



TOWN COUNCIL
Regular Meeting
March 20, 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 Input Session for [2025 Community Strategic Plan](#)
4. Public Hearing
 - A. [Conditional Use Permit Application 2025-02 – 711 Tazewell Ave/302 Fig Street](#)
5. Close Public Hearing
6. Recognition of Visitors / Presentations / Recognitions
 - A. Recognition of Employee Significant Anniversary
7. Public Comments (3 minutes per speaker – For items not included in the public input session or public hearing)
8. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. Approval of [December 31, 2024](#) and [January 31, 2025](#) Financial Reports
9. Unfinished Business:
 - A. None
10. New Business:
 - *A. [Adoption of 2025 Community Strategic Plan](#)
 - *B. [Conditional Use Permit 2025-02 – 711 Tazewell Ave/302 Fig Street](#)
 - *C. [Lease Amendment for the Hungry Crab, LLC \(dba The Shanty\)](#)
 - *D. [Real Estate Tax Exemption for Certain Elderly or Disabled Persons](#)
 - *E. [Resolution of Intent-Zoning Text Amendment – Article III, Section 3.3.E-Residential-3\]](#)
 - *F. [Resolution of Intent-Zoning Map Amendment – Seabreeze Associates, LP](#)
 - *G. [June Town Council Meeting Date Change](#)
11. Town Manager Comments
12. Mayor & Council Comments (5 minutes per speaker)
13. Announcements
 - April 3, 2025 – Town Council Work Session
 - April 17, 2025 – Town Council Regular Meeting
 - April 25, 2025 – Blessing of the Fleet
14. Adjournment



The Town of Cape Charles Community Strategic Plan 2025

DRAFT



Community Strategic Plan

What is a **Strategic Plan**, and what makes it different than our **Comprehensive Plan**? These are great questions, and understanding this difference is critical to any evaluation of this document.

A **Comprehensive Plan** is required by Virginia Administrative Code, which prescribes a detailed set of requirements. A Comprehensive Plan is a lengthy, intricate document, that can take a very long time to create. Due to its complexity and the length of time needed to develop it, the average citizen does not typically take the time to study a Comprehensive Plan in detail.

Strategic Plans on the other hand are much nimbler, they can be customized to any particular need of a community and are more easily digestible by members of the public. Strategic Plans also happen quicker, which facilitates more interest and better participation by community members. Our Strategic Plan shares the same community values and vision as our Comprehensive Plan but can be updated annually if desired, making the Strategic Plan a living document; flexible enough to react to current community developments in real time. This makes the Strategic Plan an ideal implementation tool for our Comprehensive Plan.

Both the Comprehensive and Strategic Plans start broad, and then become more specific. They begin with the values that are important to us and define us as a community. These values inspired our vision; a brief statement that looks to the future; is a source of inspiration; and serves to identify the ideals or characteristics we desire in our future.

The vision and its supporting goals represent the long-term view. The specific strategies needed to attain these goals are more short-term in nature and are considered objectives. They are the distinct, measurable deliverables that are affordable and implementable actions the Town can work into its next annual budget.

Following a three-year development period, the Town Council approved the most current Comprehensive Plan in December of 2022. The Strategic Plan will now start tackling the many discrete goals/objectives in the Comprehensive Plan by determining current priorities to assist with developing annual work plans.

While goals are longer term and subject to ongoing metrics, the Strategic Plan objectives are more fluid. As some objectives are completed, others may be added, contributing to the living nature of this document. Therefore, the objectives listed here should not be considered the definitive or complete list, but rather what is considered important or desirable to tackle first.

Community input to the annual Strategic Plan update is critical, and it will be solicited from annual community surveys and public input sessions.

Community Strategic Plan

Our Community Values:

- 1) **Sense of Community**
- 2) **Heritage – Traditional**
- 3) **Diversity – Tolerance – Respect**
- 4) **Adaptability**
- 5) **Environmental Stewardship**



Our Vision:

Preserve our historical, natural, and cultural resources, while managing growth and fostering a sense of community that enhances well-being and prosperity, now and for generations to come

Community Strategic Plan

Our Goals*:

- **To retain the small-town character of Cape Charles**
 - Metric: citizen confirmation in annual survey
- **To protect and maintain the beachfront**
 - Metric: no degradation via annual beach survey
- **To protect and maintain the harbor**
 - Metric: maintain/increase occupancy
- **To protect and maintain Central Park**
 - Metric: maintain/increase appearance and usage
- **To promote environmental stewardship**
 - Metric: develop implementable plans
- **To retain and expand businesses in a business-friendly environment**
 - Metric: increase in business licenses, increase in business-related revenues, and data from building permits issued and an annual questionnaire on employment
- **To enhance the visitor experience in Cape Charles**
 - Metric: maintain/increase visitation and tourism related revenues
- **To advance a variety of housing options ~~for younger families and workforce~~**
 - Metric: increase in related ~~related~~ more affordable housing units
- **To meet our residents' expectation for Town services**
 - Metric: citizen confirmation in annual survey

***Not in any particular order**

Community Strategic Plan

Our Objectives:



- **Retain the small-town character of Cape Charles:**
 - a. Encourage a sense of engagement and inclusion among our community service organizations:
 - i. ~~Planning Commission and Historic District Review Board~~ Town boards and commissions chairpersons to provide an annual briefing to Council
 - ii. Celebrate volunteer appreciation, to include a volunteer of the year award during the annual Town Council Ice Cream Social – invite all board/commission members and civic groups
 - iii. Hold an annual strategic plan forum to get input from the public and civic groups
 - iv. Quarterly recognition of board/commission members or other volunteers in the Gazette, on Facebook, and during Regular Council meetings
 - v. Invite local civic groups, as appropriate, to participate in Town working groups

Note: Current Cape Charles Civic Groups – Friends of the Library, Citizens for Central Park, Cape Charles Main Street, Cape Charles Rotary, Cape Charles Historical Society, Cape Charles Rosenwald School Restoration Initiative, Cape Charles Yacht Club, New Roots Youth Garden, GEAR, Arts Enter, CC Historic District Civic League, Vacation Rental Home Owners Association, Bay Creek Community Association

- b. Encourage Citizen Engagement:
 - i. Maintain Facebook event postings for public events
 - ii. ~~Continue calendar of public meetings in monthly billings~~

Community Strategic Plan

- ii. Provide routine reporting of Town business and outcomes
- iii. Promote subscription to e-notifications and other sources of information
- iv. Publish Strategic Plan “report card” prior to the annual Community Survey
- c. Maintain/improve walkability:
 - i. Complete multi-use path between historic district, harbor, and Bay Creek
 - ii. Promote improvements to, and additions to sidewalks
 - a. Press for state maintenance
 - b. Explore ordinance changes for rehabilitation and resale
 - c. Explore ways to assist with sidewalk infill and provide capital funding as available
 - iii. Support Rails to Trails project
- d. Promote and encourage community/quirky events:
 - i. Promote centralized calendar of events (sharing information)
 - ii. Pursue Northampton County Infrastructure Grants to support events
- e. Promote the arts, entertainment, and recreation:
 - i. Provide services and venues at low or no cost to local non-profits
 - ii. Evaluate ways to provide volleyball/basketball courts; work with the YMCA to promote available scholarships
 - iii. Develop official guidance for public art displays
- f. ~~Enact~~ Evaluate short-term rental (STR) regulations
 - i. Evaluate recently adopted STR regulations to determine if tweaks or changes are required. ~~recommendations provided by STR working group, solicit public input via town hall meetings and public hearings, and establish STR regulations~~
- g. Manage tourism benefits and impacts to ensure a healthy balance between a quality of life for our residents and the quality of place for our visitors
 - i. Develop a visitor pledge to communicate the important values of responsible behavior to visitors
 - ii. Improve accessibility for people of all age groups and abilities
- h. Foster a safe golf cart culture:
 - i. Better and more signage
 - ii. Better enforcement (information to rentals and better reporting)
 - iii. Designate golf cart parking spots
 - iv. Foster positive relationship and meet annually with golf cart rental companies
 - v. Evaluate better connectivity options between Bay Creek and the balance of the Town
- **Protect and maintain the beachfront:**
 - a. Develop beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.) to include specific parameters for beach and dune management, detailing desired size and characteristics of both
 - b. Continue annual surveys and sand replenishment budget
 - c. Evaluate survey data to determine erosion protection strategy

Community Strategic Plan

- **Protect and maintain the harbor:**

- a. As part of larger area planning efforts, develop criteria to promote a healthy balance of commercial and recreational uses
- b. Implement long-term major maintenance and replacement plan

- **Protect and maintain Central Park:**

- c. In collaboration with Citizens for Central Park, promote an attractive, yet sustainable, multi-function public park
- d. Implement long-term major maintenance and replacement plan

- **Promote environmental stewardship**

- a. Develop an implementable coastal resiliency plan, to include the Resilience Adaptation Feasibility Tool (RAFT) recommendations and VIMS Comprehensive Coastal Resource Management Portal
- b. Review ~~adequacy of~~ existing/previous public green/open space infrastructure plans and develop an updated implementable plan
- c. Protect and improve tree canopy and other natural and designed landscapes
- d. ~~Protect and maintain Central Park~~

- **Retain and expand businesses in a business-friendly environment:**

- a. In collaboration with Cape Charles Main Street (CCMS) develop a public/private effort to guide business development and help remove obstacles
 - i. Review ordinances, regulations, and processes to identify business impediments
 - ii. Distribute the CCMS business tool kit to assist with common questions/concerns
 - iii. Support the economic vitality of the commercial district
- i. Improve business access to workforce resources:
 - i. Develop programs with high schools, the Eastern Shore Community College (ESCC), ~~and the restored Cape Charles Rosenwald School~~
 - ii. Support CCMS Job Fairs through ~~Northampton County Chamber of Commerce Cape Charles Main Street~~, Eastern Shore Chamber of Commerce, and/or Eastern Shore Tourism
 - iii. Develop internships and apprenticeships (Dept of Labor & Industry - DOLI)

- **Advance a variety of housing options ~~for younger families and workforce:~~**

- a. Explore the viability of a workforce housing ordinance related to Planned Unit Developments (PUDs); pursuant to VA Code Sec 15.2-2305.1

Community Strategic Plan

- b. Work with developers on workforce housing projects
- c. Promote the ability of accessory dwelling units to be workforce housing units
- d. Stay informed about Northampton County efforts
- **Meet our residents' expectation for Town services:**
 - a. Establish modern municipal facilities
 - i. Ensure safe/effective workplaces
 - ii. Develop an accessible and efficient Town Hall
 - iii. Strive to centralize resources
 - b. Manage smart growth and development, ensuring our small-town character remains balanced against increasing needs for services/infrastructure
 - i. Perform analysis of public service needs as a function of anticipated growth
 - ii. Evaluate potential financial impacts on municipal budgets
 - iii. Develop proffer policy to pay for impacts of future developments
 - c. Conduct master planning for potential development of the old railroad property and surrounding harbor areas
 - d. Develop a town-wide parking capacity inventory and develop recommendations for possible expansions or improvements
 - e. Continue employee training (cross training, customer service training, etc.)
 - f. Continue citizen concern reporting system
 - i. Promote citizen use of "Report a Concern" on Town website
 - ii. Follow up public comments expressed during council meetings and through emails received from citizens
 - g. Evaluate the need and viability of additional services
 - i. Recycling, when feasible
 - ii. Electric ~~automobile~~ vehicle charging stations, when feasible
 - h. Evaluate the need and viability of temporary office space for town staff until a new town hall can be built

Implementation:

Any plan is only as good as its implementation strategy. Our current Comprehensive Plan identified this Strategic Plan as its implementation tool. That was because this plan is reviewed annually and can be updated as needed to react in real time to current conditions. However, that does not mean that it is possible for all the objectives in this plan to be accomplished immediately or concurrently. Therefore, the Strategic Plan must be seen as a multi-year planning tool, which is updated each year.

Successful implementation depends on many things, including Political Will, money, staff capacity, and the time to do the work; with each of these representing their own unique challenges.

Community Strategic Plan

Political Will was demonstrated by the Mayor and Town Council through their participation in the development of this Strategic Plan. However, this Will can only be sustained with public support. The Strategic Plan cannot be seen as the Town Council's plan, but rather must be perceived as the community's plan. This public buy-in will be sought via annual public meetings to obtain input and address any questions/concerns; as well as using an annual community survey to gain insights and collect data over time regarding community needs and satisfaction.

The Town's fiscal situation has improved significantly since the first Strategic Plan was adopted in 2021. While this does not mean we can fund everything at once, it does mean that we can now begin to put together a reasonable, prioritized spending plan.

While money may be less of an issue, the staff resources necessary to carry out this work remains constrained. Town staff are typically fully engaged in their routine day-to-day duties, which does not afford much additional capacity to take on new objectives. **Staff workspace is an additional constraint. If more staff were hired, there is currently insufficient space to house them.** While volunteer resources can often help, volunteers cannot be counted upon to shoulder the sole responsibility for specific actions. Volunteer help is an excellent force multiplier but should not be counted upon as the primary resource in formal implementation planning. Therefore, expectations must remain reasonable, so that annual work plans don't become impractical.

Work Plans:

The Strategic Plan was referenced during this year's annual update to the Town's ongoing project priority list. That list, along with this plan will be used in the development of the next Town budget (FY26 - which begins on July 1). That budget is what will establish the resources and expectations for Town work plans in the coming year. A good faith effort will be attempted to work on those objectives which receive sufficient resources in the next budget. However, since this is a multi-year plan, we must accept that some objectives contained herein will not be scheduled until FY27 or beyond.

Please refer to Appendix B to see the current ongoing Town project list and how objectives have been prioritized for the coming year.

Appendix A
**Cape Charles Comprehensive Plan Summary of
Objectives and Strategies**

A) Housing

- 1 Pursue additional supply and diversity of housing
- 2 Encourage workforce housing
- 3 Participate in Housing Finance Programs
- 4 Promote manufactured housing
- 5 Address STR impacts on housing

B) Economy

- 1 Seek healthy balance - residents & tourists
- 2 Attract families with children
- 3 Strengthen household economic wellbeing
- 4 Promote and expand business
- 5 Promote diverse economic benefits for the harbor
- 6 Expand local manufacturing base
- 7 Promote traditional water based economic activities
- 8 Study chains of activities to identify gaps in a visitor's day
- 9 Identify placemaking opportunities
- 10 Update Bay Creek Planned Unit Development (PUD)

C) Transportation

- 1 Reduce traffic congestion
- 2 Enhance walkability
- 3 Maintain safe golf cart operations
- 4 Increase parking
- 5 Identify and maintain alleys and easements
- 6 Promote affordable public transportation
- 7 Complete multi-use path between historic district, harbor, and Bay Creek
- 8 Intergrade harbor area with other trail/path networks
- 9 Support Rails to Trails

Community Strategic Plan

D) Environment

- 1 Enhance Chesapeake Bay water quality
- 2 Promote strong aesthetics and limit litter
- 3 Ensure high quality drinking water (Now Virginia American Water)
- 4 Maintain long-term viability of beach and harbor
- 5 Promote coastal resiliency
- 6 Protect wetlands
- 7 Implement Coastal Resources Management guidance
- 8 Develop recommendations to improve resiliency to storm events
- 9 Assess feasibility of recycling
- 10 Protect and promote tree canopy
- 11 Evaluate I&I to sewer (Now Virginia American Water)

E) Facilities & Services

- 1 Pursue amenities for town facilities
- 2 Create modernized municipal facilities
- 3 Create multi-use recreation field
- 4 Ensure effective water & sewer utilities (Now Virginia American Water)
- 5 Develop policy for paying for facility expansions
- 6 Develop proffer policy to pay for impacts of future developments
- 7 Pursue arts, public events, etc.

Community Strategic Plan

Appendix B **2025 Ongoing Town Priorities List**

BLUE: still in progress from previous work periods and require additional time to complete; All items in blue are currently being worked concurrently (not listed in any particular order):

- Develop New Municipal Center
- Develop New Downtown Restrooms and Visitors Center
- Finish Library building sale/upgrades
- Work with developers/agencies to facilitate workforce housing
- Publish recently adopted Zoning Ordinances to online platform
- Develop beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.)

New items to be started as soon as time/resources are available:

1. Develop harbor/RR area conceptual master plan, new design guidelines, and Article IX update
2. Review efficiency of current planning and zoning processes and fees
3. Pursue development of shared revenue agreement with the County
4. Develop a town-wide parking plan to include a parking capacity inventory and recommendations for possible parking area expansions or improvements
5. Survey former residents to determine the circumstances of their departure
6. Review short term rental ordinances/codes to determine if changes or updates are needed
7. Develop a plan to address coastal resiliency, to include RAFT recommendations

NOTE: Refer to the Town's FY25 Capital Asset Management Plan (CAMP) to see a five-year schedule of proposed capital projects.

Town of Cape Charles
Town Council Public Hearing

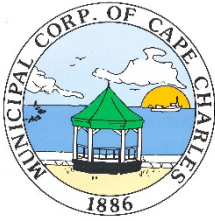
The Cape Charles Town Council will hold a public hearing on Tuesday, March 20, 2025 at 6:00 p.m. in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following:

- A. Conditional Use Permit Application 2025-02: application from Donna and Gregory Kohler at 711 Tazewell Avenue/302 Fig Street (aka Fig Street Inn) (Tax Map #83A4-2-A, 83A4-2-J, 83A4-2-1) to amend a previously approved Bed & Breakfast Conditional Use Permit to request to add to its allowed commercial uses, the following: bicycle rental, gift shop and an EV charging station.

The application is available for public review on our website at www.capecharles.org, under Agendas & Minutes, Town Council. Please contact the Planning Department at 757-331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.

Ad placed: Wednesday, February 26, 2025

Ad to Run: Friday, March 7, and Friday, March 14, 2025



DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center
January 9, 2025
1:30 PM

At 1:39 p.m. Mayor Adam Charney, having established a quorum, called to order the Executive Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Councilmen Buchholz, Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway. Also, in attendance were Town Manager John Hozey and Anne Lewis from Baker Tilley.

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

Specifically: Interview Town Manager Candidates

There were no members of the public in attendance.

Council went into executive session at 1:40 p.m.

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

The open portion of the meeting resumed at 5:36 p.m. There were no members of the public waiting to return to the meeting.

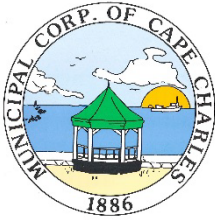
Certification, to the best of each member's knowledge, that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, 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 Councilman Buchholz, to adjourn the Town Council Executive Session. The motion was approved by unanimous vote.

The Executive Session adjourned at 5:38 p.m.

Mayor Charney

Town Clerk



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
January 15, 2025
6:00 PM

At 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Work Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway. Also, in attendance were Town Manager John Hozey, Project Manager Bob Panek, Town Clerk Libby Hume, and Ricky Wiatt from VHB, the Town's consulting firm. There were 5 members of the public in attendance.

Mayor Charney announced to those in attendance that this was just a work session to review and discuss the Beachfront Master Plan adding that nothing had yet been finalized on the plan.

John Hozey stated that since the last meeting, VHB had been trying to incorporate the comments received and provide a scaled down version of the last plan. A very downscaled draft of the plan would be reviewed this evening and there would be discussions on how the Town could involve the public moving forward.

Ricky Wiatt added that funding opportunities would also be discussed. He went on to add that tonight's plan was a fresh aerial view and was not meant to be a colored rendering. He would zoom in so the detail could be seen. The plan also showed how the dunes were proposed to be reshaped in width and uniformity. He and John Hozey took all the comments that were received and went through the old plan block by block and updated the various items. Mr. Wiatt went on to review the plan starting at the north end of the beach.

First Block/Jefferson Avenue: The bath house was moved from Washington to Jefferson Avenue and combined with the ADA area. There would be a small sitting area with the ADA ramp. The food truck/vendor spaces were eliminated. The biggest change was the parking plan being flipped from the last version to have head-in parking on the west side to also include designated golf cart spaces. The east side would have parallel vehicle parking with dimensions of 10'x22'. The openings at the ends of the streets were reduced to about 25', which was similar to what it was today. The majority of the plazas were removed with one remaining at Randolph Avenue at the gazebo with an 80' opening.

There was some discussion about the ADA accesses as follows: i) John Hozey stated that an alternate ADA access would be at the fishing pier with a ramp and a short ADA mat; ii) Bob Panek added that mats could be added anywhere in the future and were not that expensive. The mats would serve multiple purposes, not just for ADA accessibility; iii) Appropriate ADA parking would also have to be added at each ADA access.

Madison, Monroe & Tazewell Avenues: The beach accesses for these streets would be natural entrances. The east-side sidewalk would be 8' wide from the back edge and would be no closer to the houses than the current sidewalk. The grass strip was removed. There would be a 6" curb, 10' parallel parking spots, and the road would be 26' wide. 24' was the normal width for roads, but since we had the land area, the additional 2' would provide adequate room for vehicles backing in and out of the head-in parking spaces. The median strip would be removed. On the west side, the parking spots would be 10'x22' to allow for extra space to load/unload vehicles. The standard space was 9'x18'. The volley ball net would be moved and the entire plazas initially proposed for these streets

were removed. Several golf cart parking spaces were placed within the head-in vehicle parking and they would be striped. Bump-outs were added for vegetation, sidewalks, etc. to help organize the parking spots. Today there was nothing delineating the parking spots which was inefficient. It would also deter vendors from parking along Bay Avenue.

Randolph Avenue/Gazebo area: This area was scaled back as well but there would still be seating. Taking out the center median provided additional space around the gazebo. Councilwoman Holloway asked how people could view the sunset from the gazebo. Mr. Wiatt explained that based on the circular pattern, the center entrance would be steps with seating on either side. An ADA ramp would also be added.

South Plaza: This plaza was scaled back as well. Everything in this corner would be ADA compliant. The plaza would tie into the fishing pier and the steps would be replaced by a ramp. The restrooms were in the same location but the size was scaled down. The vendor area was moved to the back area behind the dune. It would not be taking the dune or blocking the LOVE sign, but the space would be organized. A drop-off area was proposed so people can pull in to drop off items, then drive around and exit the area to park. The long building, that was initially included for a wind break, was eliminated and the dunes were reshaped to wrap around the area to protect it. The LOVE sign was moved about 5' over to allow people to walk on the walkway along the waterfront. To allow for ADA access to the LOVE Sign, pavers should be placed around it. This was a detail item that could be addressed in more detail at a later date. There was an opportunity to add a few flag poles. The south plaza would be more formal for events with pavers, hardscape, etc. A walkway would be placed along the promenade so people could go through the food truck area or loop around to walk along the seawall along the beach or into the harbor area. This connector was part of the Harbor Plan. There was much discussion about the area around the LOVE sign with space for a tent to be used for events, etc.

The plans included the additional breakwater that would allow for the growth of the beach. This could be a phased plan. The breakwater would be easy to add in at a later date. Without the rock structure, just adding sand from dredging, would not keep the sand there. Some type of rock structure was needed to grow the beach. John Hozey stated that the additional breakwater was not critical to the rest of the design. If the Town grew and Council felt that there was a need for more beach area, the additional breakwater could be considered at that time.

After the initial review, Mr. Wiatt asked Council for feedback about the South Plaza area. i) Councilwoman Ashworth did not like the location of the vendor area adding that when someone walks down Mason Avenue toward the beach and LOVE sign, they would see the vendor area which took away the simple beauty of the entranceway. Councilwoman Holloway noted that the results of the survey showed that people wanted an area for food trucks with seating and shade for families to gather and eat, adding that she liked this plan much better than having the food trucks lined up along Bay Avenue. Details could be discussed later but this created some excitement and a nice gathering place. There was much debate about the food truck/vendor area. Mr. Wiatt stated that we could look at structure placement and push the food trucks to the back with some formal plantings of ornamental grasses. Mayor Charney noted that once they obtained their business license, they could park pretty much anywhere, but he felt a happy compromise could be reached by moving the shed to the right and placing the food truck behind it, out of sight of Mason Avenue which was better than having them on Bay Avenue. Councilwoman Holloway added that if the building/shed was moved, a mural could be painted on it for another location for a photo opportunity and to improve the visual; ii) Councilman Grossman asked about the road elevation changes and crosswalks adding that he was not in favor of raising the elevation in the intersections. Mr. Wiatt stated that the intent of the raised crosswalks was to slow traffic. It added a strong safety element and was required for some grants. Councilwoman Ashworth asked what would have to be done to Bay Avenue to accomplish this. Mr. Wiatt stated that the road would have to be re-milled, which the transportation grants supported.

There was much discussion about the construction of Bay Avenue which was compared to the trail work along Washington Avenue and South Peach Street. It was noted that Bay Avenue was part of the Town's community trail plan which began in 2007 and was also in the Comprehensive Plan. Mr. Wiatt stated that the amounts of the VDOT Transportation grants had increased tremendously up into the \$20M range but certain items needed to be addressed such as multi-modal transportation, ADA accessibility, stormwater management, resiliency, sea-level rise, etc. Lighting, raised crosswalks, and EV charging stations were other attractions for grant sources. The maintenance wall was actually where the boardwalk was currently located. One of the walls could be reconstructed as a seawall for a second layer of protection if the dunes failed; iii) Councilman Buchholz stated that the added parking along Bay Avenue should alleviate beach parking drifting into the neighborhoods. Mr. Wiatt added that the Town was fortunate to have this rare opportunity to add parking capacity to the roadway without have to take right-of-way property to accomplish this. Matthews and Tappahannock also did similar projects which were successful;

Funding Opportunities: Mr. Wiatt informed Council that he attended a webinar for a five-year pilot program, Rural and Tribal Assistance Program (RTA), through the US Department of Transportation. 13 projects were awarded in 2024. This year, \$27M was available and could take the project from a master plan to engineering plans. There were five federal programs and he emailed the list to John Hozey. The grants were only available to rural communities with census tracts under 150K. They were 100% funded, no local match. The grant cycle would open on March 4th at 2:00 p.m. It was not an elaborate application but must meet the criteria. It was available on a first come, first served basis. Last year, 70% of the approved projects were submitted on the first day and were granted \$250K - \$750K per project. The notice of funding would be on May 22nd and the Town would have three years to spend the money. Each state received a certain allotment. He was in Duck, NC earlier this morning and they were going to apply. He asked for Council's blessing to explore this further on the Town's behalf. The Dept. of Transportation also offers RAISE grants with up to \$25M in awards and the Town could look at submitting a RAISE grant application in January 2027.

John Hozey asked Council if the parking concept was okay to move forward. Councilman Buchholz asked if there was a way to survey the number of cars, golf carts, etc. parked along Bay Avenue during the summer so the Town would have the data moving forward. John Hozey stated that yes, staff could do this. There was a consensus to move forward with the parking concept as presented.

John Hozey summarized the plans from the Randolph Avenue entrance northward. The Tazewell Avenue deck would be removed and there would be two places for viewing the sunset – at Randolph and Jefferson Avenues. The plan preserved the original look and feel of the gazebo, adding ADA access. There would be a curved maintenance area, and the dunes could be reconfigured. There would be foot washing stations and trash cans at every intersection. The Monroe and Madson entrances would be the same. The volleyball court would still be at Monroe but the orientation would be mostly north/south. The restrooms were moved to Jefferson Avenue with tables and umbrellas, and the ADA access.

Mr. Wiatt added that bikes racks could also be added at some of the entrances. Today, the beach entrances were not aligned with the streets. The plan was proposing to open up the entrances to line up with the street. There was some discussion that originally, the beach entrances probably aligned with the streets, but with the winds usually coming from the south, the sand probably blew northward causing the entrances to move over time.

There was discussion regarding the sand and maintenance involved in keeping it off the stairs, etc. John Hozey stated that the fact that the stairs could not be seen due to the sand was the reason why we needed to get rid of the stairs. Mr. Wiatt reiterated that the plan would improve the ability for the Town to maintain it. We would never stop the sand from migrating, but would have a 10' maintenance strip, which would be where the current boardwalk was located, and an 8' promenade

before coming to the street. This was a much wider area to collect the sand. John Hozey added that it would be easier to clean and significantly reduce the amount of sand going onto Bay Avenue.

John Hozey asked for a consensus of whether the main plan was heading in the right direction. Mayor Charney, Councilmen Buchholz, Butta and Newman, and Councilwoman Holloway were in agreement. Councilman Grossman stated his agreement contingent on receiving grant funding. Councilwoman Ashworth stated that she still had reservations.

There was some discussion on how to move forward to involve the public. Councilwoman Holloway suggested meeting in a larger space where stations with photos could be set up for the public to move around the room from station to station viewing the photos, etc. and having the ability to ask questions. Small tables with a facilitator would be at each station. This should be open house style with people coming and going over a period of time. She recommended two locations with two sessions each – one during a weeknight and one on Saturday. Mayor Charney agreed and felt that Ricky Wiatt and staff would be the ones manning the stations to answer any questions.

Councilwoman Holloway asked Sam Jones and Ed Wells, who were in attendance, their thoughts about this. Ed Wells stated that he would prefer multiple Town Hall meetings.

John Hozey asked about the role of Council in these meetings. Councilwoman Ashworth stated that it made sense for the majority of Council to be in attendance possibly at each table to talk with the public, especially to get the public's feedback. She added that it would be good to do a survey as the people were leaving asking specific questions. As soon as the dates and locations were set, a message needs to go out inviting everyone to attend. Emails could be sent to the survey respondents as well. The information also needed to be posted online to solicit feedback. Councilwoman Holloway agreed that the messaging was very important since we had a lot of new people who might not be aware of the Community Trail project and its importance. Councilwoman Ashworth added that we needed to make sure to get the word out that we were seeking grants to pay for this project since there was a misconception that the taxpayers would be paying for it.

Mayor Charney agreed that an education piece was needed to provide the information. Councilwoman Holloway stated that a listing of 10 or so FAQs needed to be published.

John Hozey stated that the idea of the public meetings sounded good, but who would physically do the work. If the consultants were brought in to man the tables for four nights and four Saturdays, the cost would add up. Councilwoman Holloway asked Ricky Wiatt to provide a cost estimate for the meetings.

There was some discussion about the initial roll out of the plan. Mr. Wiatt stated that the plan was presented multiple times at Council meetings, but the public was not looking for it. The virtual meeting room with boards and information was put out but it was difficult to view from cell phones or tablets. He agreed that in person meetings would be much better, adding that he liked providing the attendees with yellow, green and red dots for them to place on items they liked or not. Councilwoman Holloway stated that the community was owed this. Council did not ask enough questions on the initial model. Conceptually, we needed to be more interactive with our residents. Councilwoman Ashworth added that Council needed to do some damage control about the amount of money spent on this plan already. Mr. Wiatt noted that VHB felt that they were part of the issue and had been working to revise the plans over the last several months without billing. Councilman Butta stated that it was all water under the bridge. We needed to learn from our past mistakes.

Mayor Charney suggested contacting the YMCA to see if the meetings could be held there. It was a neutral location and could accommodate more people. We could hold two meetings at one location – one on a weekday and one on Saturday.

Councilman Butta recommended calling this a conceptual plan versus a master plan.

John Hozey asked if Council was on board to taking this plan to the public. We would hold two meetings on two different days to attract more people. Would we then make the boards available virtually to those who could not attend in person? Mr. Wiatt stated that they could do a Facebook Live meeting and give a virtual presentation.

The dates would be scheduled with VHB, then the information would be provided to the public.

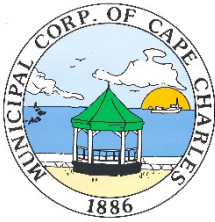
Motion made by Councilwoman Holloway, seconded by Councilwoman Ashworth, to adjourn the Town Council Work Session. The motion was approved by unanimous vote.

The Town Hall Meeting was adjourned at 8:27 p.m.

Mayor Charney

Town Clerk

Attach Plan



DRAFT
TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
January 16, 2025
6:00 PM

At approximately 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Regular Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Councilmen Buchholz, Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway. Staff in attendance were Town Manager John Hozey, Assistant Treasurer Adrian Oei, Zoning Enforcement Officer Jack Steinmayer, Police Chief Jim Pruitt and Town Clerk Libby Hume. There was one member of the public physically in attendance, and 7 viewers on Facebook.

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

RECOGNITION OF VISITORS / PRESENTATIONS/RECOGNITIONS:

There were no visitors to be recognized, nor any presentations scheduled this evening.

PUBLIC COMMENTS: (3 MINUTES PER SPEAKER)

John Rowe, resident

Mr. Rowe stated that he attended last night's work session on the Beachfront Master Plan, and it was nice seeing the reductions made to the plan. He noted that there had been no discussion about cost benefits or any trade-offs. The Town was doing this mostly for tourists and the residents would be on the hook to pay for it. The tourists would pay nothing. He understood that tourism was a necessary part of the Town's revenue, and the merchants needed it, but he would like to see a cost benefit analysis performed and the estimated return on investment.

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. December 9, 2024 Town Council Work Session
 - ii. December 19, 2024 Town Council Regular Meeting
- C. Approval of November 30, 2024 Financial Report

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to approve the Consent Agenda with amendment of the agenda to add item #7C-Appointment of Town Council Representative to the Planning Commission. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

There was no unfinished business for review.

NEW BUSINESS:

- A. *Election of Vice Mayor for a Two-Year Term:*

John Hozey explained that the Mayor was requested to seek nominations from the Council. Once all nominations had been received, the Mayor would close the nominations. If more than one nomination was received, each Council member would write down their preferred choice on a piece of paper and pass them to the Mayor to tally the result. Afterwards, a motion should be made to appoint the Council member receiving the most votes.

Councilman Grossman nominated Councilman Buchholz to be vice mayor. Councilwoman Holloway seconded the nomination.

As there were no other nominations for vice mayor, Mayor Charney called for the vote.

Councilman Buchholz was elected as vice mayor to serve from January 2025 through December 2026 by unanimous vote.

B. *Appointment of Town Council Representative to the Harbor Area Review Board:*

John Hozey stated that a number of the Town's Boards, as well as the Planning Commission, included a representative from the Town Council. Former Vice Mayor Bennett had been the Town Council representative on the Harbor Area Review Board (HARB) but since his retirement from the Town Council at the end of December 2024, a new representative needed to be appointed. Mayor Charney should ask for volunteers. If more than one member volunteered, then each Council member would write down their preferred choice and pass the ballots to the Mayor to tally the result.

Mayor Charney opened the floor for volunteers. Councilman Butta and Councilwoman Ashworth volunteered to serve on the HARB.

Mayor Charney tallied the results which were tied with three ballots each for Councilman Butta and Councilwoman Ashworth. Per the Town's charter, in the case of a tie, the Mayor would vote to break the tie. Mayor Charney voted for Councilman Butta to serve on HARB.

Motion made by Councilwoman Holloway, seconded by Councilwoman Ashworth, to appoint Councilman Butta as the Town Council representative to the Harbor Area Review Board. The motion was approved by unanimous vote.

There was some discussion regarding the boards with Council representation. It was noted that the Historic District Review Board did not have a Council representative, and Councilwoman Holloway felt that it would be very helpful to have a representative on the HDRB. John Hozey stated that it would require an ordinance change to add a Council representative to the HDRB. Councilwoman Holloway asked for this topic to be added to a future agenda for discussion.

C. *Appointment of Town Council Representative to the Planning Commission:*

Councilman Grossman stated that he had served as the Council representative to the Planning Commission for a number of years and felt that it was time for him to step down to allow someone else to serve on the Commission.

Mayor Charney asked for volunteers or nominations.

Councilwoman Holloway nominated Councilman Newman as the Council representative to the Planning Commission. Councilman Butta seconded the nomination.

As there were no other nominations, Mayor Charney called for the vote.

Councilman Newman was appointed as the Town Council representative to the Planning Commission by unanimous vote.

John Hozey gave his heartfelt thanks to Councilman Grossman for his contributions to the Planning Commission with his work on the comprehensive plan, zoning ordinance, and short-term rental process. He did an enormous amount of work, and we all owed Councilman Grossman a great thank you.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) One small capital project, Strawberry Street Sidewalk by Central Park, had to be put back out for bids. We had been working with a contractor for some time, but he was having state licensing issues; ii) He had one new hire since the last meeting. Tim Hamann was hired as the harbor maintenance assistant. He added that he was really pleased at how well the team was coming together. The new Harbor webpage was up and looked good with all the information on there; iii) A new Short-Term Rental webpage was in the works and would have FAQs, short-term rental information, regulations, and forms. It should be live soon; iv) He thanked everyone for the last-minute push for the Community Strategic Planning Survey. We had 444 responses. The results would be presented at the work session on February 6th; v) Also on February 6th, public hearing and a special meeting was scheduled for a conditional use permit for the former Kelly's restaurant. The new owner was having issues with placement of the propane tank(s). The current tank was under ground but it had to be replaced with above ground tank(s) which must be screened. The Fiscal Year 2025 Mid-Year Budget amendment would also be up for public hearing and adoption during the special meeting.

MAYOR AND COUNCIL COMMENTS

Councilman Grossman commended Katie Nunez, Marion Sofield and Jeb Brady for taking the time to hold the short-term rental meeting with real estate agents. It was a very positive interchange with positive feedback.

There were no additional comments.

Mayor Charney read the announcements.

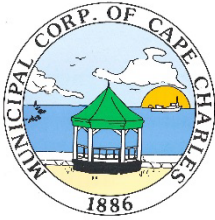
Councilman Buchholz stated that a memorial service/celebration of life for Smitty Dize would be held as part of Cape Charles Day.

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

The Regular Meeting adjourned at 6:18 p.m.

Mayor Charney

Town Clerk



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
January 16, 2025
Immediately Following the Regular Meeting

At 6:20 p.m. Mayor Adam Charney, having established a quorum, called to order the Work Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Buchholz, Councilmen Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway. Also, in attendance were Town Manager John Hozey, Assistant Treasurer Adrian Oei, and Town Clerk Libby Hume. There were no members of the public in attendance.

John Hozey stated that the attached documentation only included the items that had changed, and went on to review the following:

General Fund Revenue: i) The budget was put together in June and the county assessments were received in the fall. The Town actually billed more than what was budgeted so the numbers were adjusted accordingly; ii) Bay Creek Impact Fees – This was determined during negotiation of the Annexation Agreement. We initially budgeted for \$60K, but \$87K had already been received to date; iii) Rental Inspections – When the budget was put together in June, short-term rentals in Bay Creek were not being inspected but were now required to get inspections; iv) Dividend & Interest Income – This report reflects the income from the first 5 months of FY 2025 and shows income of \$385K. \$293,370 was booked to the General Fund and \$91,730 was booked to the Utility Fund. The full year was estimated at \$916,704. This number was discounted by 12% due to expected lower rates, so \$805,285 was added to the budget = \$444,497 to the General Fund and \$361,787 to the Capital Fund. Councilman Grossman asked why all the funding wasn't placed in the General Fund then transferred to the other funds. John Hozey stated that it would not be as transparent to the public since not all the funds were to be used in the General Fund. Councilman Grossman suggested doing the same for the .5% of the meals tax which currently goes into General Fund Revenue, then gets transferred into the Capital Fund. John Hozey stated that this could be done the same way although it was a small amount. Much discussion continued regarding this item; v) A little less money was received from the Litter Grant than the original application amount, so this number was adjusted.

General Fund Expenses: John Hozey stated that all personnel, benefits, etc. were trued up.

Town Clerk: i) The Bay Storage rental increased to \$439 per month, so the line item was increased by \$381; ii) \$8K was added to get the updated zoning ordinance codified into Municode along with the Town Code.

Town Manager: i) The former assistant was full-time, but the current assistant was working part-time so the full-time line was reduced and adjusted into the part-time line item; ii) The relocation expense was increased based on negotiations with the new town manager; iii) Town support for the Sail 250 event in 2026 – got a general consensus of \$30K support for this. This represented 45% of the total cost with Cape Charles Main Street (CCMS) coming up with 55%. The deposit needed to be put down this fiscal year, so \$19,800 was added to this year's budget with the remaining \$10,200 expected in FY 2026; iv) Recreation Programs & Events – To date, the actual costs had already exceeded the budgeted amount. To allow for the remainder of this fiscal year, and several large events coming up, an additional \$25K was added to this line item; v) Based on last night's discussion, we might need to add more funding for the Beachfront Master Plan. We had some money in reserve and in other line items but would like to keep these for the unknown. We had budgeted \$50K for Professional Services and \$25K had been spent. There was \$25K left in the line item, but Baker Tilley would be funded from that. John Hozey suggested adding \$25K to line item 100-4121-3410

(Professional Services) to provide some wiggle room. This was not shown on the attached documentation as it was just discussed last night.

Finance: The budget was approved prior to the hiring of the new treasurer. The changes to this budget were basically trueing up the expenses, adding certifications for staff and purchasing a new locking cabinet.

Police: i) He was alarmed when he saw the new rates for worker's comp. There was a \$14K increase for the police department as the rates had a significant spike after the budget was approved. We had some claims last year and that might have contributed to the increase; ii) Travel expenses, education, uniforms and equipment were increased based on having 2 officers in the academy.

Code Enforcement: i) John Hozey directed everyone to the *STR Regulation Implementation & Enforcement* handout for estimated costs for the new software, computers/equipment, a new golf cart, a new staff member and miscellaneous items. These costs would be split 50/50 between the Code Enforcement and the Planning & Zoning departments. There was much discussion about the costs and whether some of the items were actually necessary. John Hozey stated that the recurring costs would be made up from the fees being charged to the short-term rental owners but suggested that the one-time costs be covered by the Town. He went on to review the proposed recurring cost recovery. The total combined Short-Term Rental (STR) permit fee would be \$570 per year initially, in addition to the current business license fees and appropriate transient occupancy fees. He noted that if Bay Creek was included, the permit fee would drop to about \$300 annually.

Public Works: i) Most of the items in this budget were routine expenses; ii) The Capital Fund included funding for the electrical upgrade of Mason Avenue. Unfortunately, no contractor wanted to do the project due to the large scope. Ralph Bowen did a good job getting Strawberry Street upgraded for under \$10K. This expense was moved from Capital to operations under CCMS for better tracking.

Information Technology: i) This item included the STR software and computer. It also included previously approved software for the Building/Code Enforcement and Planning & Zoning department, but the quotes were a year old and costs had gone up, so additional funding was requested so the departments could move forward with the software purchase. The funding breakdown was \$45K for the STR software annual subscription, \$12K one-time cost for the STR software package, and \$2,500 for the Building/Planning & Zoning software.

Library: i) The items were for routine expenses; ii) Councilwoman Ashworth asked for \$500, as the Town Council representative to the Library Board, to cover the costs for the upcoming Town Wide Read. She found out that in previous years, the Library Board members were paying for the costs out of pocket for the movie showing, licensing, and cleaning for the Palace Theatre. This year's book was *Hidden Figures* and the licensing would not allow the movie to be shown in a public theater, so it would be held in the Cape Charles Christian School. Any remaining funds would be donated to the Cape Charles Christian School for allowing us to use their facilities. Councilwoman Holloway noted that \$750 would be better since the licensing varies by movie and would allow for a better donation to the school. John Hozey stated that this would be included in the budget going forward.

Planning: i) Most of the additions were the same as in Code Enforcement for the STR software, staffing, etc.; ii) There was more discussion regarding the permit fees to recover the recurring expenses. The fees would be reviewed annually during the budget sessions and would be adjusted based on the costs and the number of active STRs. The Town would set the fee to an amount necessary to recover the cost of the recurring charges to the town. John Hozey noted that the cost of the software was just a placeholder based on Katie Nunez' research of other localities. The actual costs were unknown until the Request for Proposals was issued. Also, the fees would not be charged for a year due to the 1-year grace period which began November 19, 2024, the date that the ordinance was adopted. Councilwoman Ashworth commented that it would be the taxpayers who would be paying for the software, golf cart, staff person, etc. for the first year during the grace period, since the

revenue from STRs would not come in until November 2025; iii) Additional funding was requested for board compensation due to more meetings than initially anticipated.

The final adjustment of \$4,225.68 was due to a formula error in the original spreadsheet. This amount was needed to balance correctly.

Capital Fund: i) The only Capital Project remaining to be completed this fiscal year was the Keck Wells Water Line Return. This used to be in the Utility Budget but was now in the General Fund since we no longer have a Utility Fund. The Town had requested that Virginia American Water (VAW) to include this project as a separate line item in their invitation for bids so the work could be done when the trench would be open. This was our opportunity to bring treated water to support the workforce housing project along Cassatt Parkway/Old Cape Charles Road. The engineer's estimate for this project was \$225K. The low bid received by VAW for the return line was \$550K and the high bid was \$1.4M which was insane. Mayor Charney noted that the longer we waited, the higher the costs. VAW was holding the bid for us but we needed to let them know tomorrow because they were moving forward with their project. John Hozey recommended that we move forward with this project, suggesting we budget up to \$565K which included an additional \$15K for contingency. Any remaining funds would be transferred to the Fund Balance. Councilman Grossman asked that the line item description on the spreadsheet be changed to show "Transfer to Capital Fund Balance."

Harbor Fund: i) Revenues were reduced based on current prices and fees; ii) The Harbor was an enterprise fund, but the Town had always subsidized the Capital projects and debt service. Last year was the first year where we also had to subsidize operations. Now that the Town had taken back the operations, we would look at the rates in next year's budget sessions as it had been 4 years since the last rate review/adjustment. He was very hopeful and optimistic for the harbor operations going forward; ii) The Town was getting back \$161K from the management contract, but there were a lot of items that were necessary such as software, repair and maintenance, minor upgrade for the bath house lighting, etc.; iii) The last handout was from Coastal Seaplanes for a concept proposal to establish a seaplane terminal in the harbor for regular flight service across the bay. They would pay for all the improvements and pay for lease to use the space. The area in the harbor would be used only to load and unload passengers. The planes would not be moored overnight. It was an interesting proposal.

There were no questions or additional comments about the proposed mid-year budget amendment.

Vice Mayor Buchholz commented that when the Fig Street Inn came back for their conditional use permit (CUP), which would now be permitted with the new zoning ordinance, he would like the Town to waive fees since they had already paid over \$1K in fees for their previous application. John Hozey agreed, adding that the Kohlers had done everything that we had asked of them, and had paid all of the fees. The recently adopted zoning ordinance made it possible for them to move forward with their plans by CUP. They would still have to go through the process, but it would be a good gesture to waive the CUP fee. If he had Council support, he would authorize waiving the fee which was approximately \$750. There were no objections from Council.

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

The Town Hall Meeting was adjourned at 7:39 p.m.

Mayor Charney

Town Clerk

FY2025 Mid-Year Budget Adjustment
01/16/25

		Budget	YTD as of 12/10/24	Projected	Change	Notes			
	GF Revenue								
	100-3010-2024 Real Property Tax 2024	\$ 1,491,535.62	\$ 1,426,925.63	\$ 1,591,536.00	\$ 100,000.38	Difference between original budget and final county assessment			
	100-3090-1000 Bay Creek Impact Fees	\$ 60,000.00	\$ 87,000.00	\$ 120,000.00	\$ 60,000.00				
	100-3100-1600 Rental Inspections	\$ 18,000.00	\$ 3,350.00	\$ 27,000.00	\$ 9,000.00	Added Bay Creek inspections			
	100-3300-1750 Dividends & Interest on Investments	\$ 285,101.00	\$ 293,370.00	\$ 444,497.76	\$ 159,396.76	Adjusts for original conservative estimate, lower interest rates in 2025, and balanacing mechanism for the budget			
	100-3800-5000 Grant - Litter Prevention Grant (DEQ)	\$ 2,200.00	\$ 2,551.41	\$ 1,838.00	\$ (362.00)	Grant awarded for less than original application amount			
	General Fund Revenue Total				\$ 328,035.14				
	GF Expenses								
	Town Clerk								
	100-4112-2000 FICA Expense	\$ 5,204.46	\$ 2,187.85	\$ 5,300.00	\$ 95.54				
	100-4112-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 4,613.16	\$ 1,947.45	\$ 4,700.00	\$ 86.84				
	100-4112-2230 Worker's Comp	\$ 40.43	\$ 24.30	\$ 60.00	\$ 19.57				
	100-4112-2300 Health Insurance	\$ 30.00	\$ 30.00	\$ 100.00	\$ 70.00				
	100-4112-2310 Dental Insurance	\$ 309.06	\$ 309.06	\$ 800.00	\$ 490.94				
	100-4112-3030 Lease - Storage	\$ 4,800.00	\$ 1,669.00	\$ 5,181.00	\$ 381.00	Bay Storage rental increased to \$439/month			
	100-4112-5240 Books & Subscriptions	\$ 13,050.00	\$ 424.98	\$ 21,050.00	\$ 8,000.00	Increased costs for Town Code & Zoning Ordinance Supplemental Recodifications			
	Clerk Total				\$ 9,143.89				
	Town Manager								
	100-4121-1000 Regular Salaries & Wages Town Manager	\$ 168,331.11	\$ 61,060.11	\$ 132,504.00	\$ (35,827.11)	Old TM Assist. separated 8/15/24			
	100-4121-1200 PT Salaries & Wages TM	\$ 46,586.70	\$ 13,682.64	\$ 66,355.00	\$ 19,768.30	New TM Assist. moved to part-time			
	100-4121-2230 Worker's Comp	\$ 861.66	\$ 687.89	\$ 1,652.00	\$ 790.34				
	100-4121-2350 Relocations Assistance	\$ 5,000.00	\$ 1,000.00	\$ 9,000.00	\$ 4,000.00				
	100-4121-4080 Grant Exp - Sail 250	\$ -	\$ -	\$ 19,800.00	\$ 19,800.00	Tall Ships event. Add'll expense of \$10,200 expected in FY26.			
	100-4121-6050 Uniforms Expense	\$ 1,000.00	\$ 531.73	\$ 1,500.00	\$ 500.00				
	100-4121-6100 Recreation Programs & Events	\$ 54,000.00	\$ 66,763.46	\$ 79,000.00	\$ 25,000.00				
	100-4121-7000 Water & Sewer Expense TM	\$ 1,408.56	\$ 1,365.23	\$ 3,000.00	\$ 1,591.44				
	100-4121-8510 Transfer to Harbor Fund	\$ 198,523.00	\$ -	\$ 263,234.00	\$ 64,711.00				
	Town Manager Total				\$ 100,333.97				
	Finance								
	100-4124-1000 Regular Salaries & Wages Finance	\$ 321,416.03	\$ 137,601.31	\$ 351,751.20	\$ 30,335.17	True up for hiring of new Treasurer & expand role of Finance Clerk II to BPOL & STR Licensing Specialist			
	100-4124-2000 FICA Expense	\$ 24,588.59	\$ 10,109.14	\$ 30,310.00	\$ 5,721.41				
	100-4124-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 21,791.98	\$ 11,281.61	\$ 28,000.00	\$ 6,208.02				
	100-4124-2230 Worker's Comp	\$ 181.32	\$ 110.25	\$ 285.00	\$ 103.68				
	100-4124-2310 Dental Insurance	\$ 1,507.38	\$ 819.39	\$ 2,000.00	\$ 492.62				
	100-4124-5260 Employee Testing & Certification	\$ -	\$ -	\$ 1,200.00	\$ 1,200.00	CPFO certification for Assist. Treas.			
	100-4124-6000 Office Supplies	\$ 5,429.00	\$ 1,808.19	\$ 8,830.00	\$ 3,401.00	Locked cabinet for sensitive documents			
	Finance Total				\$ 47,461.90				
	Police								
	100-4310-2230 Worker's Comp	\$ 15,571.41	\$ 12,305.29	\$ 29,535.00	\$ 13,963.59	New rates received after the original budget			
	100-4310-3025 Repair Main & Inspect Contracted Svcs	\$ -	\$ -	\$ 500.00	\$ 500.00	New Police printer/copier repair/overage			
	100-4310-5110 Lease, Office Equipment	\$ -	\$ -	\$ 350.00	\$ 350.00	New Police printer/copier base lease			
	100-4310-5205 Travel-Mileage, Parking & Tolls - Pol. Acad	\$ -	\$ -	\$ 1,800.00	\$ 1,800.00	Bridge toll for 5 days a week x 18.5 weeks			
	100-4310-5210 Travel-Lodging & Meals	\$ 2,500.00	\$ 13.42	\$ 8,100.00	\$ 5,600.00	Lunch & occasional lodging for 2 officers @ police academy			
	100-4310-5230 Education	\$ 3,000.00	\$ 4,500.00	\$ 4,500.00	\$ 1,500.00	Academy dues increased			
	100-4310-6050 Uniforms Expense	\$ 6,000.00	\$ 2,426.82	\$ 7,000.00	\$ 1,000.00	Academy uniforms/PT uniforms/Black leather boots			
	100-4310-6175 Vehicles & Powered Equipment Fuel	\$ 25,000.00	\$ 6,827.60	\$ 26,800.00	\$ 1,800.00	Could be fine with budget already but want to be on safe side			
	Police Total				\$ 26,513.59				

Dividend & Interest Income

Actual

General Fund:	293,370	
Utility Fund:	<u>91,730</u>	
Total (first 5 months)	385,100	
Extrapolated for a full year:	916,704	
Less 12% due to expected lower rates:	806,285	
	444,497	General Fund
	361,787	Capital Fund

FY2025 Mid-Year Budget Adjustment
01/16/25

		Budget	YTD as of 12/10/24	Projected	Change				
	Code Enforcement								
	100-4340-1000 Regular Salaries & Wages Code	\$ 115,081.77	\$ 50,470.55	\$ 122,416.00	\$ 7,334.23	New STR employee 50% to Code 50% to Planning			
	100-4340-2000 FICA Expense	\$ 10,819.24	\$ 3,787.80	\$ 14,486.00	\$ 3,666.76	New STR employee 50% to Code 50% to Planning			
	100-4340-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 9,588.80	\$ 3,294.00	\$ 13,255.00	\$ 3,666.20	New STR employee 50% to Code 50% to Planning			
	100-4340-2230 Worker's Comp	\$ 500.77	\$ 369.16	\$ 950.00	\$ 449.23				
	100-4340-2310 Dental Insurance	\$ 602.95	\$ 297.96	\$ 750.00	\$ 147.05				
	100-4340-7070 Vehicles & Equipment	\$ -	\$ -	\$ 5,750.00	\$ 5,750.00	New golf cart for inspection/enforcement 50/50 between Code & Planning			
	Code Enforcement Total				\$ 21,013.47				
	Public Works								
	100-4430-2000 FICA Expense	\$ 20,652.98	\$ 9,522.83	\$ 24,000.00	\$ 3,347.02				
	100-4430-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 18,304.59	\$ 8,704.84	\$ 21,000.00	\$ 2,695.41				
	100-4430-2230 Worker's Comp	\$ 6,416.32	\$ 3,646.34	\$ 8,754.00	\$ 2,337.68				
	100-4430-2310 Dental Insurance	\$ 1,808.86	\$ 943.36	\$ 2,300.00	\$ 491.14				
	100-4430-6000 Office Supplies	\$ 1,000.00	\$ 868.44	\$ 2,000.00	\$ 1,000.00				
	100-4430-6025 Janitorial & Kitchen Supplies	\$ 7,200.00	\$ 4,356.26	\$ 8,700.00	\$ 1,500.00				
	100-4430-6075 Hand Tools & Light Equipment	\$ 1,500.00	\$ 1,333.89	\$ 2,500.00	\$ 1,000.00				
	100-4430-6235 Repair & Maintenance Supplies Business District	\$ 5,000.00	\$ 3,787.91	\$ 15,000.00	\$ 10,000.00	Increased cost of electrical upgrade			
	Public Works Total				\$ 22,371.25				
	Information Technology								
	100-4127-6150 Computer, Software & Electronics	\$ 46,705.00	\$ 15,007.89	\$ 112,955.00	\$ 66,250.00	Increases for approved building and zoning software; plus new STR software and STR computers.			
	Information Technology Total				\$ 66,250.00				
	Library								
	100-4730-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 8,480.43	\$ 4,164.44	\$ 10,000.00	\$ 1,519.57				
	100-4730-2300 Health Insurance	\$ 21,539.40	\$ 9,993.84	\$ 25,000.00	\$ 3,460.60				
	100-4730-2310 Dental Insurance	\$ 904.43	\$ 446.94	\$ 1,100.00	\$ 195.57				
	100-4730-3025 Repair Maint & Inspect Contracted Svcs	\$ 1,200.00	\$ 1,010.61	\$ 2,400.00	\$ 1,200.00	Overage for main library copier/printer. This printer is available to the public & usage has increased over the years.			
	100-4730-2230 Worker's Comp	\$ 58.25	\$ 34.72	\$ 90.00	\$ 31.75				
	100-4730-4090 Grant Exp - DEQ Litter Grant - Library	\$ 2,200.00	\$ -	\$ 1,838.00	\$ (362.00)	Grant awarded for less than original application amount			
	Library Total				\$ 6,045.49				
	Planning								
	100-4811-1000 Regular Salaries & Wages Planning	\$ 182,597.04	\$ 69,618.90	\$ 189,930.00	\$ 7,332.96	New STR employee 50% to Code 50% to Planning			
	100-4811-1200 PT Salaries & Wages Planning	\$ -	\$ 1,450.00	\$ 3,700.00	\$ 3,700.00	Compensation for boards - more meetings than anticipated & corrects original board pay			
	100-4340-2000 FICA Expense	\$ 16,798.74	\$ 5,371.09	\$ 20,465.00	\$ 3,666.26	New STR employee 50% to Code 50% to Planning			
	100-4340-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 17,834.61	\$ 6,747.30	\$ 21,501.00	\$ 3,666.39	New STR employee 50% to Code 50% to Planning			
	100-4811-2230 Worker's Comp	\$ 93.76	\$ 147.84	\$ 357.00	\$ 263.24				
	100-4811-2310 Dental Insurance	\$ 602.95	\$ 372.45	\$ 900.00	\$ 297.05				
	100-4811-7070 Vehicles & Equipment	\$ -	\$ -	\$ 5,750.00	\$ 5,750.00	New golf cart for inspection/enforcement 50/50 between Code & Planning			
	Planning Total				\$ 24,675.90				
	General Fund Expenses Total				\$ 323,809.46				
	General Fund Revenue Less Expenditures				\$ 4,225.68	Increased revenue over expenditures corrects clerical error in original budget adoption			

01/16/25

Capital Fund Revenue

		Capital Fund Revenue Total
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Capital Fund Expenses

110-4430-7013 Buildings & Improvements Beachfront Revitalization
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110-4430-7014 Buildings & Improvements Beach Restroom/Bathhouse

110-4430-7020	Infrastructure-Open Space, Parks & Outdoor Equip
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	110-4430-7065 Keck Wells Water Line Return
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	110-4121-8100 Transfer to Fund Balance
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		Capital Fund Expenses Total
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Capital Fund Revenue Less Expenditures

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STR Regulation Implementation & Enforcement

Estimated Costs

One-time start-up costs

Software package:	\$12,000
Computers/Equipment:	\$2,500
Golf Cart:	\$11,500
	\$26,000

Annual recurring costs

Software package subscription:	\$45,000
Enforcement officer salary/benefits:	\$51,000
Misc.	\$500
	\$96,500

Recurring cost recovery

Current inspection fee: \$150 per STR per year

New annual costs: $\$96,500 / 230 \text{ STRs} = \$420 \text{ per STR, per year}$

New total combined STR permit fee: \$570 per STR per year* (to start)

* Note this would be in addition to all current business license fees and appropriate transient occupancy taxes

(If Bay Creek were included, new cost per STR would drop to \$300)

General Fund

CAMP Project List/Schedule

Project name	Priority	Category	Level	Town Cost	Prior Years	FY2025	FY2026	FY2027	FY2028	FY2029
New Municipal Building*	High	I	A	\$ 7,017,409	\$ 517,409	\$ 3,250,000	\$ 3,250,000			
Library Upgrade & Condoization	High	I	A	\$ 307,547	\$ 57,547	\$ 250,000				
Renovate PW Butler Building	Medium	I	A	\$ 225,000					\$ 225,000	
Visitor's Ctr/Restroom*	Medium	II	B	\$ 783,377	\$ 33,377	\$ 750,000				
Beachfront Revitalization	Medium	II	B	\$ 1,245,000		\$ 45,000	\$ 600,000	\$ 600,000		
Beach Restroom/Bathhouse	Medium	II	B	\$ 1,245,000		\$ 45,000	\$ 600,000	\$ 600,000		
Mason Ave Electrical Upgrade	Medium	III	B	\$ 40,000		\$ 40,000				
Sidewalk Infill	Low	IV	C	\$ 620,000		\$ 50,000		\$ 190,000	\$ 190,000	\$ 190,000
Sports/Rec Field/Restroom*	Low	IV	C	\$ 310,000				\$ 30,000	\$ 280,000	
Keck Wells Water Line Return	High	III	B	\$ 225,000		\$ 225,000				

GF Total - 2024 dollars	\$ 12,018,333	\$ 608,333	\$ 4,655,000	\$ 4,450,000	\$ 1,420,000	\$ 695,000	\$ 190,000
Inflation adjusted dollars (3%)	\$ 12,322,383	\$ 608,333	\$ 4,655,000	\$ 4,583,500	\$ 1,505,200	\$ 757,550	\$ 212,800

Harbor Fund	\$ 675,287	\$ 168,750	\$ 284,537	\$ 132,000	\$ 90,000	\$ -	\$ -
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Grand Total - 2024 dollars	\$ 12,693,620	\$ 777,083	\$ 4,939,537	\$ 4,582,000	\$ 1,510,000	\$ 695,000	\$ 190,000
Inflation adjusted dollars (3%)	\$ 13,007,030	\$ 777,083	\$ 4,939,537	\$ 4,719,460	\$ 1,600,600	\$ 757,550	\$ 212,800

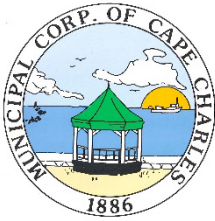
*Grants, divestitures, or new debt could reduce costs

v.mid-year

FY2025 Mid-Year Budget Adjustment
01/16/25

[illegible]

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TOWN COUNCIL
Public Hearing & Special Meeting
Cape Charles Civic Center
February 6, 2025
6:00 PM

At approximately 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Regular Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Buchholz, Councilmen Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway. Staff in attendance were Town Manager John Hozey, Treasurer Marion Sofield, Assistant Treasurer Adrian Oei, Planner/Zoning Administrator Katie Nunez, Assistant to the Town Manager Courtney Neale and Town Clerk Libby Hume. There were 4 members of the public physically in attendance, and 7 viewers on Facebook.

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

PUBLIC HEARINGS:

A. *FY 2025 Mid-Year Budget Amendment:*

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

B. *Conditional Use Permit 2025-01 – 133 Mason Avenue:*

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 6:01 p.m.

PUBLIC COMMENTS: (FOR ITEMS NOT INCLUDED IN THE PUBLIC HEARINGS – 3 MINUTES PER SPEAKER)

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

ORDER OF BUSINESS:

A. *FY 2025 Mid-Year Budget Amendment:*

Town Manager John Hozey stated that a Town Council work session was held on January 16, 2025 to review all proposed adjustments with several additional adjustments being made. All changes were reflected in the documents presented this evening.

There was some discussion regarding the following: i) Keck Well Water Line Return capital project – John Hozey stated that the Town had mechanisms in place to recover water connection fees; however, in this area, the only other property that could potentially connect is the proposed workforce housing development. Requiring the workforce housing developer to pay these connection fees would likely make the project too expensive to be viable; ii) Councilwoman Ashworth expressed her concern with the expenses to manage short-term rentals (STRs) adding that the \$45K initial outlay for software plus \$12K annually, the purchase of a new golf cart, and hiring a new staff person before we had an understanding of the number of STRs seemed exorbitant; iii) Mayor Charney suggested adding funding for miscellaneous donations adding that he had donated \$500 from the Town to the Oyster Farm's decoy show, proceeds of which benefitted the Cape Charles Museum, Barrier Islands Center, and the Make a Wish Foundation. John Hozey explained that not only were the funds not budgeted, but it set a precedent for any good cause to ask for funding, adding that it would be better to have this discussion for the next budget cycle. Councilwoman Holloway thought that this item warranted a good discussion, and

parameters needed to be set, adding that she felt that the Town could support charitable events with in-kind services such as offering the services of our public works crew, not giving monetary donations using taxpayer money. Other suggestions were funding to offset security fees for the event or waiving of the permit fees. This issue would be included in the first budget work session for next fiscal year.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adopt the FY 2025 budget amendment as presented. The motion was approved by majority vote with Councilwoman Ashworth opposed.

B. *Conditional Use Permit 2025-01 – 133 Mason Avenue:*

Katie Nunez stated that a Conditional Use Permit (CUP) application was received from Jon Dempster for the property at 133 Mason Avenue for a six-foot tall fence to be located at the front of the property as screening for three propane tanks. The tanks and fence would be located to the left of the handicapped access door which faced Mason Avenue. This property was located in the Commercial-1 Zoning District as well as in the Historic District Overlay. Mr. Dempster had tried to place the propane tanks in the rear of the building but the owner of the adjacent property was not willing to provide an easement for these tanks. The current tank was underground, but the propane vendor would not service the existing tank for safety reasons. Even if the current tank was replaced with another underground tank, it could not be placed in the same location as it did not meet the current codes. The current tank would be abandoned in place, filled with sand and sealed. If the CUP was approved, the application would be presented to the Historic District Review Board to review the material and appearance of the fence. The Planning Commission held their public hearing on February 4th and no comments were heard. Afterwards, the Planning Commission voted unanimously to recommend Town Council approval of CUP 2025-01 as submitted.

Jon Dempster offered further explanation regarding the issues stressing his concern for the safety of his employees and surrounding properties.

Motion made by Councilman Grossman, seconded by Vice Mayor Buchholz, to approve Conditional Use Permit 2025-01 for 133 Mason Avenue for the installation of a non-conforming 6' fence within the Commercial-1 District at the location shown on the site plan based upon reasons contained in the staff report. The motion was approved by unanimous vote.

C. *Employment Contract for New Town Manager:*

John Hozey stated that the Town contracted with a recruitment consultant to conduct a nationwide search for his replacement after his retirement in May 2025. Over 30 applications were received which were initially culled to 10 for additional scrutiny. Four applicants were recommended to Council for potential interviews. The Council reviewed those applications and selected 2 for in-person interviews which were held on January 8 and 9, 2025. Upon careful consideration of all information received and after significant due diligence, the Town Council offered the position to Dicran (Rick) Keuroglan. Following successful negotiations of contract terms, Mr. Keuroglan accepted the position and would begin in April to allow for a meaningful overlap and a smooth transition.

Motion made by Councilwoman Ashworth, seconded by Councilman Grossman, to approve the employment contract with Dicran Keuroglan to serve as the next town manager. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows: i) An issue came up regarding the trash service requirements in the Zoning Ordinance and Town Code. The Town Code included a provision to allow an STR owner to remove the second or third trash receptacle during the off season when the house was not being

rented, but implementation would be a nightmare. He recommended that this be removed from the Town Code and adding as an acceptable alternative to the second receptacle, the STR owner could arrange for and pay for twice per week pickup. Another issue was at the Fairways in Bay Creek which had high density making twice per week pickup cumbersome. A solution to this issue could be a central collection area, but staff was still in discussions with Bay Creek; ii) Another issue with the STR process involved the grace period. There was currently no incentive for STR owners to come in early to process their paperwork. He proposed allowing a waiver of the permit fee for 2026 to anyone who came in before July 1st. Councilwoman Ashworth objected stating that the cost of the STR software, staffing, etc. would fall on the taxpayers for another year and many STR owners would take advantage of 2 years with no fees. She went on to ask how the Town would recoup the \$57K for the software, the cost of the staff person and new golf cart. John Hozey asked the thoughts of the other Council members. Councilwoman Holloway stated that she liked the idea of an incentive but not with the waiver of the entire fee and suggested a possible 50% reduction instead. There was much discussion about this and a majority consensus was reached for a 50% fee reduction for 2026, with Mayor Charney and Councilman Butta abstaining and Councilwoman Ashworth opposed; iii) The Finance, Planning & Zoning, and Building departments were working on Saturday, February 15th, from 8:00 AM until 2:00 PM to assist STR owners, with business licenses and other paperwork; iv) Harbor: A couple of lease opportunities were being considered. The seaplane lease proposal was briefly reviewed at the last meeting. Another request was received for a paddle wheel boat wanting to relocate by The Shanty. They were working with The Shanty regarding catering; v) Harbor Fuel Surcharge: The Town had never had an official policy regarding a surcharge, but charged different amounts based on the grade of fuel. For consistency, a 25% of the fuel sale or \$1.00, whichever was greater, would be charged beginning immediately. Other marinas in the area charged 32% or \$1.00; vi) Town Attorney: Mike Sterling had represented the Town for over 30 years, since the 1990s. His firm had combined with another firm and had changed names, prompting an opportunity to get an updated engagement letter from the new firm. The last agreement was over 20 years old. Legal services were exempt from the Procurement Act. Mr. Sterling substantially discounted his fees to the Town and the new engagement letter also offered a discount for other attorneys in his firm. The new agreement would be brought forward to Council; vii) The Beachfront Master Plan Public Information Sessions were set for Saturday, March 1, and Wednesday, March 5, at the YMCA. The exact times had not yet been determined but he expected them to be 10:00 AM to 2:00 PM on Saturday, and 5:00 PM to 7:30 PM on Wednesday; viii) It had been suggested to consider an ordinance to add a Town Council representative to the Historic District Review Board. This board was the busiest board we had and before drafting the necessary changes for Council action, he wanted to confirm that a Council member was willing to volunteer to serve on this board. Unless he had a volunteer, he did not want to move forward with the Code changes. There was some discussion regarding this item and Councilwoman Ashworth stated that she might be interested in serving but wanted to talk further with John Hozey to see what it entailed before committing. John Hozey stated that he would meet with Councilwoman Ashworth and if she was willing to volunteer for the board, he would bring the item forward for Council action; ix) He asked for Council members' availability on February 13th for a work session for discussion about resource allocations and potential purchases. We had so much going on and the potential purchases of land for a new town hall and the railroad property. We had resources but not enough to do everything. He also wanted to further discuss the community survey results and comments to update the strategic plan. Councilwoman Holloway was unavailable on February 13th but suggested the 12th. Councilwoman Ashworth had a Library Board meeting that evening beginning at 5:00 PM but should be available for 6:00 PM; x) There was a possibility that The Shanty lease might need to be amended as part of his purchase and renovations to the pub building. This would require a public hearing and Council action. The earliest that this could be done was February 27th; xi) There was a potential purchaser of the Sea Breeze property who wanted to rehabilitate the buildings for multi-use family dwellings. The issue was that 2 of the buildings were declared unsafe. If the buildings remained unused for a period of one year which would end February 26th, they would lose their legal non-conforming use status. Since the property was located in the Residential-1 District, if the non-conforming use status was lost, the buildings could not be used for multi-family residential. He contacted our attorneys, and they agreed with this determination. Our ordinance stated that

repairs had to be substantially completed and that could not happen under these circumstances. A way for the purchaser to move forward would be to apply for conditional rezoning. The purchaser's representative was alluding to a potential for workforce housing. The purchaser might be contacting the Council members directly since they were unhappy with the staff's answers. They want a waiver of this requirement which the Council did not have the authority to do. Council could change the requirement but could not waive it. The process to change the requirement could take several months and involve a Planning Commission public hearing and recommendation followed by a Town Council public hearing and meeting to take action; xii) He was doing something crazy and flying to Alaska to watch the Super Bowl game with his sons and grandsons since the Eagles were playing. He would be traveling on Friday and Saturday, then again on Monday and Tuesday. He could be reached by phone if needed.

MAYOR AND COUNCIL COMMENTS

Councilman Grossman distributed a sheet showing Virginia Bills that he was following that had the potential to impact Cape Charles Zoning Ordinances. Senate Bill (SB) 932 passed the Senate and stated that accessory dwelling units may be addressed in the Comprehensive Plan along with tiny homes. SB 1313 passed the Senate and stated that any locality may amend the zoning ordinance to provide for an affordable housing dwelling program. House Bill (HB) 2641 passed the House required localities to increase their total housing stock by at least 7.5% over a 5-year period. VML was opposed to this. HB 2660 passed the House and shortened the timeframe for local approval of subdivisions. Katie Nunez stated that she currently had 60 to 90 days to approve subdivisions but this legislation would shorten the timeframe to 30 days. Councilman Grossman stated that he wanted to give Council a heads up about these bills since the Town might need to come up with a plan.

There were no other comments from Council or Mayor Charney.

Motion made by Councilman Grossman, seconded by Vice Mayor Buchholz, to adjourn the Town Council Public Hearings & Special Meeting. The motion was approved by unanimous vote.

The Public Hearings & Special Meeting adjourned at 7:07 p.m.

Mayor Charney

Town Clerk

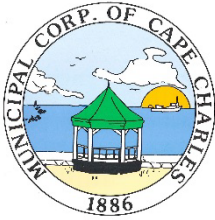
FY2025 Mid-Year Budget Adjustment
01/16/25

	Budget	YTD as of 12/10/24	Projected	Change	Notes
GF Revenue					
100-3010-2024 Real Property Tax 2024	\$ 1,491,535.62	\$ 1,426,925.63	\$ 1,591,536.00	\$ 100,000.38	Difference between original budget and final county assessment
100-3090-1000 Bay Creek Impact Fees	\$ 60,000.00	\$ 87,000.00	\$ 120,000.00	\$ 60,000.00	
100-3100-1600 Bay Creek Inspections	\$ 18,000.00	\$ 3,350.00	\$ 27,000.00	\$ 9,000.00	Added Bay Creek inspections
100-3300-1750 Dividends & Interest on Investments	\$ 285,101.00	\$ 293,370.00	\$ 469,960.60	\$ 184,859.60	Adjusts for original conservative estimate, lower interest rates in 2025, and balancing mechanism for the budget
100-3800-5000 Grant - Litter Prevention Grant (DEQ)	\$ 2,200.00	\$ 2,551.41	\$ 1,838.00	\$ (362.00)	Grant awarded for less than original application amount
General Fund Revenue Total				\$ 353,497.98	
GF Expenses					
Town Clerk					
100-4112-2000 FICA Expense	\$ 5,204.46	\$ 2,187.85	\$ 5,300.00	\$ 95.54	
100-4112-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 4,613.16	\$ 1,947.45	\$ 4,700.00	\$ 86.84	
100-4112-2230 Worker's Comp	\$ 40.43	\$ 24.30	\$ 60.00	\$ 19.57	
100-4112-2300 Health Insurance	\$ -	\$ 30.00	\$ 100.00	\$ 100.00	
100-4112-2310 Dental Insurance	\$ 626.22	\$ 309.06	\$ 800.00	\$ 173.78	
100-4112-3030 Lease - Storage	\$ 4,800.00	\$ 1,669.00	\$ 5,181.00	\$ 381.00	Bay Storage rental increased to \$439/month
100-4112-5240 Books & Subscriptions	\$ 13,050.00	\$ 424.98	\$ 21,050.00	\$ 8,000.00	Increased costs for Town Code & Zoning Ordinance Supplemental Recodifications
Clerk Total				\$ 8,956.73	
Town Manager					
100-4121-1000 Regular Salaries & Wages Town Manager	\$ 168,333.11	\$ 61,060.11	\$ 132,504.00	\$ (35,827.11)	Old TM Assist. separated 8/15/24
100-4121-1200 PT Salaries & Wages TM	\$ 46,586.70	\$ 13,682.64	\$ 66,355.00	\$ 19,768.30	New TM Assist. moved to part-time
100-4121-2230 Worker's Comp	\$ 861.66	\$ 687.89	\$ 1,652.00	\$ 790.34	
100-4121-2350 Relocations Assistance	\$ 5,000.00	\$ 1,000.00	\$ 9,000.00	\$ 4,000.00	
100-4121-3410 Professional Services	\$ 50,000.00	\$ 24,255.00	\$ 75,000.00	\$ 25,000.00	
100-4121-4080 Grant Exp - Sal 250	\$ -	\$ -	\$ 19,800.00	\$ 19,800.00	Tall Ships event. Add'll expense of \$10,200 expected in FY26
100-4121-6050 Uniforms Expense	\$ 1,000.00	\$ 531.73	\$ 1,500.00	\$ 500.00	
100-4121-6100 Recreation Programs & Events	\$ 54,000.00	\$ 66,763.46	\$ 79,000.00	\$ 25,000.00	
100-4121-7000 Water & Sewer Expense TM	\$ 1,408.56	\$ 1,365.23	\$ 3,000.00	\$ 1,591.44	
100-4121-8510 Transfer to Harbor Fund	\$ 198,523.00	\$ -	\$ 263,234.00	\$ 64,711.00	
Town Manager Total				\$ 125,333.97	
Finance					
100-4124-1000 Regular Salaries & Wages Finance	\$ 321,416.03	\$ 137,601.31	\$ 351,751.20	\$ 30,335.17	True up for hiring of new Treasurer & expand role of Finance Clerk II to BPOL & STR Licensing Specialist
100-4124-2000 FICA Expense	\$ 24,588.59	\$ 10,109.14	\$ 30,310.00	\$ 5,721.41	
100-4124-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 21,791.98	\$ 11,281.61	\$ 28,000.00	\$ 6,208.02	
100-4124-2230 Worker's Comp	\$ 181.32	\$ 110.25	\$ 285.00	\$ 103.68	
100-4124-2310 Dental Insurance	\$ 1,507.38	\$ 819.39	\$ 2,000.00	\$ 492.62	
100-4124-5260 Employee Testing & Certification	\$ -	\$ -	\$ 1,200.00	\$ 1,200.00	CPFO certification for Assist. Treas.
100-4124-6000 Office Supplies	\$ 5,429.00	\$ 1,808.19	\$ 8,830.00	\$ 3,401.00	Locked cabinet for sensitive documents
Finance Total				\$ 47,461.90	
Police					
100-4310-2230 Worker's Comp	\$ 15,571.41	\$ 12,305.29	\$ 29,535.00	\$ 13,963.59	New rates received after the original budget
100-4310-3025 Repair Main & Inspect Contracted Svcs	\$ -	\$ -	\$ 500.00	\$ 500.00	New Police printer/copier repair/overage
100-4310-5100 Lease, Office Equipment	\$ -	\$ -	\$ 350.00	\$ 350.00	New Police printer/copier base lease
100-4310-5205 Travel/Mileage, Parking & Tolls - Pol. Acad	\$ -	\$ -	\$ 1,800.00	\$ 1,800.00	Bridge toll for 5 days a week x 18.5 weeks
100-4310-5210 Travel/Lodging & Meals	\$ 2,500.00	\$ 13.42	\$ 8,100.00	\$ 5,600.00	Lunch & occasional lodging for 2 officers @ police academy
100-4310-5230 Education	\$ 3,000.00	\$ 4,500.00	\$ 4,500.00	\$ 1,500.00	Academy dues increased
100-4310-6050 Uniforms Expense	\$ 6,000.00	\$ 2,426.82	\$ 7,000.00	\$ 1,000.00	Academy uniforms/PT uniforms/Black leather boots
100-4310-6175 Vehicles & Powered Equipment Fuel	\$ 25,000.00	\$ 6,827.60	\$ 26,800.00	\$ 1,800.00	Could be fine with budget already but want to be on safe side
Police Total				\$ 26,513.59	

		Budget	YTD as of 12/10/24	Projected	Change			
	Code Enforcement							
	100-4340-1000 Regular Salaries & Wages Code	\$ 115,081.77	\$ 50,470.55	\$ 122,436.00	\$ 7,334.23	New STR employee 50% to Code 50% to Planning		
	100-4340-2000 FICA Expense	\$ 10,819.24	\$ 3,787.80	\$ 14,486.00	\$ 3,666.76	New STR employee 50% to Code 50% to Planning		
	100-4340-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 9,588.80	\$ 3,294.00	\$ 13,255.00	\$ 3,666.20	New STR employee 50% to Code 50% to Planning		
	100-4340-2230 Worker's Comp	\$ 500.77	\$ 369.16	\$ 950.00	\$ 449.23			
	100-4340-2310 Dental Insurance	\$ 602.95	\$ 297.96	\$ 750.00	\$ 147.05			
	100-4340-7070 Vehicles & Equipment	\$ -	\$ -	\$ 5,750.00	\$ 5,750.00	New golf cart for inspection/enforcement 50/50 between Code & Planning		
	Code Enforcement Total			\$ 21,013.47				
	Public Works							
	100-4430-2000 FICA Expense	\$ 20,652.98	\$ 9,522.83	\$ 24,000.00	\$ 3,347.02			
	100-4430-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 18,304.59	\$ 8,704.84	\$ 21,000.00	\$ 2,695.41			
	100-4430-2230 Worker's Comp	\$ 6,416.32	\$ 3,646.34	\$ 8,754.00	\$ 2,337.68			
	100-4430-2310 Dental Insurance	\$ 1,808.86	\$ 943.36	\$ 2,300.00	\$ 491.14			
	100-4430-6000 Office Supplies	\$ 1,000.00	\$ 868.44	\$ 2,000.00	\$ 1,000.00			
	100-4430-6025 Janitorial & Kitchen Supplies	\$ 7,200.00	\$ 4,356.26	\$ 8,700.00	\$ 1,500.00			
	100-4430-6075 Hand Tools & Light Equipment	\$ 1,500.00	\$ 1,333.89	\$ 2,500.00	\$ 1,000.00			
	100-4430-6235 Repair & Maintenance Supplies Business District	\$ 5,000.00	\$ 3,787.91	\$ 15,000.00	\$ 10,000.00	Increased cost of electrical upgrade		
	Public Works Total			\$ 22,371.25				
	Information Technology							
	100-4127-6150 Computer, Software & Electronics	\$ 46,705.00	\$ 15,007.89	\$ 112,955.00	\$ 66,250.00	Increases for approved building and zoning software; plus new STR software & subscription & STR computers.		
	Information Technology Total			\$ 66,250.00				
	Library							
	100-4730-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 8,480.43	\$ 4,164.44	\$ 10,000.00	\$ 1,519.57			
	100-4730-2300 Health Insurance	\$ 21,539.40	\$ 9,993.84	\$ 25,000.00	\$ 3,460.60			
	100-4730-2310 Dental Insurance	\$ 904.43	\$ 446.94	\$ 1,100.00	\$ 195.57			
	100-4730-3005 Programs & Event Performers	\$ -	\$ -	\$ 750.00	\$ 750.00	Town-wide Read		
	100-4730-3025 Repair Maint & Inspect Contracted Svcs	\$ 1,200.00	\$ 1,010.61	\$ 2,400.00	\$ 1,200.00	Overage for main library copies/printers. This printer is available to the public & usage has increased over the years.		
	100-4730-2230 Worker's Comp	\$ 58.25	\$ 34.72	\$ 90.00	\$ 31.75			
	100-4730-4090 Grant Exp - DEQ Uiter Grant - Library	\$ 2,200.00	\$ -	\$ 1,838.00	\$ (362.00)	Grant awarded for less than original application amount		
	Library Total			\$ 6,795.49				
	Planning							
	100-4811-1000 Regular Salaries & Wages Planning	\$ 182,597.04	\$ 69,618.90	\$ 189,930.00	\$ 7,332.96	New STR employee 50% to Code 50% to Planning		
	100-4811-1200 PT Salaries & Wages Planning	\$ -	\$ 1,450.00	\$ 3,700.00	\$ 3,700.00	Compensation for boards - more meetings than anticipated & corrects original board pay		
	100-4340-2000 FICA Expense	\$ 16,798.74	\$ 5,371.09	\$ 20,465.00	\$ 3,666.26	New STR employee 50% to Code 50% to Planning		
	100-4340-2200 Retirement-ER VRS & ICMA-RC Contribution	\$ 17,834.61	\$ 6,747.30	\$ 21,501.00	\$ 3,666.39	New STR employee 50% to Code 50% to Planning		
	100-4811-2230 Worker's Comp	\$ 93.76	\$ 147.84	\$ 357.00	\$ 263.24			
	100-4811-2310 Dental Insurance	\$ 602.95	\$ 372.45	\$ 900.00	\$ 297.05			
	100-4811-7070 Vehicles & Equipment	\$ -	\$ -	\$ 5,750.00	\$ 5,750.00	New golf cart for inspection/enforcement 50/50 between Code & Planning		
	Planning Total			\$ 24,675.90				
	General Fund Expenses Total			\$ 349,272.30				
	General Fund Revenue Less Expenditures			\$ 4,225.68		Increased revenue over expenditures corrects clerical error in original budget adoption		

	Budget	YTD as of 12/10/24	Projected	Change					
Capital Fund Revenue									
110-3300-1750 Dividends & Interest on Investments	\$ -	\$ -	\$ -	\$ 336,324.80	\$ 336,324.80				
Capital Fund Revenue Total				\$ 336,324.80					
Capital Fund Expenses									
110-4430-7013 Buildings & Improvements Beachfront Revitalization	\$ 45,000.00	\$ -	\$ -	\$ (45,000.00)					
110-4430-7014 Buildings & Improvements Beach Restroom/Bathhouse	\$ 45,000.00	\$ -	\$ -	\$ (45,000.00)					
110-4430-7020 Infrastructure-Open Space, Parks & Outdoor Equip	\$ 40,000.00	\$ -	\$ -	\$ (40,000.00)					
110-4430-7065 Keck Walk Water Line Return	\$ -	\$ -	\$ 565,000.00	\$ 565,000.00					
110-4121-8100 Transfer to Capital Fund Balance	\$ 6,360,805.67	\$ -	\$ 6,365,029.47	\$ (986,75.20)					
Capital Fund Expenses Total				\$ 336,324.80					
Capital Fund Revenue Less Expenditures				\$ -					

4 of 4



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
February 6, 2025
Immediately Following the Special Meeting

At approximately 7:15 p.m. Mayor Adam Charney, having established a quorum, called to order the Work Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Buchholz, Councilmen Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway. Also, in attendance were Town Manager John Hozey, Planner/Zoning Administrator Katie Nunez, and Town Clerk Libby Hume. There were no members of the public in attendance.

John Hozey stated that he would be reviewing the Community Strategic Planning Survey Results presentation and explained the analysis that was done. Town Council would then have two weeks to review all the information provided in their binders. We would meet again on February 20, 2025 for a work session, which would immediately follow the regular meeting, to discuss the data to update the Strategic Plan and Town Priorities. He was excited when he reported that we had 449 survey responses. Unfortunately, this year, Survey Monkey added a new requirement where we could not collect contact information from responders unless they consented to providing their personal information. The first question of the online survey asked whether they would consent to the collection of their personal information and 70 respondents checked "No," and no other information was collected from them. Another 30 or so respondents must not have clicked "Submit," so their responses were also not collected. Only 335 respondents submitted a full survey, but this was still a good sample of our residents.

Council went on to review the PowerPoint Presentation and there was discussion as follows: i) Question 3-Do you own a business in Cape Charles? Only 15% of respondents stated "Yes," but it was felt that most of the Short-Term Rental (STR) owners did not consider themselves as business owners. In the future, clarification needed to be added to this question stating that this included STRs; ii) Question 6-What is your age? This was the first year that this question was asked, and it confirmed that the majority of the Town's residents were 60+ years of age. It was interesting that only 5 respondents were 30 years of age or younger; iii) Question 9-Do you feel the Town has maintained or improved its small-town character in recent years? This was a significant drop from last year's 84% down to 71%. The single greatest reason noted in the comments related to the number of STRs in town. The second most common was the loss of full-time residents. A few noted a shift from a residential small town feel to a resort small town feel, meaning a move from a small town where someone would want to live to a small town where someone would want to visit.

John Hozey asked Council to review all the comments included in their binders and to let him know if the summary needed to be updated. He then directed Council to the 2024 Ongoing Town Priorities List and noted that many of the priorities had been completed: i) Finalize the sale of the water/wastewater utilities; ii) Align Zoning Ordinances with new Comprehensive Plan; iii) Finish Trail Project – Phase 3 Peach Street; iv) Develop short-term rental regulations/ordinances. Significant work had been done on the following i) Finish Library building sale/upgrades; ii) Develop beachfront master plan. The next section below included four new items to begin as time/resources became available.

Councilman Grossman pointed out for the benefit of the new Council members that item #2 under the new items was the development of a harbor/railroad area conceptual master plan and new design guidelines since the current plan and guidelines were from 2006 and out of date. John Hozey

noted that this item included two work products a master plan and design guidelines but could be included in the same request for proposals if Council so desired.

There were no questions or any additional comments regarding the presentation.

John Hozey stated that the information reviewed tonight would be placed on the website tomorrow for public review. A work session was scheduled for February 12 to discuss the allocation of town resources. Another work session was scheduled for February 20, immediately following the regular meeting, to review the survey results to update the Strategic Plan.

Councilwoman Holloway stated that the Beachfront Master Plan Public Information Meetings need to be communicated to the public. John Hozey responded that he was waiting for the cost proposal and times from the consultants before posting those meetings. Councilwoman Holloway requested "Save the Date" information be posted so residents and out-of-town property owners could plan around the dates.

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

The Town Hall Meeting was adjourned at 7:56 p.m.

Mayor Charney

Town Clerk



Town of Cape Charles Community Survey 2024

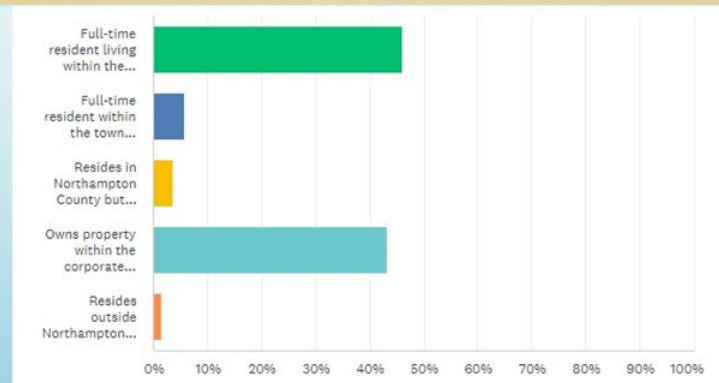
Results and Analysis

Overview

**The Following is all data collected
from 449 surveys contacted, 335
surveys submitted**

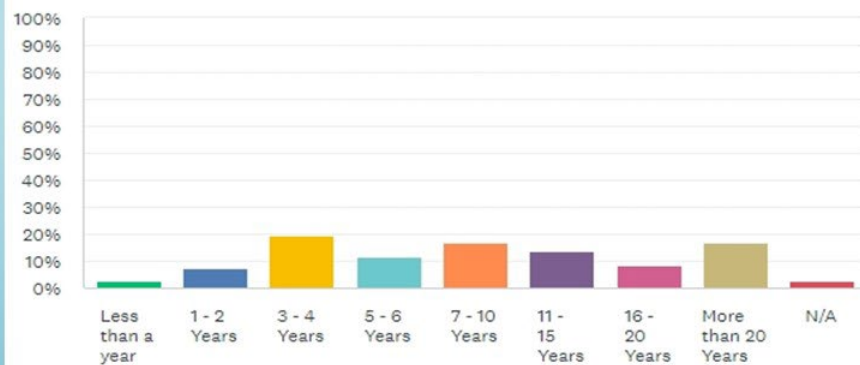
- 197 responses were submitted by Survey Monkey online
- 138 responses were submitted via paper and data was then entered onto Survey Monkey

Q1: Please choose the closest one that applies to you:



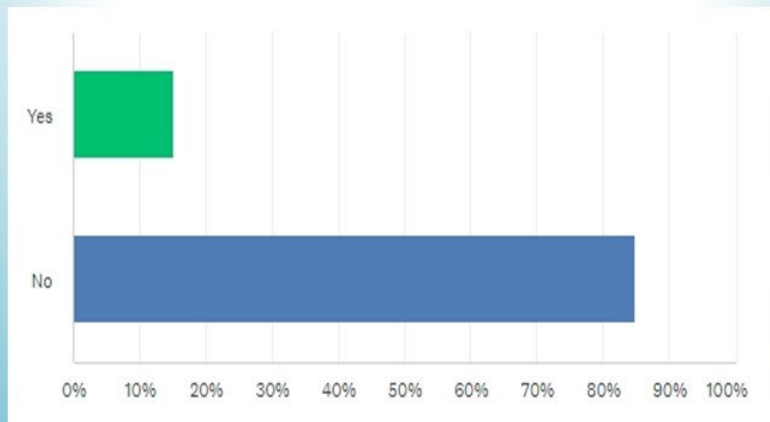
ANSWER CHOICES	RESPONSES
Full-time resident living within the corporate limits of Cape Charles.	45.97% 154
Full-time resident within the town limits, who also owns additional property within the town limits.	5.67% 19
Resides in Northampton County but outside the corporate limits of Cape Charles.	3.58% 12
Owns property within the corporate limits of Cape Charles but maintains a primary residence outside of the town.	43.28% 145
Resides outside Northampton County but a frequent visitor to Cape Charles.	1.49% 5
TOTAL	335

Q2: How long have you lived or owned property in Cape Charles?



ANSWER CHOICES	RESPONSES
Less than a year	2.69% 9
1 - 2 Years	7.46% 25
3 - 4 Years	19.70% 66
5 - 6 Years	11.34% 38
7 - 10 Years	17.01% 57
11 - 15 Years	13.73% 46
16 - 20 Years	8.66% 29
More than 20 Years	17.01% 57
N/A	2.39% 8
TOTAL	335

3: Do you own a business in Cape Charles?



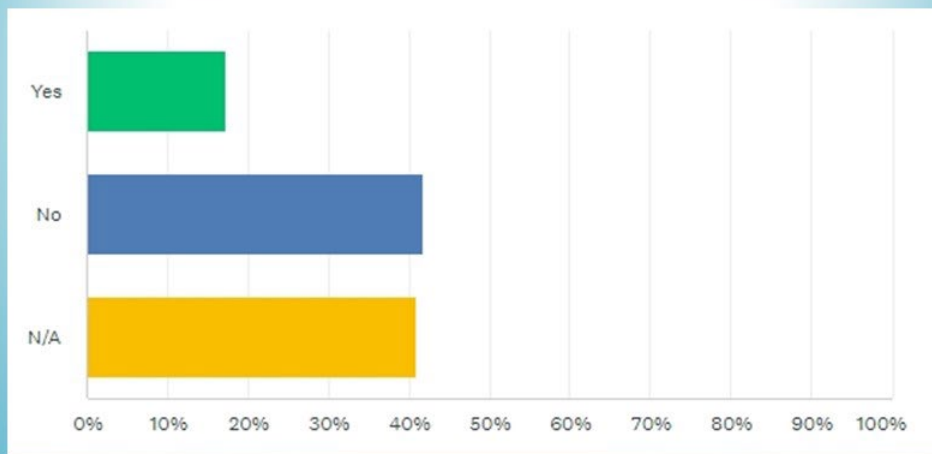
ANSWER CHOICES	RESPONSES	
▼ Yes	15.22%	51
▼ No	84.78%	284
TOTAL		335

Q4: Are you employed? Select the closest that applies:



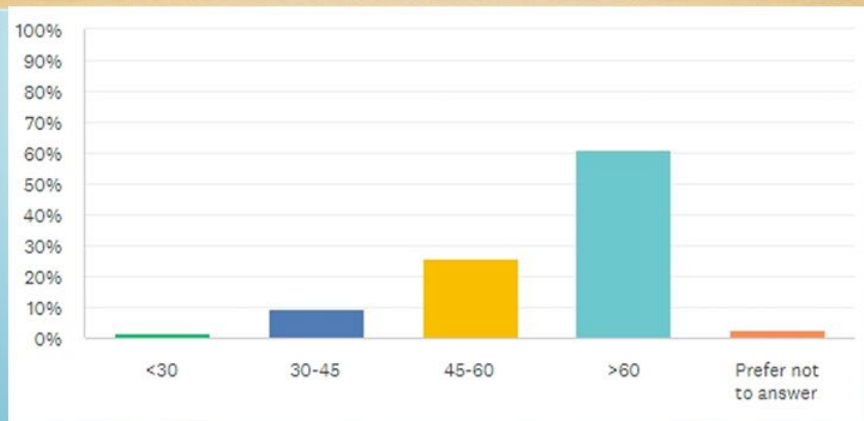
ANSWER CHOICES	RESPONSES	
▼ Full Time	42.99%	144
▼ Part Time	9.85%	33
▼ Retired	45.07%	151
▼ Between Jobs	0.30%	1
▼ Prefer Not To Answer	1.79%	6
TOTAL		335

Q5: Is your employment based primarily from your home?



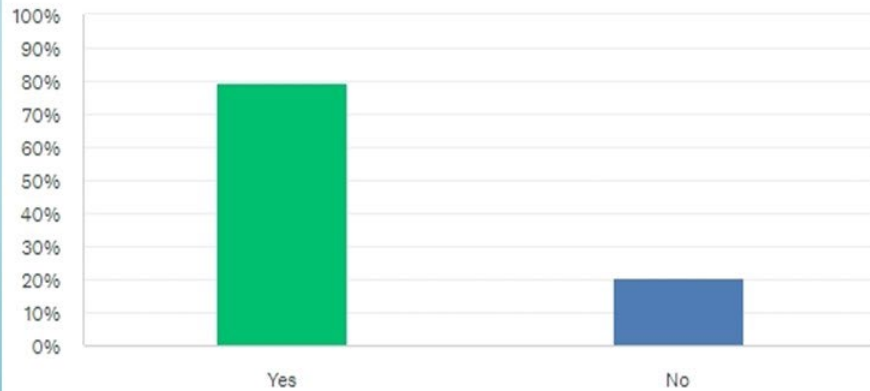
ANSWER CHOICES	RESPONSES	
▼ Yes	17.31%	58
▼ No	41.79%	140
▼ N/A	40.90%	137
TOTAL		335

Q6: What is your age?



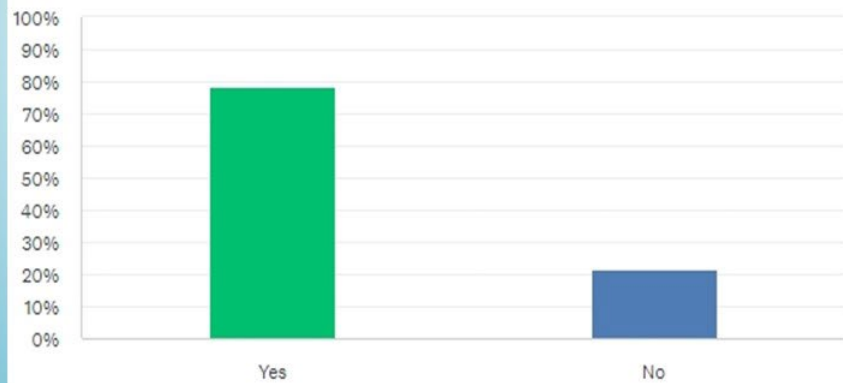
ANSWER CHOICES	RESPONSES	
▼ <30	1.49%	5
▼ 30-45	9.25%	31
▼ 45-60	25.67%	86
▼ >60	61.19%	205
▼ Prefer not to answer	2.39%	8
TOTAL		335

Q7: Do you think Town public services are appropriate for a community of our size?



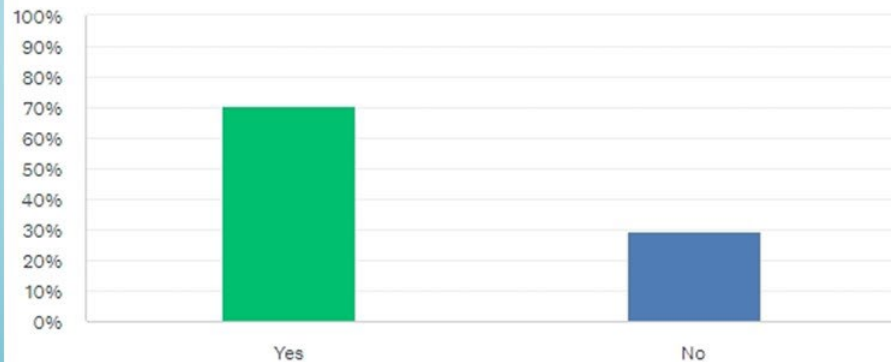
ANSWER CHOICES	RESPONSES	
▼ Yes	79.70%	267
▼ No	20.30%	68
TOTAL		335

Q8: Are you satisfied with the quality of Town public services?



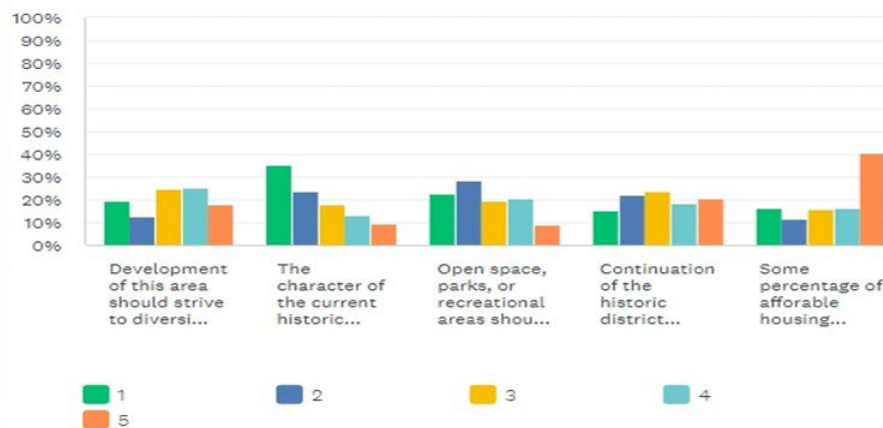
ANSWER CHOICES	RESPONSES	
▼ Yes	78.21%	262
▼ No	21.79%	73
TOTAL		335

Q9: Do you feel the Town has maintained or improved its small-town character in recent years?



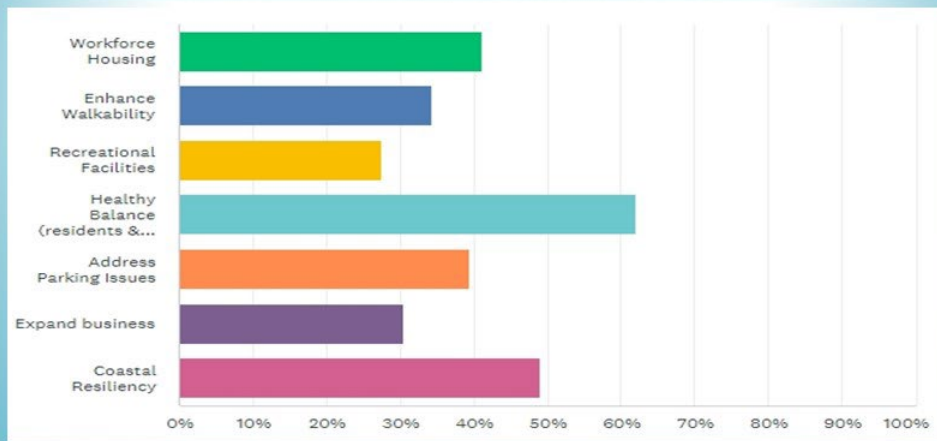
ANSWER CHOICES	RESPONSES	
▼ Yes	70.75%	237
▼ No	29.25%	98
TOTAL		335

Q10: The currently vacant railroad property north & east of the harbor has captured the imagination of residents for many years. The issues surrounding clear title to this property that have hampered development are now close to being resolved. As a result, formal planning to guide potential development in this area is ripe for discussion. Please rank the following statements in order of importance from 1 to 5 (with 1 being the highest importance and 5 being the lowest).



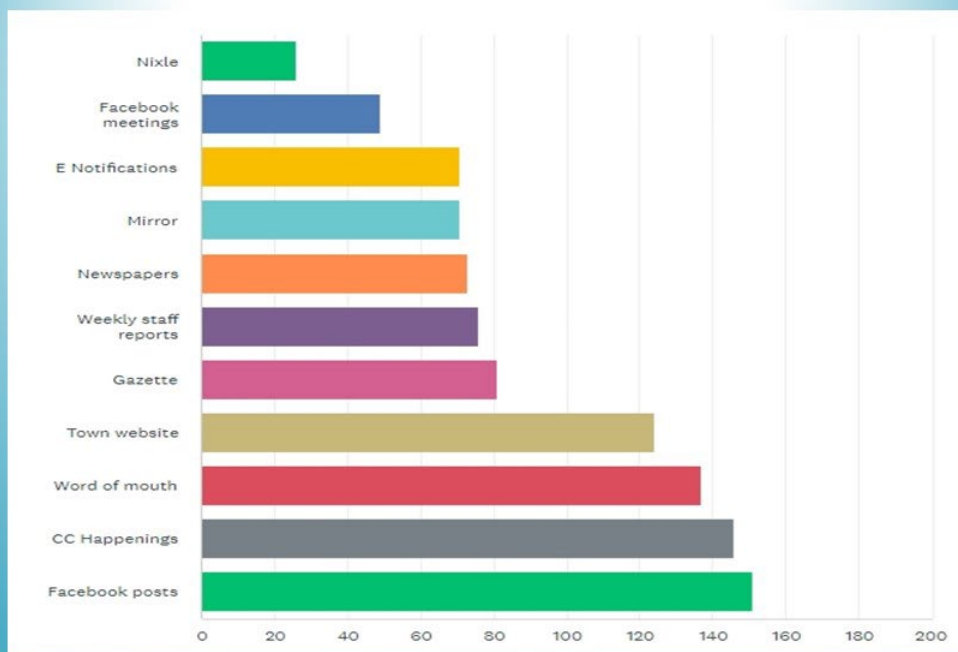
	1	2	3	4	5	TOTAL
▼ Development of this area should strive to diversify our economy beyond tourism as much as possible (though it should not detract from existing tourism).	19.57% 54	12.68% 35	24.64% 68	25.36% 70	17.75% 49	276
▼ The character of the current historic district and Mason Avenue should be replicated into this area where appropriate.	35.25% 98	23.74% 66	17.99% 50	13.31% 37	9.71% 27	278
▼ Open space, parks, or recreational areas should be included.	22.86% 64	28.57% 80	19.29% 54	20.36% 57	8.93% 25	280
▼ Continuation of the historic district street pattern into the harbor area should be considered.	15.14% 43	22.18% 63	23.94% 68	18.31% 52	20.42% 58	284
▼ Some percentage of affordable housing options should be factored into planning parameters.	16.22% 48	11.49% 34	15.54% 46	16.22% 48	40.54% 120	296

Q11: In reference to our Comprehensive Plan (which can be found on the Cape Charles website under Forms & Publications/Planning & Zoning), please indicate with objectives should be focused on in 2025 (mark your top three choices).



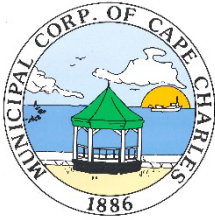
ANSWER CHOICES	RESPONSES
Workforce Housing	41.19% 138
Enhance Walkability	34.33% 115
Recreational Facilities	27.46% 92
Healthy Balance (residents & tourists)	62.09% 208
Address Parking Issues	39.40% 132
Expand business	30.45% 102
Coastal Resiliency	48.96% 164
Total Respondents: 335	

**Q12: What tools do you use to stay in touch with town happenings?
(Results shown in total uses).**



12: Continued

	1	TOTAL
▼ Nixle	100.00% 26	26
▼ Facebook meetings	100.00% 49	49
▼ E Notifications	100.00% 71	71
▼ Mirror	100.00% 71	71
▼ Newspapers	100.00% 73	73
▼ Weekly staff reports	100.00% 76	76
▼ Gazette	100.00% 81	81
▼ Town website	100.00% 124	124
▼ Word of mouth	100.00% 137	137
▼ CC Happenings	100.00% 146	146
▼ Facebook posts	100.00% 151	151



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
February 27, 2025
6:00 PM

At 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Work Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Buchholz, Councilmen Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway. Also, in attendance were Town Manager John Hozey, Project Manager Bob Panek, Treasurer Marion Sofield and Town Clerk Libby Hume. There were 4 members of the public in attendance.

John Hozey provided an overview of two potential property acquisitions – the railroad property when it became available and the Meatland property for the new town hall. He also reviewed the upcoming capital projects, associated costs and available funding and payment options. There was some discussion about the possibilities and for keeping these matters in mind when updating the strategic plan.

John Hozey went on to review the strategic plan process for the benefit of the two new Council members, explaining that initially, all town stakeholder groups were brought in to develop the initial plan and every third year the entire group would meet for a complete review. This was done last year. This year's plan was an update and not many changes were being made. Councilman Grossman noted that the strategic plan tied back to the comprehensive plan. John Hozey confirmed that the strategic plan was the implementation tool for the comprehensive plan.

Council went on to review the strategic plan by page with changes made to the following pages/items:

Page 4-Our Goals: i) Bullet #6 re housing options – reference to younger families and workforce housing was deleted since the town was working to advance a variety of housing options not just for younger families but for the community as a whole; ii) Protecting and maintaining Central Park was moved from an objective under the Goal “Promote environmental stewardship” to become a new standalone goal; iii) Another new goal “To enhance the visitor experience in Cape Charles” was added.

Page 5-Our Objectives: i) Objective a.i was revised to include the chairpersons from all the Town's boards and commission to provide an annual briefing to Council versus just the Planning Commission and Historic District Review Board; ii) Objective b.ii was deleted since the Town no longer had monthly billings and inclusion of meeting calendars in the quarterly billing would only be current as of the date it was printed; iii) Two new objectives were added – “Provide routine reporting of Town business and outcomes” and “Promote subscription to e-Notifications and other sources of information.”

Page 6-Our Objectives continued: i) c.ii.c – “provide capital funding as available” was added for sidewalk infill; ii) The recommended changes to f and f.i were okayed; iii) A new item h.v was added to evaluate better golf cart connectivity options between Bay Creek and the remainder of the Town.

Page 7-Our Objectives continued: i) “Protect and maintain Central Park” was added as a new goal with the objectives = a. “In collaboration with Citizens for Central Park, promote an attractive, yet sustainable, multi-function public park” and “Implement long-term major maintenance and replacement plan;” ii) Under the Goal Promote environmental stewardship, the language in objective b. was revised to “Review *adequacy of* existing/previous public green/open space...;” iii) Under the Goal Retain and expand businesses in a business-friendly environment, objective b.i was revised adding reference to the Rosenwald School; iii) b.ii was updated deleting Northampton Chamber of

Commerce since it was no longer in existence, and adding Cape Charles Main Street; iv) Under the Goal Advance a variety of housing options, two new objectives were added = “Promote the ability of accessory dwelling units to be workforce housing units” and “Stay informed about Northampton County efforts.”

Page 8-Our Objectives continued: i) Under the Goal Meet our residents’ expectation for Town services, objective g.ii was revised by changing electric *automobile* to electric *vehicle* which also included golf carts; ii) a new objective was added “Evaluating the need and viability of temporary office space for town staff until a new town hall can be built.” Additional staff was needed to provide the necessary services to the Town’s residents and businesses but there was insufficient space to house them in the existing town hall.

Page 10-Appendix A – Cape Charles Comprehensive Plan Summary of Objectives and Strategies: Under B-Economy, item 8 was revised to “Study chains of activities *to identify gaps in a visitor’s day*.”

Page 11-Appendix A continued: Under D-Environment, items 3 and 11 were revised adding reference to Virginia American Water since the water and sewer systems were sold to them in 2024; ii) Under E-Facilities & Services, reference to Virginia American Water was added to item 4.

Page 12-Appendix B – 2025 Ongoing Town Priorities List: i) The first section was updated removing the completed items; ii) Since the zoning ordinance was adopted by the Town Council in December 2024, the priority related to the zoning ordinance was updated to “Publish recently adopted Zoning Ordinances to online platform.” Staff was currently working to review the adopted zoning ordinance to ensure proper formatting, section numbers and references to other internal sections of the zoning ordinance were correct before providing it to CivicPlus, our current vendor for the Town Code, to have it codified; iii) There was much discussion about the new items to be started as time/resources became available. (Please see attached.)

John Hozey provided an update on the following: i) The Town granted a six-month extension to the potential purchasers of the Sea Breeze apartment property; ii) Usually by this time of year, a good number of business license renewals were received, and many short-term rental inspections had been completed. To date, the Town had received 157 out of 1,300 business license applications. Staff was hearing about a protest against the new regulations so license applications were not being submitted. Unfortunately, deadlines were deadlines, and there were consequences for missing them. If a business had not submitted their applications by the April 15th deadline, they would be penalized to the full extent of the law. Business license violations were class 3 misdemeanors and subject to a \$500 penalty for each day the business was not in compliance. There was some discussion about the number of pages and the requirements in this year’s application for short-term rentals.

Councilman Grossman had been following the State Corporation Commission’s rate case for Virginia American Water’s water and sewer rate request. The case had been finalized and the Town needed to obtain that information about the new rates for the Town’s residents and businesses. John Hozey would contact Virginia American Water.

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

The Town Hall Meeting was adjourned at 9:06 p.m.

Mayor Charney

Town Clerk



The Town of Cape Charles Community Strategic Plan 2025

DRAFT



Community Strategic Plan

What is a **Strategic Plan**, and what makes it different than our **Comprehensive Plan**? These are great questions, and understanding this difference is critical to any evaluation of this document.

A **Comprehensive Plan** is required by Virginia Administrative Code, which prescribes a detailed set of requirements. A Comprehensive Plan is a lengthy, intricate document, that can take a very long time to create. Due to its complexity and the length of time needed to develop it, the average citizen does not typically take the time to study a Comprehensive Plan in detail.

Strategic Plans on the other hand are much nimbler, they can be customized to any particular need of a community and are more easily digestible by members of the public. Strategic Plans also happen quicker, which facilitates more interest and better participation by community members. Our Strategic Plan shares the same community values and vision as our Comprehensive Plan but can be updated annually if desired, making the Strategic Plan a living document; flexible enough to react to current community developments in real time. This makes the Strategic Plan an ideal implementation tool for our Comprehensive Plan.

Both the Comprehensive and Strategic Plans start broad, and then become more specific. They begin with the values that are important to us and define us as a community. These values inspired our vision; a brief statement that looks to the future; is a source of inspiration; and serves to identify the ideals or characteristics we desire in our future.

The vision and its supporting goals represent the long-term view. The specific strategies needed to attain these goals are more short-term in nature and are considered objectives. They are the distinct, measurable deliverables that are affordable and implementable actions the Town can work into its next annual budget.

Following a three-year development period, the Town Council approved the most current Comprehensive Plan in December of 2022. The Strategic Plan will now start tackling the many discrete goals/objectives in the Comprehensive Plan by determining current priorities to assist with developing annual work plans.

While goals are longer term and subject to ongoing metrics, the Strategic Plan objectives are more fluid. As some objectives are completed, others may be added, contributing to the living nature of this document. Therefore, the objectives listed here should not be considered the definitive or complete list, but rather what is considered important or desirable to tackle first.

Community input to the annual Strategic Plan update is critical, and it will be solicited from annual community surveys and public input sessions.

Community Strategic Plan

Our Community Values:

- 1) Sense of Community
- 2) Heritage – Traditional
- 3) Diversity – Tolerance – Respect
- 4) Adaptability
- 5) Environmental Stewardship



Our Vision:

Preserve our historical, natural, and cultural resources, while managing growth and fostering a sense of community that enhances well-being and prosperity, now and for generations to come

Community Strategic Plan

Our Goals*:

- **To retain the small-town character of Cape Charles**
 - Metric: citizen confirmation in annual survey
- **To protect and maintain the beachfront**
 - Metric: no degradation via annual beach survey
- **To protect and maintain the harbor**
 - Metric: maintain/increase occupancy
- **To protect and maintain Central Park**
 - Metric: maintain/increase appearance and usage
- **To promote environmental stewardship**
 - Metric: develop implementable plans
- **To retain and expand businesses in a business-friendly environment**
 - Metric: increase in business licenses, increase in business-related revenues, and data from building permits issued and an annual questionnaire on employment
- **To enhance the visitor experience in Cape Charles**
 - Metric: maintain/increase visitation and tourism related revenues
- **To advance a variety of housing options ~~for younger families and workforce~~**
 - Metric: increase in ~~related~~ more affordable housing units
- **To meet our residents' expectation for Town services**
 - Metric: citizen confirmation in annual survey

***Not in any particular order**

Community Strategic Plan

Our Objectives:



- Retain the small-town character of Cape Charles:
 - a. Encourage a sense of engagement and inclusion among our community service organizations:
 - i. ~~Planning Commission and Historic District Review Board~~ Town boards and commissions chairpersons to provide an annual briefing to Council
 - ii. Celebrate volunteer appreciation, to include a volunteer of the year award during the annual Town Council Ice Cream Social – invite all board/commission members and civic groups
 - iii. Hold an annual strategic plan forum to get input from the public and civic groups
 - iv. Quarterly recognition of board/commission members or other volunteers in the Gazette, on Facebook, and during Regular Council meetings
 - v. Invite local civic groups, as appropriate, to participate in Town working groups

Note: Current Cape Charles Civic Groups – Friends of the Library, Citizens for Central Park, Cape Charles Main Street, Cape Charles Rotary, Cape Charles Historical Society, Cape Charles Rosenwald School Restoration Initiative, Cape Charles Yacht Club, New Roots Youth Garden, GEAR, Arts Enter, CC Historic District Civic League, Vacation Rental Home Owners Association, Bay Creek Community Association

- b. Encourage Citizen Engagement:
 - i. Maintain Facebook event postings for public events
 - ii. ~~Continue calendar of public meetings in monthly billings~~

Community Strategic Plan

- ii. Provide routine reporting of Town business and outcomes
- iii. Promote subscription to e-notifications and other sources of information
- iv. Publish Strategic Plan “report card” prior to the annual Community Survey
- c. Maintain/improve walkability:
 - i. Complete multi-use path between historic district, harbor, and Bay Creek
 - ii. Promote improvements to, and additions to sidewalks
 - a. Press for state maintenance
 - b. Explore ordinance changes for rehabilitation and resale
 - c. Explore ways to assist with sidewalk infill **and provide capital funding as available**
 - iii. Support Rails to Trails project
- d. Promote and encourage community/quirky events:
 - i. Promote centralized calendar of events (sharing information)
 - ii. Pursue Northampton County Infrastructure Grants to support events
- e. Promote the arts, entertainment, and recreation:
 - i. Provide services and venues at low or no cost to local non-profits
 - ii. Evaluate ways to provide volleyball/basketball courts; work with the YMCA to promote available scholarships
 - iii. Develop official guidance for public art displays
- f. ~~Enact~~ Evaluate short-term rental (STR) regulations
 - i. Evaluate **recently adopted STR regulations to determine if tweaks or changes are required. recommendations provided by STR working group, solicit public input via town hall meetings and public hearings, and establish STR regulations**
- g. Manage tourism benefits and impacts to ensure a healthy balance between a quality of life for our residents and the quality of place for our visitors
 - i. Develop a visitor pledge to communicate the important values of responsible behavior to visitors
 - ii. Improve accessibility for people of all age groups and abilities
- h. Foster a safe golf cart culture:
 - i. Better and more signage
 - ii. Better enforcement (information to rentals and better reporting)
 - iii. Designate golf cart parking spots
 - iv. Foster positive relationship and meet annually with golf cart rental companies
 - v. **Evaluate better connectivity options between Bay Creek and the balance of the Town**
- **Protect and maintain the beachfront:**
 - a. Develop beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.) to include specific parameters for beach and dune management, detailing desired size and characteristics of both
 - b. Continue annual surveys and sand replenishment budget
 - c. Evaluate survey data to determine erosion protection strategy

Community Strategic Plan

- **Protect and maintain the harbor:**
 - a. As part of larger area planning efforts, develop criteria to promote a healthy balance of commercial and recreational uses
 - b. Implement long-term major maintenance and replacement plan
- **Protect and maintain Central Park:**
 - c. In collaboration with Citizens for Central Park, promote an attractive, yet sustainable, multi-function public park
 - d. Implement long-term major maintenance and replacement plan
- **Promote environmental stewardship**
 - a. Develop an implementable coastal resiliency plan, to include the Resilience Adaptation Feasibility Tool (RAFT) recommendations and VIMS Comprehensive Coastal Resource Management Portal
 - b. Review ~~adequacy of~~ existing/previous public green/open space infrastructure plans and develop an updated implementable plan
 - c. Protect and improve tree canopy and other natural and designed landscapes
 - ~~d. Protect and maintain Central Park~~
- **Retain and expand businesses in a business-friendly environment:**
 - a. In collaboration with Cape Charles Main Street (CCMS) develop a public/private effort to guide business development and help remove obstacles
 - i. Review ordinances, regulations, and processes to identify business impediments
 - ii. Distribute the CCMS business tool kit to assist with common questions/concerns
 - iii. Support the economic vitality of the commercial district
 - i. Improve business access to workforce resources:
 - i. Develop programs with high schools, the Eastern Shore Community College (ESCC), and the restored Cape Charles Rosenwald School
 - ii. Support CCMS Job Fairs through ~~Northampton County Chamber of Commerce~~ Cape Charles Main Street, Eastern Shore Chamber of Commerce, and/or Eastern Shore Tourism
 - iii. Develop internships and apprenticeships (Dept of Labor & Industry - DOLI)
- **Advance a variety of housing options ~~for younger families and workforce:~~**
 - a. Explore the viability of a workforce housing ordinance related to Planned Unit Developments (PUDs); pursuant to VA Code Sec 15.2-2305.1

Community Strategic Plan

- b. Work with developers on workforce housing projects
 - c. Promote the ability of accessory dwelling units to be workforce housing units
 - d. Stay informed about Northampton County efforts
- **Meet our residents' expectation for Town services:**
 - a. Establish modern municipal facilities
 - i. Ensure safe/effective workplaces
 - ii. Develop an accessible and efficient Town Hall
 - iii. Strive to centralize resources
 - b. Manage smart growth and development, ensuring our small-town character remains balanced against increasing needs for services/infrastructure
 - i. Perform analysis of public service needs as a function of anticipated growth
 - ii. Evaluate potential financial impacts on municipal budgets
 - iii. Develop proffer policy to pay for impacts of future developments
 - c. Conduct master planning for potential development of the old railroad property and surrounding harbor areas
 - d. Develop a town-wide parking capacity inventory and develop recommendations for possible expansions or improvements
 - e. Continue employee training (cross training, customer service training, etc.)
 - f. Continue citizen concern reporting system
 - i. Promote citizen use of "Report a Concern" on Town website
 - ii. Follow up public comments expressed during council meetings and through emails received from citizens
 - g. Evaluate the need and viability of additional services
 - i. Recycling, when feasible
 - ii. Electric ~~automobile~~ vehicle charging stations, when feasible
 - h. Evaluate the need and viability of temporary office space for town staff until a new town hall can be built

Implementation:

Any plan is only as good as its implementation strategy. Our current Comprehensive Plan identified this Strategic Plan as its implementation tool. That was because this plan is reviewed annually and can be updated as needed to react in real time to current conditions. However, that does not mean that it is possible for all the objectives in this plan to be accomplished immediately or concurrently. Therefore, the Strategic Plan must be seen as a multi-year planning tool, which is updated each year.

Successful implementation depends on many things, including Political Will, money, staff capacity, and the time to do the work; with each of these representing their own unique challenges.

Community Strategic Plan

Political Will was demonstrated by the Mayor and Town Council through their participation in the development of this Strategic Plan. However, this Will can only be sustained with public support. The Strategic Plan cannot be seen as the Town Council's plan, but rather must be perceived as the community's plan. This public buy-in will be sought via annual public meetings to obtain input and address any questions/concerns; as well as using an annual community survey to gain insights and collect data over time regarding community needs and satisfaction.

The Town's fiscal situation has improved significantly since the first Strategic Plan was adopted in 2021. While this does not mean we can fund everything at once, it does mean that we can now begin to put together a reasonable, prioritized spending plan.

While money may be less of an issue, the staff resources necessary to carry out this work remains constrained. Town staff are typically fully engaged in their routine day-to-day duties, which does not afford much additional capacity to take on new objectives. **Staff workspace is an additional constraint. If more staff were hired, there is currently insufficient space to house them.** While volunteer resources can often help, volunteers cannot be counted upon to shoulder the sole responsibility for specific actions. Volunteer help is an excellent force multiplier but should not be counted upon as the primary resource in formal implementation planning. Therefore, expectations must remain reasonable, so that annual work plans don't become impractical.

Work Plans:

The Strategic Plan was referenced during this year's annual update to the Town's ongoing project priority list. That list, along with this plan will be used in the development of the next Town budget (FY26 - which begins on July 1). That budget is what will establish the resources and expectations for Town work plans in the coming year. A good faith effort will be attempted to work on those objectives which receive sufficient resources in the next budget. However, since this is a multi-year plan, we must accept that some objectives contained herein will not be scheduled until FY27 or beyond.

Please refer to Appendix B to see the current ongoing Town project list and how objectives have been prioritized for the coming year.

Appendix A
Cape Charles Comprehensive Plan Summary of
Objectives and Strategies

A) Housing

- 1 Pursue additional supply and diversity of housing
- 2 Encourage workforce housing
- 3 Participate in Housing Finance Programs
- 4 Promote manufactured housing
- 5 Address STR impacts on housing

B) Economy

- 1 Seek healthy balance - residents & tourists
- 2 Attract families with children
- 3 Strengthen household economic wellbeing
- 4 Promote and expand business
- 5 Promote diverse economic benefits for the harbor
- 6 Expand local manufacturing base
- 7 Promote traditional water based economic activities
- 8 Study chains of activities to identify gaps in a visitor's day
- 9 Identify placemaking opportunities
- 10 Update Bay Creek Planned Unit Development (PUD)

C) Transportation

- 1 Reduce traffic congestion
- 2 Enhance walkability
- 3 Maintain safe golf cart operations
- 4 Increase parking
- 5 Identify and maintain alleys and easements
- 6 Promote affordable public transportation
- 7 Complete multi-use path between historic district, harbor, and Bay Creek
- 8 Intergrade harbor area with other trail/path networks
- 9 Support Rails to Trails

Community Strategic Plan

D) Environment

- 1 Enhance Chesapeake Bay water quality
- 2 Promote strong aesthetics and limit litter
- 3 Ensure high quality drinking water (Now Virginia American Water)
- 4 Maintain long-term viability of beach and harbor
- 5 Promote coastal resiliency
- 6 Protect wetlands
- 7 Implement Coastal Resources Management guidance
- 8 Develop recommendations to improve resiliency to storm events
- 9 Assess feasibility of recycling
- 10 Protect and promote tree canopy
- 11 Evaluate I&I to sewer (Now Virginia American Water)

E) Facilities & Services

- 1 Pursue amenities for town facilities
- 2 Create modernized municipal facilities
- 3 Create multi-use recreation field
- 4 Ensure effective water & sewer utilities (Now Virginia American Water)
- 5 Develop policy for paying for facility expansions
- 6 Develop proffer policy to pay for impacts of future developments
- 7 Pursue arts, public events, etc.

Community Strategic Plan

Appendix B **2025 Ongoing Town Priorities List**

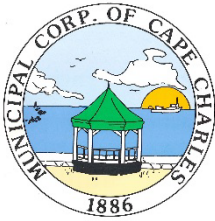
BLUE: still in progress from previous work periods and require additional time to complete; All items in blue are currently being worked concurrently (not listed in any particular order):

- Develop New Municipal Center
- Develop New Downtown Restrooms and Visitors Center
- Finish Library building sale/upgrades
- Work with developers/agencies to facilitate workforce housing
- Publish recently adopted Zoning Ordinances to online platform
- Develop beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.)

New items to be started as soon as time/resources are available:

1. Develop harbor/RR area conceptual master plan, new design guidelines, and Article IX update
2. Review efficiency of current planning and zoning processes and fees
3. Pursue development of shared revenue agreement with the County
4. Develop a town-wide parking plan to include a parking capacity inventory and recommendations for possible parking area expansions or improvements
5. Survey former residents to determine the circumstances of their departure
6. Review short term rental ordinances/codes to determine if changes or updates are needed
7. Develop a plan to address coastal resiliency, to include RAFT recommendations

NOTE: Refer to the Town's FY25 Capital Asset Management Plan (CAMP) to see a five-year schedule of proposed capital projects.



DRAFT
TOWN COUNCIL
Special Meeting
Cape Charles Civic Center
March 6, 2025
6:00 PM

At approximately 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Special Meeting of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Buchholz, Councilmen Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway. Staff in attendance were Town Manager John Hozey, Human Resources Director Jodi Outland, Assistant to the Town Manager Courtney Neale and Town Clerk Libby Hume. There were no members of the public physically in attendance, and 6 viewers on Facebook.

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

PUBLIC COMMENTS ON AGENDA ITEM ONLY: (3 MINUTES PER SPEAKER)

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

ORDER OF BUSINESS:

A. 2025-2026 Employee Health Insurance Presentation & Renewal:

Human Resources Director Jodi Outland presented a summary of the current health-care offerings and the proposed plans/offerings for the upcoming plan year which would begin on April 1, 2025. (Please see attached.)

Motion made by Councilman Grossman, seconded by Vice Mayor Buchholz, to approve the 2025-2026 benefit package moving all coverages to Anthem beginning April 1, 2025 as presented.

Councilwoman Ashworth proposed an amended motion, seconded by Councilman Grossman, to offer the health insurance benefit to members of the Town Council, the Planning Commission and other Boards whose members received compensation from the Town to participate but with the responsibility to pay 100% of the premiums for the coverage.

There was much discussion regarding this proposition related to the potential number of the board members who might be interested in taking advantage of the offer and the impact to staff's workload during and after the open enrollment period. The open enrollment meeting was scheduled for March 12th where all employees would be provided with the updated information and the Town's insurance broker would be available to answer any questions. The turnaround time for completing and submitting the applications was tight since the coverage period would begin on April 1st. Council agreed that all compensated board members would be notified of this opportunity and must attend the March 12th open enrollment meeting to be considered.

Mayor Charney called for a vote on the amended motion.

The motion to offer the health insurance benefit to members of the Town Council, the Planning Commission and compensated members of the Town's boards was approved by unanimous vote.

Mayor Charney called for a vote of the main motion.

The motion to approve to the 2025-2026 benefit package moving all coverages to Anthem beginning April 1, 2025 was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented as follows:

i) Ryan Peake, the Cape Charles Volunteer Fire Company's treasurer, wanted to promote the purchase of their new fire truck and asked if the Town Council was available on March 20th at 5:30 p.m., prior to the Town Council Regular Meeting, for a photograph to be taken at the fire station. Everyone was available with the exception of Mayor Charney.

ii) The Town typically purchased matching logo shirts for members of the Town Council to wear during selected events. The current shirts were light blue polos with the Town's logo but not everyone liked them. It was time to order new ones and John Hozey asked for any preferences. After some discussion, it was decided that light blue vests would be ordered.

iii) Cape Charles Day would be held next weekend and former Mayor and former harbor master Smitty Dize was being honored in a ceremony at 12:30 p.m. during the picnic. Councilwoman Holloway had proposed the idea to have Cape Charles Main Street (CCMS) purchase a memorial bench for Smitty Dize. He approved allowing the Town to accept donations for the bench and to expense the initial purchase out of his contingency fund. It was suggested that any funds received in excess of the cost of the bench be donated to the Waterman's Memorial to which all were in agreement.

Councilwoman Holloway stated that CCMS had ordered the bench and donations would be made payable to the Town of Cape Charles. Smitty Dize's family was being contacted and she had made arrangements for a wreath to be made which would be taken out to sea by two watermen. She was hoping that Mayor Charney would kick things off and she had former Vice Mayor Steve Bennett coming to say a few words. None of the watermen wanted to speak, but if anyone else was interested in speaking, they should contact her. She asked Coast Guard Station Cape Charles for a presentation of colors but had not yet received a response. Courtney Neale had done a good job on the flyers, with one flyer specifically inviting the watermen to the ceremony, and on some signage regarding the change in location from Central Park to the Harbor.

Due to the anticipated turnout, additional food and beverages will be purchased. John Hozey reminded the public that they did not have to participate in the community clean-up activities in order to attend the picnic. All residents and business owners were invited to attend the picnic.

MAYOR AND COUNCIL COMMENTS

Councilman Grossman commented as follows: i) He asked for an update about the new town manager. John Hozey stated that Rick Keuroglan has made arrangements to rent a house in Oyster until his home in Colorado sold and would provide time to look for permanent housing. He was on schedule to start mid-April; ii) He asked when the new Virginia American Water (VAW) rates would begin. John Hozey stated that they became effective March 1, 2025 but were retroactive to May 2024. He did not have the exact figures with him, but all users would see a small decrease in the water rates but a substantial decrease in the sewer rates. With the rates being retroactive to May 2024, users would receive a credit on their accounts within the next 90 days. VAW was planning a press release to announce this information. Councilman Grossman stated that he ran the figures for his utility bills over the last year, and he would be saving about 50% with the new rates. John Hozey added that if the Town had retained the water and sewer systems, the billing amounts would only go up every year, so it was the right move.

Councilwoman Holloway commented as follows: i) She had some notes regarding the strategic plan document. She did not feel that we flushed out all the thoughts related to enhancing the visitors' experience and community engagement. She would be bringing these items up at the regular meeting in March. She knew that Councilman Butta also had an addition.

John Hozey stated that the March 20th Town Council Regular Meeting would begin with a public input session regarding the strategic plan. Speakers would not be limited to three minutes and there would be back and forth discussions similar to a Town Hall meeting. For anyone unable to attend the meeting, written comments should be sent to the clerk by 4:30 p.m. the day of the meeting.

There were no other comments from Council or Mayor Charney.

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

The Special Meeting adjourned at 7:04 p.m.

Mayor Charney

Town Clerk



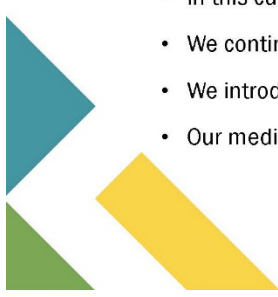
2025-2026 Health Insurance Renewal for the Town of Cape Charles



Agenda

- Introduction
 - Why proposed plan changes
 - Due Diligence
 - Bundling
 - Medical Coverage Cost Comparison
 - 3 Proposed Anthem Plans
 - HRA
 - 2024-25 versus 2025-26
 - Summary
- 

Introduction

- 
- We have been with Sentara health now for two years. In 2024 the Town received a 3% rate decrease, therefore we made the decision to stay with Sentara and replaced a \$3000 deductible plan with a GOLD \$1,500 deductible plan
 - In this current year, the Town remained with Delta Dental and VSP-Vision (voluntary)
 - We continued the popular Health Reimbursement Plan, funded by the Town
 - We introduced a Telehealth/Virtual benefit for all employees, also funded by the Town
 - Our medical plan covers an Employee Assistance Program

Why propose plan changes for the 2025-2026 benefit year?

- For 2025-2026, Sentara raised the premiums by 7.72%. Overall, in today's health insurance market this is considered a fair increase, however, for employees with dependents:

- Employee and Children, employees pay an average of \$376 a year more
- For Family Coverage, employees pay an average of \$726 a year more

With this increase, employees would be unlikely to enroll in the Gold plan as it would become cost prohibitive. There also would be no wiggle room for the possibility of increasing funding for the HRA.

Due Diligence

- With the assistance of our brokers, Landmark Insurance, we reviewed over a dozen plans with Anthem, including returning to level funding (aka self-insured)
- Level funding was very competitive with similar plan designs, a nationwide PPO (versus Sentara's HMO), and a carrier the Town has had coverage with in previous years
- To further save costs and to provide a more comprehensive dental plan, we are proposing a "bundle"

Bundling:

With a *Bundle*, the Medical, Dental and Vision all fall under the Anthem umbrella.

The Town receives an additional 2% reduction in premiums

Anthem credits the Town \$6000 on the second billing cycle

The proposed Anthem dental plan is slightly more expensive, at 4.5% increase or roughly, \$488 per year for all employees, however, Anthem Dental is a much richer plan, including a \$1,500 orthodontist benefit versus Delta's \$500. The coverage for major dental work is also paid at 50% versus Delta's 20%.

Vision is comparable to the current VSP, but at a lower cost for all employees.

Medical Coverage Cost Comparisons:

- Current Sentara to 2025-2026 Sentara Renewal 7.72% increase
- Current Sentara to 2025-2026 Anthem 6.90% decrease
- 2025-2026 Sentara Renewal to 2025-2026 Anthem 8.57% decrease
- Average decrease* in premiums from current Sentara year to 2025-2026 Anthem:

	SENTARA	ANTHEM
Employee	\$603.97	\$566.14
W/Spouse	\$1207.95	\$1330.43*
W/Child(ren)	\$1177.76	\$962.43
Family	\$1781.72	\$1732.38

*slight increase on the employee/spouse premium

3 Proposed Anthem Plans

ANTHEM Level Funded	PLAN 1 OAPOS 2000/0%/6250	PLAN 2 OAPOS 3000/20%/6500	PLAN 3 OAPOS 4000/20%/7500
DEDUCTIBLE	\$2000/\$4000	\$3000/\$6000	\$4000/\$8000
Co-Insurance	0%	20%	20%
Out-of-pocket max	\$6250/\$12,500	\$6,500/\$13,000	\$7500/\$15,000
Co-pays	\$25 – Office, \$75- specialist \$75 – urgent care. Mostly a co-pay plan except in hospital care	\$40-Office, \$75 specialist, \$75 urgent care	\$40-Office, \$75 specialist, \$75 urgent care
Mental Health	\$25 office visit	\$40 office visit	\$40 office visit
Preventative care/screenings/ immunizations	No charge	No charge	No charge

Health Reimbursement Account (HRA)

The Town recommends keeping the very popular HRA in effect and, due to a \$6,000 credit for the month of May, increasing the employer funding slightly.

			Annual Employer Funding: HRA	4/1/2025-3/31/2026
			SINGLE	DEPENDENT COVERAGE
Plan 1	2000 Deductible		\$525.00 (up \$25.00)	\$875.00 (up \$50.00)
Plan 2	3000 Deductible		\$825.00 Remained the same	\$1,325.00 Remained the same
Plan 3	4000 Deductible		\$850.00 (up \$25.00)	\$1,350.00 (up \$50.00)
Total Annual ER COST	(forecasted)		2024-2025 \$25,651.00	2025-2026 \$29,225.00

2024-2025 versus proposed 2025-2026

Sentara

Anthem Ieve: Funding-Bundle

Annual Cost to Town-Health Insurance 33 employees budgeted Health	2024-2025
MEDICAL-SENTARA	\$203,606.00
DENTAL-DELTA	\$10,702.00
WAIVERS	\$13,845.00
HRA	\$25,651.00
NEW: TELEHEALTH	\$3,015.00
TOTAL CURRENT PLAN YEAR BUDGETED	\$256,819.00
% increase to renew Sentara	7.7%
Wellness & Health Incentive Plan	\$6,500
TOTAL Including WHIP	\$263,319.00

Annual Cost to Town-Health Insurance - 38 employees budgeted health	2025-2026
MEDICAL-ANTHEM	\$207,774.00
ANTHEM-DELTA	\$12,187.00
WAIVERS	\$9,300
HRA	\$29,225.00
NEW: TELEHEALTH	\$3,420.00
CREDIT	(\$6,000.00)
TOTAL PROPOSED PLAN YEAR BUDGET	\$255,906.00
Savings of:	\$913.00
% decrease moving to Anthem	<1.00%
Wellness & Health Incentive Plan	\$6,500
TOTAL Including WHIP	\$262,406.00

SUMMARY

- Introduced 3 new positions at the Harbor
- Filled vacancy in Finance
- Previous waivers retire and new hire enrolls in coverage
- Budgeting for a new position in Planning/Building

Once again, the Town is able to benefit from a decrease in premiums, and by doing so, enhance the overall quality of the health plans offered. This year we are replacing one of the two 4000 deductible plans with a 3000 deductible plan that is similar in design. We increased the level of coverage offered by the dental plan by switching to Anthem Dental. We replaced the \$1,500 deductible plan with a \$2000 deductible plan, because this GOLD plan is less costly than the Sentara Gold Plan, more employees will be able to afford a plan with lower out of pocket costs than last year. We also propose increasing the HRA amounts slightly to correspond to deductibles. We propose this increase due to a \$6,000 credit from Anthem on the second billing cycle. This is a very appreciated benefit for the Town employees as they can pay for all sorts of medical costs, such as Rx drugs, co-pays, eyeglasses, and medical bills using the credit card that is funded with their HRA dollars.

Overall, the Town will see a minimal increase of 1% over last year, despite the fact that we will be covering up to 5 more employees than in 2024-2025.

Thank you

The Town employees thank you for your continued support of our excellent benefit package!

December 2024 and January 2025 Treasurer's Reports

Page 1 – Cash Position

- In January all cash was transferred from The Town's Virginia Investment Pool facility fees reserve account to the town's Virginia Investment Pool general liquidity account. These are identical accounts and the former is no longer necessary due to the sale of the utilities.

Page 2 – Revenues vs. Expenditures

- Due to issues with invoices from our fuel vendor Pepup, we were unable to perform the normal allocation of fuel between funds and departments for January. This issue will be retroactively corrected as soon as we receive a corrected invoice from Pepup.

Page 3 – Capital Projects

- In January, a down payment of \$20,000 was made in January towards the Strawberry Street sidewalk project.
- In January, a payment of \$11,876 was made to HBA Architecture and Interior Design for the design of the Welcome Center.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
December 31, 2024

Cash on Hand	11/30/2024	12/31/2024	Increase/ (Decrease)
Atlantic Union Bank Checking Account	\$151,986	\$92,854	-\$59,132
Atlantic Union Bank Money Market Account	\$1,481,832	\$1,721,070	\$239,238
LGIP Account 1 - 0565 - Unrestricted	\$117,269	\$117,729	\$460
LGIP Account 2 - 0195 - Unrestricted	\$342,618	\$344,080	\$1,463
Virginia Investment Pool Liquidity Unassigned - 5003	\$12,316,348	\$12,365,192	\$48,844
Virginia Investment Pool 1-3 Year Unassigned 0001	\$1,078,916	\$1,081,112	\$2,195
Taylor Bank Operating Cash Account	\$0	\$99,999	\$99,999
Taylor Bank Sweep Account	\$0	\$200,274	\$200,274
Total Cash On Hand	\$15,488,968	\$16,022,310	\$533,342

Restricted and Reserved Cash Balances	11/30/2024	12/31/2024	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	\$15,085	\$15,085	\$0
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$3,885,402	\$3,900,811	\$15,409
Total Cash Held in Reserve	\$3,942,169	\$3,957,577	\$15,409

Total Cash - All Accounts	\$19,431,137	\$19,979,887	\$548,751
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MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
December 31, 2024

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY25</u>
GENERAL Fund				
REVENUE	\$832,591	\$3,586,804	\$5,374,101	66.74%
EXPENDITURES	\$277,677	\$2,434,718	\$5,374,101	45.30%
NET	\$554,914	\$1,152,085	\$0	
GENERAL Capital Fund				
REVENUE	\$1,707	\$140,341	\$10,790,806	1.30%
EXPENDITURES	\$1,222	\$4,924	\$10,790,806	0.05%
NET	\$485	\$135,417	\$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	\$15,772	\$107,062	\$9,576,514	1.12%
EXPENDITURES	\$9,915	\$17,314	\$9,576,514	0.18%
NET	\$5,857	\$89,748	\$0	
HARBOR Fund				
REVENUE	\$14,710	\$421,608	\$1,162,576	36.26%
EXPENDITURES	\$84,585	\$445,681	\$1,162,576	38.34%
NET	(\$69,875)	(\$24,073)	\$0	
SANITATION Fund				
REVENUE	\$27,394	\$170,369	\$345,884	49.26%
EXPENDITURES	\$51,544	\$159,434	\$345,884	46.09%
NET	(\$24,150)	\$10,935	\$0	

FY 25 Capital Improvement Project Tracking Report

As of:
12/31/2024

	FY25 Status or Start Date	% of Current Year Budget	FY25 Budgeted	QTR 1 Expended	QTR 2 Expended	QTR 3 Expended	QTR 4 Expended	FY25 YTD Expended	(Over)/Under Budget
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General Capital Fund

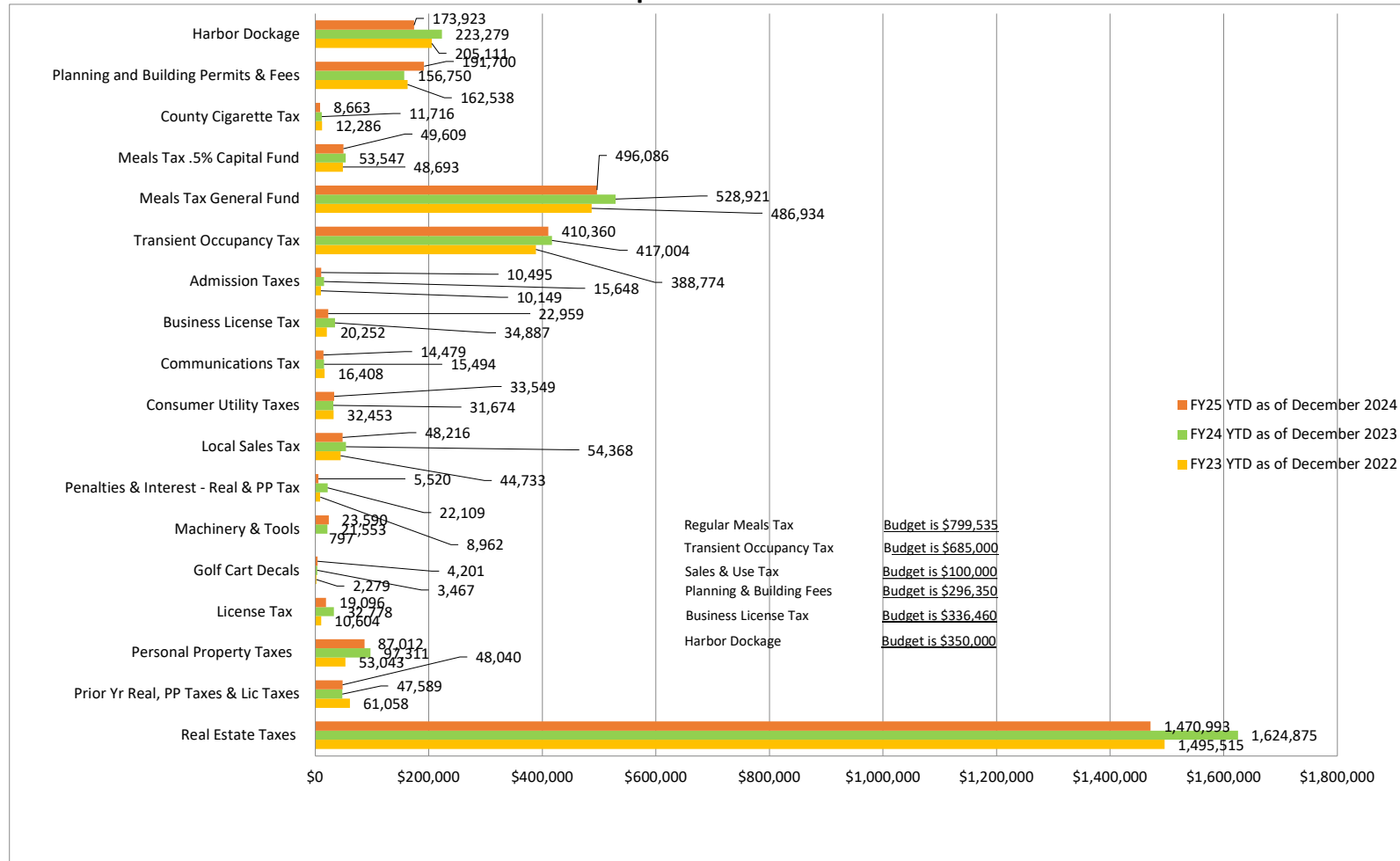
Multi-Use Trails, Phase 3 Construction	<u>Completed in FY24</u>		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Municipal Space Replacement	<u>In Process</u>	0%	\$ 3,250,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,250,000
Welcome Center Design & Construction	<u>In Process</u>	0%	\$ 750,000	\$ -	\$ 1,222	\$ -	\$ -	\$ 1,222	\$ 748,778
Library Upgrade & Condoization	<u>In Process</u>	1%	\$ 250,000	\$ 2,895	\$ 450	\$ -	\$ -	\$ 3,345	\$ 246,655
Beachfront Revitalization	<u>Pending</u>	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,000
Beach Restroom/Bathhouse	<u>Pending</u>	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,000
Sidewalk Infill	<u>Pending</u>	1%	\$ 50,000	\$ 274	\$ 84	\$ -	\$ -	\$ 358	\$ 49,642
Mason Ave. Electrical	<u>Pending</u>	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000
Subtotal			\$ 4,430,000.00	\$ 3,169	\$ 1,756	\$ -	\$ -	\$ 4,924	\$ 4,425,076

Harbor Fund

Inner Harbor Bulkhead Rehab, Phase 3	<u>Pending</u>	3%	\$ 221,537	\$ 4,750	\$ 1,695	\$ -	\$ -	\$ 6,445	\$ 215,092
Fixed Dock Rehab	<u>Pending</u>	6%	\$ 20,000	\$ 1,287	\$ -	\$ -	\$ -	\$ 1,287	\$ 18,713
Replace Boardwalk With Concrete	<u>Pending</u>	0%	\$ 43,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 43,000
Subtotal			\$ 284,537	\$ 6,037	\$ 1,695	\$ -	\$ -	\$ 7,732	\$ 276,805

TOTAL			\$ 4,714,537	\$ 9,206	\$ 3,451	\$ -	\$ -	\$ 12,656	\$ 4,701,881
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Specific Sources of Revenue as of 12.31.2024



MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
January 31, 2025

<u>Cash on Hand</u>	<u>12/31/2024</u>	<u>1/31/2025</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$107,873	\$58,968	-\$48,905
Atlantic Union Bank Money Market Account	\$1,721,070	\$1,525,131	-\$195,939
LGIP Account 1 - 0565 - Unrestricted	\$117,729	\$118,178	\$449
LGIP Account 2 - 0195 - Unrestricted	\$344,080	\$345,507	\$1,427
Virginia Investment Pool Liquidity Unassigned - 5003	\$12,365,192	\$16,328,562	\$3,963,370
Virginia Investment Pool 1-3 Year Unassigned 0001	\$1,081,112	\$1,085,221	\$4,109
Taylor Bank Operating Cash Account	\$84,878	\$384,306	\$299,428
Taylor Bank Sweep Account	\$200,274	\$200,065	-\$209
Total Cash On Hand	\$16,022,208	\$20,045,937	\$4,023,730

<u>Restricted and Reserved Cash Balances</u>	<u>12/31/2024</u>	<u>1/31/2025</u>	<u>Increase/ (Decrease)</u>
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	\$15,085	\$15,156	\$71
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$3,900,811	\$0	-\$3,900,811
Total Cash Held in Reserve	\$3,957,577	\$56,838	-\$3,900,740
Total Cash - All Accounts	\$19,979,785	\$20,102,775	\$122,990

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
January 31, 2025

REVENUE VS. EXPENDITURES

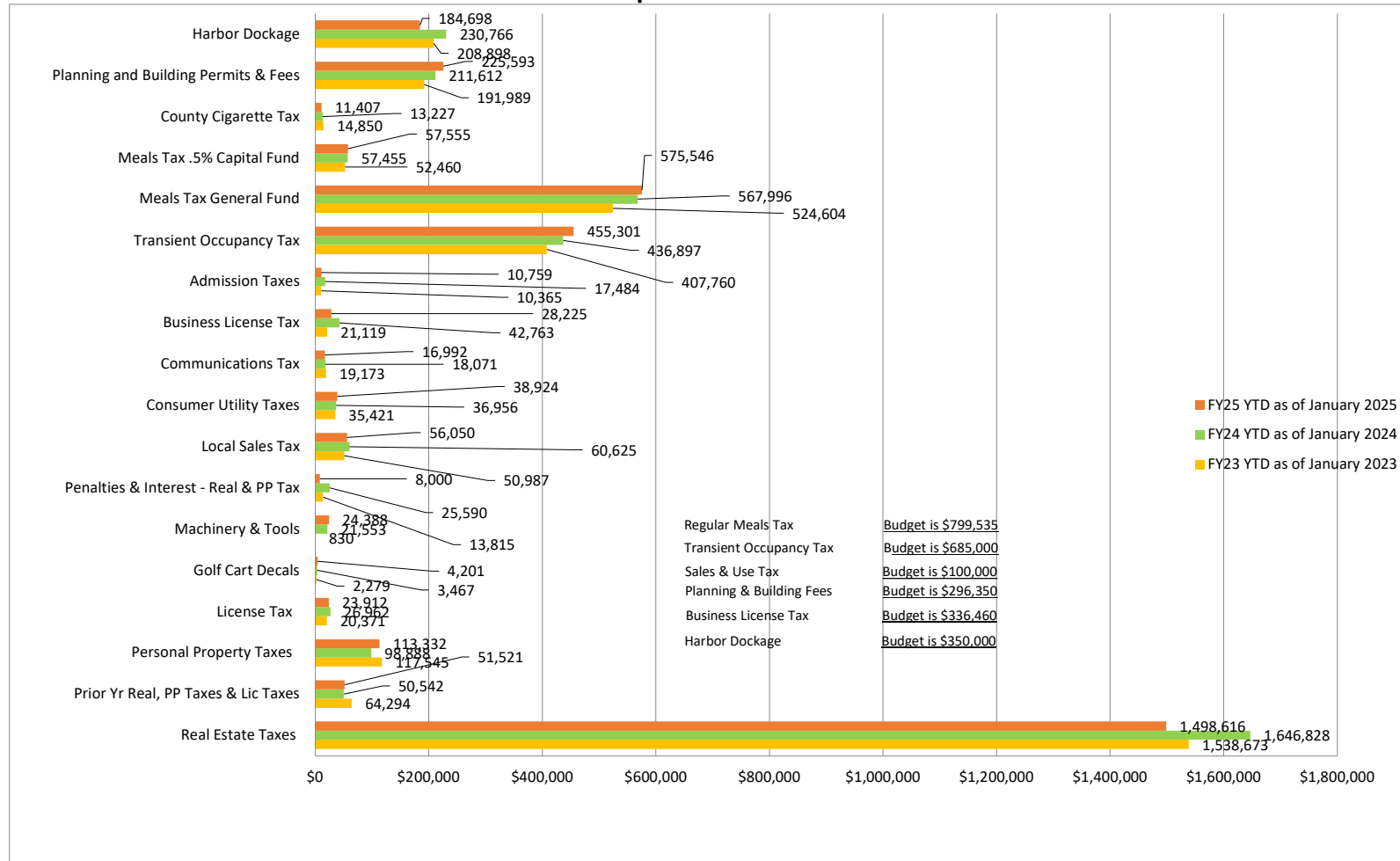
FUND	CURRENT MONTH	CURRENT YEAR-TO-DATE	ANNUAL BUDGET	% REALIZED/ EXPENDED FY25
GENERAL Fund				
REVENUE	\$342,767	\$3,929,570	\$5,374,101	73.12%
EXPENDITURES	\$294,409	\$2,729,128	\$5,374,101	50.78%
NET	\$48,358	\$1,200,443	\$0	
GENERAL Capital Fund				
REVENUE	\$7,946	\$148,287	\$10,790,806	1.37%
EXPENDITURES	\$30,729	\$35,653	\$10,790,806	0.33%
NET	(\$22,783)	\$112,634	\$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	\$4,879	\$111,941	\$9,576,514	1.17%
EXPENDITURES	\$119	\$17,433	\$9,576,514	0.18%
NET	\$4,760	\$94,508	\$0	
HARBOR Fund				
REVENUE	\$14,037	\$435,645	\$1,162,576	37.47%
EXPENDITURES	\$22,925	\$468,606	\$1,162,576	40.31%
NET	(\$8,888)	(\$32,961)	\$0	
SANITATION Fund				
REVENUE	\$0	\$170,369	\$345,884	49.26%
EXPENDITURES	\$25,652	\$185,086	\$345,884	53.51%
NET	(\$25,652)	(\$14,717)	\$0	

FY 25 Capital Improvement Project Tracking Report

As of:
1/31/2025

	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	\$ -	\$ -	\$ 3,345	\$ 246,655
Beachfront Revitalization	Pending	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,000
Beach Restroom/Bathhouse	Pending	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,000
Sidewalk Infill	Pending	41%	\$ 50,000	\$ 274	\$ 84	\$ 20,075	\$ -	\$ 20,432	\$ 29,568
Mason Ave. Electrical	Pending	0%	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000
Subtotal			\$ 4,430,000.00	\$ 3,169	\$ 1,756	\$ 30,729	\$ -	\$ 35,653	\$ 4,394,347
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			\$ 4,714,537	\$ 9,206	\$ 3,451	\$ 30,729	\$ -	\$ 43,385	\$ 4,671,152

Specific Sources of Revenue as of 1.31.2025





The Town of Cape Charles Community Strategic Plan 2025

DRAFT



Community Strategic Plan

What is a **Strategic Plan**, and what makes it different than our **Comprehensive Plan**? These are great questions, and understanding this difference is critical to any evaluation of this document.

A **Comprehensive Plan** is required by Virginia Administrative Code, which prescribes a detailed set of requirements. A Comprehensive Plan is a lengthy, intricate document, that can take a very long time to create. Due to its complexity and the length of time needed to develop it, the average citizen does not typically take the time to study a Comprehensive Plan in detail.

Strategic Plans on the other hand are much nimbler, they can be customized to any particular need of a community and are more easily digestible by members of the public. Strategic Plans also happen quicker, which facilitates more interest and better participation by community members. Our Strategic Plan shares the same community values and vision as our Comprehensive Plan but can be updated annually if desired, making the Strategic Plan a living document; flexible enough to react to current community developments in real time. This makes the Strategic Plan an ideal implementation tool for our Comprehensive Plan.

Both the Comprehensive and Strategic Plans start broad, and then become more specific. They begin with the values that are important to us and define us as a community. These values inspired our vision; a brief statement that looks to the future; is a source of inspiration; and serves to identify the ideals or characteristics we desire in our future.

The vision and its supporting goals represent the long-term view. The specific strategies needed to attain these goals are more short-term in nature and are considered objectives. They are the distinct, measurable deliverables that are affordable and implementable actions the Town can work into its next annual budget.

Following a three-year development period, the Town Council approved the most current Comprehensive Plan in December of 2022. The Strategic Plan will now start tackling the many discrete goals/objectives in the Comprehensive Plan by determining current priorities to assist with developing annual work plans.

While goals are longer term and subject to ongoing metrics, the Strategic Plan objectives are more fluid. As some objectives are completed, others may be added, contributing to the living nature of this document. Therefore, the objectives listed here should not be considered the definitive or complete list, but rather what is considered important or desirable to tackle first.

Community input to the annual Strategic Plan update is critical, and it will be solicited from annual community surveys and public input sessions.

Community Strategic Plan

Our Community Values:

- 1) **Sense of Community**
- 2) **Heritage – Traditional**
- 3) **Diversity – Tolerance – Respect**
- 4) **Adaptability**
- 5) **Environmental Stewardship**



Our Vision:

Preserve our historical, natural, and cultural resources, while managing growth and fostering a sense of community that enhances well-being and prosperity, now and for generations to come

Community Strategic Plan

Our Goals*:

- **To retain the small-town character of Cape Charles**
 - Metric: citizen confirmation in annual survey
- **To protect and maintain the beachfront**
 - Metric: no degradation via annual beach survey
- **To protect and maintain the harbor**
 - Metric: maintain/increase occupancy
- **To protect and maintain Central Park**
 - Metric: maintain/increase appearance and usage
- **To promote environmental stewardship**
 - Metric: develop implementable plans
- **To retain and expand businesses in a business-friendly environment**
 - Metric: increase in business licenses, increase in business-related revenues, and data from building permits issued and an annual questionnaire on employment
- **To enhance the visitor experience in Cape Charles**
 - Metric: maintain/increase visitation and tourism related revenues
- **To advance a variety of housing options ~~for younger families and workforce~~**
 - Metric: increase in ~~related~~ more affordable housing units
- **To meet our residents' expectation for Town services**
 - Metric: citizen confirmation in annual survey

***Not in any particular order**

Community Strategic Plan

Our Objectives:



- **Retain the small-town character of Cape Charles:**
 - a. Encourage a sense of engagement and inclusion among our community service organizations:
 - i. ~~Planning Commission and Historic District Review Board~~ Town boards and commissions chairpersons to provide an annual briefing to Council
 - ii. Celebrate volunteer appreciation, to include a volunteer of the year award during the annual Town Council Ice Cream Social – invite all board/commission members and civic groups
 - iii. Hold an annual strategic plan forum to get input from the public and civic groups
 - iv. Quarterly recognition of board/commission members or other volunteers in the Gazette, on Facebook, and during Regular Council meetings
 - v. Invite local civic groups, as appropriate, to participate in Town working groups

Note: Current Cape Charles Civic Groups – Friends of the Library, Citizens for Central Park, Cape Charles Main Street, Cape Charles Rotary, Cape Charles Historical Society, Cape Charles Rosenwald School Restoration Initiative, Cape Charles Yacht Club, New Roots Youth Garden, GEAR, Arts Enter, CC Historic District Civic League, Vacation Rental Home Owners Association, Bay Creek Community Association

- b. Encourage Citizen Engagement:
 - i. Maintain Facebook event postings for public events
 - ii. ~~Continue calendar of public meetings in monthly billings~~

Community Strategic Plan

- ii. Provide routine reporting of Town business and outcomes
- iii. Promote subscription to e-notifications and other sources of information
- iv. Publish Strategic Plan “report card” prior to the annual Community Survey
- c. Maintain/improve walkability:
 - i. Complete multi-use path between historic district, harbor, and Bay Creek
 - ii. Promote improvements to, and additions to sidewalks
 - a. Press for state maintenance
 - b. Explore ordinance changes for rehabilitation and resale
 - c. Explore ways to assist with sidewalk infill and provide capital funding as available
 - iii. Support Rails to Trails project
- d. Promote and encourage community/quirky events:
 - i. Promote centralized calendar of events (sharing information)
 - ii. Pursue Northampton County Infrastructure Grants to support events
- e. Promote the arts, entertainment, and recreation:
 - i. Provide services and venues at low or no cost to local non-profits
 - ii. Evaluate ways to provide volleyball/basketball courts; work with the YMCA to promote available scholarships
 - iii. Develop official guidance for public art displays
- f. ~~Enact~~ Evaluate short-term rental (STR) regulations
 - i. Evaluate recently adopted STR regulations to determine if tweaks or changes are required. ~~recommendations provided by STR working group, solicit public input via town hall meetings and public hearings, and establish STR regulations~~
- g. Manage tourism benefits and impacts to ensure a healthy balance between a quality of life for our residents and the quality of place for our visitors
 - i. Develop a visitor pledge to communicate the important values of responsible behavior to visitors
 - ii. Improve accessibility for people of all age groups and abilities
- h. Foster a safe golf cart culture:
 - i. Better and more signage
 - ii. Better enforcement (information to rentals and better reporting)
 - iii. Designate golf cart parking spots
 - iv. Foster positive relationship and meet annually with golf cart rental companies
 - v. Evaluate better connectivity options between Bay Creek and the balance of the Town
- **Protect and maintain the beachfront:**
 - a. Develop beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.) to include specific parameters for beach and dune management, detailing desired size and characteristics of both
 - b. Continue annual surveys and sand replenishment budget
 - c. Evaluate survey data to determine erosion protection strategy

Community Strategic Plan

- **Protect and maintain the harbor:**

- a. As part of larger area planning efforts, develop criteria to promote a healthy balance of commercial and recreational uses
- b. Implement long-term major maintenance and replacement plan

- **Protect and maintain Central Park:**

- c. In collaboration with Citizens for Central Park, promote an attractive, yet sustainable, multi-function public park
- d. Implement long-term major maintenance and replacement plan

- **Promote environmental stewardship**

- a. Develop an implementable coastal resiliency plan, to include the Resilience Adaptation Feasibility Tool (RAFT) recommendations and VIMS Comprehensive Coastal Resource Management Portal
- b. Review ~~adequacy of~~ existing/previous public green/open space infrastructure plans and develop an updated implementable plan
- c. Protect and improve tree canopy and other natural and designed landscapes
- d. ~~Protect and maintain Central Park~~

- **Retain and expand businesses in a business-friendly environment:**

- a. In collaboration with Cape Charles Main Street (CCMS) develop a public/private effort to guide business development and help remove obstacles
 - i. Review ordinances, regulations, and processes to identify business impediments
 - ii. Distribute the CCMS business tool kit to assist with common questions/concerns
 - iii. Support the economic vitality of the commercial district
- i. Improve business access to workforce resources:
 - i. Develop programs with high schools, the Eastern Shore Community College (ESCC), ~~and the restored Cape Charles Rosenwald School~~
 - ii. Support CCMS Job Fairs through ~~Northampton County Chamber of Commerce Cape Charles Main Street~~, Eastern Shore Chamber of Commerce, and/or Eastern Shore Tourism
 - iii. Develop internships and apprenticeships (Dept of Labor & Industry - DOLI)

- **Advance a variety of housing options ~~for younger families and workforce:~~**

- a. Explore the viability of a workforce housing ordinance related to Planned Unit Developments (PUDs); pursuant to VA Code Sec 15.2-2305.1

Community Strategic Plan

- b. Work with developers on workforce housing projects
- c. Promote the ability of accessory dwelling units to be workforce housing units
- d. Stay informed about Northampton County efforts
- **Meet our residents' expectation for Town services:**
 - a. Establish modern municipal facilities
 - i. Ensure safe/effective workplaces
 - ii. Develop an accessible and efficient Town Hall
 - iii. Strive to centralize resources
 - b. Manage smart growth and development, ensuring our small-town character remains balanced against increasing needs for services/infrastructure
 - i. Perform analysis of public service needs as a function of anticipated growth
 - ii. Evaluate potential financial impacts on municipal budgets
 - iii. Develop proffer policy to pay for impacts of future developments
 - c. Conduct master planning for potential development of the old railroad property and surrounding harbor areas
 - d. Develop a town-wide parking capacity inventory and develop recommendations for possible expansions or improvements
 - e. Continue employee training (cross training, customer service training, etc.)
 - f. Continue citizen concern reporting system
 - i. Promote citizen use of "Report a Concern" on Town website
 - ii. Follow up public comments expressed during council meetings and through emails received from citizens
 - g. Evaluate the need and viability of additional services
 - i. Recycling, when feasible
 - ii. Electric ~~automobile~~ vehicle charging stations, when feasible
 - h. Evaluate the need and viability of temporary office space for town staff until a new town hall can be built

Implementation:

Any plan is only as good as its implementation strategy. Our current Comprehensive Plan identified this Strategic Plan as its implementation tool. That was because this plan is reviewed annually and can be updated as needed to react in real time to current conditions. However, that does not mean that it is possible for all the objectives in this plan to be accomplished immediately or concurrently. Therefore, the Strategic Plan must be seen as a multi-year planning tool, which is updated each year.

Successful implementation depends on many things, including Political Will, money, staff capacity, and the time to do the work; with each of these representing their own unique challenges.

Community Strategic Plan

Political Will was demonstrated by the Mayor and Town Council through their participation in the development of this Strategic Plan. However, this Will can only be sustained with public support. The Strategic Plan cannot be seen as the Town Council's plan, but rather must be perceived as the community's plan. This public buy-in will be sought via annual public meetings to obtain input and address any questions/concerns; as well as using an annual community survey to gain insights and collect data over time regarding community needs and satisfaction.

The Town's fiscal situation has improved significantly since the first Strategic Plan was adopted in 2021. While this does not mean we can fund everything at once, it does mean that we can now begin to put together a reasonable, prioritized spending plan.

While money may be less of an issue, the staff resources necessary to carry out this work remains constrained. Town staff are typically fully engaged in their routine day-to-day duties, which does not afford much additional capacity to take on new objectives. **Staff workspace is an additional constraint. If more staff were hired, there is currently insufficient space to house them.** While volunteer resources can often help, volunteers cannot be counted upon to shoulder the sole responsibility for specific actions. Volunteer help is an excellent force multiplier but should not be counted upon as the primary resource in formal implementation planning. Therefore, expectations must remain reasonable, so that annual work plans don't become impractical.

Work Plans:

The Strategic Plan was referenced during this year's annual update to the Town's ongoing project priority list. That list, along with this plan will be used in the development of the next Town budget (FY26 - which begins on July 1). That budget is what will establish the resources and expectations for Town work plans in the coming year. A good faith effort will be attempted to work on those objectives which receive sufficient resources in the next budget. However, since this is a multi-year plan, we must accept that some objectives contained herein will not be scheduled until FY27 or beyond.

Please refer to Appendix B to see the current ongoing Town project list and how objectives have been prioritized for the coming year.

Appendix A
**Cape Charles Comprehensive Plan Summary of
Objectives and Strategies**

A) Housing

- 1 Pursue additional supply and diversity of housing
- 2 Encourage workforce housing
- 3 Participate in Housing Finance Programs
- 4 Promote manufactured housing
- 5 Address STR impacts on housing

B) Economy

- 1 Seek healthy balance - residents & tourists
- 2 Attract families with children
- 3 Strengthen household economic wellbeing
- 4 Promote and expand business
- 5 Promote diverse economic benefits for the harbor
- 6 Expand local manufacturing base
- 7 Promote traditional water based economic activities
- 8 Study chains of activities to identify gaps in a visitor's day
- 9 Identify placemaking opportunities
- 10 Update Bay Creek Planned Unit Development (PUD)

C) Transportation

- 1 Reduce traffic congestion
- 2 Enhance walkability
- 3 Maintain safe golf cart operations
- 4 Increase parking
- 5 Identify and maintain alleys and easements
- 6 Promote affordable public transportation
- 7 Complete multi-use path between historic district, harbor, and Bay Creek
- 8 Intergrade harbor area with other trail/path networks
- 9 Support Rails to Trails

Community Strategic Plan

D) Environment

- 1 Enhance Chesapeake Bay water quality
- 2 Promote strong aesthetics and limit litter
- 3 Ensure high quality drinking water (Now Virginia American Water)
- 4 Maintain long-term viability of beach and harbor
- 5 Promote coastal resiliency
- 6 Protect wetlands
- 7 Implement Coastal Resources Management guidance
- 8 Develop recommendations to improve resiliency to storm events
- 9 Assess feasibility of recycling
- 10 Protect and promote tree canopy
- 11 Evaluate I&I to sewer (Now Virginia American Water)

E) Facilities & Services

- 1 Pursue amenities for town facilities
- 2 Create modernized municipal facilities
- 3 Create multi-use recreation field
- 4 Ensure effective water & sewer utilities (Now Virginia American Water)
- 5 Develop policy for paying for facility expansions
- 6 Develop proffer policy to pay for impacts of future developments
- 7 Pursue arts, public events, etc.

Community Strategic Plan

Appendix B **2025 Ongoing Town Priorities List**

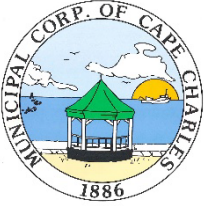
BLUE: still in progress from previous work periods and require additional time to complete; All items in blue are currently being worked concurrently (not listed in any particular order):

- Develop New Municipal Center
- Develop New Downtown Restrooms and Visitors Center
- Finish Library building sale/upgrades
- Work with developers/agencies to facilitate workforce housing
- Publish recently adopted Zoning Ordinances to online platform
- Develop beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.)

New items to be started as soon as time/resources are available:

1. Develop harbor/RR area conceptual master plan, new design guidelines, and Article IX update
2. Review efficiency of current planning and zoning processes and fees
3. Pursue development of shared revenue agreement with the County
4. Develop a town-wide parking plan to include a parking capacity inventory and recommendations for possible parking area expansions or improvements
5. Survey former residents to determine the circumstances of their departure
6. Review short term rental ordinances/codes to determine if changes or updates are needed
7. Develop a plan to address coastal resiliency, to include RAFT recommendations

NOTE: Refer to the Town's FY25 Capital Asset Management Plan (CAMP) to see a five-year schedule of proposed capital projects.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Conditional Use Permit 2025-02 – 711 Tazewell Ave/302 Fig Street		AGENDA DATE March 20, 2025
	SUBJECT/PROPOSAL/REQUEST: Conditional Use Permit Application at 711 Tazewell/302 Fig Street aka Fig Street Inn		ITEM NUMBER: 10B
	ATTACHMENTS: 1) CUP Application 2) 2) Staff Report from Planning Commission Public Hearing on 3-4-2025		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Katie H. Nunez, Planning Director & Zoning Administrator	REVIEWED BY: John Hozey, Town Manager	

The Town Council is requested to hold a public hearing on Conditional Use Permit (CUP) 2025-02 application from Donna & Gregory Kohler to amend previously approved Conditional Use Permit at 711 Tazewell Avenue/302 Fig Street (aka the Fig Street Inn) by adding the additional uses as authorized under Cape Charles Zoning Ordinance Section 4.1 (M) (5):

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 twenty percent (20%) of the total floor space of the Bed & Breakfast
3. Electric vehicle charging station(s).

A public hearing was held by the Planning Commission on March 4, 2025 on the conditional use permit application submitted by Donna & Gregory Kohler at 711 Tazewell Avenue/302 Fig Street (aka the Fig Street Inn) (Tax Map #83A4-2-A & 83A4-2-J & 83A4-2-I) to amend previously approved Conditional Use Permit at 711 Tazewell Avenue/302 Fig Street (aka the Fig Street Inn) by adding the additional uses as authorized under Cape Charles Zoning Ordinance Section 4.1 (M) (5):

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 twenty percent (20%) of the total floor space of the Bed & Breakfast
3. Electric vehicle charging station(s).

This property is located in the Residential-1 Zoning District.

Aerial Map of Property (outlined in yellow)



BACKGROUND:

The applicant received a Conditional Use Permit on February 11, 2010 to operate a Bed & Breakfast at this address; said approval indicated it was for a total of 6 rooms (5 bedrooms in the main house and 1 bedroom in the accessory building).

In 2024, the property owners filed an application seeking to rezone their property from Residential-1 to Commercial-Residential (CR) with a proffer that would prohibited 5 of the allowable commercial uses but would retain 16 commercial uses. The property owners indicated that they were seeking to expand their business offerings on the property to enhance the visitor experience for their customers at the Bed & Breakfast and want to offer bicycle rentals. However, there appeared to be insufficient support from the Planning Commission and the Town Council and the property owner withdrew the rezoning application before Town Council took a vote on the matter.

Since the Town Council was in the midst of revising the Town's Zoning Ordinance, an amendment was proposed and accepted at the December 19, 2024 Town Council meeting to add to the criteria section for Bed & Breakfasts so that it reads as follows (additions are highlighted in yellow):

Section 4.1 – Exceptions to the Regulations**M. Bed and Breakfast Criteria**

Bed and breakfasts, provided the following requirements are met:

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

CONDITONAL USE PERMIT APPLICATION REQUEST

The applicant is seeking to amend the previously approved Conditional Use Permit at 711 Tazewell Avenue/302 Fig Street (aka the Fig Street Inn) by adding the additional uses as authorized under Cape Charles Zoning Ordinance Section 4.1 (M) (5):

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 twenty percent (20%) of the total floor space of the Bed & Breakfast
3. Electric vehicle charging station(s).

ORDINANCE REQUIREMENTS:

The property is located in the Residential-1 Zoning District and Cape Charles Zoning Ordinance Section 3.1 (D) – Conditional Uses (3) states the following:

The following uses may also be permitted, subject to securing a use permit as provide 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)*

Section 4.1 (M) is stated above under the Background Section.

PLANNING COMMISSION PUBLIC HEARING:

Planning & Zoning Compliance Officer Jack Steinmeyer provided the staff report. The following public comments were provided at the hearing:

Susan Carrigan of 530 Tazewell Avenue stated that she is not supportive of a gift shop because there is already a sufficient # of gift shops in the commercial area of the Town. She is also not supportive of a bike shop and is concerned where it will be located on the property – in one of the existing structures? Or will a new building be constructed for the bike shop?. She is unclear where they would store all of the bikes for purchase and how would they handle repairs of bikes. She is concerned that there will be a parking problem that will arise due to the EV charging stations since there are no other EV charging stations in town and everyone will be looking to use the ones at this property. She is completely against the CUP application.

Tom Weaver of 702 Monroe Avenue stated that he agrees with the comments from Ms. Carrigan and he is also concerned about the alley between his property and the Fig Street Inn being blocked/overly utilized as a result of the commercial activity being proposed for this property

Applicant Donna Kohler spoke to address the specifics of the application and the manner in which these three business uses would operate on the property.

She stated that the zoning ordinance is for bicycle rentals, not a full bicycle shop. She stated that they will have 10 bikes max for rental and this based upon the # of bedrooms at the Bed & Breakfast, which is 5, and then presuming 2 people in each bedroom. The rental of the bikes would occur only through the internet, through a third party vendor. This process works by placing the rental order, the customer receives the code to unlock the bike upon payment being received and said code would only work for the time frame in which the individual has rented the bike. There will be no repairs, no sales, no actual shop, just an area on their property where they will store the bikes (10 max) that could be rented by their customers, which is their priority target market.

She stated that the gift shop will be the size of bookcase (maybe 2 of them) in their house which will be available to their guests and any event attendees. There will be no “public hours” for the “gift shop”. The inventory will be delivered by USPS for the gift shop merchandise.

She stated that the EV Chargers are part of their on-site parking area redesign and is intended for guests as an amenity, especially if they are driving to the B&B in an electric vehicle.

Commissioner Smith asked what is the plan if the bikes are not returned to the Fig Street Inn. Applicant Donna Kohler stated that they will be using a 3rd party company for the bike rentals called “RENT MOUNT” rentals. They have not developed a plan for that situation but will now work on having such a plan/response crafted.

Commissioner Smith stated for the record that there are 2 existing charging stations for EVs in the Town at the Town parking lot off Mason Avenue. Applicant Donna Kohler stated that the system they have purchased for the EV Station can serve the public at large; however, they have not purchased that full module to offer this at this time – meaning this is not meant for the general public to be using it. Their customers of the Bed & Breakfast will be able to plug in and use the EV charging station after they have received the access code.

Commissioner Smith motioned to close the public hearing and was seconded by Commissioner Holloway. The public hearing was closed at 6:22 p.m.

There was no additional discussion by the Planning Commission on this application.

PLANNING COMMISSION RECOMMENDATION: *Commissioner Smith motioned to recommend to the Town Council to approve CUP2025-02 application and was seconded by Commissioner Holloway. Ms. Nunez requested the Commission to expand their motion to actually list the uses being recommended. Commissioner Smith amended the motion to read as follows: To recommend to Town Council to approve CUP2025-02 amending their previous Conditional Use Permit to include the following ancillary, accessory, and business uses at the Fig Street Inn: bicycle rental; gift shop; and an EV charging station. The amended motion was seconded by Commissioner Ashworth and the motion was approved unanimously.*

TOWN COUNCIL ACTION: Town Council is requested to hold their public hearing on CUP2025-21. 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 the application, as recommended by the Planning Commission, and staff has provided a proposed motion for your consideration:

To approve CUP2025-02 application to amend the Conditional Use Permit at 711 Tazewell Avenue/302 Fig Street (aka the Fig Street Inn) 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.

ATTACHMENTS

- 1) CUP Application 2025-02
- 2) Staff Report from Planning Commission Public Hearing on March 4, 2025



Conditional Use Permit Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x31
planningtech@capecharles.org

Revised 03/2023

Taxes	☒ paid R.S.
Violations	—
Fee	\$600
Decision	

Budget Code: LANDF 100-3100-1050

PART 1: APPLICATION NOTES

Certain land uses, by nature, can have a potentially unfavorable impact on or be incompatible with other uses of land within a given zoning district. These uses may be permitted within designated districts under controls, limitations, and regulations of a conditional use permit.

The Town Council has the responsibility to evaluate the impact and the compatibility of each use and to stipulate conditions and restrictions to assure the proposed use is compatible with the neighborhood in which it is located. The Council can deny the use as not being in accordance with the adopted comprehensive plan or as being incompatible with the surrounding neighborhood.

In addition to the information required in this application, all items from this checklist must be submitted before it can be evaluated.

☐ Zoning Clearance Application ☐ Site Plan/Survey showing existing conditions and proposed changes

Owner signature:

Date:

1.21.2025

PART 2: PROPERTY INFORMATION

Property Address: 711 Tazewell Avenue Cape Charles VA 23310

Tax Map #:

Zoning District: R-1

Current use: bed + breakfast w/ CUP dated 2/11/10 Proposed use: updated CUP w/ permitted uses approved 12/19/2024

PART 3: PROPERTY OWNER INFORMATION

Name and/or Company: ~~Donna~~ Gregory S + Donna Olney Kohler

Mailing Address: 711 Tazewell Avenue Cape Charles VA 23310

Phone Number: 757-331-3133

Email: info@figstreetinn.com

If owner is not the applicant, an Owner's Permission Affidavit must be attached. n/a

PART 4: APPLICANT INFORMATION

Name and/or Company: Gregory S + Donna Olney Kohler / Fig Street Inn LLC

Mailing Address: 711 Tazewell Avenue Cape Charles VA 23310

Phone Number: 757-331-3133

Email: info@figstreetinn.com

PART 5: PROJECT INFORMATION

A. Neighborhood

1. What are the current uses and characteristics of the neighborhood? R-1 district - single family homes w/ year-round + seasonal use; vacation rentals; multi-family homes; CR district w/ Eastern Shore Custom Carts + old Meatland bldg.
2. How would this proposed use fit in with the neighborhood? this application is to update our CUP to include newly approved functions of beds + breakfasts to include bicycle rental; gift shop; EV charger. Property currently operates as 4-room b+b w/ 5th under construction (approved).
3. Describe the effects that any noise or odor from the proposed use might have on the neighborhood. none

B. In the Commercial and Harbor Districts, a conditional use permit is required for residential use above 1st floor commercial use.

Number of residential floors _____ Number of residential units per floor _____
Number of parking spaces on premises _____ Number of parking spaces on street _____ deeded off-site _____
Amenities provided _____

C. Description of Use

Days of Operation b+b is open year-round Number of full-time staff? 2 Part-time? 1
Hours of Operation n/a If foodservice, will there be alcohol sales on premises? n/a
Hours of Delivery n/a

These are services open to guests of b+b + to public by reservation

D. Site plan must also include Primary and any accessory structures (size & setbacks), Trash location, screening, fencing, lighting, utilities, landscaping, and parking if required.

I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed.

Applicant's signature: _____

Date: 1.21.2025

Zoning Administrator's signature: _____

Date: _____

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN.

FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM F.E.M.A. FLOOD MAPS. SHORELINE SURVEYORS IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.

THIS PROPERTY APPEARS TO FALL IN:
FLOOD ZONE: X
COMMUNITY NO: 510106
PANEL: 0295 DATED: MARCH 2, 2015

FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.

THE NORTH MERIDIAN OF THIS PLAT IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83.

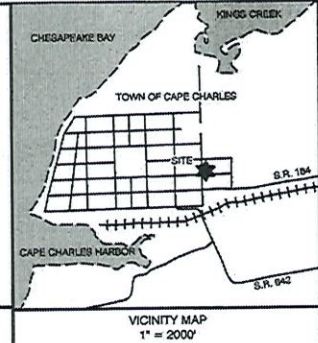
THIS PLAT IS BASED ON A CURRENT FIELD SURVEY HAVING A CLOSURE EXCEEDING 1:41,642.

BUILDING WALLS SHOWN HEREON REPRESENT THE FOUNDATION FOOTPRINT.

I, HEREBY CERTIFY THAT THIS BOUNDARY IS BASED ON A CURRENT FIELD SURVEY, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS.



Moore Avenue - State Route 1110



MADE IN AMERICA

Shoreline Surveyors
23314 Courthouse Avenue - P.O. Box 735
Accokeek, Virginia 22031
PHONE (757) 788-3560 FAX (757) 788-3562
SCALE: 1" = 25'
DRAWN: MAS
JOB #24006
FIELD BOOK 54, PAGES 39 & 40
SHEET 1 OF 1

Physical Survey of
Lots 4, 1 & J
Tr. L. Webster Co., Inc.
(PLAT BOOK 6, PAGE 95)
TAX PARCELS #0834-1-23, #0834-1-24, #0834-1-25, #0834-1-26, #0834-1-27, #0834-1-28, #0834-1-29, #0834-1-30, #0834-1-31, #0834-1-32, #0834-1-33, #0834-1-34, #0834-1-35, #0834-1-36, #0834-1-37, #0834-1-38, #0834-1-39, #0834-1-40, #0834-1-41, #0834-1-42, #0834-1-43, #0834-1-44, #0834-1-45, #0834-1-46, #0834-1-47, #0834-1-48, #0834-1-49, #0834-1-50, #0834-1-51, #0834-1-52, #0834-1-53, #0834-1-54, #0834-1-55, #0834-1-56, #0834-1-57, #0834-1-58, #0834-1-59, #0834-1-60, #0834-1-61, #0834-1-62, #0834-1-63, #0834-1-64, #0834-1-65, #0834-1-66, #0834-1-67, #0834-1-68, #0834-1-69, #0834-1-70, #0834-1-71, #0834-1-72, #0834-1-73, #0834-1-74, #0834-1-75, #0834-1-76, #0834-1-77, #0834-1-78, #0834-1-79, #0834-1-80, #0834-1-81, #0834-1-82, #0834-1-83, #0834-1-84, #0834-1-85, #0834-1-86, #0834-1-87, #0834-1-88, #0834-1-89, #0834-1-90, #0834-1-91, #0834-1-92, #0834-1-93, #0834-1-94, #0834-1-95, #0834-1-96, #0834-1-97, #0834-1-98, #0834-1-99, #0834-1-100, #0834-1-101, #0834-1-102, #0834-1-103, #0834-1-104, 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MUNICIPAL CORPORATION OF CAPE CHARLES

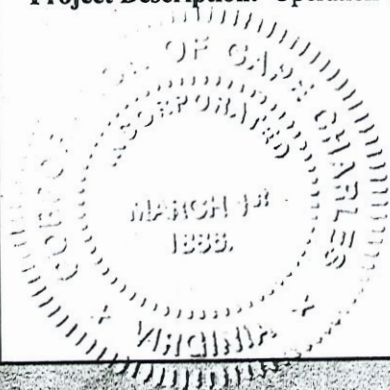
Date Issued: February 11, 2010

Issued to: Gregory S. & Donna O. Kohler
4650 Harris Hill Road
Williamsville, NY 14221

For Property: 302 Fig Street
Cape Charles, VA 23310

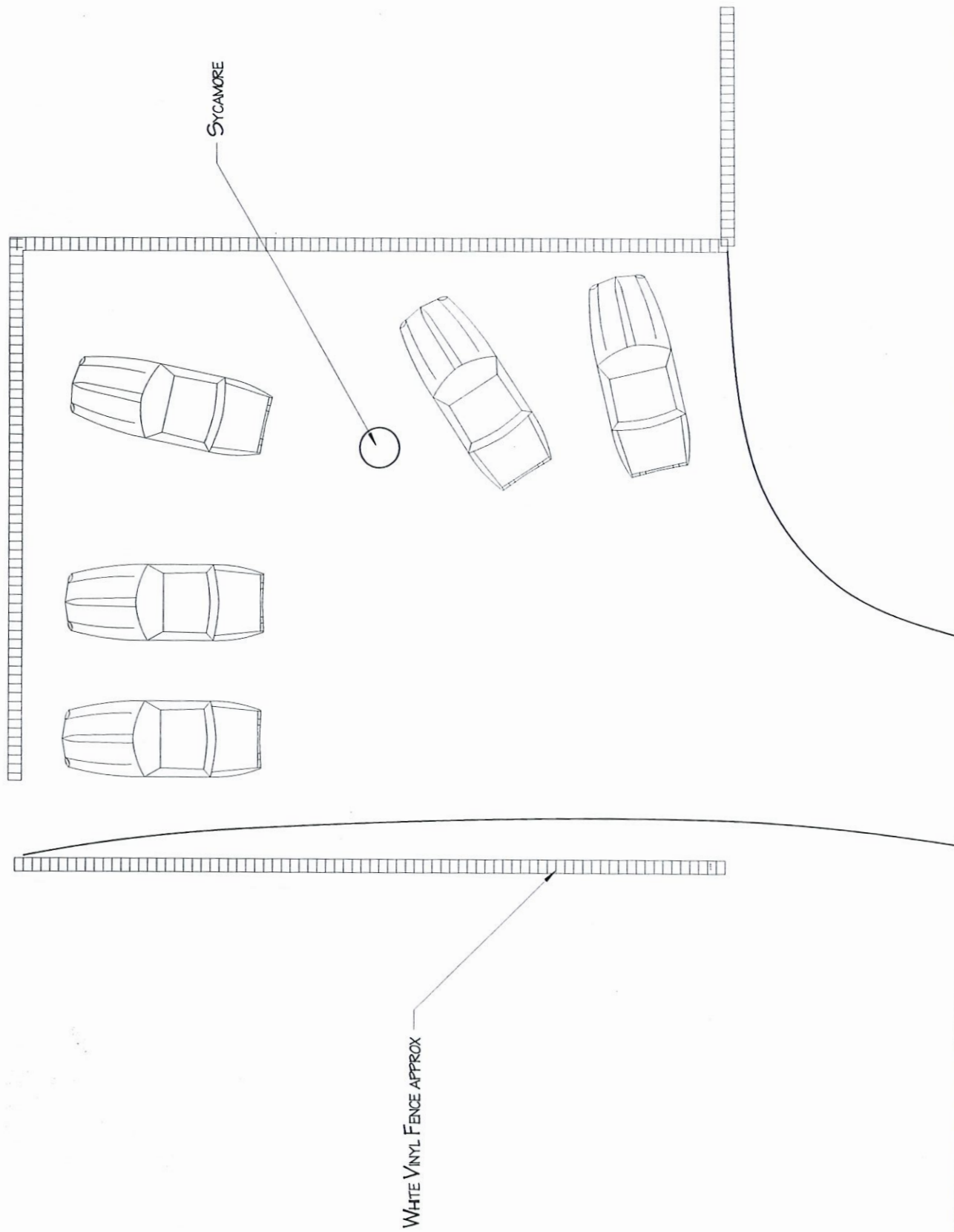
Conditional use permit shall be valid for only the specific use it covers in the specific location designated for a period of one year after the date of approval. If not acted upon within one year, the conditional use permit shall become null and void, unless construction is substantially underway during such one-year period or unless an extension of time not exceeding one year is approved by the Town Council for good cause shown before the expiration of such one-year period.

Project Description: Operation of a 6 bedroom Bed & Breakfast (5 bedrooms in main house, 1 bedroom in accessory building).



Libby Hume
Town Clerk

2/11/10
Date



TAZEWELL AVE



Planning Commission Staff Report

Meeting Date: March 4th, 2025

Item #: 5a

Prepared By: Jack Steinmayer, Zoning Compliance Officer

Prepared On: February 25th, 2025

Applicant: Donna & Gregory Kohler

Type of Application: Conditional Use Permit

Site Address: 711 Tazewell/302 Fig Street Inn

Specific Request: Amend Previously Approved Conditional Use Permit

Tax Map #: 83A4-2-A & 83A4-2-J & 83A4-2-I

Ordinance Section: CCZO Section 3.1 (M), 4.1 (M) (5)

Lot Size: 36,404.18 sq. ft. or .84 acres

Current Zoning: Residential-1 (R-1)

Date Received: January 21st, 2025

Date Deemed Complete: February 19th, 2025

Legal Deadline: 100 days from Receiving Completed Application: May 30th, 2025

Narrative of Proposal – Amended Conditional Use Permit Application

After adhering to CCZO Section 3.2 (C) (3), the applicants after some time wanted to expand business opportunities on their property, and on August 6th, 2024, the applicants went before the Planning Commission to petition for a conditional rezoning of their property from Residential – 1 (R-1) to Commercial Residential (CR). Within the application, the applicants stated that the primary purpose of the rezoning would be to allow for bicycle rentals as an accommodation for both guests and members of the public. This would have been allowed with a Conditional Use Permit with a Commercial Residential designation.

However, the Planning Commission only was amenable to rezone parcel “A” as the Fig Street Inn only occupies this singular parcel.

Afterwards, the application appeared at October 17th, 2024, Town Council meeting, where after substantial conversations it was clear that the Town Council was not going to allow a rezoning of this property, therefore, before a motion was voted upon the applicants withdrew their application.

On December 19th, 2024, Town Council adopted the updated version of the Cape Charles Zoning Ordinance. At this meeting, the following terminology was added to Article IV Section 4.2 (M), “the following ancillary, accessory, and 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 of a previously approved Conditional Use Permit:

- I.) Bicycle Rentals;
- II.) Gift Shops, located within the principal residence or buildings identified as part of the Bed & Breakfast and not to exceed twenty percent (20%) of the total floor space of the Bed and Breakfast;
- III.) Electric Vehicle Charging Stations.”

It was approved by a unanimous vote. With Councilwoman Holloway recusing herself, as she owes the other Bed and Breakfast within Cape Charles.

After the adoption of the updated Zoning Ordinance by Town Council on December 19th, 2024, the Kohler’s submitted an application to amend a previously approved Conditional Use Permit to include the following permitted uses (stated above).

Staff Review with Respect to the Comprehensive Plan

Pursuant to the Comprehensive Plan, “Cape Charles is home to a lively economy ***built around accommodations***, food service, health care, social services, education services, retail trade, public administration, manufacturing, fisheries/maritime activities, and transportation (2018 Cape Charles Market Study). ***The Cape Charles economy is evolving to support growth in other sectors, especially tourism and related sectors***, as maritime businesses decline nationwide. Having navigated the worst of the COVID-19 Pandemic, ***the Town continues to encourage the growth of existing businesses, as well as the creation of new businesses, in diverse markets. The Town is pursuing strategies to support businesses of different sizes and structures, ranging from small shops opened by residents to corporations.***” (*Economy – Overview*) (pg. 50).

By allowing for the Fig Street Inn to expand its business operations to encompass the approved business uses of bicycle rental; gift shop; and EV charging station, the Town would be in keeping with the Comprehensive Plan as outlined above.

Furthermore, the Town would be providing opportunities for households to strengthen their economic wellbeing, outlined in the Comprehensive Plan in *Economy Objectives and Strategies on pg. 54*.

The Fig Street Inn has been a well-known and popular accommodation within the Town of Cape Charles generating income not only for the applicants but also for the Town economy. By moving forward with the amended Conditional Use Permit application, the Fig Street Inn will be able to offer expanded services to compliment the Bed and Breakfast operations.

History

On February 11th, 2010, Town Council approved a Conditional Use Permit to operate a Bed & Breakfast to the Fig Street Inn at this address; said approval indicated it was for a total of 6 rooms (5 bedrooms in the main house a 1 bedroom in the accessory building).

At the time of receiving their Conditional Use Permit, the applicants had to adhere to CCZO Section 3.2 (C) (3), which stated:

- 3.) Bed & Breakfasts and Tourist Homes, provided the following requirements are met:
 - a.) The owner and family must occupy the residence. The owner and his/her appointed agents are responsible for supervising guests;
 - b.) The Single – Family dwelling appearance must be maintained;
 - c.) Parking should be considered on a case-by-case basis as part of the Conditional Use Permit Application, ensuring adherence to Section 4.5.1 (parking standards) using both on and off-street parking areas;
 - d.) A sign no larger than 4 square feet shall be permitted;
 - e.) The amount of accommodations shall be subject to recommendation by the Planning Commission and approval by the Town Council.

Staff Recommendation

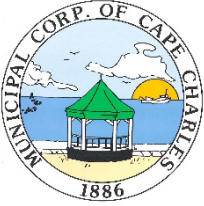
Staff is requesting the Planning Commission convene and hold the required public hearing and consider all comments received and determine if there are any additional issues raised that were not considered by staff. Staff is further recommending favorable consideration of the application submitted by the Kohler's (Tax Map #83A4-2-A, 83A4-2-J, & 83A4-2-I) to allow the following ancillary, accessory, and business uses that are now permissible through an amended Conditional Use Permit Application:

1. Bicycle Rentals;
2. Gift Shop;
3. EV Charging Station

Possible Planning Commission Motion

I would recommend the following motion for the Planning Commission's consideration:

Motion to recommend approval of amended conditional use permit application to include the following ancillary, accessory, and business uses at the Fig Street Inn; bicycle rental; gift shop; and an EV charging station.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Lease amendment for the Hungry Crab, LLC (dba The Shanty)		AGENDA DATE March 20, 2025
	SUBJECT/PROPOSAL/REQUEST: Approval of Lease amendment for the Hungry Crab, LLC (dba The Shanty)		ITEM NUMBER: 10C
	ATTACHMENTS: Lease amendment		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Town entered into a long-term ground lease with The Hungry Crab, LLC (dba The Shanty) in 2012. This provided the use of town property at the west end of the harbor for the development of a seafood restaurant. This lease has been maintained in good standing since inception.

ITEM SPECIFICS:

The owner of The Hungry Crab has recently purchased another restaurant in town and would now like to use his investment in the harbor restaurant 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 lease language. Therefore, to allow this loan to close, an amendment to the original lease is required to allow this activity and to incorporate Mortgagee provisions requested by the tenant's lender.

The attached amendment was drafted by the town's attorney and approved by the lender. Note: our attorney advises that a public hearing is not required for this amendment.

RECOMMENDATION:

The Town Council is requested to discuss the policy implications of allowing these provisions to this harbor lease, and if acceptable, approve the attached lease amendment.

LEASE AMENDMENT

THIS LEASE AMENDMENT ("Amendment") is made as of this ____ day of March, 2025 ("Effective Date"), by and between the **MUNICIPAL CORPORATION OF CAPE CHARLES**, a political subdivision of the Commonwealth of Virginia ("Landlord"), and **THE HUNGRY CRAB, LLC**, a Virginia limited liability company ("Tenant"), as follows:

WHEREAS, Landlord owns real property in the Town of Cape Charles, Virginia consisting of approximately 0.4 acres, more or less, at the west end of the area commonly known as the "West Dock," consisting of Tax Parcel 83A3-03-OA-00-010 (the "Property"), as more particularly described on Exhibit A of the Lease (defined below);

WHEREAS, Landlord and Tenant are parties to that certain Deed of Lease dated January 12, 2012 (the "Lease"), wherein the Landlord leased the Property to the Tenant pursuant to the terms and conditions therein; and

WHEREAS, Landlord and Tenant now desire to amend the Lease as described in this Amendment.

NOW, THEREFORE, for and in consideration of the Recitals set forth above, the mutual agreements and covenants contained herein and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, Landlord and Tenant hereby agree as follows:

1. **Recitals Incorporated; Certain Defined Terms.** The recitals set forth above are incorporated into this Amendment and shall be deemed to be terms and provisions hereof, the same as if fully set forth in this Section 1. Capitalized terms that are not otherwise defined in this Amendment shall have the same meanings herein as ascribed to such terms in the Lease.

2. **Rights of Leasehold Mortgagee and Estoppel.** The following is added as Sections 24 and 25 of the Lease:

24. **Rights of Leasehold Mortgagee.** In the event that Tenant shall mortgage, grant a deed of trust lien or pledge its interest in this Lease (hereinafter called the "Leasehold Estate") as security for an indebtedness in any form whatsoever (such mortgage, deed of trust or pledge is hereinafter referred to as a "Leasehold Mortgage"), and if the beneficiary of such Leasehold Mortgage secured by the Leasehold Estate (hereinafter called the "Mortgagee") notifies Landlord in writing of the execution of such Leasehold Mortgage and the name and place and method for service of notices upon such Mortgagee, then, from and after receipt of such notice and in such event, Landlord hereby agrees for the benefit of Tenant and such Mortgagee as follows:

24.1 Landlord will give to any Mortgagee, simultaneously upon service thereof on Tenant, a duplicate of any and all notices or demands given by Landlord to Tenant and no such notice to Tenant shall be effective unless a copy is so served upon the Mortgagee.

24.2 In the event of any default by Tenant under this Lease, or under the terms of the Leasehold Mortgage, the Mortgagee shall have the privilege of performing any of Tenant's covenants or of curing any defaults by Tenant or of exercising any election,

option or privilege conferred upon Tenant by the terms of this Lease, and Landlord shall accept performance by or at the instance of the Mortgagee as if the same had been by Tenant.

24.3 Mortgagee shall have the right to exercise on behalf of the Tenant, any renewals of the Term of this Lease in accordance with Section 2.2 of this Lease.

24.4 Landlord shall not terminate this Lease or Tenant's right to possession for any default of Tenant if, with respect to a monetary default, within a period of thirty (30) days after the expiration of the period of time within which Tenant might cure such default (provided Landlord has given notice to Mortgagee as otherwise provided hereunder) such default is cured or caused to be cured by the Mortgagee or with respect to non-monetary defaults if, within a period of thirty (30) days after the expiration of the period of time within which Tenant might commence to eliminate the cause of such default, the Mortgagee commences to eliminate the cause of such default and proceeds therewith diligently and with reasonable dispatch to cure the default; provided that for reoccurring defaults and any monetary defaults after the first such default, (i) Landlord in addition to its other rights hereunder, shall be entitled to a late fee of five percent (5%) of the payment then due plus any reasonable expenses incurred by Landlord in enforcing its rights hereunder, (ii) Mortgagee shall be obligated to pay all monetary amounts due before the expiration of the then applicable cure period; and (iii) Mortgagee agrees that any monies expended by Landlord to cure any nonmonetary obligation of Tenant (such as by way of example the cost of repairs) become monetary obligations after Tenant and Mortgagee being given a bill for the cost thereof.

24.5 If the Mortgagee cannot cure a default of Tenant unless the Mortgagee obtains possession of the Premises or acquires Tenant's Leasehold Estate under this Lease or if the default cannot be cured at all, then the following shall apply: Landlord shall not terminate this Lease or Tenant's right to possession for any default of Tenant if, as provided herein, provided the Mortgagee pays all Rent and other monies due and keeps all such payments current and takes prompt and continuously diligent steps to institute, prosecute and complete foreclosure proceedings or otherwise acquire Tenant's interest under this Lease and upon obtaining possession or acquiring Tenant's interest under this Lease, the Mortgagee shall promptly cure all still remaining defaults then reasonably susceptible of being cured by it provided, however, that the Mortgagee shall not be obligated to continue possession or to continue foreclosure proceedings after these defaults have been cured. Any default by Tenant that is not reasonably susceptible of being cured by Mortgagee shall be deemed to have been waived by Landlord upon completion of foreclosure proceedings or upon acquisition by the Mortgagee of Tenant's interest in the Lease, except that any events of default which are reasonably susceptible of being cured shall then be cured with reasonable diligence after completion of foreclosure proceedings or acquisition by the Mortgagee of Tenant's interest in this Lease. It is understood and agreed that the Mortgagee or its designee or any purchaser in foreclosure proceedings may become the legal owner and holder of Tenant's interest in this Lease through any foreclosure proceedings or by assignment of this Lease in lieu of foreclosure. Notwithstanding the forgoing, the Mortgagee is not obligated to cure any defaults in the representations or warranties of Tenant under the Lease existing prior to Mortgagee or its designee becoming the legal owner and holder of Tenant's interest in this Lease through any foreclosure proceedings or by assignment of this Lease in lieu of

foreclosure; however, upon becoming the legal owner and holder of Tenant's interest in this Lease, such legal owner and holder of Tenant's interest in this Lease shall be bound and obligated by all of the terms and conditions of this Lease thereafter.

24.6 No agreement between Landlord and Tenant modifying, canceling or surrendering this Lease shall be effective without the prior written consent of the Mortgagee.

24.7 In the event the Mortgagee is the foreclosure purchaser, the Mortgagee may assign its obligations under this Lease upon written notice to Landlord.

24.8 No union of the interests of Landlord and Tenant herein shall result in a merger of this Lease in the fee interest.

24.9 In the event of any termination of this Lease prior to the expiration of the term of this Lease, except by eminent domain, Landlord shall serve upon the Mortgagee, in the manner provided in Section 16 of this Lease, written notice of such termination and a statement of all other defaults, if any, under this Lease then known to Landlord. The Mortgagee upon payment to Landlord of all monies due with respect to this Lease and all Landlord's transactional costs including attorney's fees shall then have an option to obtain a new lease upon the same terms and conditions set forth in this Lease to the extent that the same are then applicable and with the same priority with respect to the Property. This option must be exercised by written notice to Landlord given within forty-five (45) days from the date the Mortgagee receives such notice and statement from Landlord. The new lease shall require the Mortgagee to cure all defaults of Tenant under this Lease which are reasonably susceptible of being cured by the Mortgagee.

25. **Landlord's Estoppel Certificate.** From time to time, within ten (10) days next following request by Tenant but not more frequently than once in any twelve (12) month period, Landlord shall deliver to Tenant a written statement executed by Landlord (A) stating that this Lease is then in full force and effect and has not been modified (or if modified, setting forth all modifications), (B) setting forth the date to which the Base Rent, all Additional Rent and any other items of Rental have been paid, (C) stating whether or not, to the best knowledge of Landlord (but without having made any investigation), Tenant is in default under this Lease, and, if Tenant is in default, setting forth the specific nature of all such defaults, and (D) as to any other matters reasonably requested by Tenant and related to this Lease.

3. **Lease in Full Force and Effect.** Except to the extent expressly stated, modified or amended herein, all terms and conditions of the Lease are ratified and confirmed and shall remain and continue in full force and effect as originally written and shall apply to this Amendment as if set forth in their entirety herein.

4. **Counterparts; Facsimile Signatures.** This Amendment may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument. This Amendment may be executed by facsimile

signatures; provided however, that each party shall forward an original executed counterpart hereof to the other party by overnight delivery once this First Amendment has been executed.

[SIGNATURES ON THE FOLLOWING PAGE]

IN WITNESS WHERE OF, the parties hereto have executed this Amendment as of the Effective Date.

LANDLORD:

MUNICIPAL CORPORATION OF CAPE CHARLES,
a political subdivision of the Commonwealth of Virginia

Attest

By: _____ (Seal)
Name:
Title:

TENANT:

THE HUNGRY CRAB LLC,
a Virginia limited liability company

Attest

By: _____ (Seal)
Name:
Title:

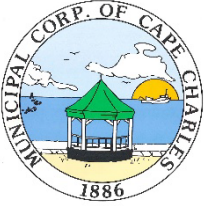
CONSENT AND REAFFIRMATION OF GUARANTOR

David J. Dempster ("Guarantor") is a guarantor of all of Tenant's obligations under the Lease pursuant to a Guaranty dated January 12, 2012. Guarantor hereby consents and agrees to the terms of the Amendment, and, acknowledges and agrees that (i) his Guaranty covers and applies to the Tenant's obligations under the Lease, as amended by the Amendment, (ii) the Amendment does not release, impair or otherwise limit any of Guarantor's obligations under its Guaranty, (iii) Guarantor does not have any offset, counterclaim or defense of any kind to his obligations, covenants or agreements under his Guaranty, all of which obligations, covenants and agreements are hereby expressly reaffirmed, and (iv) the Guaranty remains in full force and effect in all respects.

GUARANTOR:

_____(SEAL)
David J. Dempster

Date: _____

 TOWN OF CAPE CHARLES	AGENDA TITLE: Real Estate Tax Exemption for Certain Elderly or Disabled Persons		AGENDA DATE March 20, 2025
	SUBJECT/PROPOSAL/REQUEST: Elderly or Disabled Tax Exemption Update Request		ITEM NUMBER: 10D
	ATTACHMENTS: 1) Ordinance 20250320; 2) Proposed Town Code Amendments		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Marion Sofield, Treasurer	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The income and net worth parameters for qualification for the Town's Elderly or Disabled Tax Exemption program were updated by the Town of Cape Charles in 2006 and then again in 2022. The Board of Supervisors of Northampton County, Virginia has updated the total maximum income eligibility requirements and increased the maximum tax credits associated with the Elderly or Disabled Tax Exemption, to bring the thresholds and limits up-to-date with the current economy for citizens least able to afford increases in real property taxes.

ITEM SPECIFICS:

The Town made changes to its existing Elderly or Disabled Tax Relief program in 2022, mirroring Northampton County's updates and enacting similar financial thresholds EXCEPT for a variance between the Town's maximum credit of \$600 (up from \$300 in 2009), as opposed to the County's maximum of \$1150 (increased from \$400 in prior period). Additionally, the County shall use a total combined income of owners during the year immediately preceding to be an amount not to exceed \$57,500 from all sources and the first \$6,000 of annual income of the owner's relatives living in the dwelling other than the spouse's shall be excluded from calculating total combined income. This year, Northampton County is making another update to its program and Cape Charles finds the parameter changes to be fitting for its citizens who meet certain criteria, including the net combined financial worth as of December 31 of the year immediately preceding the taxable year, with the owners and the spouse of any owner, as determined by the Treasurer from the owners' application to be an amount not to exceed \$115,000.

Attached you will find the current ordinance, with recommended updates shown with strikethroughs in red and additions in blue.

The maximum income threshold of \$57,500 is based upon the Federal Government's Social Security Cost-of-Living Adjustment ("COLA"), which increased 14.98% over three years.

In 2022, it was noted that there are three (3) citizens who availed themselves of the tax relief offered by this exemption program. In 2024, it is noted that six (6) property owners received real property tax relief under this program, with the Town of Cape Charles receiving \$574.81 less on the 2024 taxes due on these six properties.

RECOMMENDATION:

Staff recommends that Town Council approve the proposed budget amendment, as attached.

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.

WHEREAS, the Town of Cape Charles currently provides assistance in the form of real property tax credits to qualified persons who are elderly or physically disabled; and

WHEREAS, the applicants must meet certain income and health status substantiations. Currently the combined income, if married, cannot exceed \$50,000; and

WHEREAS, Northampton County offers a similar program and on February 25, 2025, updated their ordinance increasing the maximum combined income for eligibility, the maximum tax credit, and re-opening the application period; and

WHEREAS, the Town generally follows suit with Northampton County with such tax matters; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 20th day of March 2025, that Chapter 18, Article VIII, Sections 18-299, 18-300 and 18-301 of the Cape Charles Town Code be revised as attached, to become effective upon adoption.

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

By: _____
Mayor

ATTEST:

Town Clerk

ARTICLE VIII. REAL ESTATE TAX EXEMPTION FOR CERTAIN ELDERLY OR DISABLED PERSONS

Sec. 18-299. Eligibility for exemption.

Exemption shall be granted to persons subject to the following provisions:

- (1) The title to the property for which exemption is sought is held or partially held, on December 31 immediately preceding the taxable year, by the person seeking the exemption. If the ownership of the property for which application for exemption is made is not held solely by the applicant or jointly with the applicant's spouse, then the amount of the tax exemption hereunder shall be in proportion to the applicant's ownership interest in the subject real property, as the ownership interest may appear.
- (2) The head of the household occupying the dwelling and owning title or partial title hereto is 65 years or older on December 31 of the year immediately preceding the taxable year. Such dwelling must be occupied as the sole dwelling of the person seeking the exemption.
- (3) The total combined income of the owners during the year immediately preceding the taxable year shall be determined by the treasurer to be an amount not to exceed ~~\$50,000.00~~ 57,500.00. Total combined income shall include all sources of income from the owners, spouses, and of the owners' relatives living in the dwelling for which exemption is claimed; provided, however, that the first \$6,000.00 of annual income of the owners' relatives living in the dwelling other than the spouse's shall be excluded in computing total combined income.
- (4) The net combined financial worth as of December 31 of the year immediately preceding the taxable year of the owners and of the spouse of any owner shall be determined by the treasurer to be an amount not to exceed ~~\$100,000.00~~ 115,000.00. Net combined financial worth shall include the value of all assets, including equitable interest of the owners and the spouse of any owner, excluding the fair market value of the dwelling and the land, not to exceed one acre, upon which it is situated and for which exemption is claimed.
- (5) The person seeking the exemption must file annually with the treasurer an affidavit as hereinafter provided.

Sec. 18-300. Application for exemption.

- (a) Annually after January 1 and before ~~April 15~~ September 1 of the taxable year, the person claiming exemption shall file with the treasurer, on forms supplied by such treasurer, an affidavit setting forth the location and assessed value of the property, the names of all the related persons occupying such real estate; the total combined income of the persons, as specified in section 18-299(3); and the net combined financial worth of the persons as specified in section 18-299(4). If such person is under 65 years of age, such form shall have attached thereto a confirmation by the Social Security Administration, the Veterans Administration, or the Railroad Retirement Board or, if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors licensed to practice medicine in the commonwealth, to the effect that such person is permanently and totally disabled. The affidavit of at least one of such doctors shall be based upon a physical examination of such person by said doctor. ~~For tax year 2022, there shall be a second application window between August 19, 2022, and September 30, 2022, to be considered using the higher exemption levels adopted by the town council on August 18, 2022. Applications received during the first tax year 2022 window (January 1, 2022, through March 31, 2022), shall be considered using the most recently adopted exemption levels.~~

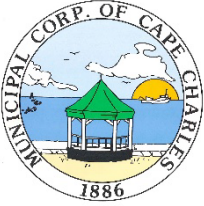
Sec. 18-301. Exemption schedule.

Where the person seeking exemption conforms to the standards and does not exceed the limitation contained herein, the real estate tax exemption shall be as shown on the following schedule:

Total Combined Income from All Sources	Total Combined Income from all Sources ***	Tax Exemption Net Worth (Not to Exceed \$100,000.00 115,000.00)
\$0.00—\$20,000.00	\$0 - \$23,000	90%
\$20,001.00—\$30,000.00	\$23,3001 - \$34,500	80%
\$30,001.00—\$40,000.00	\$34,501 - \$46,000	60%
\$40,001.00—\$50,000.00	\$46,001 - \$57,000	40%

***Adjustment calculated by adding social security COLA over 3 years (14.98%)

Provided, however, that the maximum annual exemption on any one property shall not exceed ~~\$600.00~~ 1,150.00.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Resolution of Intent – Zoning Text Amendment Amending Article III, Section 3.3 (E) – Residential-3		AGENDA DATE March 20, 2025
	SUBJECT/PROPOSAL/REQUEST: Consideration of staff request to support a Zoning Text Amendment re: Article		ITEM NUMBER: 10E
	ATTACHMENTS: Resolution of Intent #20250320A		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT: Katie H. Nunez, Director of Planning & Zoning Administrator	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

As a result of conversations with a prospective purchaser of the Seabreeze Apartments property, which is just under a 1.5 acre parcel that is currently zoned Residential-1. I have 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 caused a closer look at the Lot, Yard, Height, Coverage and Density Requirements for the Residential-3 Multi-Family District and has led to my recommendation to request the Town Council support a Zoning Text Amendment application 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.

As I began applying the setback requirements to this parcel but also to other parcels in town with the R-3 zoning designation or vacant property that might be a future location of multi-family dwelling development in the Town, the 3-acre requirement restricts property that could otherwise meet all of the other requirements for multi-family dwellings. Some multi-family dwelling development could be a smaller scale, such as a 4-unit apartment building vs. a multiple multi-family dwelling unit such as 3 buildings with 8 apartments in each building

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.

I would propose that the Cape Charles Zoning Ordinance Article III, Section III, Section 3.3 (E) – Residential-3 Multi-Family District be amended by deleting the 3-acre minimum land requirement listed in Table 2 for Multi-Family Project Development. If the Town Council is supportive of this ZTA and willing to advance said application for public hearing to the Planning Commission and to the Town Council, it is important to note that this proposed zoning text amendment would be applicable to any property in the Town of Cape Charles that is currently zoned Residential-3 and any future parcel that may be rezoned to R-3.

At this time, there are 8 parcels that are zoned R-3:

- 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



COMPREHENSIVE PLAN

On page 39 of the Housing Chapter of the Comprehensive Plan, it states the following:

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 help encourage people to live in stable neighborhoods in town instead of moving out into the unincorporated areas of the county. This in turn will help keep the town economically viable throughout the year.

We have acknowledged that both affordable housing and workforce housing (which could be interchangeable terminology) are needed in our community and the Town needs to take appropriate steps to reduce zoning barriers to help diversify our housing stock to implement one of our primary objectives and strategies in the Comprehensive Plan.

RECOMMENDATION:

Staff recommends that Town Council vote to adopt Resolution of Intent 20250320A – Proposed Zoning Text Amendment 2025-01 Application from Town of Cape Charles to Amend CCZO Article III, Section 3.3 (E) by removing the 3 acre minimum land requirement for a Multi-Family Project Development.

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.

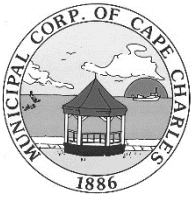
Said Zoning Text Amendment 2025-01 is referred to the Cape Charles Planning Commission to convene the requisite public hearings and public notifications, which may be done jointly between the Cape Charles Planning Commission and Cape Charles Town Council and for the Cape Charles Planning Commission to 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



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.

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

	<i>SF</i>	<i>Duplex</i>	<i>Zero Lot Line</i>
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)	15'
Rear Setback (parking in rear) (ft)	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 subordinate 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, Rear 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 or 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 rationale 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 sidestwenty feet (20')
 - b. Courts
 - i. From Buildingstwenty feet (20')
 - ii. Property Linestwenty 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.

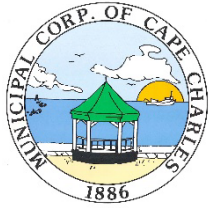
- i. Additional Development Terms. Placement of drives and parking areas. Entrances and exits, drives or parking areas may be located adjacent to any lot line.

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 $\frac{1}{4}$ 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%) $\pm$ 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.



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Resolution of intent to consider a Conditional Zoning Map Amendment (ZMA2025-01) for Tax Map #83A1-3-B2 and 83A1-3-3 (1.45 acres) from Residential-1 to Residential-3 Multi-Family District

AGENDA DATE
March 20, 2025

SUBJECT/PROPOSAL/REQUEST: Consideration of referral to Planning Commission

ITEM NUMBER:
10F

ATTACHMENTS: Zoning Map Amendment (ZMA) 2025-01 Application from Seabreeze Associates LP and Resolution of Intent 20250320B

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Katie H. Nunez, Planning & Zoning Director

REVIEWED BY:
John Hozey, Town Manager

BACKGROUND:

Both the Town Zoning Ordinance and Virginia Code §15.2-2286 (A) (7) requires a resolution of intent from the governing body to initiate any change to a zoning ordinance or zoning map.

AERIAL Map of 2 Parcels – Property Address of 201, 203, 205, 207 & 209 Washington Avenue



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.

HISTORY OF PROPERTY and CURRENT ZONING DESIGNATION:

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. The Town adopted a Zoning Ordinance on July 14, 1992 and zoned these two lots as Residential-1 which did not allow for multi-family dwellings but was a zoning district with a primary focus on single-family residential development. This did not preclude the apartments on this property from operating and continuing to be apartments but, from a zoning designation, the uses and buildings on this property are considered legal, non-conforming uses pursuant to Cape Charles Zoning Ordinance Section 2.5 (attached).

In February 2024, the Town issued a Notice of Violation regarding two of the buildings that were unfit for human habitation. The then 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 you can see from the CCZO Section 2.5, a legal non-conforming use can continue and exist but there are 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 I 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.

ITEM SPECIFICIS

After meeting with the representatives of the prospective purchaser on several occasions in which I outlined a more advantageous approach to rezone this property to a more appropriate zoning district that allows multi-family dwellings by right and sharing said information with the Liquidator Trustee Ms. Tavenner, Zoning Map Amendment (ZMA2025-01) application has been filed to rezone Tax Map #83A1-3-B2 and 83A1-3-3 (1.45 acres) from Residential-1 to Residential-3 Multi-Family District; said application is a conditional rezoning application since the applicant has included a proffer to restrict the multi-family dwelling units from having rentals of less than 30 days (i.e. no Short Term Rentals).

Pursuant to Cape Charles Zoning Ordinance Section 2.7, when a rezoning map amendment application is received, then it is forwarded to the Town Council who is required to forward it to the Planning Commission for public hearing through Resolution.

A resolution is prepared below to acknowledge and accept that a private property owner has petitioned the Town with the filing of a Zoning Map Amendment application and finds that the application is complete for further consideration by the Town. It is important to know that consideration and approval of this resolution does not constitute approval of any change to the Town Zoning Map. It merely identifies that a Zoning Map

Amendment Application has been received, and the application identifies that sufficient public necessity, convenience, general welfare or good zoning practice exists within the proposed Application to conduct a public process that more fully explores the proposed change.

This resolution will formally establish that the proposed changes meet the requirements to be referred to the Planning Commission for public hearing and their recommendation. The Planning Commission recommendation, once issued, will be returned to the Town Council to schedule their public hearing on the matter. Final and formal consideration of any change will be the responsibility of the Town Council, following their public hearing and in consideration of the recommendation by the Planning Commission.

AREA ZONING around the SUBJECT PROPERTY

To the east and immediate north are three parcels that are zoned Residential-1 and have recently been issued Town permits for various improvements to the shoreline and will be submitting applications to the Town for 2 building permits for 2 residential houses. To the west there are 5 lots that compromise the Bay Vista Subdivision which is zoned PUD R-3 (part of the Bay Creek – Accawmacke Plantation Planned Unit Development). To the south across the street, all of those parcels are zoned Residential-1 and also falls within the Historic District Overlay Ordinance as well.

POTENTIAL SCHEDULE:

The Code of Virginia provides a 100-day review time frame for the Planning Commission once an application is referred and received by them, unless the Town Council votes to establish a shorter period of review. Since the property is under a due diligence period for sale and there is a scheduled closing date at the end of April 2025, I have outlined an accelerated calendar. Please note that the calendar could be extended to the maximum time frames allotted for review by the Planning Commission and deliberation by the Town Council. This calendar is to outline the staff's consideration of a reasonable calendar assuming each Board acts as quickly as possible.

As you will see in the calendar below, there is also a Zoning Text Amendment that is paired with this application. The ZTA 2025-01 is being requested by staff for Town Council to advance to the Planning Commission to public hearing simultaneously. If ZTA2025-01 does not achieve approval by the Town, then ZMA2025-01 would need to be withdrawn since this property would not conform to the dimensional requirements for the Residential-3 Zoning District. ZTA2025-01 is addressed through a separate Town Council agenda item and associated staff report with application.

<u>DATE</u>	<u>ENTITY</u>	<u>ACTION NEEDED</u>
March 20, 2025 (Thursday)	Town Council Meeting	1) Receive and acknowledge Zoning Map Amendment (ZMA) application and authorize staff to send this to public hearing to the Planning Commission and Town Council via Town Council Resolution 2) Review and authorize a Zoning Text Amendment (ZTA) application regarding Residential-3 (staff proposal) and elimination of the 3-acre minimum requirement
March 21, 2025 (Friday)	Eastern Shore Post	First Legal ad for both ZMA and ZTA for Planning Commission Public Hearing
March 21, 2025	Adjacent Property Owner (APO) Notification	Certified Letters sent by Town to Adjacent Property Owners of the proposed ZMA application of Planning Commission Public Hearing and Town Council Public Hearing.
March 28, 2025 (Friday)	Eastern Shore Post	Second Legal ad for both ZMA and ZTA for Planning Commission Public Hearing run
April 7, 9 or 10,	Planning Commission	Public Hearing on Zoning Map Amendment

<u>DATE</u>	<u>ENTITY</u>	<u>ACTION NEEDED</u>
2025 (still polling members on exact date for their meeting)		Public Hearing on Zoning Text Amendment
April 4, 2025 (Friday)	Eastern Shore Post	First Legal Ad for both ZMA and ZTA for Town Council Public Hearing
April 11, 2025 (Friday)	Eastern Shore Post	Second Legal Ad for both ZMA and ZTA for Town Council Public Hearing
April 17, 2025 (Thursday)	Town Council	Public Hearing on Zoning Map Amendment Public Hearing on Zoning Text Amendment TC will hold their public hearing at this meeting but cannot take a vote if they have not received a recommendation from the Planning Commission. If they have received the PC Recommendation, then TC has the ability to vote on the ZMA and the ZTA the same night of the public hearing.

RECOMMENDATION:

Staff recommends that Town Council vote to adopt Resolution of Intent 20250320B regarding Zoning Map Amendment (ZMA) to rezone Tax Map #83A1-3-B2 and 83A1-3-3 (1.45 acres) from Residential-1 to Residential-3 Multi-Family District; said application is a conditional rezoning application since the applicant has included a proffer to restrict the multi-family dwelling units from having rentals of less than 30 days (i.e. no Short Term Rentals).

ATTACHMENTS:

- Attachment A: Zoning Map Amendment Application (ZMA2025-01) with Site Plan and Authorized Signature from Property Owner Representative and Proffer Statement
- Attachment B: Cape Charles Zoning Ordinance Article II – General Provisions
- Attachment C: Cape Charles Zoning Ordinance Article III – District Regulations

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.**

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

WHEREAS, Seabreeze Associates, LP, owners of Tax Map #83A1-3-B2 and 83A1-3-3 (1.45 acres) is desirous of rezoning these two parcels from Residential-1 to Residential-3 Multi-Family District with proffers.

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 Map by modifying the land use for these two parcels from Residential-1 to Residential-3 zoning and to refer said application to the Planning Commission to initiate and undertake review and required public notification of said application.

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

By: _____
Mayor Charney

Attest:

Town Clerk

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:

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

SIGNATURE

DATE: _____

STATE OF VIRGINIA

Town of Cape Charles and County of Northampton, to-wit:

I, _____, the undersigned, a Notary Public in and for the
Town and County and State aforesaid, do hereby certify that _____,
whose name is signed to the foregoing instrument as (title) _____ of
_____, a Virginia (type of entity) _____, has sworn
to, subscribed, and acknowledged the same before me in the Town and County and State
aforesaid, this ____ day of _____, 20__ on behalf of said
_____. He/she ☐ is personally known to me or ☐ has produced
_____ as identification.

Notary Public

My commission expires: _____

Registration No. _____

Exhibit A
Legal Description

Attached:

Deed Book 209 page 136-138

Plat Book 12 Page 58

Physical Survey Plat dated March 15, 1984

STATE OF VIRGINIA,

COUNTY/CITY OF Northampton, to wit:

The foregoing instrument was duly acknowledged before me this
27th day of May, 1983, by ANNE H. PLOTT/Trustee in
 RANSOM
 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. Hebb, Clerk

Mailed to
 Harry J. Schlegel
 P.O. Box 78
 Newport News
 Va. 23607
 6-9-83

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

\$35,000

No. 368

This Deed, made May 24, 1983 between

ROBERT E. SCHLEGEL and JEANNE M. 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 Hassell & 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.

JONES, BLECHMAN, WOLTZ & KELLY
ATTORNEYS AND COUNSELORS AT LAW
NEWPORT NEWS, VIRGINIA 23607

Whoever 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
 BEACON CONSTRUCTION COMPANY (Seal)
 By: Marvin I. Mazur (SEAL)
 MARVIN I. MAZUR, President

STATE OF VIRGINIA,

CITY OF Roanoke

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, Marquitta 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

Marquitta 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: Clayton S. Hibbs, Clerk

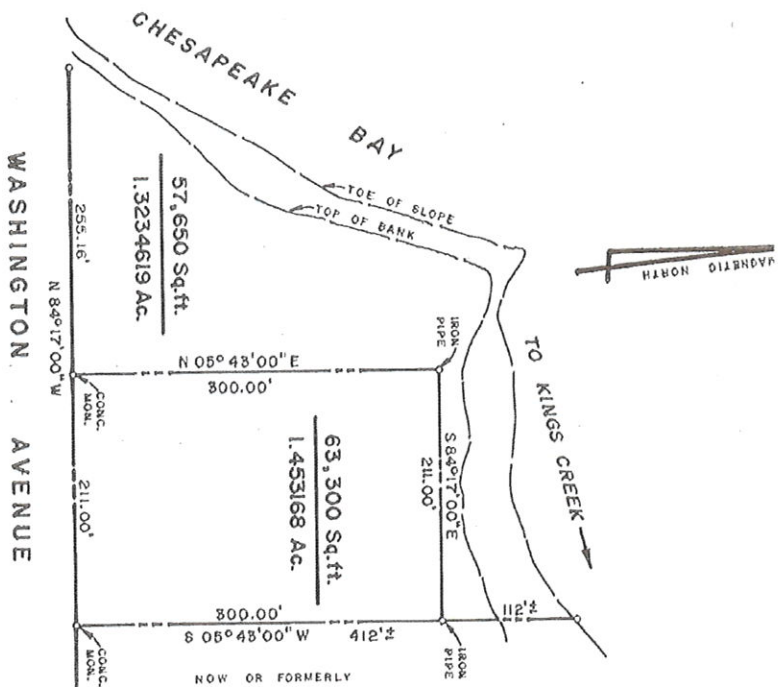
file in the City and State above -
 agreed to the above writing
 has acknowledged the same

23 1983

Assy

described herein and its source
 may require that the
 change with the requirements

PR 12/1858



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

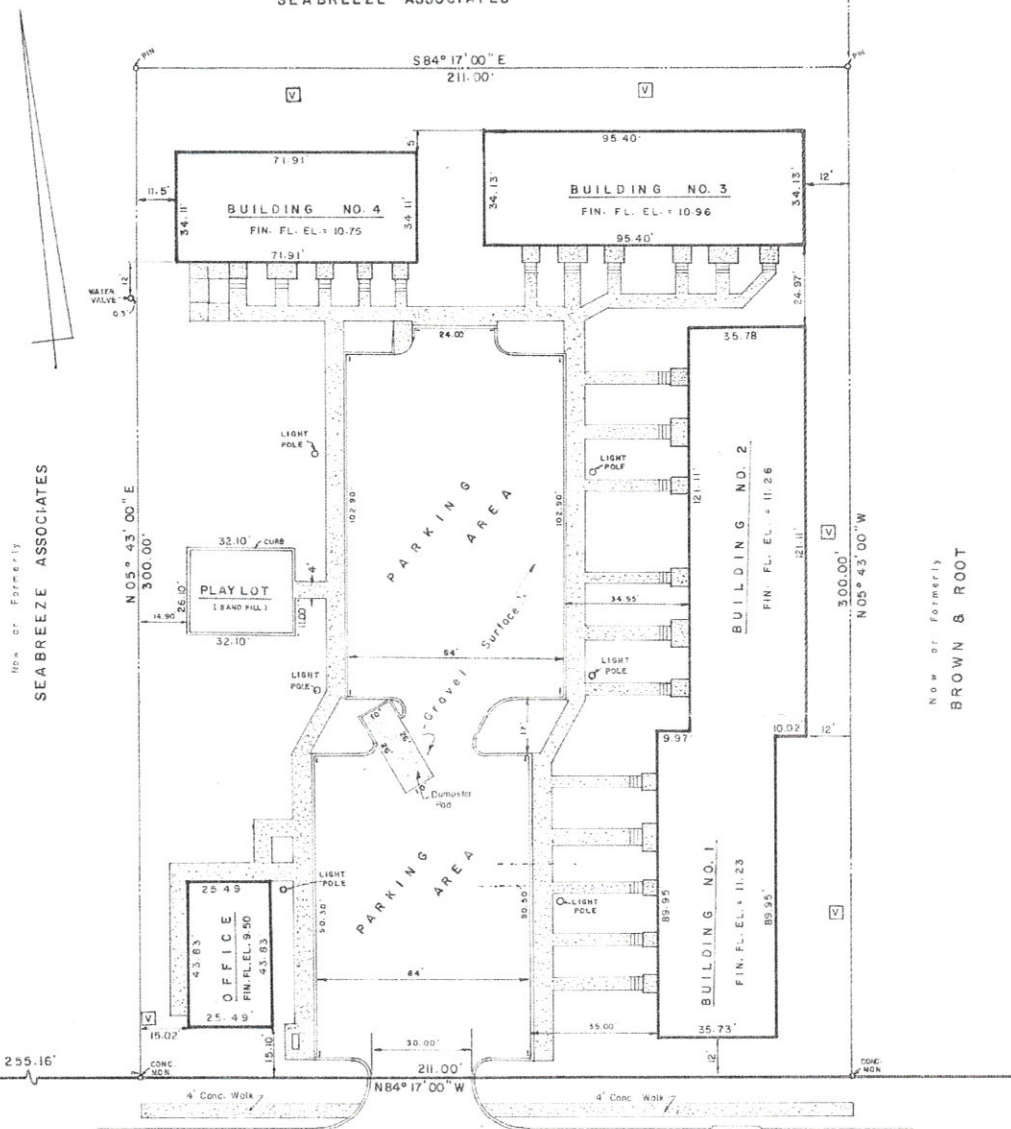
Scale: 1" = 100'
 Date: MAY 16, 1983
 HASSELL & FOLKES, P.C.
 Surveyors and Engineers
 PORTSMOUTH, VA

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: *John E. Horton*
L.S.

Now or Formerly
SEABREEZE ASSOCIATES



WASHINGTON AVENUE

BAY AVENUE

[V] - DENOTES VEPCO 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 B. FOLKES, P.C.
Surveyors and Engineers
PORTSMOUTH, VIRGINIA

REV. APRIL 2, 1984

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:

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

SIGNATURE

DATE: _____

STATE OF VIRGINIA

Town of Cape Charles and County of Northampton, to-wit:

I, _____, the undersigned, a Notary Public in and for the
Town and County and State aforesaid, do hereby certify that _____,
whose name is signed to the foregoing instrument as (title) _____ of
_____, a Virginia (type of entity) _____, has sworn
to, subscribed, and acknowledged the same before me in the Town and County and State
aforesaid, this ____ day of _____, 20__ on behalf of said
_____. He/she ☐ is personally known to me or ☐ has produced
_____ as identification.

Notary Public

My commission expires: _____

Registration No. _____

Exhibit A
Legal Description

Attached:

Deed Book 209 page 136-138

Plat Book 12 Page 58

Physical Survey Plat dated March 15, 1984

STATE OF VIRGINIA,

COUNTY/CITY OF Northampton, to wit:

The foregoing instrument was duly acknowledged before me this
27th day of May, 1983, by ANNE H. PLOTT/Trustee in
 RANSOM
 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. Hebb, Clerk

Mailed to
 Harry J. Schlegel
 P.O. Box 78
 Newport News
 Va. 23607
 6-9-83

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

\$35,000

No. 368

This Deed, made May 24, 1983 between

ROBERT E. SCHLEGEL and JEANNE M. 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

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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.

JONES, BLECHMAN, WOLTZ & KELLY
ATTORNEYS AND COUNSELORS AT LAW
NEWPORT NEWS, VIRGINIA 23607

Whoever 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
 BEACON CONSTRUCTION COMPANY (Seal)
 By: Marvin I. Mazur (SEAL)
 MARVIN I. MAZUR, President

STATE OF VIRGINIA,

CITY OF Roanoke

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, Marquitta 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

Marquitta 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: Clayton S. Hibbs, Clerk

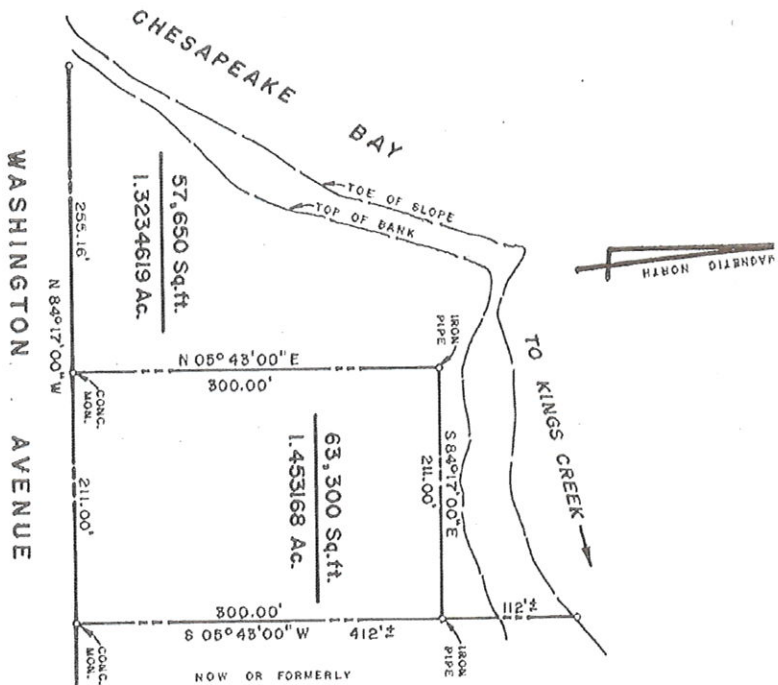
file in the City and State above -
 agreed to the above writing
 has acknowledged the same

23 1983

Assy

described herein and its source
 any required and that the
 advice with the requirements

PR 12/1858



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

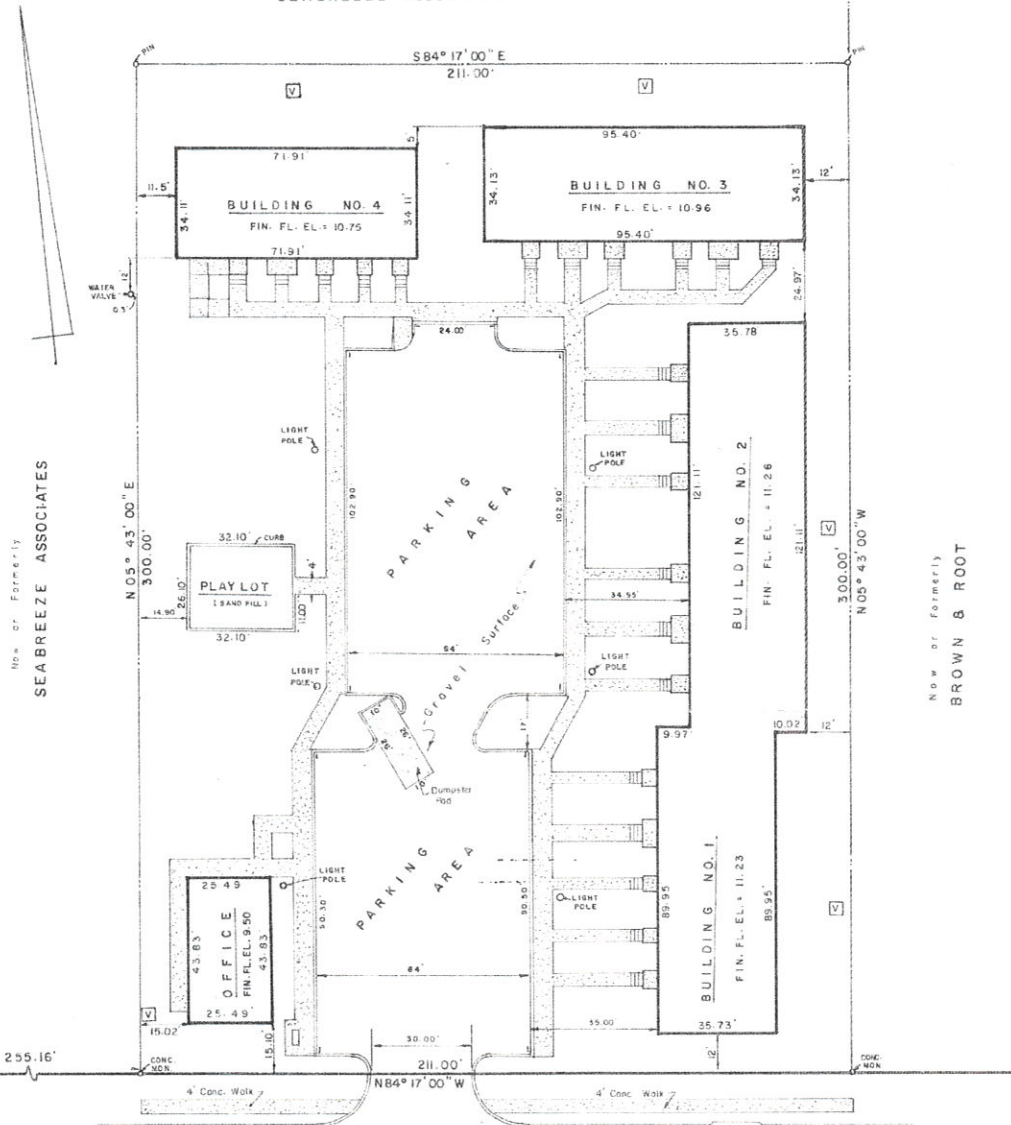
Scale: 1" = 100'
 Date: MAY 16, 1983
 HASSELL & FOLKES, P.C.
 Surveyors and Engineers
 PORTSMOUTH, VA

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: *John E. Horton*
L.S.

Now or Formerly
SEABREEZE ASSOCIATES



WASHINGTON AVENUE

BAY AVENUE

[V] - DENOTES VEPQ 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 B. FOLKES, P.C.
Surveyors and Engineers
PORTSMOUTH, VIRGINIA

REV. APRIL 2, 1984

Article II - General Provisions

Section 2.1: Title

This ordinance and its contents along with the accompanying map shall be known, designated, and cited as the “**Town of Cape Charles Zoning Ordinance.**”

Section 2.2: Legislative Intent

This ordinance is enacted to promote the health, safety, and general welfare of the citizens of Cape Charles, Virginia. It is the intention of the Town Council that the provisions of this ordinance will implement the purpose and intent of the Comprehensive Plan of the Town by encouraging the most desirable use of land for residential, recreational, commercial, industrial, and agricultural purposes.

Section 2.3: Districts Generally *[revised 12/19/2024]*

The Town of Cape Charles is hereby divided into the basic following zoning districts:

R-1	Residential
R-2	Residential Mixed
R-3	Residential Multi-Family
CR	Commercial/Residential
C-1	Commercial-1
C-2	Commercial-2
C-3	Commercial-3
Harb-C	Harbor-Commercial
Harb-LI	Harbor – Light Industrial
M-2	Heavy Industrial-2
OS	Open Space
PUD	Planned Unit Development
Bay Crossing PUD	Bay Crossing Planned Unit Development
ACC PUD	Accawmacke Plantation Planned Unit Development

Section 2.3.1: Meaning of District Symbols

The letter “R” represents any residential district designation. The letter “C” represents any commercial district designation. The term “Harb” represents any harbor district designation. The letter “M” represents a heavy industrial district designation. The term “LI” is for light industrial district designation, and OS is for the open space designation. The term “PUD” represents Planned Unit Development.

The zoning map shall show by an appropriate symbol on the map the existence of conditions and zones and that attach the following regulations and conditions to the zoning on the map. The Zoning Administrator shall keep in the planning office and make available for public inspection a Conditional Index showing all property which is operating under a Conditional Use Permit. The Index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district or zone (Code of Virginia [§ 15.2-2300](#)).

2.3.2: Zoning Map and Amendments to the Zoning Map [revised 12-19-2024]

The locations and boundaries of the districts established by this chapter shall be as shown on the map entitled “Official Zoning Map, Town of Cape Charles, Virginia,” which is hereby declared to be part of this chapter and found on page 2 of Zoning Ordinance and is dated through the most recent zoning map amendments adopted by Town Council. A certified copy of this map is on file in the office of the Zoning Administrator, and such map is signed by the Mayor and certified by the Town Clerk. All notations, dimensions, and designations shown thereon shall be as much a part of this chapter as if the same were fully described herein.

This map also includes all of the area encompassed by the Accawmacke Plantation Planned Unit Development (PUD), also referred to as Bay Creek North and Bay Creek South; however, these sections of the Zoning Map have not been amended since February 9, 1993. This map does reflect the approved and named subdivisions or provide the street names contained therein but the zoning districts in the Bay Creek areas are set by the February 9, 1993, Accawmacke Plantation PUD Ordinance.

The Zoning Administrator shall maintain a copy of the Zoning Map of the Town, making such amendments to such map as they are approved by the Town Council in accordance with the provisions of Section 2.7 of this Chapter.

Section 2.3.3: Determination of District Boundaries

Unless the zoning district boundary lines are fixed by dimensions or otherwise clearly shown or described and where uncertainty exists with respect to the boundaries of any zoning districts as shown on the zoning map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad main tracks, such center line or lines at right angle to such center lines shall be construed to be such boundaries, as the case may be.
- B. Where district boundaries are indicated to follow a river, bay, creek, branch, or other body of water, such boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction; and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
- C. If no distance, angle, or curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the Zoning Administrator using the scale shown on the map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals, which shall determine the boundary.

Section 2.3.4: Zoning of Annexed Areas

Any area annexed by the Town of Cape Charles shall, unless otherwise stated, immediately upon the effective date of such annexation be automatically classified as an R-1 district until a zoning plan for such area has been adopted by the Town Council.

The Planning Commission shall prepare and present to the Town Council a zoning plan of the annexed area within six months of the annexation.

Section 2.3.5: Statutory References

References and citations within this ordinance to provisions of the Code of Virginia shall mean the cited Code section as in effect on the date of adoption of this ordinance and as amended from time to time, as well as all replacements, successors, provisions, or recodifications of same made from time to time by the Virginia General Assembly.

Section 2.3.6: Validity

Should any section of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any other part thereof other than the section so held to be unconstitutional or invalid.

Section 2.3.7: Conflicts Within Ordinance

Where there is conflict between provisions or requirements of this ordinance, the more restrictive provisions or requirements shall apply.

Section 2.3.8 – 50: Reserved

Section 2.4: Administration and Enforcement

Section 2.4.1: Enforcement of Ordinance, Guarantees

- A. In accordance with [§ 15.2-2286\(4\)](#) of the Code of Virginia, there is hereby created the office of Zoning Administrator. The Zoning Administrator, who may also hold another office in Town, shall be appointed by the Town Council and shall serve under the direction of the Town Manager, who will coordinate department actions, and such assistance as may be required to carry out the responsibilities of this ordinance. In the event that the Town Manager is appointed to serve as Zoning Administrator, same shall serve under the direction of the Mayor.
- B. The Zoning Administrator shall be vested with all necessary authority on behalf of the Town Council to administer and enforce the provisions of this ordinance, including:
 1. the ordering in writing of the remedying of any condition found in violation of this ordinance;
 2. the bringing of legal action, after approval by the Town Council, to ensure compliance with the provisions of this ordinance, such action to include injunction, abatement, or other appropriate action or proceedings and;
 3. in specific cases, making findings of fact and, with the concurrence of the Town Attorney, conclusions of law regarding determinations of rights accruing under Section 2.5 of this ordinance and [§ 15.2-2307](#) of the Code of Virginia.

- C. Pursuant to [§ 15.2-2299](#) of the Code of Virginia, the Zoning Administrator shall have all necessary authority on behalf of the Town Council to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including:
1. the ordering in writing of the remedy of any noncompliance with the conditions;
 2. the bringing of legal action, after approval by the Town Council, to ensure compliance with the conditions, including injunction, abatement, or other appropriate action or proceeding; and
 3. 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 Council, or agent thereof, 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.
- D. The Zoning Administrator shall respond within twenty (20) days of a request for a decision or determination on zoning matters within the scope of his or her authority unless the requester has agreed to a longer period.

Section 2.4.2: Permits *[revised 2/11/2010 – A.4. added]*

- A. *Building Permits*
1. No building or structure shall be erected, constructed, altered, moved, converted, extended, enclosed, or enlarged without the owner first having applied for and obtained a zoning clearance for a building permit from the Town's Zoning Administrator. Such zoning clearance shall be obtained prior to the application for a building permit from the Cape Charles Building Department. Nothing herein is intended to prevent normal maintenance, which does not require a building permit.
 2. The Zoning Administrator shall certify whether the proposed use, structure, alteration, or enlargement is or is not in conflict with the provisions of this Chapter. If such proposal is in conflict with the provisions of this ordinance, the Zoning Administrator shall refuse to issue such zoning clearance for a building permit.
 3. The fee for a building permit shall be governed by ordinance.
 4. Pursuant to the authority contained in [§ 15.2-2286.B](#), of the Code of Virginia, prior to the initiation of an application for a Conditional Use Permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, all delinquent real estate taxes owed to the Town against the property shall be paid in full.

B. *Certificate of Occupancy*

1. A Certificate of Occupancy shall be required to authorize any of the following:
 - a. occupancy of a building after construction;
 - b. any enlargement, extension, or alteration of a building to change from one use to another;
 - c. any change in the use of a non-conforming building or use.
2. Application for Certificate of Occupancy shall be made with the Cape Charles Code Official and a copy shall be sent to the Cape Charles Zoning Administrator by the Cape Charles Code Official. The Zoning Administrator shall certify whether the use, structure, alteration, enlargement, or other physical change is in conflict with the provisions of this ordinance. If a conflict is determined, the Zoning Administrator shall refuse approval for issuance of such certificate of occupancy.
3. Before issuance of a Certificate of Occupancy, for a new structure, the applicant must provide an “as built” elevation drawing confirming that the building, as constructed, is built upon the original elevation above sea level as the lot was before construction. If the site has been built up using fill dirt or other materials, the applicant must provide sufficient evidence to prove that the increased elevation will not negatively impact adjacent properties with stormwater runoff.
4. The fee for a Certificate of Occupancy shall be governed by ordinance.

Section 2.4.3: Violation and Penalty *[revised 12/19/2024]*

A. Violations

1. It shall constitute a violation of this ordinance for any person, either owner, agent, or occupant, to commence any actions for which a permit is required by this ordinance without having first obtained an approved permit. Any such permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established, the Zoning Administrator shall forthwith revoke the same permit by writing to be delivered to the holder of the void permit or, if such holder cannot be found, by posting such notice of revocation in some conspicuous place upon the premises where the violation has occurred. Any such person who shall proceed thereafter with such work or use without having obtained the proper approved permit in accordance with this ordinance shall be deemed guilty of a violation of this ordinance.
2. If the Zoning Administrator finds that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for the violation, indicating the nature of the violation and ordering action necessary to correct the violation. The Zoning Administrator shall take any other action authorized by law to ensure compliance with or to prevent further violation of this ordinance.
3. Pursuant to [§15.2-2286 \(A\) \(5\)](#), any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions of this ordinance

shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than ten dollars (\$10) for each violation and not more than one thousand dollars (\$1,000). Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10) or more than one thousand dollars (\$1,000), and such failure during any succeeding thirty (30) day period shall constitute a separate misdemeanor offense for each thirty (30) day period punishable by a fine of not less than ten dollars (\$10) or more than one thousand dollars (\$1,000).

4. Pursuant to [§ 15.2-2209](#) of the Code of Virginia, any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions of this ordinance shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the initial summons and not more than five hundred dollars (\$500) for each additional summons. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten (10) day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of five thousand dollars (\$5,000). If such civil penalties total five thousand dollars (\$5,000) or more, the violation may be prosecuted as a criminal misdemeanor. The schedule of offenses does not include any zoning violation resulting in injury to any persons.
5. The Zoning Administrator or his/her deputy may issue a civil summons for a violation on the schedule of offenses. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or by mail to the Town Treasurer prior to the date fixed for trial in court. Any person appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.
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 county 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 [revised 12/19/2024]

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 municipality except one (1) may be a member of the Planning Commission. The term of office shall be for five years (5 yrs) each without pay.
- B. Vacancies shall be filled for unexpired terms. The secretary of the board shall notify the court at least thirty (30) days in advance of the expiration of any term of office and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall only be for the unexpired term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the county or town except one (1) may be a member of the local planning commission.

A member whose term expires shall continue to serve until his/her successor is appointed or qualified. The board may make, alter, and rescind rules and forms for its procedures, consistent with ordinances of the town and general laws of the state. Board members may be removed for cause upon written charges and after a public hearing held at least fifteen (15) days after notice. Removal shall be based on malfeasance, misfeasance, or non-feasance in office or other just cause by the court which appointed them. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body at least once a year.

- C. Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, and other technical clerical services.

The board shall be governed by these provisions and any provisions set forth in [§ 15.2-2308](#) through [§ 15.2-2314](#) of the Code of Virginia. The board shall annually choose its own chairman and vice-chairman, who shall serve in the absence of the chairman.

Section 2.6.2: Powers and Duties of the Board of Zoning Appeals

[revised 12/19/2024]

The Board of Zoning Appeals shall have the following powers and duties in accordance with [§ 15.2-2309](#) of the Code of Virginia:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size, or shape of specific piece of property at the time of the adoption of this ordinance, or where by reason of exceptional topographical conditions or other extraordinary situation or condition of such piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of this ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrated hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant. All variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds all of the following conditions exist that:

1. the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and
2. the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; and
3. the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; and
4. the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; and
5. the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of

- the property; and
6. the relief or remedy sought by the variance application is not available through a conditional use process that is authorized in the ordinance pursuant to [§ 15.2-2309.6](#) of the Code of Virginia or the process for modification of a zoning ordinance pursuant to [§ 15.2-2286.A.4](#) of the Code of Virginia at the time of the filing of the variance application.

Section 2.6.3: Applications for Variances

Applications for variances may be made by any property owner, tenant, with owner's approval, government official, department, board, or bureau. Such application shall be made to the Zoning Administrator in accordance with the rules adopted by the board. The application along with accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board to be placed on the agenda and acted upon by the board. No such variance shall be authorized except after notice and hearing as required.

The Zoning Administrator shall also transmit a copy of the application to the local planning commission which may send a recommendation to the board or appear as a party at the hearing. The Board of Zoning Appeals will not consider the same application which has previously been denied within a period of one year (1 yr).

Section 2.6.4: Appeals and Procedure of Appeals

- A. An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by an officer, department, board, or bureau of the county or municipality affected by any decision of the Zoning Administrator or Administrative Officer in the administration or enforcement of this ordinance. The decision may be appealed within thirty (30) days thereof by filing a notice of appeal specifying the grounds of the appeal. Said appeal shall be filed with Zoning Administrator and with the Board of Zoning Appeals. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- B. The board shall fix a reasonable time for the hearing of an application for appeal, give the public notice thereof as well as due notice to the parties in interest, and decide the same within sixty (60) days of the filing of the application for appeal. In exercising its powers, the board may reverse or affirm wholly or in part or may modify an order, requirement, decision, or determination of an administrative officer or decide in favor of the applicant on any matter which it is required to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the Zoning Administrator and shall be public record. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- C. In accordance with [§ 15.2-2313](#) of the Code of Virginia, where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected, or abated as a violation of the zoning ordinance, by suit filed within fifteen (15) days after

the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the administrative officer to the Board of Zoning Appeals.

Section 2.6.5: Certiorari to Review Decision of the Board of Zoning Appeals

Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals or any taxpayer or any officer, department, board, or bureau of the municipality may present to the circuit court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.

Upon presentation of such petition the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application, on notice to the board, and on due cause shown, grant a restraining order.

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 2.6.9: Reserved

Section 2.7: Amendment s 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 *[revised 12/19/2024]*

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).

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.

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

	<i>SF</i>	<i>Duplex</i>	<i>Zero Lot Line</i>
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)	15'
Rear Setback (parking in rear) (ft)	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 subordinate 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, Rear 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 or 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 rationale 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 sidestwenty feet (20')
 - b. Courts
 - i. From Buildingstwenty feet (20')
 - ii. Property Linestwenty feet (20')
 - iii. StreetsNone
 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.

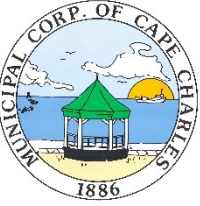
- i. Additional Development Terms. Placement of drives and parking areas. Entrances and exits, drives or parking areas may be located adjacent to any lot line.

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 $\frac{1}{4}$ 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%) $\pm$ 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.

 TOWN OF CAPE CHARLES	AGENDA TITLE: June Town Council Regular Meeting Date Change		AGENDA DATE: March 20, 2025
	SUBJECT/PROPOSAL/REQUEST: Reschedule June Town Council Regular Meeting		ITEM NUMBER: 10G
	ATTACHMENTS: Resolution 20250320C		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

ITEM SPECIFICS:

The June Town Council Regular Meeting is currently scheduled for June 19, 2025, which is the federal holiday for Juneteenth.

Pursuant to § 15.2-1416 of the Code of Virginia, regular meeting dates can 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.

RECOMMENDATION:

Staff requests Council discussion and selection of a new meeting date for the June 2025 regular Council meeting, and adoption of Resolution 20250220 to approve the date change by roll call vote.

RESOLUTION 20250320C

**CHANGING DAY OF THE JUNE 2025 CAPE CHARLES
TOWN COUNCIL REGULAR MEETING**

WHEREAS, the Cape Charles Town Council Regular Meetings are currently held on the third Thursdays of each month and the agendas usually are sent out the Friday of the week prior to the meeting; and

WHEREAS, the third Thursday of June in 2025 falls on June 19th which is the Federal holiday for Juneteenth; and

WHEREAS, pursuant to § 15.2-1416 of the Code of Virginia, regular meeting dates can be changed by the adoption of a resolution and posting of the resolution on the door of the meeting location and in a newspaper at least seven days prior to the new meeting date; and

WHEREAS, potential dates were discussed during this evening's Town Council Regular Meeting; now

THEREFORE, BE IT RESOLVED by the Town Council of the Town of Cape Charles, Virginia, that the June Town Council Regular Meeting will be held on June _____, 2025, beginning at 6:00 PM, at the Cape Charles Civic Center.

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

By: _____
Mayor Adam Charney

ATTEST:

Town Clerk