PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
November 4, 2020
6:00 p.m.

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Paul Grossman, Dennis McCoy, and Michael Strub. Diane D'Amico and Jim Holloway were not present. There was one vacancy on the commission. Also, in attendance were Town Planner Allyson Finchum, Planning Technician Tracy Outten, and the applicants. There were no members of the public in attendance.

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

PUBLIC COMMENTS:
There were no public comments.

CONSENT AGENDA
Motion made by Paul Grossman, seconded by Dennis McCoy, to approve the consent agenda as presented. The motion was approved by unanimous vote.

Bill Stramm said the elections needed to be on the December agenda.

UNFINISHED BUSINESS
A. *Application for conditional use permit: to allow an accessory dwelling unit at 401 Madison Avenue – review and make recommendation to Town Council.*
Bill Stramm briefly talked about what was discussed at last month's meeting.

There was much discussion on placing conditions on a conditional use permit.

Motion made by Dennis McCoy, seconded by Michael Strub, to recommend the Town Council approve the Conditional Use Permit to allow an accessory dwelling unit at 401 Madison Avenue with the following conditions: (1) The accessory dwelling shall comply with all local, state and federal regulations; (2) The accessory dwelling shall comply with all provisions of the Town of Cape Charles Zoning Ordinance Article IV, Section 4.2(J) Accessory Dwellings; (3) The accessory dwelling unit shall be limited to no more than a one-bedroom accommodation; (4) The property owner (which shall include title holders and contract purchasers) must occupy either the principal unit or the accessory dwelling unit as a permanent residence. If at any time the owner occupies neither unit, the accessory dwelling unit shall automatically become a non-habitable space, shall not be used as a dwelling, and shall not be rented; (5) The effective period of the conditional use permit shall be three years. At the end of every three years, renewal shall be automatically be extended upon receipt of certification by the Town Planner that the primary dwelling unit remains the principal residence of the owner and that all other conditions met at the time of the original application remain unchanged; (6) The accessory dwelling unit shall not be sold separately from the single-family home; (7) Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a covenant in a form approved by the Town to notify subsequent owners of the

requirements of this permit; and (8) Violation of any of these conditions may result in review and revocation of the Conditional Use Permit by Town Council. The motion was approved by unanimous vote.

NEW BUSINESS

A. *Town Zoning Ordinance text amendment discussion.*
Bill Stramm informed Allyson Finchum that former town planners would bring ordinance update to the commissioners for review.

Allyson Finchum thought the definition for motel needed to be amended and said that Paul Grossman had some suggestions for various updates. (Please see attached.)

Bill Stramm would like a staff report for each amendment.

OTHER BUSINESS

There was no other business.

ANNOUNCEMENTS

There were no announcements.

Motion made by Paul Grossman, seconded by Michael Strub, to adjourn the Planning Commission Regular Meeting. The motion was approved by unanimous vote.

The meeting adjourned at 6:42 p.m.

_____
Chairman Bill Stramm

_____
Planning Technician

'Story' and 'Stories' search in Cape Charles Ordinances

Article II

BASEMENT means that portion of a building that is partly or completely below grade. A basement is a level within a building that has its floor surface below the adjoining ground level. ~~Often due to grading conditions, a basement will also be considered as a story above grade, thereby contributing to the building height.~~

CRAWL SPACE is a space between the ceiling of one **story** and floor of the next **story**, which usually contains pipes, ducts, wiring and lighting fixtures, and permits access but is too low for standing.

FLOOR AREA shall mean the gross horizontal areas of a building, including mezzanines and lofts, exclusive of garages, parking structures, basements, open balconies and porches, and equipment and service areas, measured from the exterior face of the exterior walls of a building. *For a half story, the useable floor area shall be considered to be only that portion having a clear height above it of five feet or more.*

STORY is that portion of a building included between the surface of any floor and the surface of the floor above it, then the space between the floor and the ceiling above it.~~, and including those basements used for principal use.~~

OR

STORY means that portion of a building included between the surface of any floor and the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it. A basement shall be counted as a story if over 50 percent of its height is above finished grade.

AND STRIKE STORY ABOVE GRADE [too complicated]

STORY ABOVE GRADE is any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plan where the finished surface of the floor above the basement is: 1. More than 6 feet above grade plane; or 2. More than 6 feet above the finished ground level for more than 50% of the total building perimeter; or 3. More than 12 feet above the finished ground level at any point.

STORY, HALF, means the part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half the floor area of the full story.

DWELLING, MOBILE HOME or MANUFACTURED HOME means a special form of one-family dwellings with the following characteristics:

4. intended to be used other than as a component in a structure two or more **stories** in height.

HEIGHT OF THE MAIN STRUCTURE *is the difference between grade and the highest point of elevation of the building or structure (excluding roof structures such as chimneys or ventilation stacks). Retaining walls cannot be used to raise 'grade' and increase the allowable height of the structure.*

Article III

District: C-1

Scale. When the scale of neighborhood buildings is relatively consistent, new construction should be discouraged from drastically altering these relationships. In the Town of Cape Charles, the two- and three-**story** structure is the norm, and structures which digress from this standard to any great degree seriously impact the character of the Town of Cape Charles. If construction is to be allowed, particular attention should be given to the location, siting, setbacks, and façade treatments of the proposed building. No matter what size of the new building, the base of the building should be scaled to pedestrians.

New construction of one-**story** buildings, such as some convenience stores and fast-food restaurants in commercial districts, intrude upon the character of the Town of Cape Charles and will only be permitted in infill situations and must meet all other development standards. There are many examples of convenience stores and fast-food chain restaurants being successfully integrated into a historic context.

District: R-1

E. Height Regulations. Buildings may be erected up to 2 ½ **stories** and to a height up to 40 feet from the adjacent ground elevation.

District: Harbor, Mainstreet Mixed-Use Area

Each building shall be a minimum of two **stories** and shall have only residential uses above the first floor.

Article IV

Accessory Buildings

5. A two-**story** building shall not be located any closer than five feet (5') to any lot line.

9. Where the main structure possesses no more than one **story** above grade, no accessory structure shall be higher than the main structure.

10. Where the main structure possesses more than one story above grade, no accessory structure shall be higher than two-thirds the height of the main structure or twenty-four feet (24'), whichever is lesser.