordance with the Code of Virginia, Section 2.2-4343.1.

I. Environmental Management: Contractor shall be responsible for complying with all applicable federal, state, and local environmental regulations, if any.

J. Finance Charges: The Town will not pay any finance charges imposed on any invoices submitted by the contractor relative to this Contract.

K. Assignment: Contractor may not assign his rights and obligations hereunder unless approved by the Town.

L. Applicable to Successors and Assigns: The Town and Contractor agree that the rights and obligations under this Contract shall inure to and be binding on their respective successors and permitted assigns.

ATTACHMENTS

Attachment A: Adopted Zoning Regulations concerning Short Term Rentals – December 19, 2024

Attachment B, ITEMS 1 thru 6: Hard Copy Application forms used by the Planning & Zoning; Building Department and Treasurer's Office regarding Short Term Rentals.

Attachment C: Town of Cape Charles Zoning Map

Attachment D: Town of Cape Charles Fee Schedule – Treasurer's Office Fiscal Year 2025

Attachment E: Town Code Sections amended through Ordinance 20241219B (Solid Waste, Business License, and Building Code sections)

TOWN OF CAPE CHARLES, VIRGINIA

SHORT TERM RENTAL SOFTWARE REQUEST FOR PROPOSALS

ADDENDUM #1 – February 27, 2025

Questions were received from one of the vendors regarding the Short-Term Rental Software Request for Proposals for clarification to certain components of the Scope of Work. This addendum is being issued to provide clarity to all potential responders to the Request for Proposals.

PLEASE ACKNOWLEDGE IN YOUR PROPOSAL SUBMISSION THAT YOU RECEIVED THIS ADDENDUM#1, IF YOU ARE SUBMITTING A PROPOSAL TO THE TOWN.

QUESTION #1: Regarding II.A.1. What is the enforcement policy for STRs that are operating within Town limits that do not allow STRs to operate? Would a take-down notice be required for educational / communication purposes with those operators?

> **ANSWER:** The Town policy is to issue a Stop Work Order to the property owner if they are using a building or structure that is not authorized under the Town Zoning Ordinance which is then immediately followed up with a Notice of Violation to the property owner providing the detail of the violation and the relevant provisions of the Town Zoning Ordinance that they are in violation of and the Corrective Action Steps that must be taken to resolve the Notice of Violation. In this case, if a Short-Term Rental is operating in a zoning district that does allow for them, then the corrective action would be to immediately cease all short-term rentals at that property.

QUESTION #2: Regarding II.B.2 "Provide educational services…", does that translate into letters being sent to STRs notifying them of non-compliance? If yes, how many rounds of letters are deemed to be sufficient?

> **ANSWER:** On the website, the Town is expecting a Frequently Asked Questions section that would include all of the requirements of the Short-Term Rental Zoning Ordinance, similar to what the Town has currently developed and placed on their Town website which can be viewed here: Short-Term Rentals - Vacation Rentals - Cape Charles VA . This would be developed in concert with the Town staff and the software vendor.

The Town envisions that reminder notices will be issued annually for the Short-Term Rental Zoning Permit, the Business License and Safety Inspection that will include the provisions of the Short-Term Rental Zoning Ordinance and we anticipate that this annual renewal letter correspondence will be generated through the STR Software.

Finally, in response to this question, we also are expecting the STR Software to notify and generate reports to Town staff on a monthly basis when a property owner has not remitted their Transient Occupancy Tax payment as well as their required monthly reporting. The Town is looking for one initial notice to be generated for each occurrence. If the matter is not resolved by the property owner by the deadline contained in that notice, then the matter would move to the Town's Compliance Officer to escalate the matter pursuant to the violation section of the Short-Term Rental Ordinance and state requirements regarding violations of zoning ordinances.

The Town is also extending this more detailed information to also be applicable to the RFP "Services Required" Section II.B.10.

QUESTION #3: Regarding II.B.5 "conversion file capability" is the Town seeking to manually download the conversion file from the vendor system into FMS and G/L, or is it requiring an automated integration?

ANSWER: The Town is asking only for a report to be generated (daily, weekly, monthly) that will detail the revenue collected through the Short-Term Rental Software in four categories: 1) Annual Business License; 2) Rental Property Safety Inspection; 3) Short-Term Rental Zoning Permit; and Transient Occupancy Tax. Said report needs to be both a summary and a detailed report to show the receipt of funds attached to a specific property address in the Town of Cape Charles and will serve as the foundational basis for the Town to make the necessary revenue entries on our financial software, specifically the general ledger and balance sheet for the Town. The Town is not seeking a direct file integration from the STR Vendor to the Town's Financial Software.

QUESTION #4: Regarding II.B.10 "Availability to conduct compliance audits of short-term rental operators" (question: does this mean for TOT audit purposes or for the ordinance or both?)

ANSWER: The Town will need to conduct compliance audits of the requirements of the Short-Term Rental Zoning Ordinance as well as the Transient Occupancy Tax reporting and remittance. See also the answer to Question #2 above.

QUESTION #5: Regarding II.B.7 "24/7 Hotline for complaint/concern calls …"

a. What is the nuisance response plan that the vendor is to implement with STR operators?

b. If the STR operator is non-responsive to the complaint with a time limit of 60 minutes for example, is there an escalation plan associated with the complaint whereby Code / Police are notified by the call center?

ANSWER: The Town has not developed a nuisance response plan but would work with the vendor in creating such a document to determine how each type of complaint is to be addressed through the 24/7 Hotline. With any complaint received through the 24/7 Hotline, the programmed response must notify the 24/7 property representative/STR Operator of the complaint and provide a time frame (still to be determined) for response and resolution of the complaint and for said complaint to also be part of a daily report to the Town including status of resolution or whether the complaint is escalating in the investigation and enforcement components of the Town Zoning Ordinance.

The types of complaints that we envision could be called into the 24/7 hotline are:

- Noise complaints/too large parties, which are overseen by Town Code Chapter 20, Article I, Section 20-3 and investigated by the Cape Charles Police Department.
- Use of and display of fireworks outside of a licensed and permitted Town event is not authorized in the Town Code and would be investigated by the Cape Charles Police Department, pursuant to Town Code Chapter 1, Section 1-10
- Open Fires, which are overseen by Town Code Chapter 14, Article III and investigated by the Cape Charles Police Department.

There may be additional complaint categories, but the Town will work with the selected vendor in identifying those categories and develop a nuisance response plan as to who is to be contacted, time frame allotted for a resolution response and any additional follow-up/notification that may be required.

QUESTION #6: Regarding II.B.14 is this a one-time historic data import from FMS + Excel, such that the STR vendor's systems are considered the Vendor of Record? In other words, there will be no additional flow of updates/details regarding permits / zoning / tax payment from third-party software/systems back into the STR vendor's solution?

ANSWER: This will be a one-time historic data import from FMS and EXCEL to bring in as much information on each property that is currently operating as a Short-Term Rental, including owner and contact information, bedroom sizes and other

compliance information regarding bedrooms as defined in the Town Zoning Ordinance and in the Virginia State Building Code that translate to establishing the Base Occupancy Short Term Rental (BOSTR) number, the safety inspection information, and the Transient Occupancy Tax information previously remitted. The intent is to help populate as many of the property accounts as possible with the information that the property owners had provided to the Town via paper application records in 2025. The STR Software will become the sole source of this data moving forward and the Town will no longer use FMS Software for Short Term Rental business licenses or for Transient Occupancy Tax Collections for short-term rentals. Additionally, the Building Department & Zoning Departments will also rely solely upon the STR Software for oversight, inspections, compliance, reporting needs and responsibilities required by their respective departments.

QUESTION #7: Regarding Section I, are the boutique hotels and Bed & Breakfasts going to remit their TOT through the STR Vendor's tax platform?

ANSWER: The Town is focused on providing a comprehensive solution for Short-Term Rental management and oversight through this Request for Proposals. However, the Town is willing to consider the inclusion of hotels/motels and bed & breakfasts as an eligible business type that could obtain annual business licensing, and monthly Transient Occupancy Tax reporting and remittance through this software but want that to be listed as an Option offered with a price provided by the proposer to determine if that can be incorporated as part of this software solution. There is a different tax rate for hotels/motels/bed & breakfasts that are listed on Attachment D – Town of Cape Charles Fee Schedule Treasurer's Office Fiscal Year 2025 that any proposed solution would need to be designed for between these two types of business entities: A) Short-Term Rentals; and B) Hotels/Motels/Bed & Breakfasts.

QUESTION #8: Regarding accepting payments (II.B.3 and II.B.4) will the Town be willing to create a Merchant ID on the host payment processor's system? If not, will the Town be accepting payments on its own Merchant account on a different payment gateway?

ANSWER: The Town is willing to create a Merchant ID on the host payment processor's system. Please include in your proposal whether any fees will be incurred by a short-term rental property owner and/or their management company agent for the provision of the credit card payment services or if those fees are included in the price proposal to the Town.

Dave Brown
NE Director of Sales
(508) 561-3227
dave@deckard.com

REQUEST FOR PROPOSAL

Short Term Rental (Vacation Rental) Software

Town of Cape Charles, VA

March 7, 2025

presented by

RENTALSCAPE

engineered by

deckard technologies

1620 Fifth Ave • Suite 400 • San Diego, CA 92101

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Cover Letter

Dear Ms. Katie H. Nunez,

On behalf of Deckard Technologies, Inc., I am pleased to submit our proposal in response to the Town of Cape Charles' Request for Proposals to assist with the management of Short-Term Rentals (STRs). We understand the Town's growing need to effectively administer, regulate, and ensure compliance for short-term rentals, particularly as Cape Charles becomes an increasingly sought-after destination for vacationers.

Deckard's mission is to provide local governments with data-driven solutions that balance economic opportunity with community well-being. Our proprietary, AI-driven software is designed to address the full spectrum of Cape Charles' STR management needs. From initial address identification and permit application processing complete with secure, online payment capabilities to ongoing compliance monitoring, public outreach, and 24/7 hotline services, our unified platform will streamline the administration of short-term rentals across Town departments.

We appreciate that the Town's recent zoning regulations require a comprehensive system to coordinate not only licensing and permitting, but also the remittance and reporting of monthly Transient Occupancy Taxes, annual business license requirements, and annual safety inspections. Deckard's integrated approach ensures that each step is connected, allowing real-time visibility for the Treasurer's Office, Building Official's Office, and other relevant departments. This seamless workflow improves efficiency, enhances collaboration, and ensures consistent enforcement all under one unified interface.

Moreover, our data analysis capabilities provide valuable insights into rental activity and emerging trends, which allows the Town to make informed policy decisions. Through outreach tools and automated messaging, permit holders will stay informed about important updates and any regulatory changes. We believe this balanced approach combining advanced technology with meaningful stakeholder engagement is key to managing STRs effectively while preserving Cape Charles' charm and quality of life.

Thank you for the opportunity to present our vision for a successful partnership. We look forward to demonstrating how Deckard Technologies can support the Town of Cape Charles with efficient STR management, compliance, and enforcement. If you have any questions or need additional information, please feel free to contact me or anyone listed in this proposal.

Sincerely,

Thomas Hemmings
Chief Financial Officer
Deckard Technologies, Inc.

Scope of Work

A. Zoning Ordinance and Town Code Requirements

Cape Charles comprises two primary areas with varying regulations for short-term rentals (STRs). First, the Historic District encompasses several zoning districts (R-1, R-2, R-3, CR, C-1, C-2, C-3, and Harbor-Commercial), within which STRs are permitted by right. The Town estimates about 222 active short-term rentals here, each required to obtain an annual Business License, remit and report Transient Occupancy Tax monthly, schedule an annual safety inspection, and secure a Short-Term Rental Zoning Permit. While the Town Council has granted a temporary compliance reprieve on the STR Zoning Permit requirement until December 18, 2025, overall enforcement remains a priority.

The second area, Bay Creek, is a Planned Unit Development (PUD) governed by an ordinance separate from the recently adopted STR Zoning Ordinance. Approximately 108 active short-term rentals operate in Bay Creek, each still subject to obtaining an annual Business License, remitting Transient Occupancy Tax monthly, and scheduling annual safety inspections though the new Short-Term Rental Zoning Ordinance does not currently apply.

Deckard's Rentalscape platform is well-equipped to handle these nuanced regulatory distinctions. Our system integrates GIS shapefiles that overlay each zoning district or boundary onto an interactive map, allowing the Town to segment STR data by areas like the Historic District or Bay Creek. This enables more targeted compliance analysis, since Rentalscape automatically flags non-compliant properties based on the unique requirements set forth by different zoning regulations. The platform updates daily and generates comprehensive reports that are downloadable in multiple formats (Excel, CSV, etc.) for easy review and record-keeping. By providing clear visibility into which rentals fall under which rules, Rentalscape empowers Cape Charles to effectively manage and enforce its evolving short-term rental landscape.

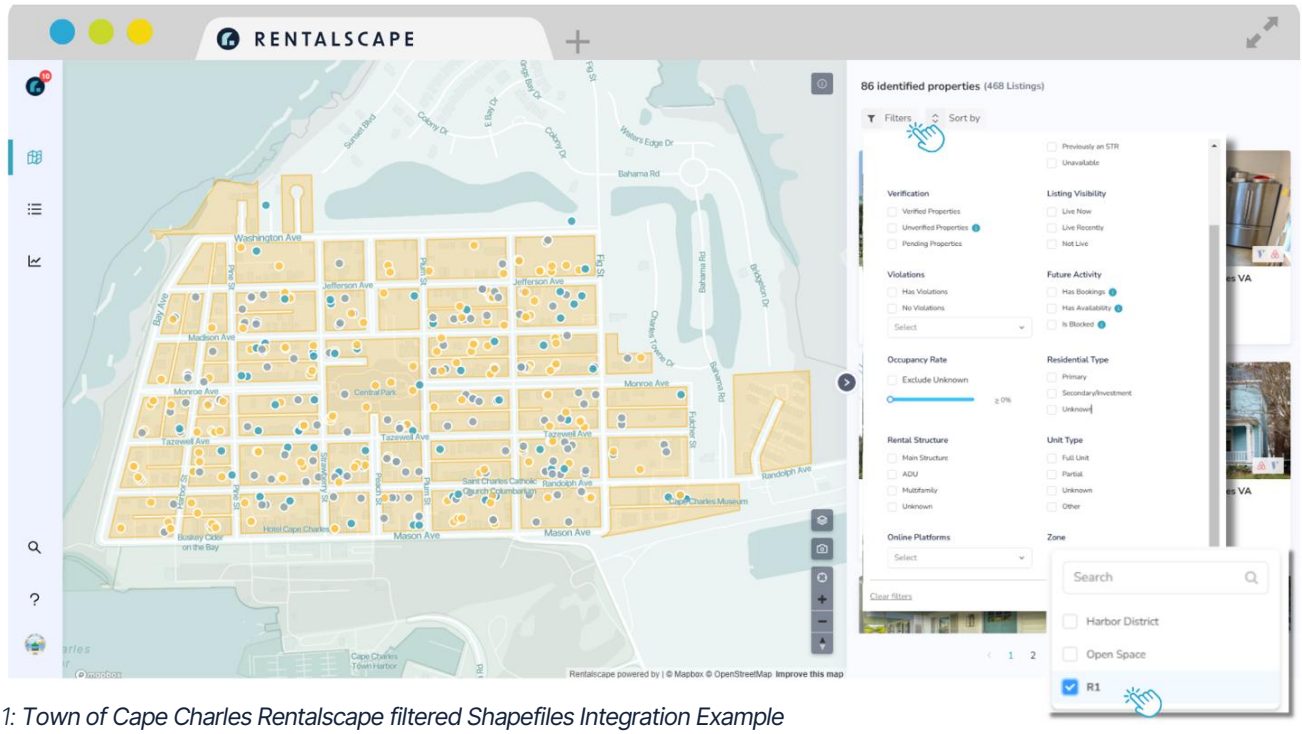


Figure 1: Town of Cape Charles Rentalscape filtered Shapefiles Integration Example

B. Services Required

Specific components of monitoring/registration/compliance/oversight & enforcement may include but is not limited to:

1. Identify short term rental facilities in the Town by various analytical data, including a GIS Mapping of Short Term Rentals in the Town of Cape Charles as a result of searching the internet for properties being marketed as Short Term Rentals or Vacation Rentals and utilizing the Town-provided business list for Short Term Rentals from 2024, thus creating a STR Database for our community. Provide ongoing monitoring of Short-Term Rentals, including platforms where marketed and include the dates/weeks advertised for rental, along with description information regarding occupancy for the property, including # of bedrooms. Ability to provide reports as needed on any new Short Term Rental properties identified that may not be licensed by the Town yet.

   This STR Database should include and archive screenshots of the STR listings as well as copies of the photographs appended to the STR listings. Screenshots and photographs should contain readily identifiable information such as date taken and URL or other such information that makes it readily identifiable. STR database should include the ability to mass export said screenshots and photographs with the identifiable information affixed. The STR Database should be sufficient for the Town to use for outreach, monitoring, and code enforcement purposes. The STR Database should allow Town staff to append additional information in separately created fields, separate from the aggregated characteristics.

   Deckard's Rentalscape platform provides Cape Charles with a comprehensive solution for identifying, mapping, and monitoring short-term rental (STR) properties:

   STR Identification & Database Creation

   Extensive Data Collection: We scour popular online platforms (e.g., Airbnb, Vrbo) and other small local listing sites, this in conjunction with the Town's business list of STRs will allow us to capture every marketed property within Cape Charles.

   GIS Mapping & Property Matching: Each identified listing is matched to a precise address and parcel number. We then display these properties within a user-friendly GIS map, giving the Town a clear view of all known STRs in the community.

   Continuous Monitoring: Our system updates regularly, ensuring newly listed or modified rentals are captured in near real-time.

   Detailed Rental Information

   Occupancy & Booking Details: Rentalscape logs information like the advertised capacity, number of bedrooms, and the dates or weeks listed as available for rent.

   Screenshots & Photographic Evidence: Each STR listing includes a date-stamped screenshot and attached photographs, complete with the source URL or other uniquely identifiable information, for reliable documentation.

   Compliance Tracking & Reporting

   Unlicensed STR Alerts: The moment a new or unlicensed STR is identified, our platform flags it. Users can generate reports focusing on unregistered properties for immediate outreach or enforcement.

Bulk Exports: Rentalscape can export screenshots and photos with all identifying details, facilitating sharing, record-keeping, or legal reference. We also include these images in violation letters, providing clear evidence of any non-compliance and helping STR owners quickly understand and address issues, ultimately driving higher levels of compliance.

System Flexibility for Town Staff

Data Customization: Town staff can append additional fields (e.g., notes, follow-up status, code enforcement details) directly within the platform.

Enforcement & Outreach Support: The robust database and integrated GIS map allow Town employees to efficiently plan mailer campaigns, track violations, and follow up with property owners.

By combining ongoing data collection, comprehensive property mapping, and configurable reporting tools, Deckard's system meets Cape Charles's need for a reliable and transparent STR Database that supports outreach, monitoring, and code enforcement efforts.

2. Provide educational services and customer support services to short-term rental owners and management companies regarding the Town's reporting requirements.

Deckard Technologies provides a holistic approach to educating and supporting short-term rental (STR) owners and management companies regarding the Town's reporting requirements. Working closely with Town officials, we develop FAQs and reference materials tailored to local regulations, ensuring that owners have easy access to crucial information. Our system is designed to minimize confusion, allowing users to navigate the registration and reporting process with ease. When questions arise, Cape Charles dedicated customer service manager is on hand to provide direct assistance, helping property owners and managers remain compliant. Additionally, our East Coast Sales Director is available to participate in board meetings, upon request, to explain Deckard's technology and compliance strategy in depth. This integrated support structure empowers both Town staff and STR owners, resulting in a more efficient and transparent enforcement process.

In alignment with the Town's vision, our STR software automatically sends out annual renewal notices for the Short-Term Rental Zoning Permit, Business License, and Safety Inspection incorporating provisions of the STR Zoning Ordinance. By default, these reminders are delivered via email (if they are registered), though we can also send paper mail notifications if the Town prefers (be default if they are not registered). On a monthly basis, if a property owner fails to remit Transient Occupancy Tax (TOT) or submit the required reporting by the specified deadline, our system triggers an email to the owner and logs the event. If the matter remains unresolved, the Town's Compliance Office can filter by event count for potential enforcement action, in accordance with the Town's Short-Term Rental Ordinance and any relevant state requirements. By tracking each notice in real time, the platform helps the Town maintain a clear record of outreach, ensuring a proactive approach to STR compliance.

3. An online website, reachable through the Town's website, for the Annual Registration/renewal services of short-term vacation rentals in accordance with Town Code to include workflow processes that will include business licensing, safety inspection, and STR Zoning Permit for each distinct Short Term Rental property. Said process needs to include the following:

1) automatic notice capability of renewal deadlines to property owners and/or their property agent;
2) submission of all applications and supporting documents electronically to the Town;
3) internal workflow approval process to the involved departments of Building, Treasurer, and Planning/Zoning; and

Deckard offers a fully integrated registration and tax portal that can be accessed directly through the Town's website, supporting annual registration and renewal processes for all short-term rentals. Property owners or their designated agents receive automatic renewal deadline notices, and they can submit the required documents—such as a business license, safety inspection results, and STR Zoning Permit—completely online. For safety inspections, we provide an optional module enabling field agents to record on-site evaluations in real time, though owners may also upload completed inspection documentation if the Town prefers. Our platform allows the Town to define a customized workflow with status updates (e.g., "Submitted," "Under Review," "Approved," "Requires Correction," etc.) that reflect each department's specific process. Building, Treasurer, and Planning/Zoning staff can filter applications by these statuses, making it easy to see which registrations need attention and when. Once a department's review is complete, they can change the application status. This structured approach ensures a transparent, coordinated flow of information until the final approval is granted.

4) issuance of said permits electronically with e-mail notification to the applicant, once approved by the Town.

Individual property owners will need to have distinct account creation and log-in for their property into this software for applying, editing, reviewing, renewing and responding to any communication from the Town regarding their Short-Term Rental property. Additionally, vacation management companies and/or agents will need the ability to access and submit for multiple properties on behalf of the individual property owner(s) and will need to have the same level of communication and interface with the software that the individual property owner will have.

This online website will need to be able to accept payments associated with the application for a STR Permit, Annual Safety Inspection and Annual Business License.

Deckard Technologies offers a comprehensive, user-friendly online portal posted on the Town's website to manage all aspects of short-term rental registration and renewal in accordance with Town Code. This platform accommodates business licensing, safety inspections, and short-term rental zoning permits for each distinct property, with automatic notifications for renewal deadlines sent to owners or their agents. All applications and supporting documents can be submitted electronically, while an internal workflow seamlessly routes approvals among Building, Treasurer, and Planning/Zoning. Once approved, permits are issued electronically and emailed to the applicant. Distinct account creation allows individual property owners to manage their own listings, while vacation management companies can oversee multiple properties. The platform also securely processes payments associated with STR permits, annual safety inspections, and annual business licenses, streamlining the entire process for both applicants and Town staff. See page 39.

In conjunction with this portal, the Rentalscape Inspection Module streamlines health and safety inspections by providing field agents with a mobile, web-enabled system. Agents can record notes, comments, or complaints in real time and generate PDF tickets directly from the field, improving communication between code enforcement and property owners. Any required actions are stored within the system and emailed to relevant parties, ensuring prompt follow-up before a property can be approved. The module integrates seamlessly with the broader Rentalscape ecosystem, creating a cohesive and organized approach to managing Cape Charles's short-term rental market. By fostering a proactive stance on code compliance, the Rentalscape Inspection Module helps maintain high property standards and a safer, well-regulated short-term rental environment. See page 45.

4. An online website to allow for monthly reporting and payment of Transient Occupancy Tax by the applicant or their designated agent.

   Deckard Technologies provides an online tax payment portal that allows STR operators or their designated agents to submit monthly (or quarterly/yearly) Transient Occupancy Tax reports and payments. The Rentalscape Tax Payment system automatically calculates taxes owed based on the Town's tax rate, while also computing any applicable late fees or penalties. Using Stripe for payment processing, we support both credit card and ACH transactions, with funds remitted directly to the Town. The system also captures data on the number of nights booked versus nights available, ensuring accurate and transparent reporting. By generating nightly transaction reports, the platform simplifies reconciliation for Town staff and reduces the manual burden of processing paper forms. Many of our existing clients have seen a rise in timely payments due to the portal's user-friendly interface, ultimately leading to increased tax revenue for their jurisdictions. See page 42.

5. Conversion file capability on a weekly basis to transmit the financial payment information of the initial licensing/permitting requirements as well as the monthly Transient Occupancy Tax collections from the Short-Term Rental Software to the Town's General Ledger which is on software from Southern Software, Inc. through their Financial Management Software (FMS) suite.

   Deckard Technologies Rentalscape system generates a nightly reconciliation file containing all payment data both for initial licensing/permitting fees and monthly Transient Occupancy Tax collections from our Short-Term Rental Software. This file can be formatted for easy import into the Town's General Ledger. Our approach ensures that payment and financial details are transmitted seamlessly and kept up to date, minimizing manual data entry for Town staff.

6. Forward facing platform for the general public to look up a property to determine if it has a STR Zoning Permit with the associated components of the Safety Inspection and Business License and contact info for the 24/7 oversight contact for the property.

   Deckard's Rentalscape STR Constituent Portal provides an interactive, publicly accessible map displaying all registered short-term rentals within the Town. This forward-facing platform can be tailored to show each property's STR Zoning Permit status, business license details, safety inspection records, and 24/7 oversight contact information. Branded with the Town's design elements and linked to other municipal systems (e.g., short-term rental registration), the portal ensures the public has easy access to essential property information in a user-friendly interface. See page 44.

7. 24/7 hotline for complaint/concern calls and generation of associated violation or complaint items through a Town approved Notice of Violation letter with applicable resolution requirements and rights of appeal contained in said electronic correspondence.

   Deckard provides a 24/7 hotline and an online complaint form, each allowing community members to submit short-term rental concerns at any time. Our system categorizes each complaint by type, enabling Town staff to filter and track them through a centralized dashboard. We can collaborate with the Town to develop a Notice of Violation letter that includes resolution requirements and rights of appeal. For a seamless process, we will need further details on the Town's preferred enforcement workflow such as timelines, letter structures, and appeal procedures to ensure the system aligns with local regulations and practices.

8. Assistance with dispute resolution with violators, i.e. provision of evidentiary items, especially concerning components concerning the advertised description of the property as it relates to compliance with the Short Term Rental Zoning Ordinance (i.e. occupancy/ # of bedrooms), information concerning the rental rate used relative to the calculation of Transient Occupancy Tax and the days and weeks in which a property was rented.

   Deckard's system automatically mines and stores details such as occupancy limits, number of bedrooms, advertised rates, and rental dates for each property, making it easy to verify compliance with the Town's STR Zoning Ordinance. We also capture weekly screenshots of online listings, providing officials with a reliable visual record of any advertised claims. In addition, Deckard is the only provider that mines listing calendar data daily, a crucial factor in generating accurate revenue estimates based on how often a property is rented. Our integrated complaint form feeds directly into each property card, allowing the Town to document and review any photo or text evidence provided by complainants. Because all relevant information is consolidated in a single, searchable interface, resolving disputes and verifying non-compliance becomes significantly more efficient.

9. Effective communication with the Town regarding concerns or issues related to short-term rentals.

   The system can be configured to automatically flag properties in violation of the ordinance or located in restricted zones, ensuring that Town staff receive immediate feedback when concerns arise. The assigned Customer Success Manager serves as a dedicated point of contact, actively monitoring these flagged properties, offering expertise, and coordinating quick resolutions. This centralized approach fosters clear, effective communication between Deckard and the Town, resulting in a more proactive and responsive short-term rental program.

10. Availability to conduct compliance audits of short-term rental operators.

    Deckard's system mines all accessible data from each STR listing, applying configurable violation filters aligned with the Town's ordinance. Any properties flagged by these filters can be tracked in detail on each property card, allowing Town staff to add notes and document the audit process. Should the audit warrant it, permits or licenses can be suspended or revoked during the investigation period, ensuring robust oversight of short-term rental operations. This streamlined approach allows the Town to efficiently target high-risk properties while maintaining a proactive stance on short-term rental regulation.

    Deckard's system mines calendar data daily, capturing up-to-the-minute information about each short-term rental's availability and bookings. By comparing these booking details with the posted rates, we can accurately estimate the tax owed for any given period. If an owner or operator reports an amount that falls below our calculated threshold, the system automatically flags the listing for a more detailed audit. This proactive approach prevents underreporting and ensures that all operators are contributing their fair share.

11. Monthly reporting (or as needed) of key analytical information to the Town.

    Rentalscape offers real-time analytics and dashboards, enabling Town staff to generate monthly or on-demand reports whenever needed. With unlimited user access, officials can easily view metrics through a community dashboard for quick visual snapshots, or export detailed data in Excel format for more in-depth analysis. This flexible reporting structure ensures that everyone involved in managing short-term rentals remains well-informed and can act promptly on emerging trends. See page 36.

12. Level of service and customer support for the STR SaaS and the Town staff.

    See page 17 for a detailed breakdown of Deckard's service level agreement and our customer support philosophy.

13. According to the Code of Virginia, Section 58.1-3826, all third party Accommodation Intermediary Companies, such as Airbnb and VRBO, are required to file, collect and remit the local Transient Occupancy Tax on short-term rental accommodations, along with a list of the property addresses of the short term rental reservations provided through their rental platforms. The Town is receiving direct payment from at least 2 such companies but the accompanying reporting breakdown information is not being supplied for proper crediting to the accounts of monthly Transient Occupancy Tax (TOT) Payments nor verification of accuracy of TOT due and remitted, based upon actual rental rates and nights occupied. Need SaaS to address this issue within their proposal if they have experience with this issue and how this has been addressed for other localities.

    Deckard's system is fully equipped to address the challenges outlined in Code of Virginia, Section 58.1-3826, by facilitating more transparent reporting and accurate tax calculation for both individual STR operators and large accommodation intermediary companies like Airbnb and VRBO. While the Town may already receive direct payments from some of these platforms, our solution closes the information gap by requiring STR owners to report their monthly revenue, including platform-specific earnings. This approach allows the Town to verify whether the remittances from Airbnb and VRBO align with actual rental rates and nights occupied. Additionally, our system can generate estimates of what these platforms should be paying based on real-time data, helping the Town hold them accountable if discrepancies arise. Because owners file monthly regardless of whether revenue was generated the Town gains a comprehensive, ongoing view of the overall tax landscape, bolstering compliance and ensuring accurate allocation of Transient Occupancy Tax payments. Deckard has configured this set up for many jurisdictions with voluntary collection agreements (VCA's) across the country with great success.

14. Historic Data Import: The Town is currently using Southern Software, Inc., specifically their Financial Management Software (FMS) suite, for handling the business license component for Short-Term Rentals as well as the monthly remittance of the Transient Occupancy Tax. With the adoption of new Short-Term Rental Zoning Ordinance, the Town has now developed an internal database thru an excel spreadsheet, using the property address as the primary account unifier between the FMS software and Excel spreadsheet which is tracking the additional data now required under the STR Zoning Ordinance, including the size of bedrooms, # of bedrooms authorized, and resulting occupancy limits per address. The Town is desirous to determine the feasibility of incorporating this historic data into this new software product for ease of customer use.

    Deckard specializes in integrating property information from various sources into a unified database, ensuring the highest level of consistency and accuracy. We can import your existing STR property data—such as addresses, bedroom counts, and occupancy limits—from both Southern Software's FMS suite and your internal Excel spreadsheet, aligning each property with its corresponding parcel number for a reliable primary ID. However, we typically do not import historical tax data, as merging legacy financial records into a new system can introduce discrepancies and is not considered an industry best practice. By focusing on current and verified property information, we help the Town maintain an accurate and up-to-date short-term rental database without compromising data integrity.

C. Calendar

The Town is currently using a hybrid approach (Financial Software for components of this process – business license registration and renewal & Transient Occupancy Tax payment & reporting), Excel Spreadsheet for summary tracking by property address for property details regarding bedrooms & occupancy as well as approval of property safety inspections, and hard copy paper applications for every property to initiate all of these reviews and approvals required under the STR Ordinance. All approvals and licenses run on a calendar year basis.

The Town is desirous of mid to late summer 2025 "GO LIVE" date to ensure sufficient time is allotted to fully ensure the system setup is accurate and in compliance with the Town Zoning Ordinance and Town Code Requirements. We would like to have an October 1, 2025 opening for license renewal and new license applications for Short-Term Rentals and safety inspections for the upcoming 2026 rental season on the new SaaS platform, including training for the external users of the software. All proposals need to provide a proposed calendar that addresses the feasibility of both the projected dates that the Town is hoping to achieve with this RFP as well as the attendant external user training to assist in the transition from our current processes to an on-line, automated. process

Deckard's address identification and monitoring system is already operational, enabling us to associate short-term rental listings with precise addresses and parcel numbers well in advance of your desired launch. Our tax and registration portal is built for rapid, flexible configuration, allowing our Product Manager and Customer Success team to collaborate closely with Town staff to ensure accurate compliance with the Town Zoning Ordinance and Code requirements. Based on our experience working with numerous jurisdictions nationwide we can confidently meet your proposed mid-to-late summer 2025 "go-live" date. In fact, we routinely implement systems ahead of renewal periods, offering an intuitive interface that allows external users to adopt the new process with minimal disruption. By October 1, 2025, the Town's licensing renewal and application cycle for the 2026 rental season will be fully supported on our platform, complete with comprehensive user training to ease the transition from the current hybrid approach to a streamlined online process. See page 46 for a detailed timeline.

Furthermore, jurisdictions that have adopted Deckard's solution consistently report that our platform is operational much sooner than competing systems. Our efficiency stems from proprietary data mapping methods, a flexible configuration process, and dedicated support teams who guide clients through each step. This streamlined approach not only accelerates deployment but also reduces administrative burdens for local government staff.

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Project Understanding

Include a description of their understanding of the project in the proposal narrative. This will include articulation of the Town's vision and expected outcomes.

The Town of Cape Charles seeks a unified, user-friendly solution for managing the rise of short-term rentals (STRs) within its corporate limits. Deckard Technologies recognizes the Town's chief goals: identifying and monitoring all STRs, streamlining permitting and tax collection processes, and ensuring compliance with newly adopted Zoning Regulations. Our platform, Rentalscape, is designed to meet these objectives efficiently.

Address Identification & Compliance

Deckard's AI-powered tools locate all online STR listings and precisely match them to physical addresses and parcel numbers.

This data serves as the foundation for ongoing compliance monitoring. Properties violating Town regulations—such as zoning or occupancy limits—are automatically flagged for swift investigation.

Transient Occupancy Tax (TOT) Collection

Deckard supports monthly tax remittance through an integrated payment portal, ensuring each STR operator is accurately charged based on bookings and rental rates.

By logging zero-activity periods, the Town gains a continuous view of revenue and can verify whether intermediary platforms (e.g., Airbnb, Vrbo) accurately remit TOT.

Software Integration & Data Export

Deckard's platform can work alongside the Town's existing Southern Software FMS suite for financial records, and we can import or export data to maintain consistency across all departments.

Our approach ensures minimal disruption while modernizing the Town's processes.

Seamless Licensing & Inspections

Our online portal replaces paper-based processes by capturing crucial data (e.g., business license details, inspection outcomes, occupancy information) in a central database.

Staff can access these records, approve safety inspections, and track permit renewals within the same system, reducing manual tasks and paperwork flagged for swift investigation.

Public Outreach & Communication

We provide a 24/7 hotline, complaint form, and public-facing portal for transparency.

FAQs and training materials help owners navigate the new rules, and our system issues timely email reminders for renewals or upcoming inspections.

Expected Benefits

Comprehensive Oversight: A single source of truth for licensing, inspections, complaints, and tax collection.

Increased Revenue: Better visibility into bookings leads to more accurate TOT remittances.

Reduced Burden on Town Staff: Fewer manual workflows and improved record-keeping.

Enhanced Community Trust: Clear rules and transparent enforcement demonstrate fairness and consistency.

With experience deploying similar solutions across various jurisdictions, Deckard is prepared to help Cape Charles transition to a fully digital approach for STR oversight, supporting both the Town's present needs and its future growth as a top-tier tourist destination.

Experience & Qualifications

Headquartered in San Diego, California, Deckard Technologies was founded in 2018 to support compliance within the U.S. real estate market for the public sector. Deckard leverages data science expertise to assist local governments in managing compliance activities and enforcement, particularly regarding short-term rental (STR) properties. Our technology ensures that everyone is held accountable to the same set of rules, adheres to all guidelines and ordinances, and pays their fair share of fees and taxes.

The Deckard Team - See Page 20- has successfully implemented hundreds of Rentalscape platforms across the U.S. With over 300 clients, our customers range in size from small jurisdictions like Dalton, GA, to larger ones like Placer County (Lake Tahoe), CA; Asheville, NC; Phoenix, AZ; and Galveston, TX...and growing!

Deckard employs 87 staff members, including administrative (9.5), sales (8.5), technology (14), operations support (44), and client success and engineering (11) across all offices.

With a client retention rate of 99%, our success is directly attributed to the vast knowledge and experience of our team. This 'well-oiled machine' works closely with our customers to deliver the most accurate data and the highest quality support, helping cities and counties improve compliance and increase tax and fee revenue while preserving the quality of local life.

Rentalscape, by Deckard Technologies, tracks short-term rental activity across the internet every day. While others focus on major sites, Rentalscape continually scans the internet looking for short-term rental listings. To date Rentalscape has identified over **10,000 websites advertising short-term rentals** with new ones being discovered regularly. **A key differentiator, Deckard's Patents, protects our data mining and the analysis of the data collected to generate deep insights. No other company can match our accuracy on identifying short-term rental addresses.**

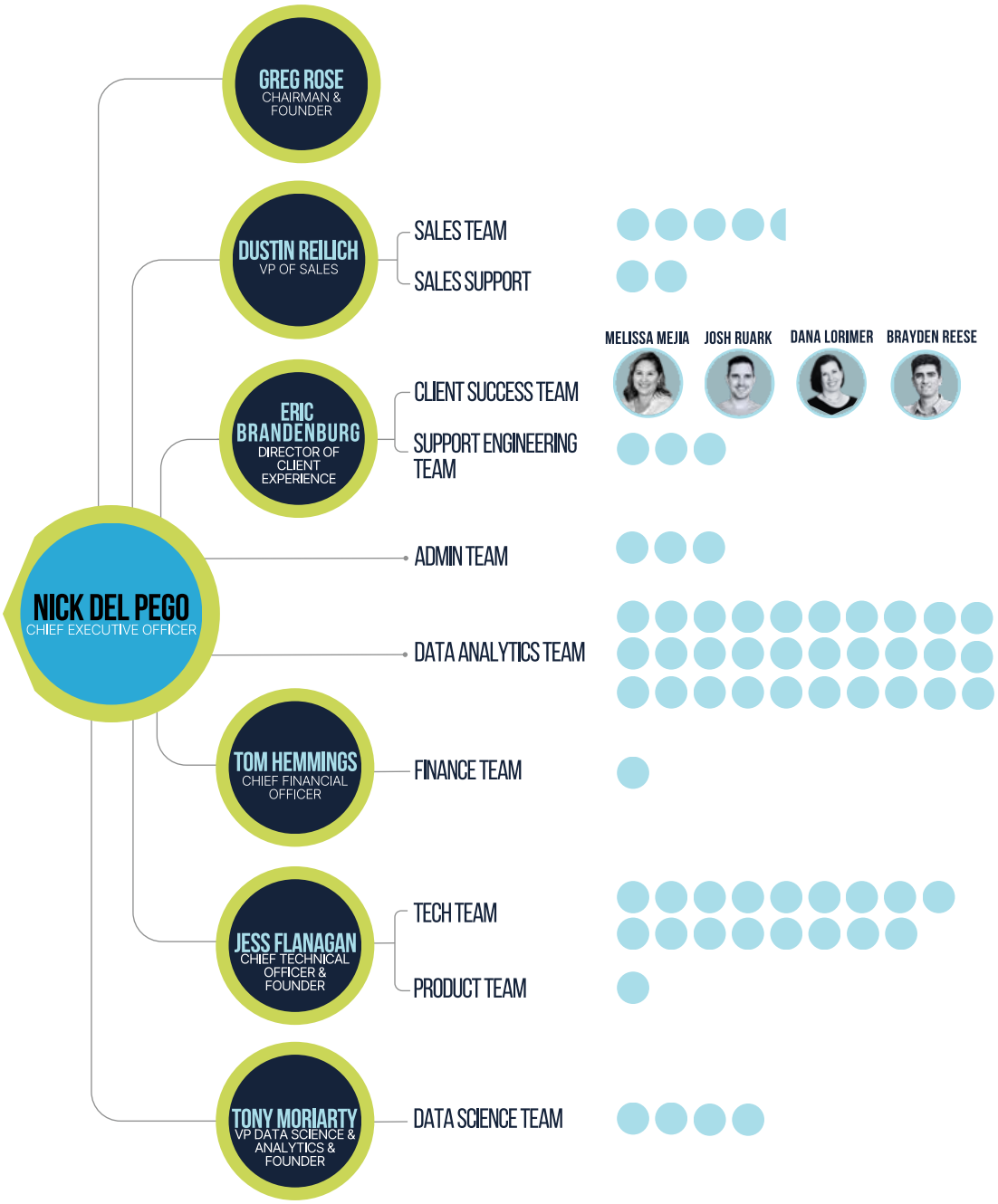
	PUB.APP.NO.	Title
2 Allowed US Patent Applications	20210103998	Identifying and validating rental property addresses
3 Pending US Patent Applications	PATENT #11741560 Issue Aug 29, 2023	Detecting and validating improper homeowner exceptions through data mining, natural language processing, and machine learning

The Rentalscape platform pinpoints the exact addresses of STR listings within Town limits, providing an accurate representation of STR activity across the Town and its community districts. Rentalscape organizes listings and calculates statistics on a per-property basis, ensuring that activity is not double-counted by mapping each property's precise location. This level of accuracy enhances compliance, enforcement, tax collection, and complaint management.

Rentalscape is the only platform that automatically updates upcoming rentals and bookings shortly after reservations are made.

In every jurisdiction where we provide our service, we have increased compliance and improved tax/fee collection. Our process starts with producing the cleanest data possible – ensuring reporting is accurate and compliance levels are carefully monitored. We also regularly consult with Town staff to ensure we stay up to date with the latest STR best practices.

Organizational Chart



References

We believe that **continuous innovation** is essential to meeting the challenges of today and tomorrow. We are proud of our achievements and solutions, which enable cities and counties to manage short-term rental activities and ensure that local rules and ordinances are enforced for the betterment of local residents.

The following References are examples of successful partnerships between Deckard Technologies and its clients.

Town of Mount Pleasant, SC

JANE YAGER-BAUMRIND
PLANNING & DEVELOPMENT

jyager-baumrind@tompsc.com
843-884-1229

PRODUCT:
RENTALSCAPE, STR REGISTRATION PORTAL

POPULATION: 95,232
NUMBER OF STR LISTINGS: 1,094
NUMBER OF STR PROPERTIES: 476

Monroe County, FL

SAM STEELE
TAX COLLECTOR

ssteele@monroetaxcollector.com
305-302-6920

PRODUCT:
RENTALSCAPE

POPULATION: 80,614
NUMBER OF STR LISTINGS: 5,660
NUMBER OF STR PROPERTIES: 1,921

Village of Saranac Lake, NY

JAMIE KONKOSKI
COMMUNITY DEVELOPMENT DIRECTOR

comdev@saranaclakeny.gov
518-891-4150 ext 235

PRODUCT:
RENTALSCAPE

POPULATION: 4,871
NUMBER OF STR LISTINGS: 274
NUMBER OF STR PROPERTIES: 202

Northern Kentucky Convention & Visitors Bureau, KY

JOSH QUINN
PRODUCT DEVELOPMENT DIRECTOR

jquinn@meetnky.com
859-393-9888

PRODUCT:
RENTALSCAPE

POPULATION: 95,702
NUMBER OF STR LISTINGS: 190
NUMBER OF STR PROPERTIES: 97

City of Lancaster, PA

JAMEEL THRASH
ZONING OFFICER

jathrash@cityoflancasterpa.gov
717-989-3710

PRODUCT:
RENTALSCAPE, OUTREACH CAMPAIGN

POPULATION: 57,153
NUMBER OF STR LISTINGS: 448
NUMBER OF STR PROPERTIES: 191

City of North Charleston, SC

TANYA MCCARGO
STR ADMINISTRATOR

tmccargo@northcharleston.org
843-740-2818

PRODUCT:
RENTALSCAPE

POPULATION: 121,469
NUMBER OF STR LISTINGS: 2,355
NUMBER OF STR PROPERTIES: 878

Integrations

Describe any integrations you have implemented with permitting applications and collection services for associated annual fees and monthly tax remittance fees, including integration of collection data with the municipality's general ledger/finance software.

Deckard has extensive experience developing integrations that connect our permitting and tax collection modules with various third-party software platforms. Our core suite of products—covering permitting, licensing, and Transient Occupancy Tax (TOT) collection—is designed to work seamlessly together, minimizing the need for manual data transfers. However, when municipalities opt to use existing external systems, our technical team is well-equipped to establish custom integrations, having successfully done so for more than 20 jurisdictions. A key element of these integrations is our nightly reconciliation file output, which simplifies the process of recording STR-generated revenue directly into a municipality's general ledger or finance software, such as Southern Software's FMS. This streamlined approach ensures that permitting data, fee collection, and financial tracking remain tightly synchronized, giving municipalities a clear, real-time view of their short-term rental landscape.

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Our support philosophy

The Rentalscape Advantage

Dedicated Client Success Manager (CSM)

Your CSM serves as an ongoing partner, advocating for your success and facilitating collaboration between Deckard Technologies and your team. This relationship ensures staff needs are met efficiently, creating a foundation for exceptional service and long-term success. At Deckard Technologies, exceptional customer service isn't an extra feature - it's our philosophy!

Comprehensive and Ongoing Training

- Initial and refresher training sessions tailored for Town staff
- Training materials provided electronically for easy access
- Virtual training reduces costs and ensures consistency
- Unlimited users

Unlimited Access and Support

Unlimited users and training included at no extra cost, your CSM is available to provide assistance and address your concerns. Your CSM is always accessible via phone, email, and/or virtual meetings, ensuring you have the partner you need to achieve your program goals.

Proactive Updates and Enhancements

Quarterly software updates keep the system aligned with the evolving needs of the short-term rental market and ensures continuous improvement.

Rapid Issue Resolution

All In addition to having access to a dedicated CSM, you'll have access to the Customer Support Portal for fast and efficient issue resolution. Requests are reviewed daily, and all reported issues are escalated the same business day through our monitored email and online support system. Deckard is equipped with the tools and resources necessary to support your customer journey effectively.

With Rentalscape, exceptional customer service isn’t extra—it’s our mission.

Service Level Agreement

At Deckard, we develop reliable and safe systems. We want our government clients and their constituents to have confidence that our systems are available, reliable, accurate and safe. We have our core security, dev-ops and development teams on call 24/7 in the unlikely event a breach or outage occurs. We audit access, and test system integrity on a daily basis.

This SLA defines the terms, conditions, and expectations for the response and resolution of customer service-related issues and critical incidents (bugs) encountered by the Customer when using the software provided by Deckard Technologies.

Severity Level and Response Targets

Severity Level	Description	Response Target	Resolution Plan with Timeline
Priority 0 (P0)	Total loss of system functionality. Indications of a security incident	Within 15 minutes *For registration and tax payment systems within 1 hour the site will be replaced with a message explaining the situation	Within 8 business hours
Priority 1 (P1)	Significant loss of functionality, e.g. a significant portion of users are unable to login or pay.	Within 2 Business Hours	Within 8 business hours
Priority 2 (P2)	Anomalies in system function or administration that require assistance. Non-urgent product issue or question.	Within 1 Business Day	Within 1 Business Day
Priority 3 (P3)	Non-critical, short-term issues affecting a small segment of users, along with non-urgent administrative inquiries	Within 2 Business Days	Within 2 Business Days

Resolution Time:

- The Provider is committed to resolving confirmed critical, severity one incidents (including complete service outage or a loss of essential functionality) as soon as possible, with an expected resolution by the start of the next business day (after incident confirmation).
- Resolution times for confirmed non-critical issues may vary depending on the complexity and impact of the issue and will be determined on a case-by-case basis.

Reporting Issues

- The Customer shall report P1 and below through this designated email: rentalscape.support@deckard.com
- Critical P0 issues shall be reported by phone; additional contacts to be provided.
- These reports should include a detailed description of the issue, including any relevant documentation, screenshots, or error messages.

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The Team

A successful short-term rental program only works through close and continual collaboration.

only possible with RENTALSCAPE

Unlike our competitors, Deckard provides direct access to all the senior staff. The executive team frequently travels to meet our clients, speak at town meetings, and continually incorporate feedback into our products. We are always seeking improvements in our systems, and this is only possible by working directly with our customers.

At Deckard, you receive the direct cell phone numbers of your Client Success Representative and our executive team. We prioritize building strong relationships with our customers and are committed to ensuring success at every level. When you reach out to us—whether for support, assistance with enforcement, or to suggest system enhancements—you'll always connect with a dedicated team member, never a call center. **Deckard will not be contracting with any sub-consultants for this service.**



Nick Del Pego

Chief Executive Officer
EXPERIENCE: **25 YEARS**

Mathematician, U.S. SpecOps veteran, seasoned corporate senior leader and all-around problem solver. Nick's career path has always left him solving difficult problems with finesse and efficiency. He stays actively engaged with our customers and takes pride in providing solutions that meet your needs. Nick demonstrates his commitment to client engagement by sharing his personal cell phone on LinkedIn.



Jessica Flanagan

Chief Technical Officer
EXPERIENCE: **16 YEARS**

Jess is a career software engineer, technical manager, accomplished communicator and public speaker, team mentor, gamer, women-in-tech advocate and former white hat hacker, bringing over 12 years of software engineering experience to the team. Our data engineering team is the backbone of everything we build. Jess will provide strategic oversight to ensure Cape Charles short-term rental platform is built and maintained to the highest technical standards.



Tony Moriarty

VP of Data Science
EXPERIENCE: **16 YEARS**

Machine Learning & Data Science Lead, Big Data native and software research engineer, and Open-Source contributor. Tony and his team elevate what is possible through modern data science techniques and allow us to find more property locations and uncover more sights than anyone else in the market. Tony will certify Cape Charles data remains the strongest foundation for accurately identifying and analyzing short-term rentals.



Dustin Reilich

VP Sales & Govt Affairs
EXPERIENCE: **31 YEARS**

As the head of Sales, Dustin brings decades of government experience to the Deckard team. His far-reaching experience has taken him to every city and county in California, as well as countless other jurisdictions nationwide. He is passionate about staying involved throughout the implementation process to ensure his clients get exactly what he promised, and more.



Melissa Mejia

Director of Client Success
EXPERIENCE: **20 YEARS**

Melissa, our Director of Client Success, leverages 20+ years in real estate appraisal to drive results. Her strategic client engagement, data-driven decisions, and client-centric leadership have boosted retention and business growth. She believes clients are a business's heart and leads her team to deliver exceptional experiences, exceeding expectations for mutual success. Melissa will make sure Cape Charles project receives comprehensive support from start to finish, guaranteeing a smooth and successful outcome.



Dana Lorimer

Sr. Client Success Manager
EXPERIENCE: **30 YEARS**

Dana has worked in many industries, ranging from customer service in the Hotel Industry to Financial Compliance. Over the past 8 years Dana's specialty has been working in Financial Compliance, Risk Management and maintenance. Dana has worked with Cities and Counties across the board solving problems and creating processes. Dana will be the Town of Cape Charles customer success manager.



Dave Brown

NE Region Director of Sales
EXPERIENCE: **23 YEARS**

Dave is our NE Region Sales executive with more than 23 years' experience in both SLED and Public Safety Markets working with city managers, procurement directors, and finance managers. Dave has a vast knowledge of how local governments work and a bachelor's degree in criminal justice. Dave will remain a dedicated point of contact for the entire duration of the contract with the Town, guaranteeing consistent support for any contract-related discussions or needs.



Eric Brandenburg

Director of Project Management
EXPERIENCE: **24 YEARS**

Eric Brandenburg is a highly accomplished military leader with extensive experience in program management, cyber warfare, and technical sales engineering. His proven ability to handle complex programs and deep cybersecurity knowledge make him an indispensable asset to elevate your project. Eric will certify the Town's project timelines are met and the system is configured accurately for optimal performance.

Project Approach

The Rentalscape STR identification & management process

At Deckard, we don't just sell software.

Unlike many SaaS (Software as a Service) companies that roll out a solution then "set it and forget it", Deckard partners with 400+ jurisdictions across the US to build a complete short-term rental program tailored to their communities. We also continuously enhance the software with new features and improvements to optimize usability and functionality. In 2024 alone, we have onboarded over 100 new clients.

Our goal isn't just to provide software; it's to empower communities to identify all short-term rental activity, ensure operators comply with applicable laws, bring people into compliance, and reduce the workload on your staff. Managing issues such as noise complaints or underpaid taxes is a breeze with Rentalscape by Deckard.

> *Rentalscape is an absolute game-changer - we had 100% more information and that makes my job 1000% easier*

Jane Yager-Baumrind
Short-Term Rental Coordinator
TOWN OF MT PLEASANT, SC

Example of a recent successful STR program

On January 3, 2023, Deckard Technologies replaced Avenu Insights as the provider of Short-Term Rental Identification and Management Services for South Padre Island, Texas—a premier beach destination with a high-demand short-term rental market. This successful transition highlights our expertise in implementing large-scale compliance and monitoring solutions. Managing a dynamic market like South Padre Island has provided invaluable real-world experience directly applicable to Cape Charles, which had over 492 active short-term rental listings last year. The best practices we've developed in projects like these equip Deckard to help Cape Charles effectively manage its short-term rental marketplace in compliance and streamlining registration efforts.

In just 10 business days, we kicked off our program, configured the core Rentalscape system and opened access to staff in South Padre Island, which had over **9,000** short-term rental listings across more than **3,000** properties. South Padre Island started using Rentalscape on January 18 – just 15 days after finalizing their contract!

How is this possible? It's because Rentalscape by Deckard is the only platform that tracks short-term rental activity for every town, city, county, and state in the U.S.—not just for our customers, but for every single jurisdiction in the country. Rentalscape is already configured and live for The Town of Cape Charles – we just need to give you access. Our competitors typically take months to build and configure a system for tracking your short-term rentals, all while charging you for a service that has yet to be built. With Rentalscape, you get a solution within weeks of signing the contract.



Shortly after signing with Deckard, South Padre Island decided to expire all existing licenses and launch a new registration program. While this is uncommon, South Padre Island took this bold step to ensure that registered properties were well managed. Deckard configured South Padre Island's Short-Term Rental Registration platform to exactly match their ordinance between February and April for a go-live before May 1. After identifying over 95% of all short-term rentals on the island and with the help of the Rentalscape Outreach Campaign, we received over 2,300 license applications between May 1 and October 1, with more than 1,000 submitted in the first 24 hours of the new system going live.

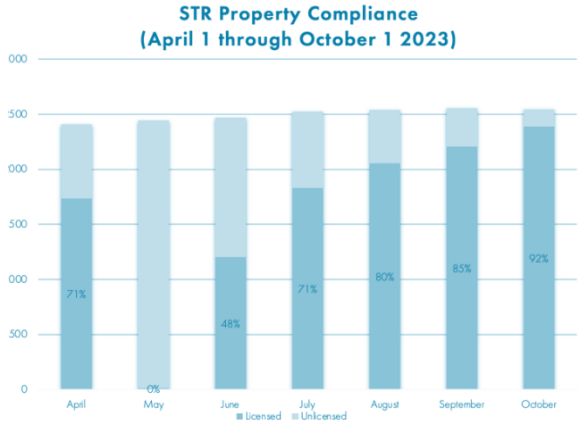


Figure 2: ***Compliance in South Padre Island***

After four years with Avenu Insights, South Padre Island had 72% compliance in short-term rental registration as of April 2023.

By October 2023, with the help of Deckard, South Padre Island raised their registered properties by over 600 and increased compliance to over 92%, with further gains still coming.

The Ordinance

01

Step one in a great STR program is having a **well-designed regulatory framework.** Deckard regularly works with the council to develop a great ordinance. The Town of Cape Charles already has a great ordinance.

What makes it great?

- STR's are required to obtain an annual business license and annual inspection.
- There are defined occupancy limits to maintain neighborhood character.
- The Town has specific zoning requirements based on location.
- There are strict penalties for violations which help maintain accountability and prevent misuse of STR properties.

The Message

02

Step two in a great STR program is **communication**. Deckard regularly works with council to communicate to the operators their responsibilities. The Town of Cape Charles already does this well too.

What makes Cape Charles great in our eyes?

- Your website on the subject is clear.
- You have an FAQ.
- Staff contact information for licensing and inspections is easily accessible.

Many of our 400+ customers who utilize the Rentalscape Outreach program can enhance their messaging. Once we have identified all the non-compliant operators, multi-letter campaigns are incredibly effective in bringing operators into compliance. The key is to clearly communicate that you have been tracking their operations, have accurately identified their address, and have tied the identification of the advertised property to an exact The Town of Cape Charles parcel number. See page 37-38 for example letters.

Deckard ties STR listings to exact parcel numbers and regularly updates parcel owner contact details from county data. Unlike competitor systems, there is no manual work required by Town staff to contact non-compliant operators.



The Data

03

Running a successful program is all about excellent data.

Having data that is complete, accurate, timely and actionable are all extremely important.

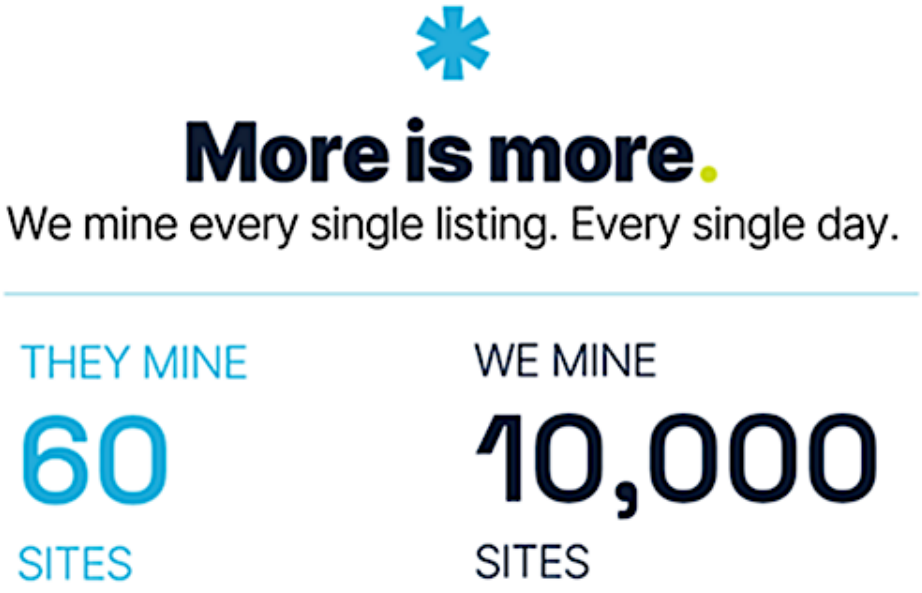
Deckard is a data company! We store over half a billion real estate images and monitor every listing in every city worldwide for changes daily. We store terabytes of data and add over one billion new records to our repository each day.

That's all great – but what does it get you?
How does The Town of Cape Charles benefit from great data?

Great data enables effective outreach. It helps ease people into compliance, but more on compliance below. Deckard's data collection is unlike any other platform in the industry. While other providers mine a fixed set of platforms, Deckard uses AI systems to scour the web 24/7, continuously searching for new sites with short-term rental listings.

The short-term rental industry is vast, with thousands of sites, brands, providers, and products. How many short-term rental platforms can there be? With **19,502 incorporated places** in the U.S. alone, each potentially hosting a local STR website, the number could be vast. So far, we've identified 10,000 sites worldwide and continue to expand our database. It's a diverse and ever-growing industry, and our goal is to uncover every platform.

The short-term rental industry is vast, with thousands of sites, brands, providers, and products. But what does it all mean? Below is a sample breakdown of the types of sites, the information available on each, and why it's essential to look everywhere.



The Big Guys

Airbnb, Expedia, TripAdvisor, and Booking.com are the four largest advertising platforms for U.S. short-term rentals. However, these platforms often exist in different forms. For example, Stayz.com.au contains identical information to vrbo.com—both are Expedia sites. Stayz.com.au
is simply the Australian version. Similarly, Bookabach.co.nz is another version of vrbo.com with a different logo; it's the New Zealand version. All three sites feature the same listings—they just have different branding.

Figure 3 lists the various forms these four platforms take. Note that many of these sites no longer exist; HomeAway.com and CanadaStays.com now simply redirect to VRBO.

Other solution providers that list all these sites as part of the catalog they monitor are just counting the same listings repeatedly, making it appear as though they monitor much more than they actually do.



Figure 3: ***Various guises of the four major STR platforms***

The Medium Guys

Deckard also monitors many smaller platforms, primarily specialty advertising sites such as Hipcamp.com, which focuses on camping sites, and BringFido.com, which specializes in pet-friendly accommodations. Another type of mid-sized STR site includes property management companies like Vacasa and Evolve.

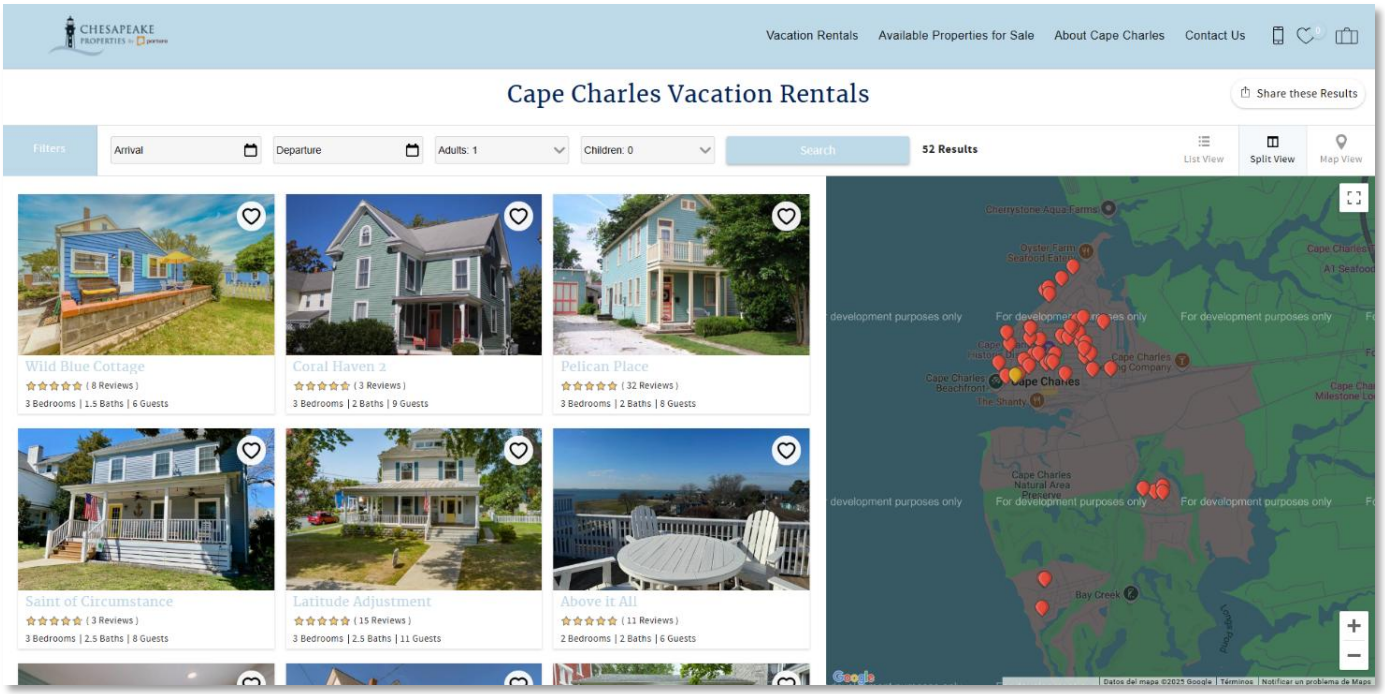
Rentalscape by Deckard regularly tracks listings on Hipcamp, BringFido, HolidayRentalsByOwner, Evolve, Vacasa, and hundreds of other mid-sized short-term rental sites. These large property management companies operate nationally and frequently list their properties on both major platforms and their own sites. **HolidayRentalsByOwner advertises around 7 listings in The Town of Cape Charles and many of their bookings are taken directly on their platform. Misterbandb has a presence in The Town of Cape Charles with 4 listings.**

The Local Guys

Rentalscape is the only platform that constantly searches for new sites. **No other provider in the country tracks local property managers or adds new platforms to their data collection daily.** In every city, there are some hosts and owners who may not adhere to regulations. While some might create their own websites to advertise or shift to smaller platforms to avoid detection, others simply prefer to use local sites.



The local site we track in the Town of Cape Charles currently is capecharlescottages.com. We have been tracking this particular short-term rental site for years.



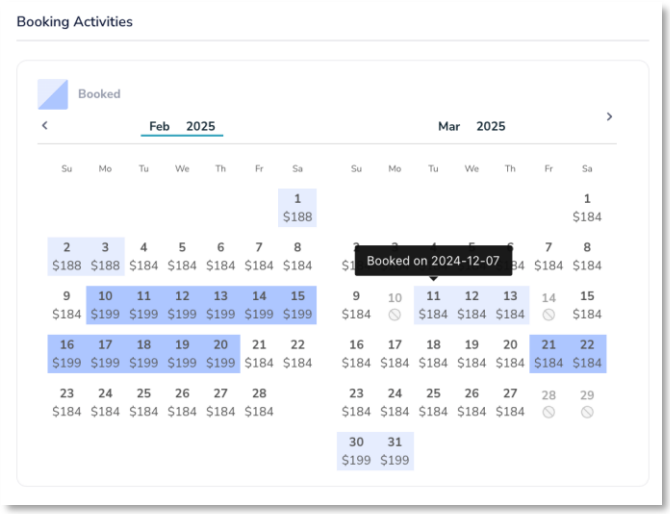
Cape Charles Cottages lists 67 properties in the town and we track activity on all of them.

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The Data Store

Rentalscape is the only system that continuously monitors short-term rental listings. It's the only platform that closely tracks every calendar and booking, ensuring that even last-minute reservations are captured. Without frequent monitoring, identifying these late additions would be impossible.





FutureCast™ tracks bookings as they are made. Rentalscape shows calendars for every property including the rate, the individual bookings and the date booked.

Figure 4 shows the calendar available within Rentalscape for every short-term rental property. The calendar on the left shows both past and future bookings. When two bookings are made back-to-back, they are highlighted in a different color (note change in color on February 10-20. The nightly rate is shown on all bookings along with the date the booking was made. To the right, the booking from March 11 to 13 was taken by the host on December 7, 2024.

Figure 4: ***Rentalscape Calendar***

The Deckard AI platform consists of thousands of computers running 24/7, mining data and analyzing the results with AI. It holds over half a billion images, nearly a billion short-term rental screenshots, and trillions of data records.

This system is the foundation for improving compliance. If there is an interior or exterior photo of a property, we likely have it. Deckard houses the single largest real estate data repository in the world – it's what we use every day to identify properties, track activity and generate the evidence required to ensure near-total compliance in The Town of Cape Charles.

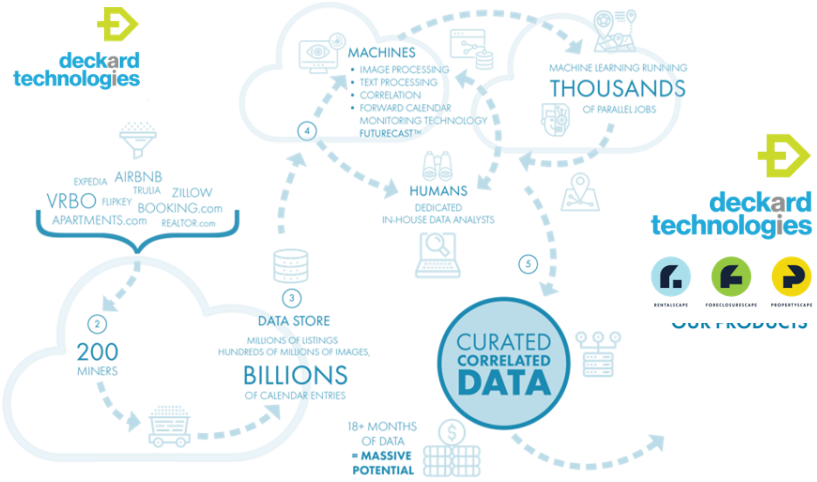


Figure 5: ***Deckard AI Platform***

The Artificial Intelligence

04

Having the only system that mines every short-term rental listing every day is just part of the solution. Rentalscape discovers thousands of new images each day. Rentalscape processes over a billion new data records daily. This data volume is far beyond what can be managed by humans alone. This is why at Deckard we have built a massive machine learning system that leverages extensive image analysis, natural language processing (text analysis) and artificial intelligence to process the data. The result is that we identify new short-term rentals soon after they start advertising. Our vast real estate data store doesn't just contain short-term rental data—it includes real estate sales, long-term rentals, street view data, county property records, property sales information, and ownership details, all fed into our AI system.

To date, our analysts have already matched over 202 short-term rental listings with the exact property addresses within the Town limits. We have approximately 293 listings yet to be mapped. Within 4-6 weeks of engaging with The Town of Cape Charles we expect to have over 98% of listings for properties correctly identified.

Figure 6 shows the Rentalscape map for the **Town of Cape Charles** where over **179 properties** have already been identified using our artificial intelligence systems.

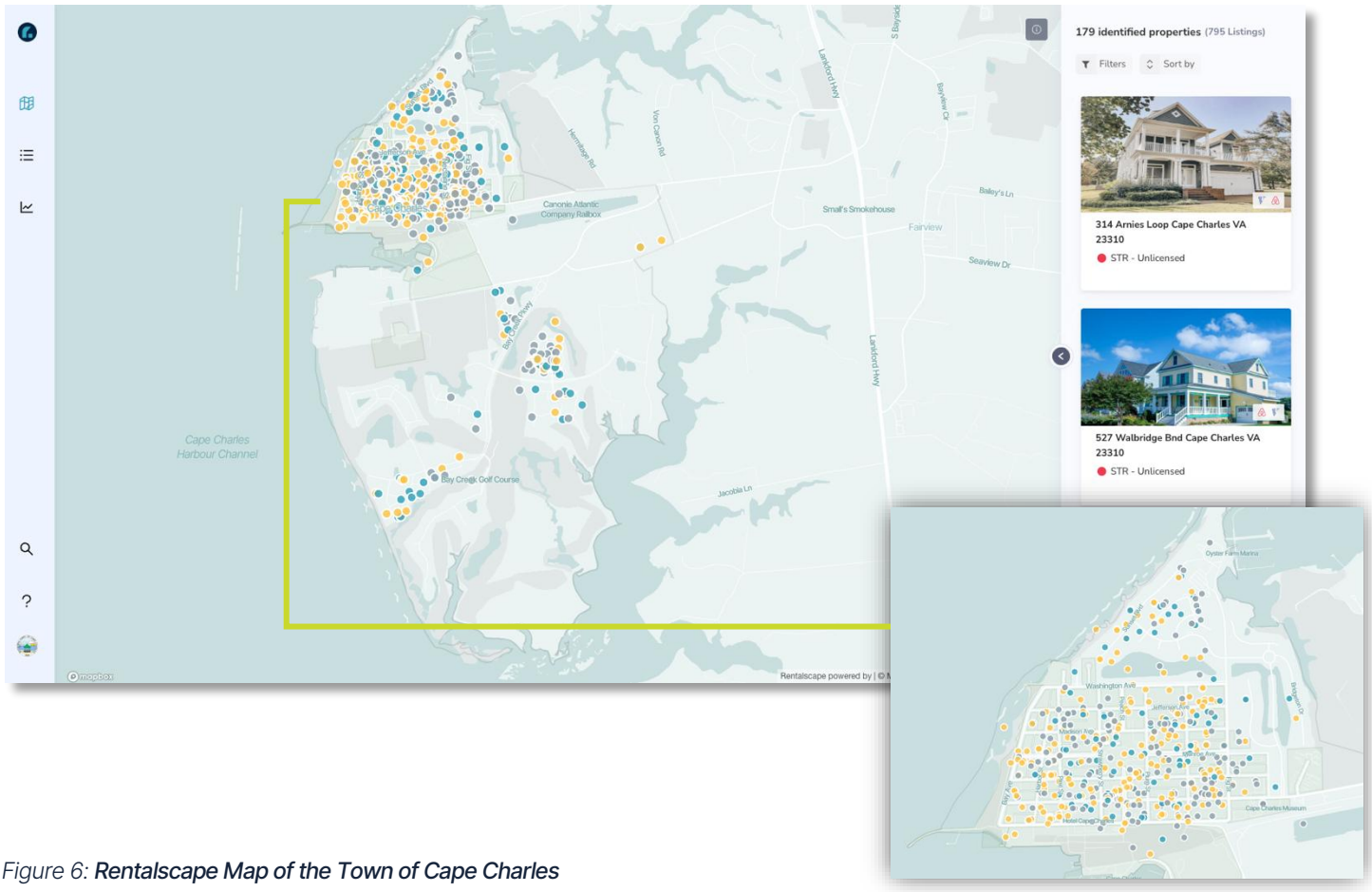


Figure 6: ***Rentalscape Map of the Town of Cape Charles***



*Figure 7: **Image Matching***

How does it all work? The Rentalscape image matching system is completely unique in the industry. This multi-tiered system can, of course, match identical images, but the real magic is lies in the ability to match two different images of the same scene, whether internal or external. As shown in Figure 7 above, the Rentalscape image matching identified two different photos of the same property taken from different angles as being the same house. The system reviews every photo of every short-term rental in Cape Charles, and since we have processed over 472 listings, that amounts to more than 222,000 comparisons. Leveraging Zillow listings where precise addresses are publicly available further enhances our efficiency, allowing us to pass cost savings on to our clients and achieve an operational speed about four times faster than the industry average. With our extensive real estate and street view data, a powerful computing platform is essential to manage this workload. Fortunately, Rentalscape's advanced computing infrastructure operates around the clock, 365 days a year, matching every STR listing to its exact address/parcel number.

Figure 8 shows how Rentalscape matches an Airbnb listing in the Cape Charles to a Zillow listing and most importantly it is also matched to the exact county parcel record.

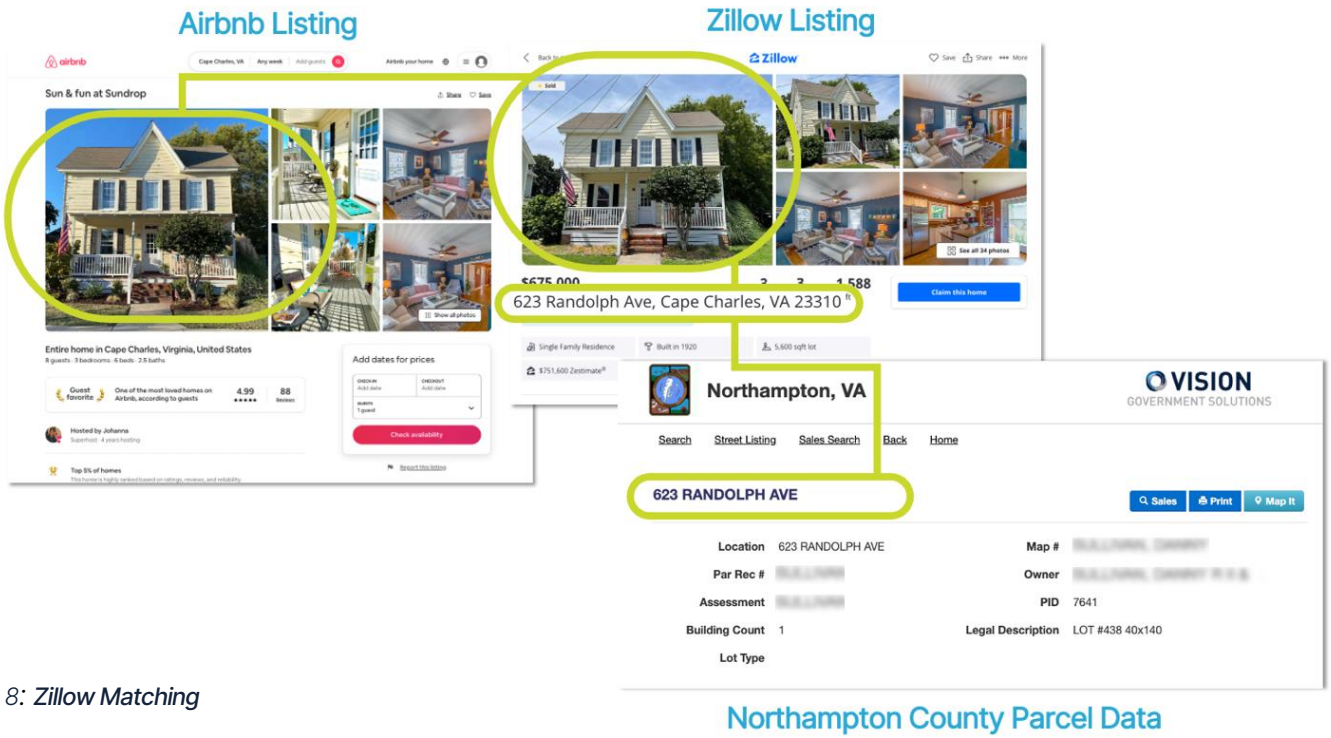


*Figure 8: **Zillow Matching***

Supervised machine learning requires ground truth—the more, the better. Ground truth must be incredibly accurate, and the more data available, the better the results. **This is why Deckard employs over 50 in-house data analysts who meticulously check every AI result and continually feed the machine learning system with additional ground truth.** Our analysts have manually verified over 250,000 short-term rental properties to ensure the accuracy of our data.

No other company invests as heavily into address mapping technology, nor does any other company employ as many full time, in-house analysts as Deckard!



When you see the verified flag on Rentalscape, you know an in-house Rentalscape analyst has meticulously verified every aspect of the property – the address, the structure, the license, the owner – everything has been thoroughly checked.

Rentalscape is widely praised by its users for uncovering insights that would otherwise be impossible to obtain. It streamlines the work of compliance officers and tax collectors nationwide, ensuring both accuracy and efficiency. Far from simply making the job easier, Rentalscape transforms short-term rental management into a genuinely enjoyable process. By continuously processing massive amounts of real-time data, the platform delivers comprehensive oversight and valuable intelligence, placing it well ahead of competing solutions

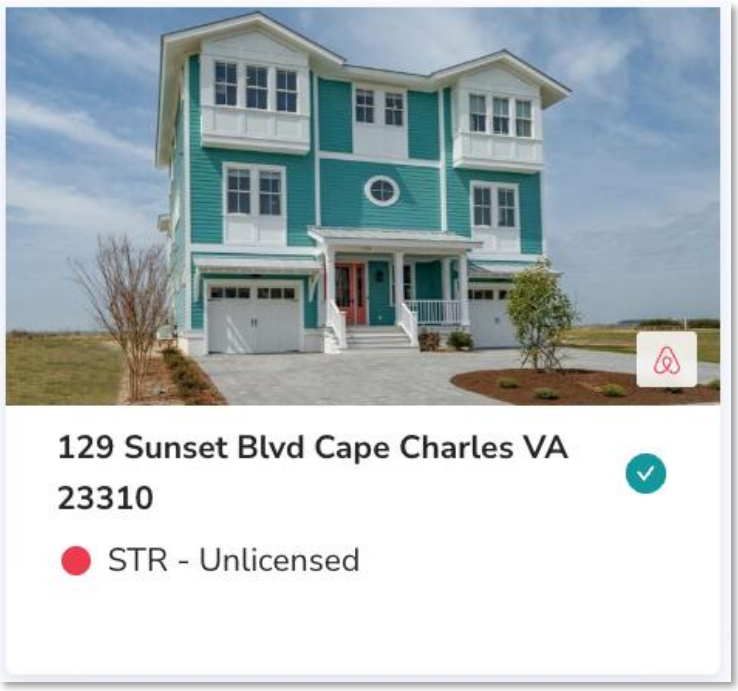


Figure 9: ***Rentalscape verified property***

The Compliance Workflow and Correspondence Management Process

05

At Deckard, our process begins by leveraging accurate property data (steps 3&4), enabling us to identify and match each short-term rental with its exact address, parcel number, and corresponding tax mailing address. Once a non-compliant property is flagged, we generate targeted outreach letters (example letters page 37) designed to guide owners or operators to our online registration portal, where they can complete the application and required documentation. Each mailed letter is tracked in our system, providing the Town with a transparent overview of ongoing compliance efforts. If further enforcement actions become necessary such as fines, fees, or court proceedings the Town can access comprehensive records of all prior attempts at communication, ensuring each case is managed in a clear, orderly manner. Throughout this workflow, Town staff can review the status of each property and coordinate next steps, maintaining ultimate oversight while allowing our firm to handle the day-to-day outreach and compliance tracking.

The Deckard's system is configured to automatically flag potential violations based on the Town's specific regulations for example, identifying properties that are unlicensed or exceed a BOSTR cap of 10. Once a violation is flagged, the system logs all relevant details and places the property into a dedicated violation category for review. Town staff across multiple departments can access these records, seeing the history of outreach attempts and any supporting documentation such as letters or inspection notes (see page 45) provided by our platform. If repeated outreach fails to resolve the violation (e.g., a non-compliant operator has received three letters and remains unresponsive), staff can escalate enforcement actions. This could involve initiating hearings or court action, with all evidence and correspondence readily available through Rentalscape. Our unified dashboard ensures that each department stays informed of a property's status and next steps, while the exact workflow for handling violations is jointly configured between the Town and Deckard to align with local code enforcement processes.

Increase compliance levels up to
98.7%

30,000+
Outreach letters sent to over 20k properties

Consistently increase tax collection by
40%

Curated for your jurisdiction
1 of 1



Product Information

The Rentalscape Portal

The Rentalscape portal is a cloud-based system for Town staff to track STR properties, monitor STR activity, manage STR permits, and record information about properties. The data in the system is constantly updated as new properties are discovered and addresses are identified, new permit applications are made, and permits are expired or revoked.

The Rentalscape portal displays information on all STR listings found within the Town **covering at least the last 12 months.** We use U.S. Census data to identify Town limits and any parcels or listings within the limits are monitored. Rentalscape also tracks properties outside the Town until they are accurately identified. Occasionally, an STR listing's estimated location falls outside the Town, but once the actual address is identified, it is confirmed to be inside the Town.

Rentalscape displays:

1. Any permitted STR property
2. Any property with a currently live STR listing
3. Any property that is currently compliant/non-complaint
4. Any property with a past or future STR booking (even if the property currently does not have a live listing)

Rentalscape includes the ability to filter the properties displayed (e.g., only permitted properties, or only properties in a specific HOA) and to download all results. All data displayed is available for direct download from Rentalscape.

Figure 10 below is an example of a property displayed in Rentalscape. Note that the calendar shows not only booked dates but also differentiates between separate bookings, displaying the nightly rate and the date each booking was made. Additionally, note that the booking from March 11 and 13 of 2025 was made on December 07, 2024.

The information shown in Rentalscape for each property includes:

Property Characteristics

1. Property address
2. Owner name and mailing address
3. Residential type (primary residence, secondary/investment property)
4. Property type
5. Number of bedrooms and bathroom at the property, per public records data
6. A map showing the property's location
7. Maximum occupancy per The Town of Cape Charles ordinance

Listing Characteristics

1. Listing URL for each listing associated with each specific property
2. Listing ad ID for each listing associated with each specific property
3. Rental calendar showing current month's activity as well as past twelve months and upcoming three months booking activity (frequently updated calendar)
4. Rentalscape clearly and easily differentiates between regular bookings and host-blocked dates that are not revenue-generating
5. Host name (when available)
6. Stay limitations (minimum/maximum)
7. Permit/license number if included in the listing
8. Daily Rental rate at time of booking
9. Rental frequency
10. Individual links to all active listing for the property
11. **PDF copy of each listing, as well as a history of all previous versions of the listing**, to identify any possible changes, as well as keep a record in case the listing is taken down by the host. Each image has a date-stamp showing when it was created and is kept indefinitely.
12. Rental type (Whole home, shared home)
13. Bedrooms and bathrooms advertised
14. Maximum occupancy, per listing

Estimated Sales Tax Based on Rental Activity

1. Occupancy rate
2. Estimated rental income
3. Estimated tax

As shown below (Figure 10), for each property, Rentalscape presents all available data for each property on the property detail screen, starting with a compliance box that highlights any detected violations. Rentalscape is configured to match the Town's ordinance and is capable of flagging violations following the Town's exact rules, including, but not limited to, permit registration and advertised occupancy versus permitted occupancy. Rentalscape looks for bookings less than 30 days when flagging STRs. When bookings exceed 30 days, they are correctly categorized as long-term rentals and do not cause the property to be treated as an STR.

Rentalscape actively monitors permit status and STR listings daily, flagging violations as they occur. We have encountered situations where other providers have flagged properties as 'no longer listed' or 'only performing long-term rentals,' only for those properties to re-list or take a short-term rental booking, which is subsequently missed by these other vendors, violating the Town's ordinance**. Rentalscape continuously monitors every listing every day,** including bookings up to a year in advance. As soon as an unpermitted booking is made, Rentalscape sets a violation.



1 123 Peach St Cape Charles VA 23310

Possible Violations (0)
We found no violations for this property

All (2) Airbnb (1) Vrbo (1)

2 Airbnb 881143665336431560

Dispute Address | History | 3 Live Listing

4

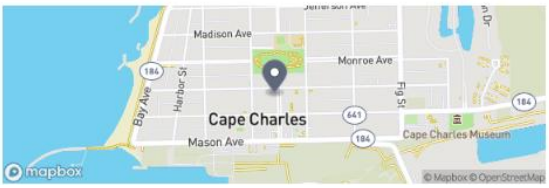
Host	Philip & Katie	Bedroom advertised	4
STR License displayed	None	Occupancy advertised	8
Unit type	Full Unit	Rental Structure	Main Structure
		First seen	2023-05-27

Vrbo 3406603

Dispute Address | History | Live Listing

Host	Unknown	Bedroom advertised	4
STR License displayed	No	5 Occupancy advertised	9
Unit type	Full Unit	Rental Structure	Main Structure
		First seen	2023-05-15

Location

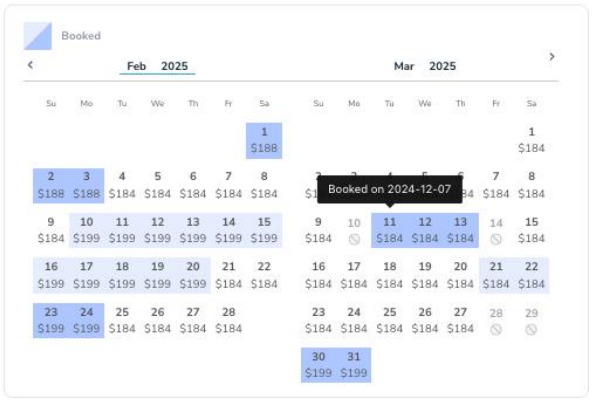


Property Details

APN	[redacted]	6 Owner	[redacted]
Room	N/A N/A		
First identified date	2025-02-24		

7 Owner address: [redacted]

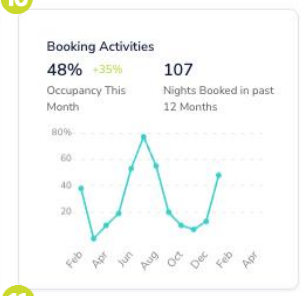
8 Booking Activities



Aggregate Statistics

10

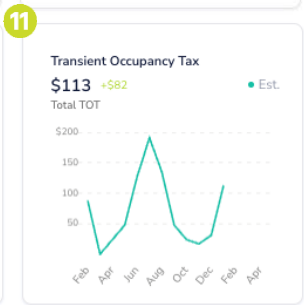




9



11

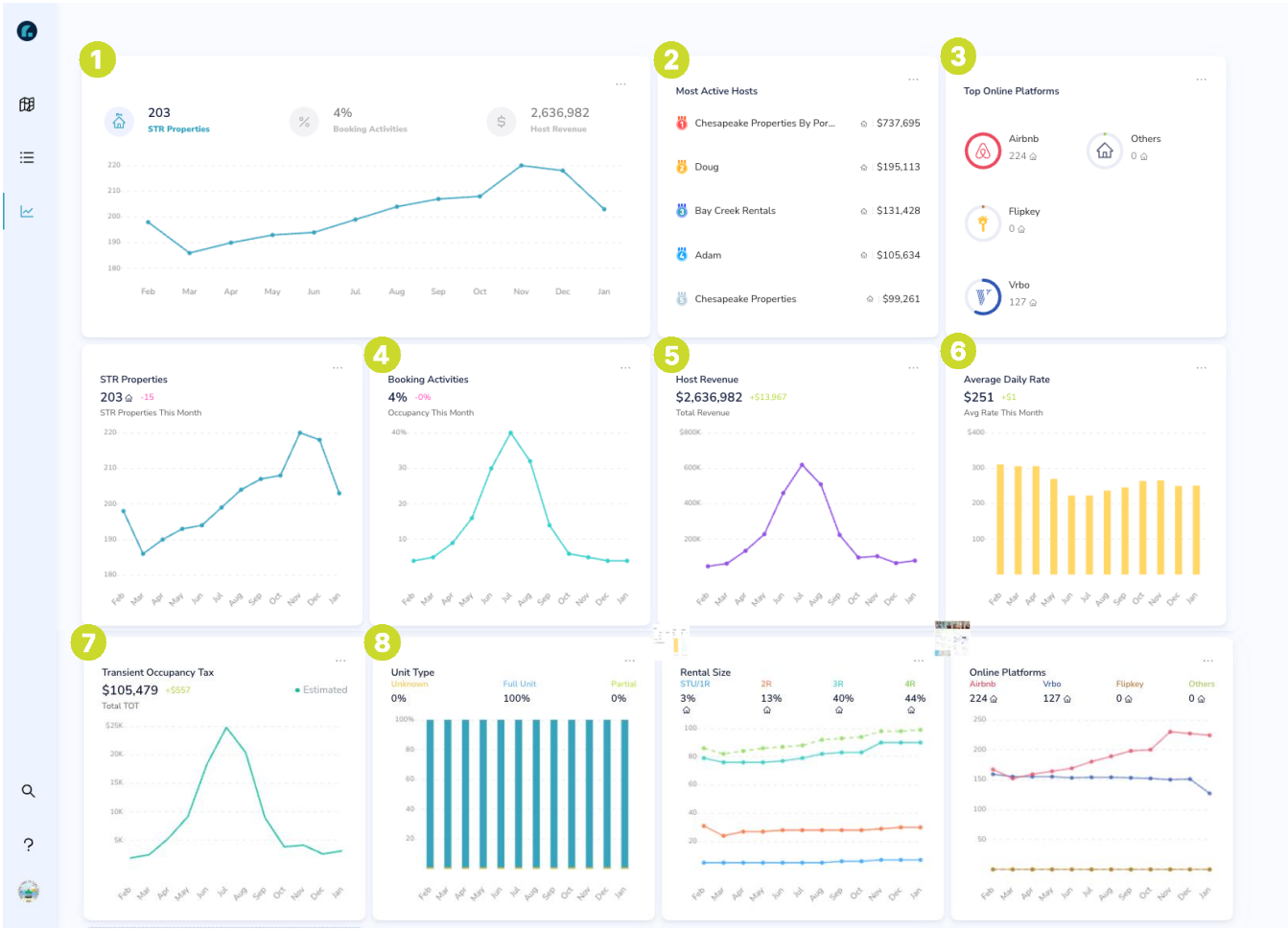


1 STR ADDRESS
2 PLATFORM ID
3 LINK TO LIVE AD
4 HOST NAME
5 OCCUPANCY
6 OWNER NAME
7 OWNER ADDRESS
8 ACTIVITY: • OCCUPANCY • COST • BOOKINGS
9 NIGHTLY BOOKING RATE
10 RENTAL ACTIVITY
11 ESTIMATED LODGING TAX

Figure 10: ***Rentalscape STR Property Details for a property in Town of Cape Charles, VA***

Rentalscape also includes a Dashboard that provides an overview of all STR activity in the Town. This Dashboard includes aggregated revenue, bookings, and property data, and highlights top-earning hosts and owners. See

Figure 11, below as an example of The Town of Cape Charles Dashboard. Please note that some charts will not be activated until we go live in Cape Charles.



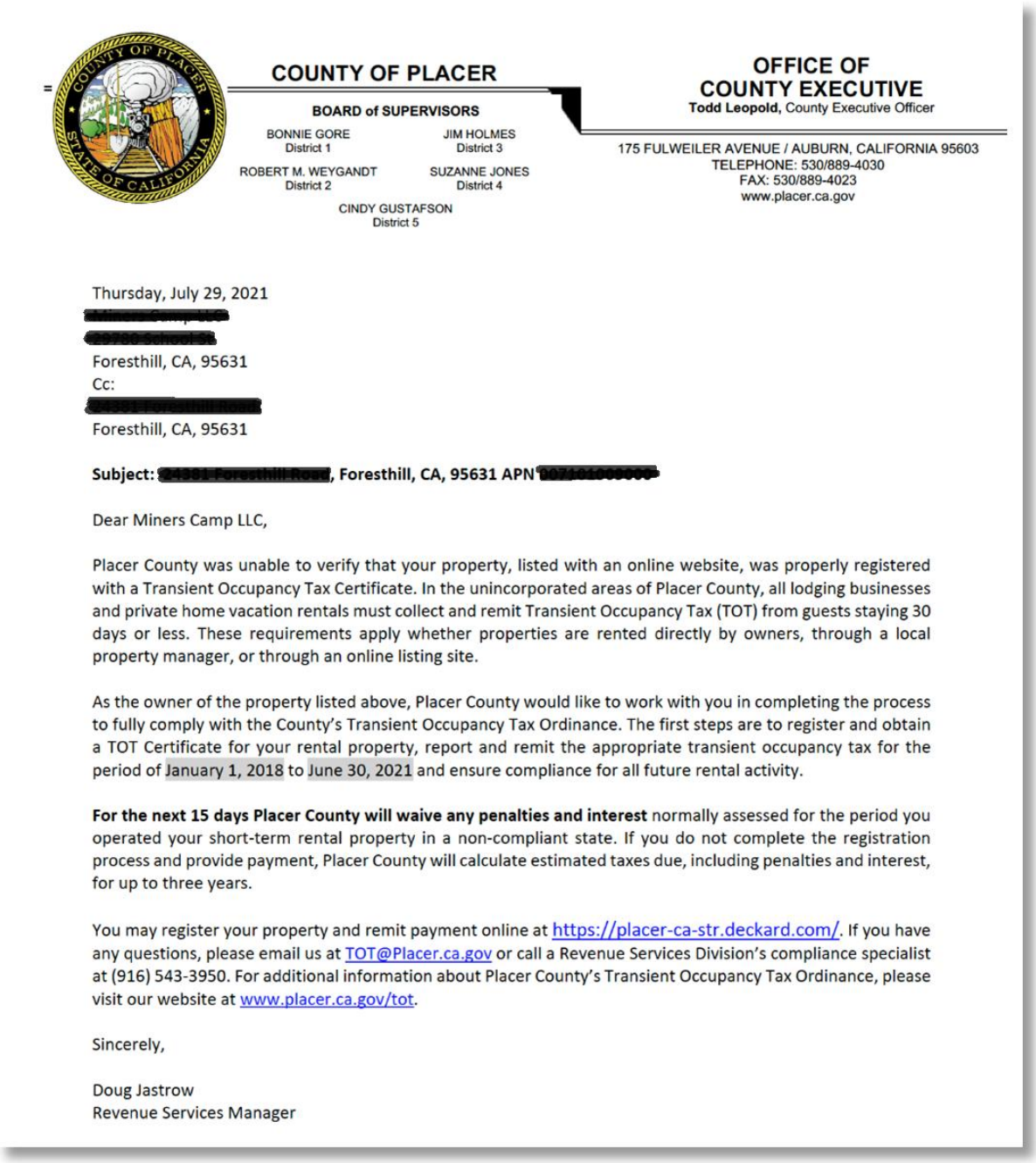
1 STR PROPERTIES
2 MOST ACTIVE HOSTS
3 TOP PLATFORMS
2 BOOKING ACTIVITIES
5 HOST REVENUE
6 AVERAGE DAILY RATE
7 ESTIMATED TAX REVENUE
8 UNIT TYPE
9 RENTAL SIZE
10 ONLINE PLATFORMS

Figure 11: ***Rentalscape Cape Charles Dashboard Example***

Letter Campaign for STR Hosts Option

Rentalscape will create and send letters to all identified STR hosts, explaining the tax requirements, current rate, and payment process. The letter templates will be approved by The Town of Cape Charles staff before the mailings begin.

Rentalscape's targeted letter campaign, strategically timed to generate the best results, has proven highly effective in reducing the number of unregistered hosts by over 50% within the first six months of a new client engagement. Recently, Placer County in California used Rentalscape to identify a single property where taxes due exceeded $50,000.



COUNTY OF PLACER

BOARD of SUPERVISORS

BONNIE GORE
District 1

JIM HOLMES
District 3

ROBERT M. WEYGANDT
District 2

SUZANNE JONES
District 4

CINDY GUSTAFSON
District 5

OFFICE OF COUNTY EXECUTIVE
Todd Leopold, County Executive Officer

175 FULWEILER AVENUE / AUBURN, CALIFORNIA 95603
TELEPHONE: 530/889-4030
FAX: 530/889-4023
www.placer.ca.gov

Thursday, July 29, 2021
[redacted]
Foresthill, CA, 95631
Cc:
[redacted]
Foresthill, CA, 95631

Subject: [redacted], Foresthill, CA, 95631 APN [redacted]

Dear Miners Camp LLC,

Placer County was unable to verify that your property, listed with an online website, was properly registered with a Transient Occupancy Tax Certificate. In the unincorporated areas of Placer County, all lodging businesses and private home vacation rentals must collect and remit Transient Occupancy Tax (TOT) from guests staying 30 days or less. These requirements apply whether properties are rented directly by owners, through a local property manager, or through an online listing site.

As the owner of the property listed above, Placer County would like to work with you in completing the process to fully comply with the County's Transient Occupancy Tax Ordinance. The first steps are to register and obtain a TOT Certificate for your rental property, report and remit the appropriate transient occupancy tax for the period of January 1, 2018 to June 30, 2021 and ensure compliance for all future rental activity.

For the next 15 days Placer County will waive any penalties and interest normally assessed for the period you operated your short-term rental property in a non-compliant state. If you do not complete the registration process and provide payment, Placer County will calculate estimated taxes due, including penalties and interest, for up to three years.

You may register your property and remit payment online at https://placer-ca-str.deckard.com/. If you have any questions, please email us at TOT@Placer.ca.gov or call a Revenue Services Division's compliance specialist at (916) 543-3950. For additional information about Placer County's Transient Occupancy Tax Ordinance, please visit our website at www.placer.ca.gov/tot.

Sincerely,

Doug Jastrow
Revenue Services Manager

Figure 12: ***Rentalscape Placer County Complaint Letter***

Michelle Bodley
Treasurer and Tax Collector
TOT@nevadacountyca.gov
950 Maidu Avenue
P. O. Box 128
Nevada City, CA 95959-0128
(530) 265-1285

February 10, 2025

Andes Mccullough Courtney J Etal
14659 COLFAX HWY
GRASS VALLEY CA 95945

Re: **Second Notice of Short-Term Rental Property Violation at 14659 STATE HIGHWAY 174 GRASS VALLEY CA 95945 (Parcel # 012133021000)**

Dear Andes Mccullough Courtney J Etal,

You are hereby notified as owner of the above-referenced property that the property is in violation of Article 5 – Uniform Transient Occupancy Tax.

Pursuant to Sec G-V 5.6 B, it is illegal to advertise and/or rent property in unincorporated Nevada County on a short term basis (fewer than 30 days) without first having obtained an Annual Registration Certificate from the Nevada County Treasurer & Tax Collector. Based on Sec G-V 5.6 A, you are ineligible to rent this property on a short-term basis until you obtain an Annual Registration Certificate. Accordingly, effective immediately you must discontinue advertising and/or renting your property on a short-term basis, cancel any existing reservations, and remove any advertisements pertaining to the short-term rental of the property until this has been corrected.

Please go to the following link where you can apply and pay TOT; there is no cost to apply:

https://str.deckard.com/ca-nevada/

Please be advised that the penalty for the above code section violations is a misdemeanor. In the event you fail to discontinue advertising and/or operating this short-term rental without a certificate, and have documented stays, we can initiate court action to stop the advertisement and/or operation and file a certificate of lien for estimated taxes, including penalties and interest.

If you have recently registered for a TOT Certificate, please disregard this letter. If you have any questions or believe you are receiving this letter in error, please contact Michelle Ferreira at (530) 265-1285 or via email at ttc@co.nevada.ca.us. You can also find helpful information on our website at https://www.nevadacountyca.gov/959/Transient-Occupancy-Tax-TOT.

Respectfully,

TOT Staff
Michelle Bodley
Treasurer & Tax Collector

Nevada County Treasurer and Tax Collector
www.nevadacountyca.gov/ttc

Figure 13: ***Example Letter #2***

STR Registration & Renewal Portal Option

The STR Registration and Renewal Portal - [Web-based and Mobile-enabled Online] is an intuitive, user-friendly, and fully configurable system for STR registration. This portal allows STR owners and property managers to register their short-term rental properties with minimal effort. The portal is designed to accommodate both small single-property operators and large property managers with multiple properties.

The STR registration portal syncs all data with the local jurisdiction's Assessor Parcel Number, ensuring that only properties with parcels in your community can register. This eliminates the need for activation codes or support from the Town/Vendor. However, if assistance is needed, the Deckard team is always available to provide support to the property manager or property owner as needed.

The STR registration portal also tracks properties using GIS shape files, allowing specific neighborhoods or residential zones to be included or excluded from the ability to register, even identifying exempt properties. The registration system can be configured to accept affidavits of compliance, copies of insurance coverage, any documents required, acknowledgment of the submission of a tax registration forms to Town, along with any other configuration or affidavit necessitated by the Town.

Case Study: Placer County, CA, has over 5,000 short-term rental properties with more than 11,000 STR listings associated with them. The simplicity of the Rentalscape Registration Portal enabled the Deckard Technologies team, on behalf of Placer County, to identify, conduct outreach, and register over 5,000 properties in under four weeks with minimal need for human interaction.

Configuration of this portal to include The Town of Cape Charles branding.

- Adding custom fields such as occupancy rules specific to the Town (e.g., occupancy limits, bedroom counts)
- Collection of documents as required for the STR registration process
- STR registration approval portal
- Configurable STR permit pricing and expiration
- Collection of any STR permit fees
- Regular reporting

Rentalscape STR Registration collects permit fees via the Stripe secure payment processing system and allows payment via credit card or ACH bank transfer.

Should the Town wish to individually approve each STR permit (some of our clients automatically issue STR permits once payment is received, while others individually approve permits), the **Rentalscape Permit Management** portal allows Town staff to view and then approve or reject permit applications. In addition, the portal can be used to suspend or revoke permits when operators are not in good standing.

The Rentalscape Registration portal also allows STR operators to update contact details for themselves, their property managers, and their local contacts. Rentalscape sends an email notification to both the applicant and the Town for each new application received and every permit approved. Additionally, Rentalscape generates a daily report containing the status and details of all permits.

Figure 14 below shows the Placer County Lodging Tax Certificate system showing Placer County specific fields. The Rentalscape staff will work with The Town of Cape Charles to configure the registration system as needed

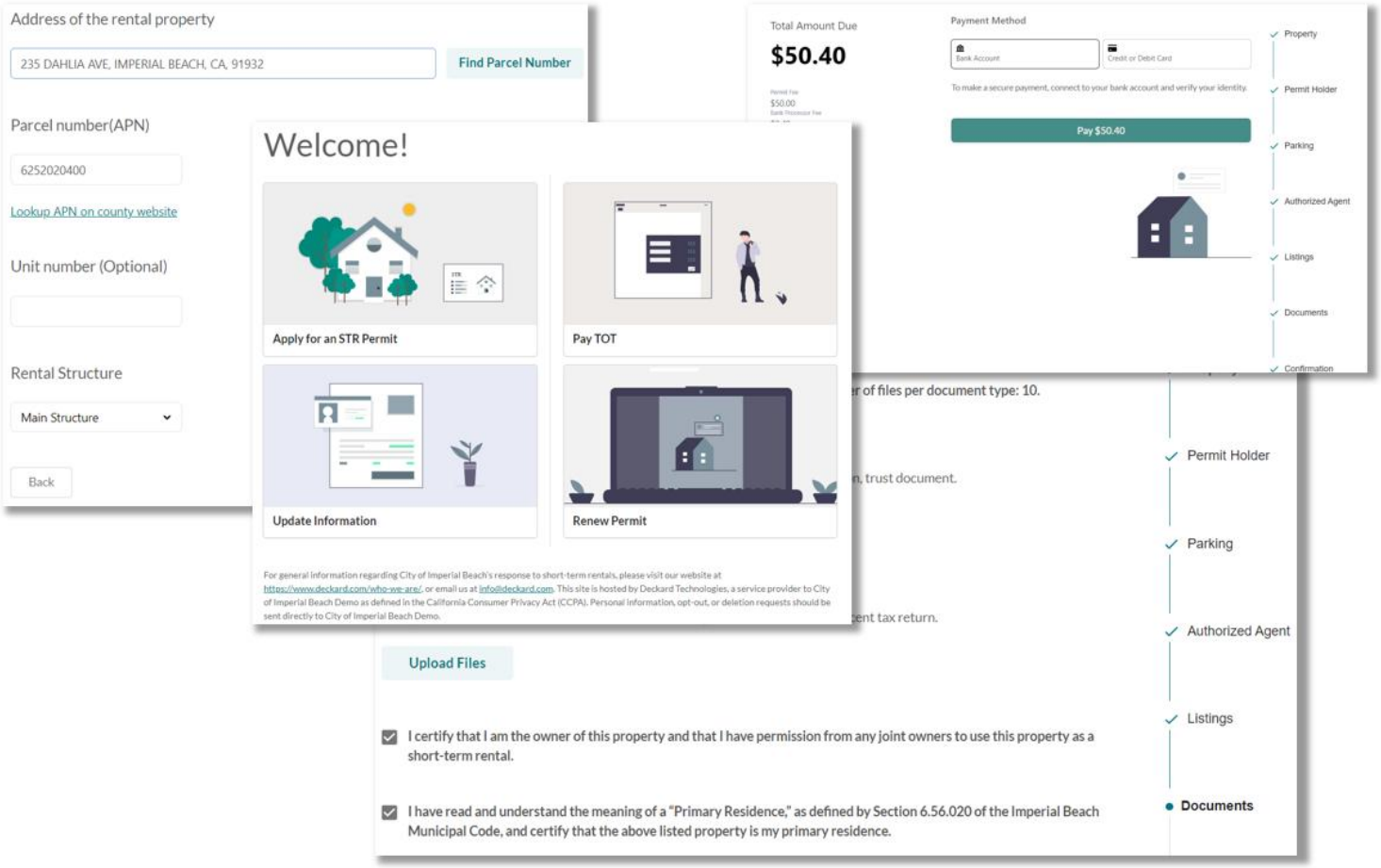


Figure 14: ***Rentalscape STR Registration System***

Permit Management Option

The Rentalscape Town Permit Management portal allows Town staff with comprehensive tools to manage short-term rental (STR) permits and applications. Through the portal, staff can view permits, update permit statuses (approve, deny, or revoke), and add notes. Each STR permit is automatically linked to identified STR listings that match the permit address, with accuracy ensured using APNs and unit numbers.

The ability to track permits effectively is crucial for managing a successful STR program. This functionality is an integral part of our registration portal, streamlining the oversight of permits and enhancing the overall efficiency of program administration.

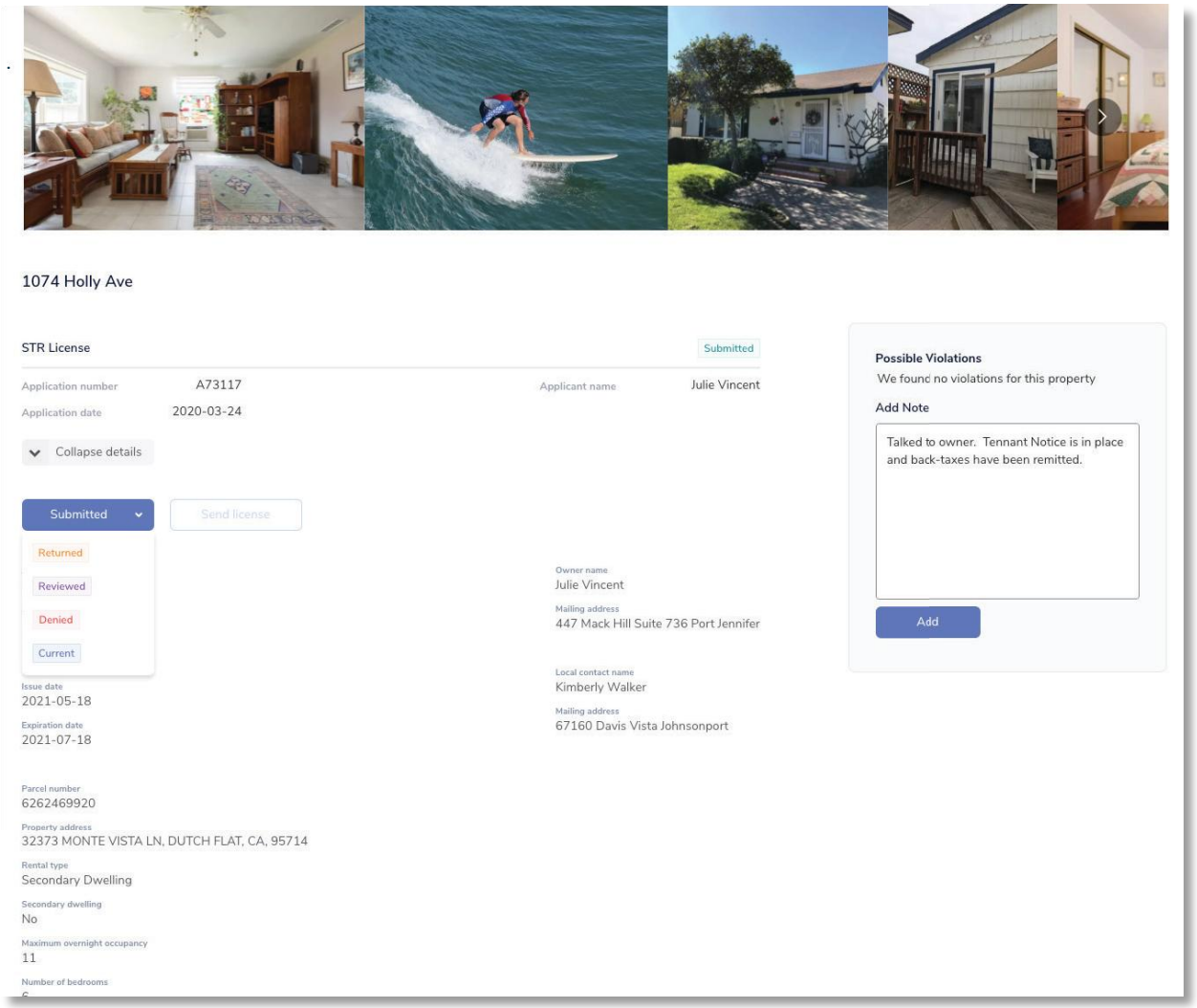


Figure 15: ***Rentalscape Permit Details Screen showing notes, permit status and details of all permits***

Tax Payment Portal Option

The **Tax Payment Portal** can be used to collect taxes from STR operators on a monthly, quarterly, or yearly basis. The Rentalscape Tax Payment system gathers information on the number of nights available for booking and the number of nights booked.

The Rentalscape Tax Payment system is configurable for each jurisdiction and includes automatic calculation of tax due based on the Town's tax rate, automatic calculation of late fees and penalties, and the ability to apply leniency on a per-property basis for late fees if needed.

The Rentalscape Tax Payment system uses Stripe for payment processing, allowing payments by credit card or ACH. Payments are remitted directly to the Town. Our existing customers have seen an increase in tax payments after adopting this system due to the ease of use of the portal. The Rentalscape Tax Payment system generates nightly reports that are delivered to the Town facilitating easy reconciliation of transactions. This system reduces the manual work required when processing paper forms.

Figure 16 below shows the Placer County Tax Payment system showing Placer County specific fields. The Rentalscape staff will work with The Town of Cape Charles to configure the Tax Payment system as needed.

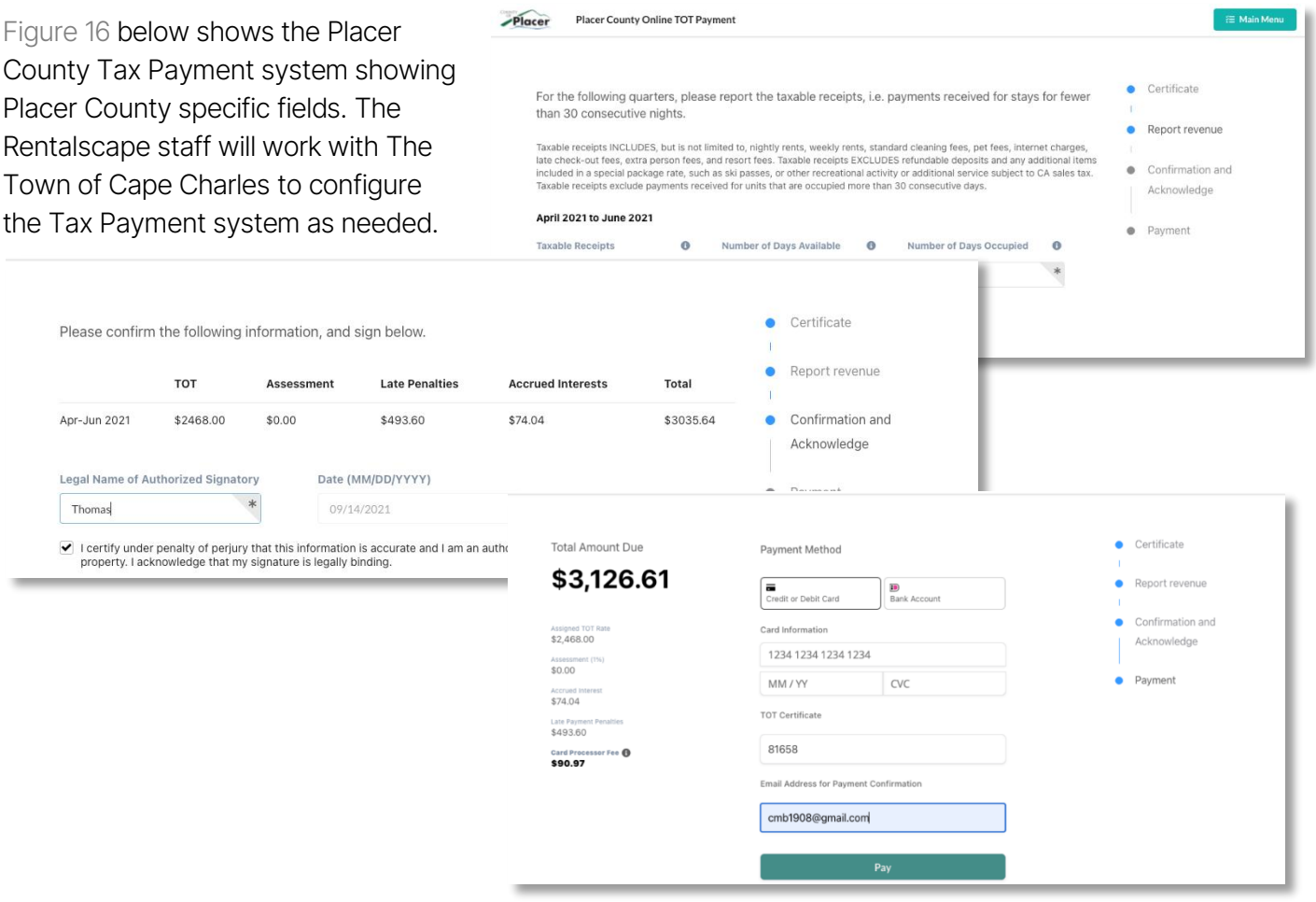
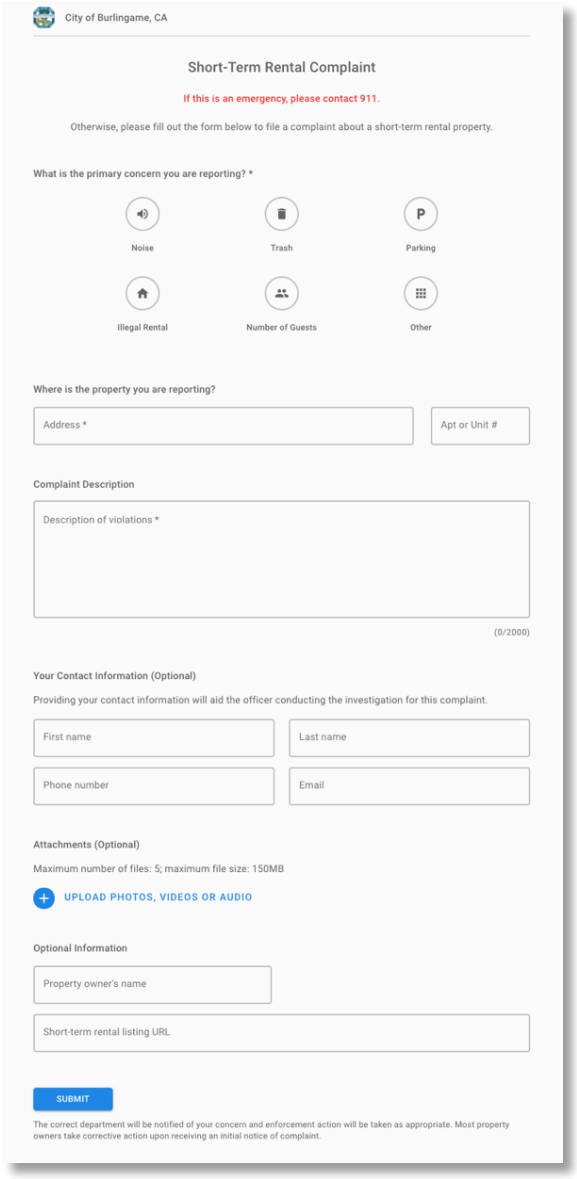


Figure 16: ***Rentalscape Lodging Tax Payment System***

24/7 Complaint Line & Online Form Option

The Rentalscape 24/7 Complaint Line is available to field complaints from the public related to short-term rentals. The Complaint Line operates 24/7 with live, U.S.-based bilingual call takers. The call taker collects the necessary information (e.g., address, property owner, type of incident, date of incident, etc.) and contacts the designated Town contact and/or the emergency contact for the owner/host.

Rentalscape Online Complaint Form is also included. Neighbors can report and provide evidence for non-emergency concerns. The Complaint Form is configurable with your logo. All complaints are logged and reported to the appropriate staff/department.



Complaint Line services are offered at 3 different levels:

Basic - Standard call flow. Information is taken and forwarded to the client. Calls are referred to the appropriate staff without follow up required.

Classic - Call Center will contact the local contact when information is available (permitted properties), notify them of the complaint then forward the information to the local town contact.

Premier - Premium call flow. Dispatcher will attempt to get a complaint resolution. The local contact can be contacted up to 3 times before referring caller out to appropriate staff.

*Figure 17: **Rentalscape Online Complaint Form***

STR Constituent Portal Option

The Rentalscape STR Constituent Portal is an interactive public online map that displays all registered short-term rentals within the Town. The exact information on the map can be configured to meet the Town's needs and may include details such as property owner and emergency contact information. The portal is branded with the Town's information and can include links to systems such as the short-term rental registration system.

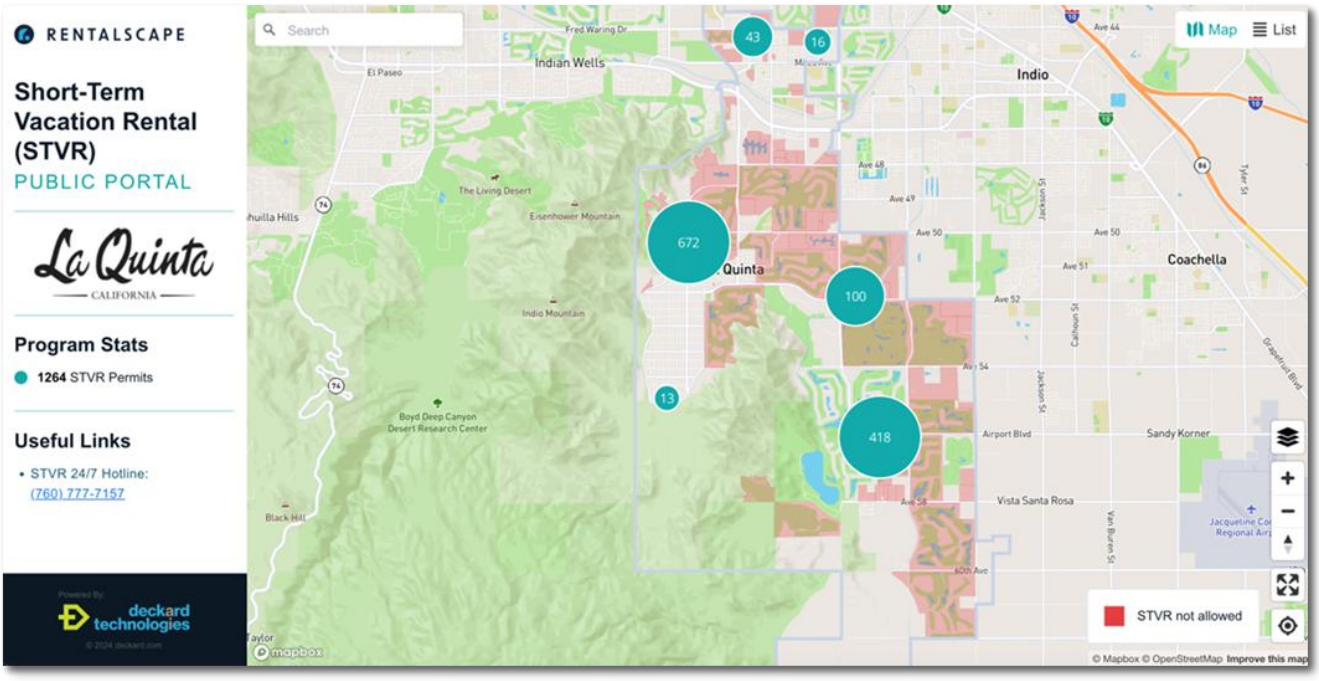


Figure 18: ***Rentalscape STR Constituent Portal***

Rentalscape Inspection Module Option

The Rentalscape Inspection Module is an integral part of our comprehensive solution for managing short-term rental markets. This module is designed to streamline the inspection process, making it more efficient and effective for field agents and Town staff alike. It is a web-enabled system that allows agents to conduct and record health and safety inspections directly in the field. With mobile capability, agents can make notes, comments, and even create complaints or tickets (in PDF format) on-site.

This module not only enhances the efficiency of inspections but also improves communication between code enforcement and short-term rental owners. Actions taken in the field can be easily stored or sent via email to both property owners and Town staff, ensuring that everyone involved is informed of any necessary changes before the property can be approved. By linking seamlessly with the greater Rentalscape system, this module helps maintain a cohesive and organized approach to managing the Town short-term rental market.

The Rentalscape Inspection Module is user-friendly and designed to support the specific needs of municipalities. It fosters a proactive approach to code compliance, allowing issues to be addressed promptly and thoroughly. This add-on module ensures that short-term rental properties are maintained to the highest standards, ultimately contributing to a safer and more well-regulated market.

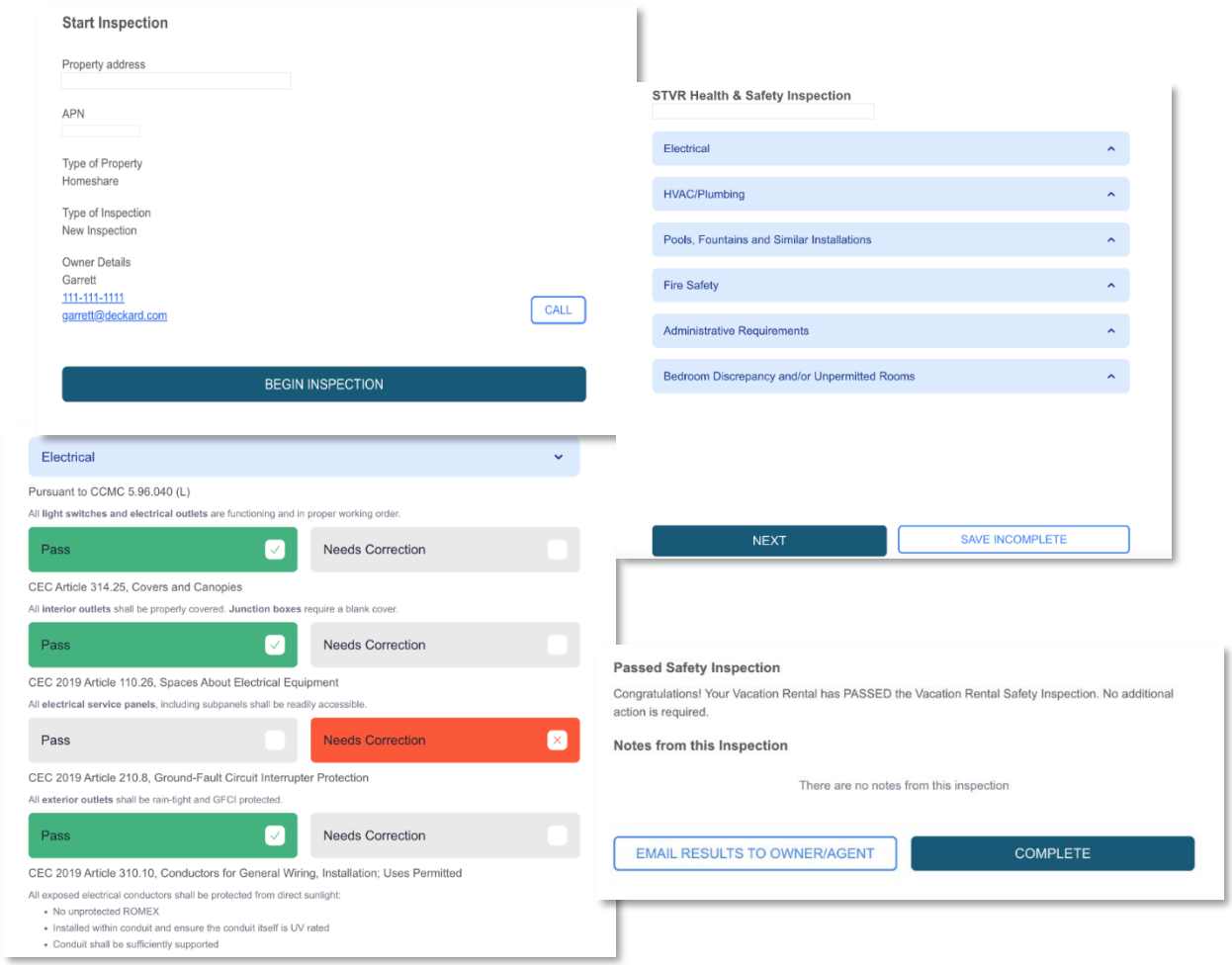


Figure 19: ***Rentalscape Inspection Module***

Implementation, Timeline & Training

Upon signing the contract, Deckard will assign The Town of Cape Charles a dedicated Account Manager who will work with the Town to develop best practices based on Deckard's experiences with other clients. The Account Manager will ensure that the implementation process proceeds efficiently and will serve as the main point of contact for any questions, suggestions, training, or concerns. Your Account Manager will also participate in periodic calls with Town staff throughout project deployment and then monthly on an on-going basis, as requested.

Since Rentalscape is cloud-based, no hardware or software installation is required.

Most jurisdictions are up and running with Rentalscape within a couple of weeks, with Address Identification completed within four weeks of receiving the permit and listing data. Assuming the contract is awarded in early May, we fully expect system deployment, initial address mapping, and user training to be completed in July 2025.

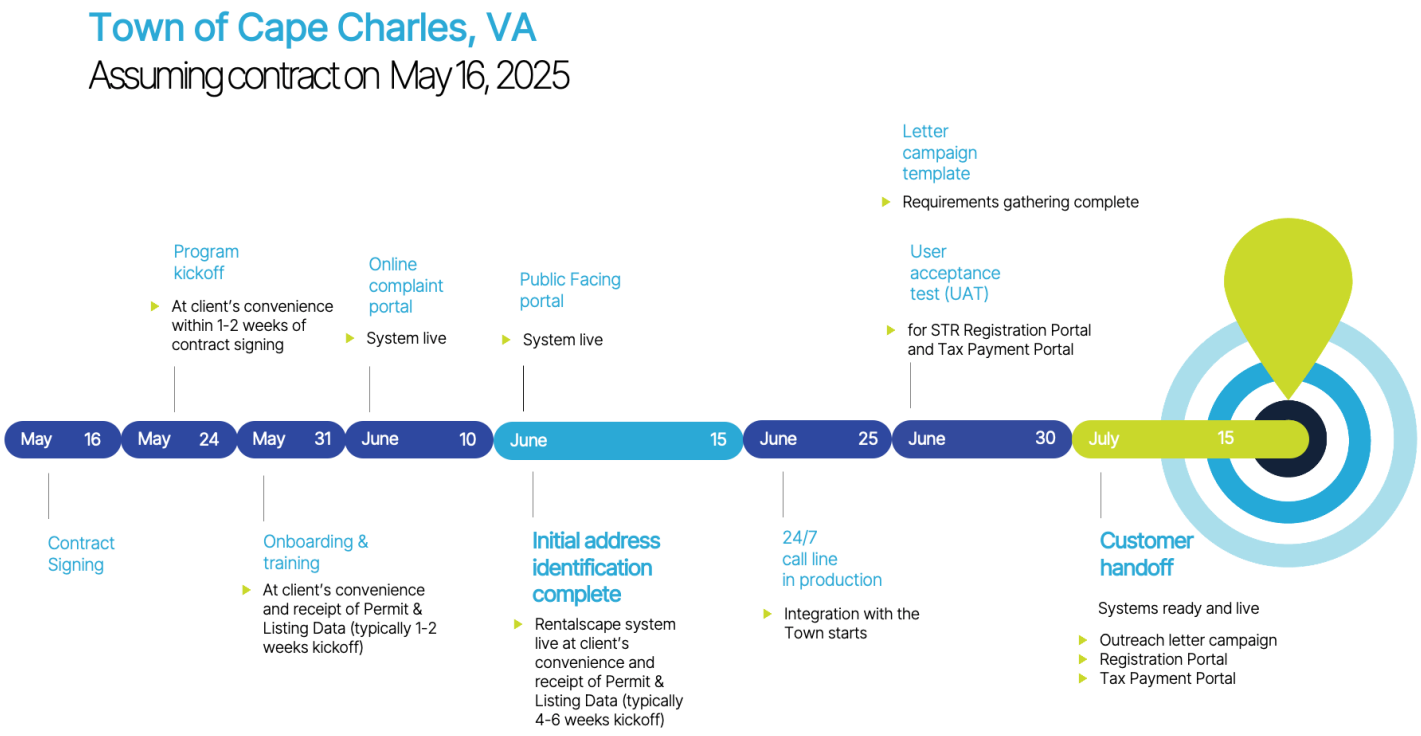


Figure 20: ***Cape Charles Timeline***

Feedback from our customers indicates that our competitors take months to bring systems online and begin address mapping. In contrast, our automated property identification systems are already running in Town, allowing us to have your system up and running extremely quickly.

Project Cost

Currently, Rentalscape is showing close to **472 live STR listings in The Town of Cape Charles.** Based on the number of live STR listings, we estimate there are **250+ short-term rental properties in the Town**, advertised on one or more platforms.

Deckard Technologies can provide a comprehensive, all-inclusive system that meets the requirements specified in the RFP. **Alternatively, each of our products is available for individual purchase as standalone items, allowing for tailored solutions to meet specific needs.**

We only **charge fees on a per property, not per listing, basis.** Since a single property can have multiple listings, we feel it is unfair to charge fees based on listing count. Finally, we do not charge one fee for compliance monitoring and another for rental activity monitoring as, in our view, these are the same service.



Base Product Pricing

ADDRESS IDENTIFICATION, COMPLIANCE MONITORING, & RENTAL ACTIVITY REPORTING	Price
• Identify property & address • Identify property owner address • Real-time reporting of all new listings & frequent calendar monitoring • 10,000+ Websites monitored Daily, worldwide • FutureCast™ - Identify future bookings as they are made on the rental platform • See page 33 – The Rentalscape Portal	$7,000
OUTREACH CAMPAIGN	
• Letter campaign to inform STR illegal operators regarding compliance requirements and procedures • All letter templates will receive Town approval pre-campaign • Campaign includes one Introductory letter and two additional escalation letters • See page 37 – Letter Campaign	$2,500
STR REGISTRATION PORTAL	
• Online, intuitive portal for registration and renewal • Fields configurable to meet Town needs • Identify properties that need registration fee • Provide daily reports on new and modified permits • See page 39 – Registration Portal	$5,000
TAX PAYMENT PORTAL	
• Easy to use online tax payment portal • Configurable tax, late fee and interest rates on a per-property basis • Provide daily reports on tax payments and remittances to the Town • See page 42 – Tax Payment Portal	$5,000
COMPLAINT 24/7 HOTLINE & ONLINE FORM	
• 24/7 US bilingual (upon request) call center with live agents – premiere • Online complaint form (Complaint Form only $2,000) • See page 43 - 24/7 Complaint Line & Online Form	$2,500

CONSTITUENT PORTAL	
• Public facing portal (Link placed on Jurisdiction's website) • Permit/Licensing Data and Responsible Party Contact Info for every STR Property (Standard) • See page 44 – STR Constituent Portal	• $5,000
INSPECTION MODULE	
• Enables field agents to create notes, comments, complaints, or tickets directly from the field during the inspections (mobile enabled) • Record inspection data, including notes and complaints • E-mail inspection results to property owners and Town staff • See page 45 – Inspection Module	• $5,000
REPORTING & ANALYSIS	
• On Demand, Dynamic reporting, offering multiple ad hoc reports • Filters allowing users to focus on specific segments of the STR population	INCLUDED
DEDICATED ACCOUNT MANAGER	
• Single Point of Contact for Town staff for all matters • Ensures the Town is following Industry best practices • Shepherds the implementation process from start to finish • Periodic meetings/calls throughout the life of the account	INCLUDED
UNLIMITED ACCOUNTS & TRAINING SESSIONS	
• No limit on the number of Rentalscape user accounts • No per-session training costs • Single Sign-On (SSO) available • Dedicated client support staff available to assist with costumer request	INCLUDED
TOTAL YEAR ONE	**$32,000**

Note 1: Pricing valid for 90 days
Note 2: Pricing Confidential
Note 3: All pricing is structured annually
Note 4: Each of our products is available for individual purchase as standalone items (a la carte)

Attachments

Addendum Receipt Confirmation

Deckard Technologies acknowledges receipt of Addendum #1 as part of our proposal submission to the Town.

TOWN OF CAPE CHARLES	**AGENDA TITLE:** Contract Amendment with Vanassa Hangen Brustlin, Inc (VHB)	**AGENDA DATE** April 17, 2025
	SUBJECT/PROPOSAL/REQUEST: Approval of Contract Amendment with Vanassa Hangen Brustlin, Inc (VHB)	**ITEM NUMBER:** 9B
	ATTACHMENTS: Contract Amendment with Vanassa Hangen Brustlin, Inc (VHB), Original scope of work and fee schedule	**FOR COUNCIL:** Action (X) Information ( )
	STAFF CONTACT (s): John Hozey, Town Manager	**REVIEWED BY:** John Hozey, Town Manager

BACKGROUND:

During previous Strategic Planning Citizen Surveys, beachfront master planning was identified by our residents as a top priority. Therefore, following a robust public solicitation for qualified firms, on December 21, 2023, the Town Council awarded a professional services contract to Vanasse Hangen Brustlin, Inc (VHB) for Phase I work associated with development of a new beachfront master plan.

ITEM SPECIFICS:

According to VHB's original scope of work (attached), they were to conduct extensive research and analysis of the meteorological and hydrological historical data for our beachfront, as well as to review all previous plans, studies, surveys, and other regulatory requirements for this area. They were then to assist a Town formed committee comprised of all the Town's leading community organizations, to develop the initial concepts based on public outreach efforts. This work proceeded over the spring and summer of 2024. A first draft concept was ultimately developed and then reviewed and approved by the Town Council for greater public review and input.

The results from this outreach on the first concept development was not well received by the public. This necessitated us going "back to the drawing board" and reevaluating the work to date and to engage in another round of development and public outreach. This second round of work was not contemplated in VHB's original contract and fee proposal. Therefore, to enable work to continue on this project, a contract amendment is necessary to fund the increased level of effort being supported by VHB.

Based on VHB's original fee schedule rates, additional tasks have been included and incorporated into the attached contract amendment.

RECOMMENDATION:

Staff recommends approval of the attached amendment to the professional services agreement with VHB.

AGREEMENT AMENDMENT 1

This Amendment is made to the Agreement dated December 22, 2023 between the **Town of Cape Charles** (Owner) and **Vanasse Hangen Brustlin, Inc. - VHB** (Contractor) for **Beachfront Master Planning – Phase I**, in accordance with all terms and provisions of the attached documents, hereby incorporated by reference:

1. Owner Request for Proposals dated August 28, 2023
2. Contractor Proposal dated September 28, 2023
3. Contractor Fee/Schedule Proposal dated December 4, 2023

Price. The lump sum price for the additional work is $39,408.

Payment. Contractor shall submit an invoice to the Owner's Representative for progress payment monthly. Payment shall be made by Owner within thirty (30) days of receipt.

Performance of Work. By mutual agreement, the work plan specified herein shall be in addition to the original scope of work and includes:

- Task 5 - Round 2 of public and Town Council outreach and engagement - $18,882
- Task 6 - Round 2 of concept development - $15,486
- Task 7 - Assistance with grant application processes - $5,040

Owners Representative: John Hozey, Town Manager, 757-331-3259, x12 or townmanager@capecharles.org

_____	_____
Owner	Contractor
_____	_____
Date	Date

VHB ORIGINAL SCOPE OF WORK

Phase I – Research, Outreach, & Plan Development

Phase I work will be overseen by a local beachfront master planning committee, chaired by the Town Manager. The consultant will regularly meet with, and seek guidance from, this working group.

Task 1: Research:

a. Review all data, reports, plans, and surveys associated with the beachfront area as described above
b. Review all applicable local, state, and federal code/regulations, and other guidance associated with artificial beachfronts and coastal resilience best practices
c. Review local comprehensive and strategic plans, as well as local zoning and flood plain ordinances
d. Conduct research on meteorological and oceanographic historic patterns for the lower Chesapeake Bay to determine the following:
    1. Prevailing sources, directions, magnitudes, and seasonality of local erosion, and potential measures to mitigate them; prior wave studies will be made available
    2. The minimum height/depth of our dune for it to remain an effective barrier to keep sand from blowing off the beach and onto Bay Avenue
    3. Whether the dune can provide practical storm protection to the historic district

Task 2: Outreach:

a. Meet with oversight committee to get initial guidance
b. Produce materials/public information to educate the community and solicit input
c. Assist/conduct public meetings as needed
d. Document public input
e. Present public input to local governing boards to receive general guidance from these bodies regarding their vision for the area

Task 3: Develop conceptual concepts and draft planning document to include:

a. Master site plans; showing discrete projects/upgrades
b. Prioritized list of projects, with conceptual cost estimates, for implementation planning purposes
c. List of operational recommendations to include annual maintenance specifications and procedures for the beach and dune
d. Potential grant opportunities
e. Recommended changes to local ordinances, if appropriate

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

a. Present at public meetings
b. Incorporate input from the public and the Town Council
c. Publish final document to include electronic and hard copies

Phase II – Plans and Design

The consultant will develop plans and specifications for individual components of the master plan if approved and so tasked. To include:

a. Initial conceptual cost estimates
b. Detailed plans and specifications
c. Refined cost estimates at 60% and 90% design
d. Bid packages
e. Construction administration

Task 1: Beach/Dune
Task 2: Bathhouse/Restroom
Task 3: Western Bay Avenue and all areas south and east of the dune
Task 4: Fishing Pier

November 15, 2023

Mr. John Hozey, Town Manager
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Re: Request for Proposals (RFP), Beachfront Master Planning Consulting Services – Fee Estimate

Dear Mr. Hozey,

Thank you again for this opportunity to work with the Town of Cape Charles on your master plan for the Beachfront. Please see our fee estimate broken down into the tasks as outlined in our proposal.

Task 1 – Research, Data Review, Site Inventory and Analysis - $19,440
Task 2 – Public and Town Council Outreach - $18,960
Task 3 - Develop Concepts and Draft Master Plan - $31,080
Task 4 - Final Master Plan Report - $26,360
Expenses: $4,000
Total: $99,840.00

This fee proposal and scope is responsive to the expectations outlined in the Town's original RFP. However, we suggest there are opportunities for savings due to the fairly intense schedule of meetings within each of the tasks. Together, we can look for opportunities to maximize the benefit of these meetings while potentially offering some savings to the Town.

If you have any questions regarding our fee estimate, please reach out to me or our proposed Project Manager Ricky Wiatt, PLA at **757.279.2861** or **rwiatt@vhb.com**.

Sincerely,
Vanasse Hangen Brustlin, Inc.

R. Neville Reynolds, PWS
Principal-in-Charge/Managing Director – Williamsburg
rreynolds@vhb.com