

Planning Commission

Public Hearing & Regular Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue
June 1, 2021 at 6:00 P.M.

1. Call to Order
 - a. Roll call and establish a quorum
 - b. Introduction of new Town Planner, Ben Sullivan
2. Invocation and Pledge of Allegiance
3. Public Hearing
 - a. Joint public hearing on proposed text amendments to the Cape Charles Zoning Ordinance from Town Council:
 - Article II – Definitions
 - Article VIII – Historic District Overlay
 - b. Close public hearing.
4. Public Comments
5. Consent Agenda
 - a. Approval of agenda format
 - b. Approval of minutes – (1) March 2, 2021; (2) April 6, 2021
6. Unfinished Business
 - a. Application for proposed text amendments to the Cape Charles Zoning Ordinance from Town Council
 - Article II – Definitions
 - Article VIII – Historic District Overlay
7. New Business
 - a. Request to schedule a public hearing on an Application for text amendments to the Cape Charles Zoning Ordinance Article III, Section 3.14
 - b. Request to schedule a public hearing on an Application for a Rezoning of Tax Map #90-8-1A1 from Harbor (H) to General Business/Light Industrial H-1 (GBI-H1)
8. Other Business
 - a. Comprehensive Plan Update – Discussion and Review of work done to date and develop revised schedule to complete the update to the Comprehensive Plan
9. Announcements
10. Adjourn

TOWN OF CAPE CHARLES
Notice of Joint Public Hearing

The Cape Charles Planning Commission and Town Council will hold a joint public hearing on Tuesday, June 1, 2021, at 6:00 p.m., in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on proposed text amendments to the Cape Charles Zoning Ordinance:

- A. Article II – Definitions
- B. Article VIII – Historic District Overlay

These two items will be discussed at the regular meeting of the Planning Commission immediately following the public hearing and brought to a vote for recommendation to the Cape Charles Town Council.

Detailed information regarding the proposed changes is available for public review at www.capecharles.org, under Agendas and Minutes, Planning Commission.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: June 1, 2021

Item #: 3a & 6a

Type of Application:	Zoning Text Amendment
Date:	May 25, 2021
Prepared By:	Katie H. Nunez, Interim Zoning Administrator
Applicant:	Cape Charles Town Council
Zoning Ordinance Section:	Article VIII – Historic District Overlay & Article II - Definitions
Request:	The Cape Charles Town Council is seeking amendments to the Historic District Overlay Ordinance and updating definitions in the ordinance as they relate to the Historic District Overlay Ordinance.

The Cape Charles Town Council has indicated that amendments are needed to Zoning Ordinance Article VIII – Historic District Overlay and Article II – Definitions to address issues related to the application and administration of the overlay district. A joint meeting with the Town Council, Planning Commission and Historic District Review Board was held on April 13, 2021 to discuss the Overlay District and to reach certain consensus which were captured in a document prepared by Town Manager John Hozey on April 14, 2021 called “Guiding Philosophy” and e-mailed to all meeting participants.

At that time, a draft revision of the Historic District Overlay Ordinance was also provided for review and input to the members of Town Council and the Planning Commission. The proposed changes to the ordinance are shown in colored text or shown as “struck through” text meant for deletion and the most recent additions, dated April 20, 2021, are attached.

The changes focus on clarifying which work is to be reviewed for administrative compliance by the Zoning Administrator as a standard within the zoning ordinance provisions and which work requires Historic District Review Board review and approval through the Certificate of Appropriateness process.

Minor changes have also been proposed to the Appeals Process and moving the definitions to incorporate into the main Definitions section of the Zoning Ordinance which is in Article II. Lastly, there is a new section proposed (Section 8.21 – Demolition – Alternate Process).

RECOMMENDATION: Staff recommends that the Planning Commission consider the proposed text amendment changes to Article VIII and Article II and determine if the changes proposed are in keeping with the intent and consensus position of the joint meeting held on April 13, 2021 and to develop a recommendation to Town Council.

Staff is prepared to assist the Planning Commission in developing the motion based upon the Public Hearing and any revisions or changes they wish to propose to the text amendments.

Attachments:

Attachment 1 & 2 – Email dated April 14, 2021 from Town Manager John Hozey which included a document called “Guiding Philosophy”

Attachment 3 & 4 – Proposed Zoning Text Amendments, dated April 20, 2021, to Article VIII Historic District Overlay Ordinance and Article II, Section 2.9 Definitions

From: [John Hozey](#)
To: [Mayor William "Smitty" Dize](#); [Councilman Paul Grossman](#); [Councilman Andrew Follmer](#); [Councilman Andy Buchholz](#); [Councilman Chris Bannon](#); [Councilwoman Tammy Holloway](#); [Commissioner Bill Stramm](#); [Commissioner Dennis McCoy](#); [Diane D'Amico](#); [Commissioner Diane D'Amico](#); [Jim Holloway](#); [Commissioner Jim Holloway](#); [Kenneth Butta](#); [Commissioner Michael Strub](#); [Michael Strub](#); [Andrew Follmer](#); [andy Buchholtz](#); [Tammy Holloway](#); [Vice Mayor Steve Bennett](#); [Steve Bennet email](#); [Martin Mayer](#); [Commissioner Michael Strub](#); [Herb Thom](#); [Edward Wells](#); [Kathy Glaser](#)
Cc: [Katie Nunez](#); [Jeb Brady](#); [Tracy Outten](#); [Libby Hume](#)
Subject: RE: Historic District Planning
Date: Wednesday, April 14, 2021 9:50:33 AM
Attachments: [Guiding Philosophy.pdf](#)

Hello again,

I wanted to follow up my earlier email with two points. First, the version of Article VIII that you've been asked to review still needs additional tweaks to address some of last night's discussion (like the shed/other contributing structures on a property issue). So, please understand that it is still a work in progress.

Second, I wanted to put down on paper my understanding of the take-aways from last night. So I've drafted a Guiding Philosophy document that I believe captures the consensus view. I'm attaching for your review as well. Please let know if you feel this is inconsistent with the majority view.

Thanks again

John
John Hozey
Town Manager
Cape Charles, VA

From: John Hozey
Sent: Wednesday, April 14, 2021 8:00 AM
To: Mayor William "Smitty" Dize <mayor@capecharles.org>; Councilman Paul Grossman <councilmangrossman@capecharles.org>; Councilman Andrew Follmer <councilmanfollmer@capecharles.org>; Councilman Andy Buchholz <councilmanbuchholz@capecharles.org>; Councilman Chris Bannon <councilmanbannon@capecharles.org>; Councilwoman Tammy Holloway <councilwomanholloway@capecharles.org>; Commissioner Bill Stramm <commissionerstramm@capecharles.org>; Commissioner Dennis McCoy <commissionermccoy@capecharles.org>; 'Dennis McCoy' <dennis.mccoy@mindspring.com>; 'Diane D'Amico' <damicodiane@gmail.com>; Commissioner Diane D'Amico <commissionerdamico@capecharles.org>; 'Jim Holloway' <tammyandjim@yahoo.com>; Commissioner Jim Holloway <commissionerholloway@capecharles.org>; 'Kenneth Butta' <kbutta54@gmail.com>; Commissioner Michael Strub <commissionerstrub@capecharles.org>; 'Michael Strub' <mhstrub@hotmail.com>; 'Andrew Follmer' <andrewfollmer@gmail.com>; 'andy Buchholtz' <andy@easternshoresigns.com>; 'Tammy Holloway' <tammy@bayhaveninnbnb.com>; Vice Mayor Steve Bennett <councilmanbennett@capecharles.org>; 'Steve Bennet email' <Sbennett@ClarkNexsen.com>; Martin Mayer <martinmayer.HDRB@capecharles.org>; Commissioner Michael Strub <commissionerstrub@capecharles.org>; herbthom.hdrb@capecharles.org; edwardwells.hdrb@capecharles.org; Kathy Glaser

<kathyglaser.HDRB@capecharles.org>

Cc: Katie Nunez <knunez@capecharles.org>; Jeb Brady <codeofficial@capecharles.org>; Tracy Outten <tracy.outten@capecharles.org>; Libby Hume <clerk@capecharles.org>

Subject: Historic District Planning

I want to thank you all again for a very long, but very productive work session last night. I felt there was consensus direction provided on most points sufficient to allow this review process to continue. That said, I would still like each of you to review the provided draft revisions to Article VIII of the Zoning Ordinance in the context of last night's discussion. Please let me know if you feel these changes are consistent with the current discussion. When ready, this revision will have to go through the full normal process of public hearings and approval at both the PC and TC levels.

Again, I really appreciate everyone's time and effort on this!

John
John Hozey
Town Manager
Cape Charles, VA

Cape Charles Historic District Guiding Philosophy

The goal of the historic district and the historic district review board (HDRB) is to help maintain the authentic character associated with the town's historic resources. For Cape Charles, this means making all reasonable efforts to preserve the look and feel of our past, without taking a strict preservationist approach. We are a living, evolving town who must be mindful of safeguarding our unique charm through facilitating the maintenance or update of historic buildings for continuing and new uses, while supporting their character-defining features and their overall contribution to the district.

The town's historic district enabling ordinance and design guidelines are intended to balance the welfare of the general public and the interests of individual property owners. They are not intended to prevent property owners from making changes to their property. They are meant to ensure that those changes enhance the historic qualities that are enjoyed by all members of the community and which make an area a special place in which to live and work.

The enabling ordinance (Zoning Ordinance, Article VIII) outlines the historic district processes and requirements. The design guidelines on the other hand, are not based in law and should only be considered helpful, interpretive, explanatory options that may be considered by the HDRB. Both Article VIII and the design guidelines are approved by the Town Council.

The HDRB is expected to use independent judgement and discretion when referring to the design guidelines and to consider the unique characteristics of each request. The board is expected to work with each applicant to assist them in achieving their goal while preserving the character of the district. If the board determines that due to unique circumstances a request should be granted outside the design guidelines, they may do so, but will document their rationale.

Standards are different than guidelines. Standards are requirements mandated by ordinance and will not be considered by the HDRB. The design guidelines will not contain standards. Compliance with standards will be determined by the zoning administrator or building official.

Synthetic materials will not be prohibited simply because they are synthetic. The appropriate metric in determining material or detail selection will be that it has a genuine authentic appearance, such that a typical observer would not be able to discern a visual difference from the original materials/design from any public right of way. Note: the complete removal of specific historic elements or features from contributing properties shall be avoided.

New construction and non-contributing structures within the historic district will have separate design guidelines from those of contributing structures; however, they will strive to complement contributing structures as much as practicable. This includes encouragement for detailing that may enhance the look and feel of the chosen period of significance, or the period of building's original construction.

Draft Revision
04/20/21

Town of Cape Charles Article VIII Historic District Overlay

"The Cape Charles Historic District encompasses nearly all of the town of Cape Charles as it was originally laid out in 1883-1884 as well as the Sea Cottage addition, an area west of the original limits of the town, that was developed after 1909...The town was originally laid out in an unusual twenty-seven block grid pattern dominated by a central park with four landscaped streets that radiate from the park and serve as a main cross axis for the town's circulation pattern. No other such plan is known to exist in Virginia."
- 1989 National Register of Historic Places Registration Form Section 7, page 1.

"An interesting stock of architectural styles in both the residential area and the downtown commercial area contribute an historic style and authenticity. The street patterns, lot configurations and boundaries, which were laid out in an historic grid pattern, have remained largely unaltered, adding to the Town's historical integrity. Cape Charles' late nineteenth and early twentieth century character is a key element in the Town's interest and attractiveness to tourists. The traditional downtown commercial area on Mason Avenue still serves as the commercial center for the Town. It is important that the Town's historic character be protected, not only for its intrinsic value, but also to contribute to attract and expand tourism in Cape Charles." – Town of Cape Charles 1999 Comprehensive Plan, page 40.

The Town of Cape Charles participates in the Certified Local Government program and in so doing demonstrates a commitment to keep what is significant from the past for the benefit of future generations. The architectural integrity of existing structures shall be recognized, and future development shall be compatible.

Section 8.1 Purpose of the District

The purpose of this district is to ~~provide for protection guard~~ against destruction or encroachment upon historic areas, buildings, monuments, or other features, or buildings and structures of registered architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic, or architectural heritage of the Town of Cape Charles and the Commonwealth of Virginia. It is also the purpose of the district to preserve the character of the designated historic areas and historic landmarks and other historic or architectural features ~~from destruction, damage, defacement and~~ to ensure that buildings, structures, streets, walkways, or signs shall be erected, reconstructed, altered, or restored so as to be kept architecturally compatible with the character of the historic district.

Section 8.2 Criteria for Establishing Historic Districts--General Character

The boundaries of the Historic District shall in general be drawn to include areas containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. The district may include either individual buildings or places of such character, and a reasonable distance beyond, or it may include areas or groupings of structures which have significance relative to their patterns of development or social and

economic or architectural interrelationships even though some structures in the area might not possess significant merit when considered alone.

Section 8.3 Inventory of Landmarks and Contributing Properties Established

The Town of Cape Charles has established as part of this ordinance ~~an inventory~~^a map covering the area included in the Historic District, based on the criteria set forth in this ordinance. This map ~~herein after called the inventory map~~ shall be as much a part of this ordinance as if fully described herein ~~and shall be filed as a part of this ordinance by the Town Clerk of the Town of Cape Charles.~~ Pending further amendment of this ordinance, the period of significance for the Town will be from the 1880s to 1964 as delineated in the Cape Charles Historic District National Register of Historic Places (amended 2019). As identified in the National Register, structures~~Structures~~ or sites designated as properties which contribute to the historic character of the Town shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as noncontributing properties. Should a building or structure within the boundaries of the historic district not be listed in the national register, the building or structure will be classified as noncontributing. The ~~inventory~~ map may be amended from time to time in the same manner as the zoning district map.

Section 8.4. Application of the District; Relation to Other Zoning Districts

To enable the district to operate in harmony with the plan for land use and population density embodied in these regulations, the Historic District is created as a special district to be superimposed on other districts contained in these regulations and is to be so designated by a special symbol for its boundaries on the Zoning District Map. The uses, housing types, minimum lot requirements, minimum yard requirements, maximum height, and accessory uses and accessory signs shall be determined by the regulations applicable to the other districts over which the Historic District is superimposed except as these other district regulations may be modified by application of the regulations in the Historic District.

Section 8.5 Permitted Uses

A building or land shall be used only for any use or accessory use permitted in the zoning district in which the premises are situated and upon which the Historic District is superimposed.

Section 8.6 Historic District Review Board; Creation

For the general purposes of this Article as herein stated and specifically to preserve and protect historic places and areas in the Town through the control of demolition of such places and through the regulation of architectural design and uses of structures in such areas, there is created a board known as the Historic District Review Board.

Section 8.7 Historic District Review Board; Membership

The members of the Historic District Review Board shall be appointed by the Town Council. The Membership shall consist of five citizens, at least three of whom shall be residents of the local historic district.

Section 8.8 Historic District Review Board; Terms

Upon approval by the Town Council, members shall be appointed for a term of five years. Appointments to fill vacancies shall be only for the unexpired term. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until a successor is appointed and qualifies.

Section 8.9 Historic District Review Board; Qualifications

Members of the Historic District Review Board shall have demonstrated interest and knowledge in the historical and architectural development of the Town and when possible be a licensed architect or engineer, Planning Commission member, or licensed building contractor.

Section 8.10 Historic District Review Board; Organization

The Historic District Review Board shall elect from its own membership a chairman and vice chairman who shall serve annual terms and may succeed themselves. The chairman shall preside over all meetings in addition to having the duties and responsibilities of other members of the Board. The vice chairman shall preside over meetings of the Board in the absence of the chairman.

Section 8.11 Historic District Review Board; Rules

The Board shall meet in regular session on the third Tuesday of every month when an application has been filed requiring consideration. Special meetings of the Board may be called by the chairman or a majority of the members after public notice as required.

Section 8.12 Historic District Review Board; Meetings; Hearings

Written notice of a special meeting is not required if the time of special meeting has been fixed at a regular meeting or if all members are present at a special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all voting members of the Board. The Board may make, alter, or rescind rules and forms for its procedures, consistent with the ordinances of the Town and the general laws of the Commonwealth of Virginia.

Section 8.13 Historic District Review Board; Procedures

The Board shall, with the concurrence of the town manager, establish procedures for all matters coming before it for review and all meetings shall be open to the public. The Board will have the right to appeal decisions of the town manager to the Town Council.

Section 8.14 Historic District Review Board; Powers and Duties

The Historic District Review Board shall have the power and authority for issuing or denying Certificates of Appropriateness for construction, reconstruction, substantial exterior alteration, razing, or relocation within the historic district. In addition, the Board shall have the following duties:

- A. To assist and advise the Town Council, the Planning Commission, and other Town departments, agencies, and property owners in matters involving historically significant sites ~~and~~ buildings or other properties in the historic districts such as, but not limited to, appropriate land usage, parking facilities, and signs.
- B. To continuously evaluate conditions and advise owners of historic landmarks or contributing structures or other properties in historic districts on problems of preservation.
- C. To ~~conduct-oversee~~ studies deemed necessary by the Town Council or Planning Commission concerning location of historic districts and means of preservation, utilization, improvement, and maintenance of historic assets in the Town.
- D. To propose additional historic districts or additions or deletions to districts.
- E. To ~~adopt-recommend~~ standards and guidelines for ~~review-adoption by the Town Council~~ to supplement the standards set forth in this Ordinance.
- F. To formulate recommendations to the Town Council concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.
- G. To cooperate with and enlist assistance from the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties both public and private in its efforts to preserve, ~~restore, and conserve~~ the character of historic landmarks, buildings, sites, or areas within the Town.

Section 8.15 Summary of Administration Review Procedures

In general, it is the purpose of this ordinance to establish review procedures for actions affecting properties in the Historic District. ~~To this end, some actions are exempted from special historic and architectural review altogether, except as normal review may be necessary for issuance of a building permit. Other actions, depending on the possible consequences thereof, may be reviewed by the Zoning Administrator or by the Historic District Review Board acting with original jurisdiction, or, in the most serious cases, action by the Town Council following action by the Historic District Review Board.~~

- A. Actions related to "Standards" will be exclusively the purview of the Zoning Administrator or Code Official.
- B. Actions related to "Guidelines" will be the purview of the Historic District Review Board, except that guidelines that are relatively straight forward may be delegated to the Zoning Administrator at the discretion of the Historic District Review Board.
- C. -In all cases the decisions of the Zoning Administrator shall be appealed to the Board of Zoning Appeals as stated in §2-2.6.2.C, the decisions of the Historic District Review Board may be appealed to the Town Council, and the final decisions of the Town Council may be appealed to the Circuit Court of Northampton County.

Section 8.16 Certain Minor Actions Exempted from Review by the Historic District Review Board

Within the Historic District certain minor actions which are deemed not to have permanent effects upon the character of the historic district are exempted from review for architectural compatibility by the Historic District Review Board. Such actions shall include the following and any similar actions which in the opinion of the Zoning Administrator will have no more effect on the character of the district than those listed:

- A. Repainting the structure. (Original painting of masonry surfaces is not exempted from review.)
- B. Replacement of missing or broken windowpanes, roofing slates, tiles, porch floor, posts, rails, shingles, window frames, or shutters where no substantial change in design or material is proposed.
- C. Addition or deletion of storm doors or storm windows, window gardens, or similar appurtenances and portable air conditioners located in existing windows, doors, or other existing wall openings (if no building permit is required for such addition or deletion).
- D. Addition or deletion of television and radio antennas or skylights and solar collectors in locations not visible from a public street or a waterway.
- E. Landscaping involving minor grading, walks, low retaining walls, temporary fencing, fencing immediately surrounding trash receptacles or outdoor ventilation units, small fountains, outdoor showers, and ponds which will not substantially affect the character of the property and its surroundings.
- F. Construction of off-street loading areas and off-street parking areas.
- G. Creation of outside storage in a commercial or industrial district which does not require structural changes or major grading and is not visible from a public street or waterway.
- H. Additions or deletions to an existing building which are not visible from a public right of way and which will not significantly alter the character of the building. Alleys in this context are not to be considered public places.
- I. Covered by other zoning ordinance requirements as administered by the Zoning Administrator unless altered by the overlay ordinance.
- J. Receiving historic preservation tax credits through state or federal offices.
- K. Demolition of non-contributing buildings or structures.
- L. Alterations or repairs made to a building or structure for the purpose of temporary emergency stabilization.

Section 8.17 Delegation of Authority

- A. The Zoning Administrator or Code Official shall have authority to order that work be stopped and that an appropriate application be filed for review by the Historic District Review Board in any case where the action has an adverse effect on the Historic District.
- B. The Historic District Review Board shall periodically review the design guidelines contained in this section.

Section 8.18 Approval of Historic District Review Board Required

- A. Except as herein otherwise provided in this article, no building or structure, including signs, shall be erected, reconstructed, restored, or substantially altered in exterior appearance and no contributing buildings or structures shall be razed or demolished within a historic district and no permit authorizing same shall be granted unless and until the same is approved by the Historic District Review Board and a Certificate of Appropriateness has been issued by that body, with right of direct appeal to the Town Council as hereinafter provided, as being architecturally compatible with the historical, cultural, and/or architectural aspects of the structure and its surroundings.
- B. Contributing accessory structures will be treated as contributing primary structures only under the following conditions:
 1. It is on a permanent foundation; and
 2. It is of sufficient square footage that a new structure of that type would require a building permit; and
 3. It is not being used as, or being considered for, accessory dwelling units. In such cases, the accessory structure will be considered non-contributing.
- C. "Substantial alterations" shall be defined as any and all work done on buildings, structures, or sites in a historic district other than those specifically exempted herein:
 1. General examples of "non-substantial" alterations:
 - a. Work done to prevent deterioration or to replace parts of a structure with similar materials in order to correct any deterioration, decay of, or damage to any structure or on any part thereof, or
 - b. To restore same as nearly as practical to its condition prior to such deterioration, decay, or damage.
 2. Examples of work not constituting "substantial alteration" include those minor actions exempted from review by §8.16 of this article.
 3. General examples of work constituting "substantial alterations" include:
 - a. Construction of a new building at any location or a new permanent accessory building requiring a building permit on a landmark or contributing property or on a site within the Historic District.
 - b. Any addition to or alteration of a building which increases the square

footage of the building or otherwise alters substantially its size, height, contour, or outline.

- c. Any change or alteration of the exterior architectural style of a structure, including removal or rebuilding of porches, openings, dormers, window sashes, chimneys, columns, structural elements, stairways, terraces, and the like.
- d. Any change or alteration of ~~the exterior color scheme of the structure or~~ any of its significant elements, including porches, openings, dormers, window sashes, awnings, canopies, chimneys, columns, stairways, terraces, decks, fences, or any other structural elements. This also applies to all structures on the site.
- e. Addition to or removal of one or more stories or alteration of a roof line.
- f. Any other major actions not specifically covered by the terms of this section, but which would have an effect on the character of the historic district.

- D. In any case in which there might be some question as to whether a project may be exempted from review, may constitute a minor action, or may constitute "substantial alteration," the Zoning Administrator shall be contacted for an interpretation prior to commencement of work.

Section 8.19. Certificate of Appropriateness

Evidence of the approval required under the terms of the Historic District shall be a certificate of appropriateness issued ~~by on behalf of~~ the Historic District Review Board, stating that the demolition, moving, or changes in the exterior architectural appearance of the proposed construction, reconstruction, alteration, or restoration for which application has been made are approved by the Historic District Review Board or the Zoning Administrator. The Historic District Review Board may permit modifications of original proposals if such modifications are formally acknowledged, clearly described, and recorded in the records of the case. A certificate of appropriateness shall be in addition to any other permits required. Any action by applicants following issuance of a permit requiring certificate of appropriateness shall be in accord with the application and material approved and any conditions appended thereto.

Section 8.20 Design Guidelines; ~~Standards-Recommendations~~ for Review

- A. The Historic District Review Board shall be guided in its decisions by the design guidelines, but must also use independent judgement and discretion to consider the unique characteristics of each request. The board is expected to work with each applicant to assist them in achieving their goal while preserving the character of the district.
- B. It shall be the duty of the Historic District Review Board to prepare recommended amendments to the design guidelines.

- C. The Town Council shall adopt and amend the design guidelines after conducting at least one public hearing pursuant to §15.22204 Code of Virginia.
- D. Separate guidelines shall be developed for all new infill buildings in Cape Charles' historic district. New infill construction will not diminish, detract, or distract from the character of surrounding historic buildings or the overall historic district.
- E. Alterations and additions to non-contributing structures that affect the exterior appearance of the structure or additions should be compatible with the district following the guidelines for new (infill) construction. Criteria for non-contributing structures may be less restrictive than that applied to contributing structures.

Section 8.21 Demolition: Alternate Procedure: Offer to Sell

- A. Prior to approval of any application for demolition, modification, moving, or removal of a contributing structure within the Cape Charles Historic District; the zoning administrator, the Historic District Review Board, or the Town Council, as applicable, shall review the application for its compatibility with each of the following guidelines.
 - 1. Whether or not the contributing structure is of such architectural or historic interest that its removal would be to the detriment of the character and integrity of the Historic District.
 - 2. Whether or not the contributing structure is of such interest or significance that it would qualify as a National, State, or local historic landmark.
 - 3. Whether or not retention of the contributing structure would help to preserve and protect a historic place or area of historic interest in the Town.
 - 4. Whether or not plans for future use of the site after demolition are appropriate, compatible, sympathetic, and complimentary to the character and integrity of the Historic District.

No subsequent application under Section 8.21A regarding the contributing structure may be made until more than one year after a final denial by the Town Council.

- B. In addition to the right of appeal herein elsewhere set forth, the owner of a contributing structure in the Cape Charles Historic District shall as a matter of right be entitled to move, remove, modify, raze or demolish all or part of such contributing structure provided that:
 - 1. The owner has applied to the Town Council for such right.
 - 2. The owner has for the applicable period of time set forth in the time schedule in Section 8.21.B.4., and at a price reasonably related to the fair market value of the contributing structure and the land, other improvements and appurtenances pertaining thereto (assuming the buyer will be required to preserve and restore the contributing structure in place on the property) as determined by the average of two (2) real estate appraisals from two (2) different appraisers, made a bona fide, public offer (pursuant to the requirements of this Section 8.21 B.) to sell such contributing structure, and the land, other improvements and appurtenances pertaining thereto (collectively, the "Property"), to the Town and any other person, firm, corporation, government or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve

and restore the contributing structure in place. If the two (2) required real estate appraisals submitted by the Owner differ by more than ten percent (10%), the owner must have the Property appraised a third time at his own expense by a third real estate appraiser selected by the Town. The bona fide offer to sell must be at a price not more than the average of the two such appraisals that are closest to one another.

3. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such Property thereto, prior to the expiration of the applicable time period set forth in the time schedule in Section 8.21.B.4. Any appeal which may be taken to the court from the decision of the Town Council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above.
4. The time schedule for offers to sell shall be as follows:
 - a. Three (3) consecutive months when the offering price is less than twenty-five thousand dollars.
 - b. Four (4) consecutive months when the offering price is twenty-five thousand or more but less than forty thousand dollars.
 - c. Five (5) consecutive months when the offering price is forty thousand or more but less than fifty-five thousand dollars.
 - d. Six (6) consecutive months when the offering price is fifty-five thousand dollars or more but less than seventy-five thousand dollars.
 - e. Seven (7) consecutive months when the offering price is seventy-five thousand dollars or more but less than ninety thousand dollars.
 - f. Twelve (12) consecutive months when the offering price is ninety thousand dollars or more.
5. Before making a bona fide offer to sell, the owner shall first file a statement with the Zoning Administrator along with the appraisals required by Section 8.21.B.2. The statement shall identify the Property, state the offering price, the date the offer of sale is to begin, the names and addresses of adjacent property owners, and the names and addresses of listing real estate agents, if any. The owner shall be required to maintain the Property in at least its current condition during the term of the public offer. No time period set forth in the time schedule contained in Section 8.21.B.4. shall begin to run until the statement has been filed. Within five (5) business days after receipt of a statement, copies of the statement shall be delivered by the Zoning Administrator to the Town Manager, the Town Council, and the Historic District Review Board. Within thirty (30) days after the receipt of a statement, the Zoning Administrator: (a) shall place notice of the statement once a week for two successive weeks in a newspaper having general circulation in the Town, (b) post a notice of the statement prominently on the Property, and (c) send notice of the offer, accompanied by the statement, to the adjacent property owners by certified or registered mail.

6. During the time period for the offer to sell, the Town may take steps as it deems necessary to preserve the contributing structure in accordance with the purposes of this article. Such steps may include, but are not limited to, consultation with civic groups, public agencies, and interested citizens, recommendations for acquisition of the Property by public or private bodies or agencies, and exploration of the possibility of moving structures or other features on the Property.
7. The fact that an offer to sell a Property is made at a price reasonably related to fair market value as described previously may be questioned by any party who files with the Zoning Administrator, on or before sixty (60) days after the offer for sale has begun, a petition in writing signed by at least twenty-five (25) persons owning real estate within Cape Charles, questioning such valuation. Upon receipt of such a petition, one (1) disinterested real estate appraiser shall be appointed by the petitioners, and the cost of the appraisal shall be borne by the petitioners. Said appraiser shall forthwith make an appraisal of the Property on the same basis as described in B.2. above, and the Town shall use the average of the lower two appraisals to establish fair market value under Section 8.21.B. In the event such valuation indicates that the price at which the applicant offered to sell the Property was at a price that is higher than the Property's fair market value, the offer to sell shall be void and of no force and effect for purposes of satisfying the requirements set forth in this Section 8.21.B.

Section 8.21-22 Maintenance and Repair Required

- A. The purpose of this section is solely to stop demolition by neglect, whereby owners of property in the Historic District allow the structure, or historic attributes of the structure, to become a hazardous building or structure. Any building or structure which is determined to be in such an unsafe condition that it would endanger life or property are governed by Town Code Chapter 18, Article III, Unsafe Buildings or Structures and under the sole jurisdiction of the Town's Code Official.
- B. All buildings and structures in the Historic District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration, or defects may, in the opinion of the Historic District Review Board and Town Council, result in the irreparable deterioration of any exterior appurtenance or architectural feature or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself, including but not limited to:
 1. The deterioration of exterior walls or other vertical supports, including broken doors and windowpanes;
 2. The deterioration of roofs or horizontal members;
 3. The deterioration of exterior chimneys;
 4. The deterioration or crumbling of exterior plaster, wood, or mortar;
 5. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

- B. After notice by the ~~Historic District Review Board~~Zoning Administrator or Code Official by certified mail of specific instances of failure to maintain or repair and of an opportunity to appear before the Historic District Review Board, the owner or person in charge of said structure shall have ninety (90) days to remedy such violation. Thereafter, each day during which there exists any violation of this section shall constitute a separate offense and shall be punishable as provided in this ordinance. In the alternative, if the owner fails to act, the Historic District Review Board may recommend to the Town Council that the Zoning Administrator, after due notice to the owner, enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure and the reasonable costs thereof shall be placed as a lien against the property.

Section 8.22-23 File of Actions to be Maintained

In order to provide guidance for the consistent application of standards and guidelines, ~~for the improvement of standards and guidelines~~, and for assistance to future applicants and the promotion of consistent policies in guiding applicants toward better standards of design, the Zoning Administrator ~~and the Historic District Review Board~~ shall maintain a file containing a record of all applications ~~brought before them~~, including drawings and photographs pertaining thereto and the decision of the Zoning Administrator or the Historic District Review Board in each case. The file documents shall be complied by the Zoning Administrator, maintained by the Town Clerk, and remain the property of the Town but shall be held available for public review.

Section 8.23-24 Administration; Zoning Administrator

Except as authorized herein the Zoning Administrator or Code Official shall not authorize a permit for any erection, reconstruction, integral exterior facade change, demolition, or razing of a building or structure in the Historic District until the same has been approved by the Historic District Review Board as set forth in the following procedures.

Section 8.24 Receipt of Application

Upon receipt of an application by the Zoning Administrator for each permit in the historic district, the Zoning Administrator shall oversee the following:

- A. Pre-application review: Persons considering action that requires a certificate of appropriateness, as set forth in this ordinance, are to request an informal informational meeting with the Zoning Administrator and at least one member of the Historic District Review Board prior to submitting a formal application for a certificate of appropriateness. Requests for such informational meetings can be made to the zoning administrator, who will contact a member of the board. The informational meeting will occur within thirty (30) days of receipt of such a request. The purpose of an informational meeting is to review the design guidelines and standards and the procedures for obtaining a certificate of appropriateness. Neither the applicant nor the zoning administrator/board member(s) shall be bound by any informational meeting or conceptual review. Zoning administrator can use discretion on the need for a pre-application meeting or the inclusion of a board representative depending on the nature of project proposed;

- B. Once accepted by the zoning administrator as a fully completed application, the zoning administrator will~~Forthwith~~ forward to the Historic District Review Board a copy of the application, together with a copy of the site plan and the building plans and specifications filed by the applicant if such application requires the Historic District Review Board to meet and render a decision;
- C. ~~Maintain in his office~~Compile a record of all such applications and of ~~his handling and the~~ final disposition of the same, to be maintained by the Town Clerk;
- D. Require applicants to submit three (3) hard copies and one electronic version of material required to permit compliance with the foregoing.

Section 8.25-26 Material to be Submitted for Review

By general rule, or by specific request in a particular case, the Historic District Review Board may require submission of any or all of the following in connection with the application: architectural plans, site plans, landscaping plans, construction methods, proposed exterior lighting arrangements, elevations of all portions of structures with important relationships to public view and such other exhibits and reports as are necessary for its determinations. Requests for approval of activities proposed in historic districts shall be accepted only from the record owner of the land involved in such proposal, or ~~his~~their agent.

Section 8.26-27 Other Approvals Required

The Zoning Administrator will review submitted applications for COA against appropriate zoning requirements before forwarding application to the Historic District Review Board for pre-application review and approval. In any case in which an applicant's proposal also requires the approval of the Board of Zoning Appeals, final action by the Board of Zoning Appeals shall precede final action by the Historic District Review Board. The Board of Zoning Appeals may, however, table a proposal in order to request the comments of the Historic District Review Board. ~~Final~~In this case, final action by the Historic District Review Board shall be taken prior to consideration of proposals requiring site plan approval.

Section 8.27-28 Action by the Historic District Review Board; Issuance of Certificates of Appropriateness

The Historic District Review Board shall render a decision upon any request or application for a Certificate of Appropriateness within ~~sixty (60)~~ninety (90) days after the filing of an application accepted as complete. Failure of the Historic District Review Board to render such a decision within said ninety (90)~~sixty (60)~~ day period, unless such period be extended with the concurrence of the applicant, shall entitle the applicant to proceed as if the Historic District Review Board had granted the Certificate of Appropriateness applied for prior to denying the Certificate of Appropriateness. The Historic District Review Board, on the basis of the review of information received, shall, upon request, indicate to the applicant the changes in plans and specifications, if any, which in the opinion of the Historic District Review Board, would protect and/or preserve the historical aspects of the landmark, building, structure, or district. If the applicant determines that ~~he~~they will make the suggested changes ~~and does so in writing~~, the Historic District Review Board may issue the Certificate of Appropriateness. Agreed to changes will be so stipulated on the Certificate of Appropriateness.

The Zoning Administrator will be responsible for issuance of the Certificate of Appropriateness to the applicant and the Town's Code Official office within five (5) business days. Denials of applications are to be stated in writing to the applicant along with the reasons for such denials by the zoning administrator and issued within five (5) business days. Once a Certificate of Appropriateness is granted, the applicant may obtain permits to start work with the understanding that work may be stopped should an appeal be filed to the board's decision within a 30-day period following approval of the COA, and that the applicant takes full responsibility to bear whatever consequences result from the appeal's final decision.

Section 8.28-29 Expiration of Certificates of Appropriateness

Any certificate issued pursuant to this article shall expire of its own limitation twelve (12) months from the date of issuance if the work authorized thereby is not commenced by the end of such twelve (12) month period; and further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of twelve (12) months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this article shall be excluded from the computation of the twelve (12) months.

Section 8.29-30 Inspection by Administrator After Approval

When a Certificate of Appropriateness has been issued, the Zoning Administrator or Town Building Official shall from time to time inspect the alteration or construction approved by such certificate and shall give prompt notice to the applicant of any work not in accordance with such certificate or violating any ordinances of the Town. The Zoning Administrator or Town Building Official may revoke the certificate or the building permit if violations are not corrected by the applicant in a timely manner.

Section 8.30-31 Delay of Approval

In the case of a proposal other than for demolition or moving but involving a designated landmark where the Historic District Review Board or, on appeal, the Town Council cannot reach a satisfactory agreement with the owner and where the Historic District Review Board or, on appeal, the Town Council decides such action to be in the public interest and not in conflict with any provision of law, it may delay the effective date of an approval for a period of three(3) months from the date of application or appeal to enable negotiations to be undertaken and completed for acquisition of the property for preservation or public use. Failure of negotiations within this period shall be the equivalent of a denial of the application by the Historic District Review Board or, on appeal, by the Town Council.

Section 8.31-32 Conditions Imposed by the Historic District Review Board

In approval of any proposal under this section, the Historic District Review Board or, on appeal, the Town Council may limit such approval by such reasonable conditions as the case may require, including but not limited to, the specifications enumerated for conditional uses and for the Town Council.

Section 8.32-33 Appeals; Decisions of the Historic District Review Board

An appeal from a decision of the Historic District Review Board may be taken to the Town Council by the owner of the property in question or by any party aggrieved and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest, which shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator the following: a notice of appeal specifying the grounds thereof; a signed statement listing any personal or business relationship with any general or subcontractors associated with the project under appeal; a signed statement that all real and personal property taxes are current as of the date of the filed appeal notice; a signed statement listing any personal or business relationship or partnership with the property owner(s) associated with the project under appeal; a fee equal in value to the fee paid by the property owner(s) associated with the project under appeal. The person submitting the appeal shall not be allowed to present any evidence that was not presented to the Historic District Review Board. Council members having any relevant interaction with the applicant shall disclose such interaction prior to considering the appeal. The Zoning Administrator ~~shall transmit to the Town Council within five (5) days~~will prepare a document of all the papers constituting the record upon which the action appealed from was taken. The Town Council shall fix a reasonable time for the hearing, give public notice thereof and decide the same within sixty (60) days from the date the person submitted a request for appeal. At the hearing the appealing party may appear in person or by agent. In exercising its powers, the Town Council may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Historic District Review Board.

Section 8.33-34 Appeals; Decisions of the Zoning Administrator

An appeal from a decision of the Zoning Administrator may be taken to the Board of Zoning Appeals by the owner of the property in question or by any party aggrieved and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest, which shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator the following: a notice of appeal specifying the grounds thereof; a signed statement listing any personal or business relationship with any general or subcontractors associated with the project under appeal; a signed statement that all real and personal property taxes are current as of the date of the filed appeal notice; a signed statement listing any personal or business relationship or partnership with property owner(s) associated with the project under appeal. The Zoning Administrator shall transmit to the Board of Zoning Appeals within five (5) days all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the meeting, give public notice thereof as required pursuant to §15.2-2204; Code of Virginia, and decide the same within sixty (60) days. At the meeting the party may appear in person or by agent. In exercising its powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify, any order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made.

Section 8.34-35 Appeal to the Circuit Court from a Decision of the Town Council

An appeal from a final decision of the Town Council may be filed with the Circuit Court within thirty (30) days after said decision in the manner prescribed by law by the owner of the property in question, by any party aggrieved and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest, or by the Historic District Review Board. The filing of an appeal shall stay the decision of the Town Council pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the Town Council if such decision denies the right to raze or demolish a designated landmark, building, or structure. The court may reverse or modify the decision of the Town Council, in whole or part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Town Council.

Section 8.35-36 Violations and Penalties

Any violation of this Article and the penalties for all such violations shall be as set forth in §2.43 of the Zoning Ordinance.

Section 8.36-37 Definitions

For the purpose of this article, ~~certain~~ terms and words pertaining to the Historic District are ~~hereby~~ defined. ~~The general rules of construction contained in Article II of this Ordinance are applicable to these definitions.~~

~~**ALTERATION** is any change, modification, or addition to a part or all of the exterior of any building or structure.~~

~~**BUILDING** is any enclosed or open structure which is a combination of materials to form a construction for occupancy or use.~~

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

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

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

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

DESIGN GUIDELINES are those set of guidelines, standards, and regulations adopted pursuant to §8.20 of this Code.

HISTORIC DISTRICT means an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.

HISTORIC LANDMARK is defined as any building or place listed on the National Register of Historic Places or on the Register of the Virginia Historic Landmarks Commission.

RECONSTRUCTION is any or all work needed to remake or rebuild all or part of any building to a sound condition, but not necessarily of original materials.

REPAIRS are any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.

RESTORATION is any or all work connected with the returning to or restoring of a building or a part of any building to its original condition through the use of original or nearly original materials.

This ordinance was duly considered following a required public hearing held on December 11, 2001 and adopted by the Town Council of Cape Charles at its regular session on the same day. All members voted in favor of its adoption: Chris Bannon, Charles Brown, Donald Clarke, James Davis, Dave Flora, and Frank Lewis.

Cape Charles Article II
Definition Changes resulting from Article VIII Revision
April 20, 2021

ADMINISTRATOR, THE ZONING ADMINISTRATOR, means the official charged with the enforcement of the zoning ordinance. The Administrator may be any appointed or elected official who is ~~by formal resolution~~ designated to the position by the Town Council. The Administrator may serve with or without compensation as determined by the Council.

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

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

BUILDING PERMIT means written permission issued by proper authority for the construction, repair, alteration, ~~or~~ addition, restoration, demolition, or razing of all or a part of any building or structure. ~~to a structure.~~

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

CONTRIBUTING STRUCTURE OR PROPERTY means a structure, building, or place constructed on or before ~~1964~~1940 OR which has special significance because of notable architectural or historic features relating to the cultural or artistic heritage of the community ~~which are of such importance as to warrant conservation and preservation and whose authentic look and character should be retained.~~ ~~(from 8.38)~~ The National Register of Historic Places (amended 2019) provides the listing of contributing structures and properties. Should a building or structure within the boundaries of the historic district not be listed in the national register, the building or structure will be classified as noncontributing.

DESIGN GUIDELINES are those set of guidelines, standards, and regulation and recommendations adopted pursuant to §8.20 and §9.20 of this Code. Guidelines are parameters within which the Historic District Review Board has the discretion to act and make will consult when making decisions.

HISTORIC ~~AREA-DISTRICT~~ is an area designated by the ~~state government~~ town within which buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale and detail; or because of their being a part of or related to a square, park, or area or general arrangement of which should be preserved and/or developed according to cultural, historical, or architectural motives or purposes.

Cape Charles Article II
Definition Changes resulting from Article VIII Revision

April 20, 2021

NON-CONTRIBUTING STRUCTURE means a structure ~~built after 1940-1964 OR which has been altered to such a degree that is no longer representative of the period in which it was built or is in such poor physical condition that its retention is difficult. that is not a contributing structure. (from the Historic District guidelines)~~

PERIOD OF SIGNIFICANCE: The National Register of Historic Places recognizes buildings, sites, and districts for their historic significance, and requires has documented that the that significance be associated with a discrete chronological period for the Cape Charles Historic District.

PRESERVATION is the process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. However, new exterior additions are not within the scope of this treatment.

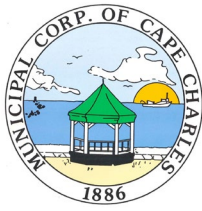
RECONSTRUCTION is any or all work needed to remake or rebuild all or part of any building to a sound condition, but not necessarily of original materials. It is the process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location. Reconstruction is different from the other historic treatments in that it is undertaken when there are often no visible historic materials extant or only a foundation remains.

REHABILITATION is the process of making possible a compatible use for a property through repair, alterations, and additions while ~~preserving retaining to the maximum extent practicable~~ those portions or features which convey its historical, cultural, or architectural values.

REPAIRS are any or all work involving the ~~replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.~~ return to functionality of existing structures or elements with authentic looking materials.

RESTORATION is any or all work connected with the returning to or restoring of a building or a part of any building to its original condition through the use of original or nearly original materials. It is the process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

STANDARDS are requirements that are evaluated by the Zoning Administrator or Code Official and not under the discretion of the Historic District Review Board.



DRAFT
PLANNING COMMISSION
Public Hearing & Special Meeting
Cape Charles Civic Center
March 2, 2021
6:00 p.m.

This Public Hearing and Special Meeting of the Planning Commission was held by video conference in accordance with Code of Virginia § 2.2-3708.2, subsection A.3, resulting from Governor Northam's March 12, 2020 declaration of a state of emergency for the Commonwealth of Virginia arising from the Novel Coronavirus (COVID-19) pandemic. It was deemed impractical and unsafe to assemble physically due to the highly contagious nature of COVID-19.

The purpose of this meeting was to hear public comment on an application for a zoning map amendment to rezone properties from residential to commercial, to review the application for a zoning map amendment to rezone properties from residential to commercial, to review two applications for conditional use permits and schedule a public hearing date. An audio recording was made of the meeting, and the meeting was also live-streamed on Facebook, as well as video-taped for viewing from the Town's website after processing. Public comments were accepted in writing prior to the meeting. Viewers could also submit their comments via Facebook Live, emails to the clerk, town planner, and by calling the clerk's office and leaving a voicemail during the public hearing.

At approximately 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearing and Special Meeting of the Planning Commission. In addition to Chairman Stramm, physically present at the Civic Center was Planning Technician Tracy Outten. In attendance via Zoom were Commissioners Kenneth Butta, Diane D'Amico, Paul Grossman, Jim Holloway, Dennis McCoy, Michael Strub, Interim Town Planner/Zoning Administrator Katie Nunez, Town Clerk Libby Hume, and the applicants. There were no members of the public physically in attendance, but there were 21 viewers on Facebook Live.

PUBLIC HEARING COMMENTS:

Chairman Bill Stramm welcomed Interim Town Planner and Zoning Administrator Katie Nunez. He then read the Notice of Public Hearing and opened the floor for comments.

Planning Technician Tracy Outten read comments submitted in writing from Odessa Sullivan, Jo Ann Bawiec, Lori Smith, and Tyrone Beach. (Please see attached.)

There were no other comments received in writing prior to the meeting or during the public comments period.

Motion made by Paul Grossman, seconded by Michael Strub, to close the public hearing portion of the Planning Commission meeting. The motion was approved by unanimous vote. Roll call vote: Dennis McCoy, yes; Kenneth Butta, yes; Michael Strub, yes; Diane D'Amico, yes; Paul Grossman, yes; Jim Holloway, yes; Bill Stramm, yes.

PUBLIC COMMENTS RE: Agenda Items Only

Planning Technician Tracy Outten read comments submitted in writing from Joshua E. Lattimore and Penelope Kinsey. (Please see attached.)

There were no other comments received in writing prior to the meeting or during the public comments period.

SPECIAL MEETING ORDER OF BUSINESS

- A. *Application for Zoning Map amendment – Rezoning of 303 Jefferson Avenue (tax map #83A1-1-84C) and 309 Jefferson Avenue (tax map #83A1-1-81C) from Residential – 1 (R-1) to Commercial (C-1) – review and make recommendation to Town Council.*

Dennis McCoy wanted Katie Nunez to state for the record that if Planning Commission did not recommend approval for this request, it was still the Town Council that gets the final call.

Katie Nunez read the staff report. Jim Holloway asked if there have been any deliberations with the owners about comments that were received. Katie Nunez answered the applicant would be supplying a sufficient amount of trash receptacles.

Suzanne Baker, applicant, stated the following to the commissioners: (i) The application was for a single lot; (ii) She thought providing a place off-street to sit and for parking was a safe option; (iii) The renovations would be a great addition to the neighborhood; (iv) The corner lot has always been commercial; (v) This would not be a hang out and the area would be kept clean; and (vi) The issues mentioned tonight had been previously addressed and the comments were unfair.

Discussion and questions were as followed: (i) Diane D'Amico asked if zoning were changed did that mean the property could be used for any C-1 business in the future; yes, but suggestions could be made by the council. She agreed with staff not to rezone and understood why neighboring properties were unhappy; (ii) Katie Nunez said another option for the applicant would be to submit a proffer letter as part of the rezoning approval that would establish conditions and limits. The letter would need to be approved before the town council meeting, and then after approval by council it would need to be recorded at the Northampton County land use office. Diane D'Amico asked for a little more clarification. Katie Nunez explained that the applicant had to voluntarily do the proffer letter, and this would ensure certain conditions and restrictions as part of this rezoning for the property not just the current owner. Dennis McCoy would all fees be funded by the applicant; yes; (iii) Paul Grossman was looking for an alternate path and added that the properties have a variance to conduct a business without a use being dictated by the Board of Zoning Appeals (BZA). He asked if that board should be the one defining the uses allowed. Katie Nunez answered the BZA errored in approving both lots, while there was discussion and conversation about both lots, the vacant lot was not considered part of the original barber shops operation, and non-conforming uses cannot be expanded per the zoning ordinance, but the vacant lot could be used for parking. Diane D'Amico asked if the applicant could open tomorrow without using the vacant lot; yes, but the applicant would like to have a drive thru window; (iv) The applicant expressed how upset she was with the town and her confusion on why such a small lot was causing so many issues Dennis McCoy explained that every decision had to be defensible in the court of law, specific process, the boundaries had to be clear, and to law had to be followed and not dithering; (v) Michael Strub said the commissioners needed to focus on the application in front of them and the word "quiet" was in the definition of residential and his concern was that rezoning would be disruptive so, therefore he did not think it should be approved; (vi) Diane D'Amico said the comprehensive plan had a very distinctive commercial district; (vii) There was much discussion on a conditional rezoning approval. Katie Nunez reiterated the proffer letter option; (viii) Michael Strub asked for clarification on why the Planning Commission was reviewing this application and not the BZA; a non-conforming use can not be expanded; (ix) Paul Grossman asked if the recommendation to town council was for them to deny this request could it still be approved; yes, and (x) Diane D'Amico clarified again that the applicant could open for business regardless of how long this approval takes; yes. The commissioners agreed.

Motion made by Paul Grossman, seconded by Jim Holloway, to table the application for the zoning map amendment to rezone 303 Jefferson Avenue and 309 Jefferson Avenue from Residential – 1 to Commercial – 1 until the April 6, 2021 meeting. The motion was approved by unanimous vote. Roll call vote: Dennis McCoy, yes; Kenneth Butta, yes; Jim Holloway, yes; Michael Strub, yes; Diane D’Amico, yes; Paul Grossman, yes; Bill Stramm, yes.

- B. *Conditional Use Permit to allow a second-floor residential dwelling unit above the first floor commercial at 1 Fig Street (tax map #83A3-1-534) – review application and set public hearing.* Katie Nunez said that all information for this application was included in the packet.

Discussion and questions were as followed: (i) Dennis McCoy asked why this use was not by-right. Katie Nunez answered that zoning requires a conditional use permit (CUP) and the one approved in the past expired per the zoning ordinance; (ii) Paul Grossman wanted to know if the proposed layout included all the second floor; yes; and (iii) Jim Holloway said the submitted drawings showed additional windows. Josh Lattimore stated that the exterior of the building would not change.

Motion made by Paul Grossman, seconded by Dennis McCoy, to schedule a public hearing on April 6, 2021 for the Conditional Use Permit to allow a second-floor residential dwelling unit above the first floor commercial at 1 Fig Street. The motion was approved by unanimous vote. Roll call vote: Dennis McCoy, yes; Kenneth Butta, yes; Michael Strub, yes; Diane D’Amico, yes; Paul Grossman, yes; Jim Holloway, yes; Bill Stramm, yes.

- C. *Conditional Use Permit to allow two second-floor residential dwelling units above the first floor commercial at 301 Mason Avenue (tax map #83A3-1-615B) – review application and set public hearing.*

Katie Nunez said there was no additional information to the staff report but asked the applicant if the second-floor units had been residential before. Chris Elam, architect and representative, answered the spaces appear to be offices.

Motion made by Paul Grossman, seconded by Michael Strub, to schedule a public hearing on April 6, 2021 for the Conditional Use Permit to allow two second-floor residential dwelling units above the first floor commercial at 301 Mason Avenue. The motion was approved by unanimous vote. Roll call vote: Dennis McCoy, yes; Kenneth Butta, yes; Michael Strub, yes; Diane D’Amico, yes; Paul Grossman, yes; Jim Holloway, yes; Bill Stramm, yes.

Motion made by Dennis McCoy, seconded by Jim Holloway, to adjourn the Planning Commission Public Hearing and Special Meeting. The motion was approved by unanimous vote. Roll call vote: Dennis McCoy, yes; Diane D’Amico, yes; Kenneth Butta, yes; Michael Strub, yes; Paul Grossman, yes; Jim Holloway, yes; Bill Stramm, yes.

The meeting adjourned at 7:30 p.m.

Chairman Bill Stramm

Planning Technician

**Comments submitted in writing
March 2, 2021 Planning Commission Public Hearing & Special Meeting**

Odessa Sullivan

Subject: Request of rezoning at 303 Jefferson Ave

My name is Odessa Sullivan. My address is 606 Strawberry St. at Jefferson Ave. I am contacting you regarding rezoning at 303 Jefferson Ave. at Strawberry St. My answer is NO.

I lived here for many years. This area has always been residential. I was born on this very spot 74 years ago. I do not wish to live in a commercial area.

With the previous owners of the eatery, several times I had to go in and request that the car be moved from blocking my driveway. There was a lot of traffic without a golf-cart window. Adding a drive thru will increase traffic. I as well want to enjoy my summer, but without commercial traffic.

The more people in commercial area the more careless they become discarding their trash. It's a NO for me.

ODESSA SULLIVAN

Jo Ann Bawiec

Subject: Rezoning: 303 / 309 Jefferson Street

Planning and Zoning Commission.

I am **opposed** to the rezoning of 303 / 309 Jefferson Street from residential to commercial.

My property is directly across from this location and would be directly impacted by this zoning change.

This area of town is made up mostly of full-time homeowners with limited vacation rentals which makes it a quieter section of Cape Charles.

Some issues that occurred with the previous business (ice cream, sandwich shop) operating in this space, which had very limited seasonal hours included:

- loitering on picnic tables outside of business hours
- increase in vehicles - sometimes blocking driveways as well as Jefferson Street
- increase in trash in yard from customers
- increase in loud music coming from golf carts

Changing to commercial zoning would double the current size of the existing business and change the makeup of the current neighborhood. It could potentially negatively impact property values. It will definitely enhance all the previous issues mentioned above and perhaps create more.

My understanding of the proposed plan would encourage more traffic by creating a drive through service, as well as double the outdoor dining space. This would be a much larger space than many commercial spots on Mason. This does not complement the existing low density residential homes in the immediate area. I also understand that there will be increased lighting on the property, changing the current look of the neighborhood.

Right now the plan by the current owners is to create an enhanced experience for a new frozen custard business. Rezoning to commercial does not protect the neighborhood from what could potentially be built in the rezoned area, should the current owners sell or wish to expand into a different business plan. Rezoning this space has unlimited potential for future developers. I don't think this is in the best interest of our community.

I'm disappointed that there has been work going on in this space as if the zoning has already happened. This has already changed the look of what is a residential space to a commercial looking space.

Please don't allow this rezoning to happen.

Thank you for your time and attention.

Jo Bawiec
526 Strawberry St
Cape Charles
434-547-3082

Lori Smith

Subject: For 3-2 meeting

Good afternoon,

I oppose rezoning the residential parcel to commercial. This is primarily due to the future exposure that this would allow should the current owners of 303 Jefferson choose to sell the property at any point in time. Having a commercial piece of property twice the current size lends itself to numerous types of structures and would certainly take away from the current style of this neighborhood.

I live directly across the street from this property as a full-time resident. The majority of the other homes in this area are full time residents as well. As a result, this is a wonderfully quiet area of town that I hope will stay that way.

When the previous owners ran the ice cream shop at its current size and with inconsistent hours of operation, the few picnic tables and benches encouraged late night loitering and trash, the noise and music from the golf carts was always present and our driveway was constantly blocked by vehicles on the street. Allowing this property to become a commercial space is only going to make this louder, messier, and increase traffic in this residential zone. I fully support the new owners opening their frozen custard shop in its current location but don't see the need to rezone the adjacent residential lot as it will double the commercial footprint for any future use.

It doesn't appear that adjacent homeowners received any notification of this rezoning request, so I would appreciate you taking my comments into consideration as the long-term future of this residential area should be protected.

Lori Smith |

Tyrone Beach

Subject: Concern request by Patina Green, Suzy's Old Fashioned Frozen Custard

Hello,

Concerning the rezoning 303 and 309 Jefferson from residential to commercial.

My concern is that parking will be under control and possible noise at night will be under control.

Can you submit this concern during the meeting on March 2nd or do I have to resubmit.

This is very important for senior citizens.

Thanks.

Tyrone and Patricia Beach
230 Jefferson Avenue
Cape Charles, Va 23310

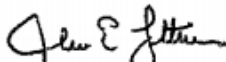
Joshua E. Lattimore

March 1, 2021

Dear Cape Charles Planning Commission and Town Council,

As the current property owner I am writing today to show my utmost support for the reinstatement of the multi-use permit for the Kellogg Building located at 3 Fig Street. The property is under contract and the proposed buyers are also in full support of this measure. Given the location, history, and overall stature as a Town landmark, it will be exciting to see the building get a breath of new life and create another wonderful addition to the Town of Cape Charles. I appreciate your time and consideration.

Thank you,


Joshua E. Lattimore

Penelope Kinsey

Subject: One Fig Street

Dear Cape Charles Planning Commission,

Thank you for the opportunity to comment on the proposal to renew an expired Mixed Use Residential/Commercial Conditional Use Permit that was granted by the Town Council in January, 2017, for the property known as the Kellogg Building located at 1 Fig St., Cape Charles, VA.

My husband, Derrick Kinsey, and myself have One Fig Street under contract and the renewal of the original conditional use permit will allow the flexibility necessary for us to economically develop the property into a much more productive asset in Cape Charles. The original conditional use permit was granted upon the request of contract buyer Chad and Beverly Petras, but the sale was never completed. More than a year later, the property was finally sold to the present owner.

We request that you grant the renewal of the Mixed Use Residential/Commercial Conditional Use Permit for One Fig Street, Cape Charles.

Thank you for your time and consideration,

Penelope Kinsey

Derrick Kinsey

Future Business Operators and Residents of Cape Charles

DRAFT



DRAFT
PLANNING COMMISSION
Joint Public Hearing with Town Council & Special Meeting
Cape Charles Civic Center
April 6, 2021
6:00 p.m.

This Joint Public Hearing with Town Council and Special Meeting of the Planning Commission was held by video conference in accordance with Code of Virginia § 2.2-3708.2, subsection A.3, resulting from Governor Northam's March 12, 2020 declaration of a state of emergency for the Commonwealth of Virginia arising from the Novel Coronavirus (COVID-19) pandemic. It was deemed impractical and unsafe to assemble physically due to the highly contagious nature of COVID-19.

The purpose of this meeting was to hear public comment on two applications for conditional use permits, to review an application for a zoning map amendment to rezone properties from residential to commercial, and to review two applications for conditional use permits. An audio recording was made of the meeting, and the meeting was also live-streamed on Facebook, as well as video-taped for viewing from the Town's website after processing. Public comments were accepted in writing prior to the meeting. Viewers could also submit their comments via Facebook Live, emails to the clerk, town planner, and by calling the clerk's office and leaving a voicemail during the public hearing.

At approximately 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearing and Special Meeting of the Planning Commission. In addition to Chairman Stramm, physically present at the Civic Center were Jim Holloway, Paul Grossman, and Planning Technician Tracy Outten. In attendance via Zoom were Commissioners, Diane D'Amico, Dennis McCoy, Michael Strub, Interim Town Planner/Zoning Administrator Katie Nunez, Town Clerk Libby Hume, and the applicants. Kenneth Butta was not in attendance. There were no members of the public physically in attendance, but there were 9 viewers on Facebook Live.

Vice-Mayor Steve Bennett, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Vice-Mayor Bennett, physically present at the Civic Center Councilman Grossman and Councilwoman Holloway. In attendance via Zoom were Councilmen Buchholz, and Follmer. Mayor Dize was not in attendance. There was one vacancy on council.

PUBLIC HEARING COMMENTS:

Chairman Bill Stramm read the Notice of Public Hearing and opened the floor for comments.

There were comments received in writing prior to the meeting or during the public comments period.

Motion made by Paul Grossman, seconded by Jim Holloway, to close the public hearing portion of the Planning Commission meeting. The motion was approved by unanimous vote. Roll call vote: Dennis McCoy, yes; Michael Strub, yes; Diane D'Amico, yes; Paul Grossman, yes; Jim Holloway, yes; Bill Stramm; yes.

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

PUBLIC COMMENTS RE: Agenda Items Only

There were public comments received in writing prior to the meeting or during the public comments period.

AGENDA

Katie Nunez informed the commissioners that the rezoning application had been withdrawn so, item "A" under Unfinished Business was no longer an agenda action item.

Motion made by Michael Strub, seconded by Paul Grossman, to approve the agenda as amended. The motion was approved by unanimous vote. Roll call vote: Diane D'Amico, yes; Paul Grossman, yes; Jim Holloway, yes; Dennis McCoy, yes; Bill Stramm, yes; Michael Strub, yes.

Motion made by Paul Grossman, seconded by Jim Holloway, to approve the minutes from the December 1, 2020 Planning Commission Regular Meeting and the February 2, 2021 Planning Commission Special Meeting as presented. The motion was approved by unanimous vote. Roll call vote: Dennis McCoy, yes; Diane D'Amico, yes; Michael Strub, yes; Jim Holloway, yes; Paul Grossman, yes; Bill Stramm, yes.

UNFINISHED BUSINESS

- A. *Conditional Use Permit to allow a second-floor residential dwelling unit above the first floor commercial at 1 Fig Street (tax map #83A3-1-534) – review and make recommendation to Town Council.*

Katie Nunez summarized the staff report and added that the application meets the comprehensive plan requirements.

Discussion and questions were as followed: (i) Dennis McCoy asked if there were parking requirements. Katie Nunez answered yes, and a previous owner was granted a parking variance by the Board of Zoning Appeals; and (ii) Paul Grossman wanted to know if there was a separate exterior entrance for the apartment; yes.

Motion made by Dennis McCoy, seconded by Paul Grossman, to recommend Town Council approve the Conditional Use Permit to allow a second-floor residential dwelling unit above the first floor commercial at 1 Fig Street. The motion was approved by unanimous vote. Roll call vote: Michael Strub, yes; Dennis McCoy, yes; Diane D'Amico, yes; Paul Grossman, yes; Jim Holloway, yes; Bill Stramm, yes.

- B. *Conditional Use Permit to allow two second-floor residential dwelling units above the first floor commercial at 301 Mason Avenue (tax map #83A3-1-615B) – review and make recommendation to Town Council.*

Katie Nunez briefly read through the staff report and said this application was consistent with the comprehensive plan.

Diane D'Amico wanted to know the definition for a residential dwelling unit. Katie Nunez read the definition provided in the zoning ordinance. Diane D'Amico asked if that definition concluded the proposed apartments were not a single-family dwelling. Katie Nunez answered no, it depended on how the apartments would be leased.

Motion made by Paul Grossman, seconded by Jim Holloway, to recommend Town Council approve the Conditional Use Permit to allow two second-floor residential dwelling units above the first floor commercial at 301 Mason Avenue. The motion was approved by unanimous vote. Roll call vote: Dennis McCoy, yes; Michael Strub, yes; Diane D'Amico, yes; Paul Grossman, yes; Jim Holloway, yes; Bill Stramm, yes.

NEW BUSINESS

There was no new business.

Motion made by Jim Holloway, seconded by Dennis McCoy, to adjourn the Planning Commission Public Hearing and Special Meeting. The motion was approved by unanimous vote. Roll call vote: Dennis McCoy, yes; Michael Strub, yes; Diane D'Amico, yes; Paul Grossman; yes, Jim Holloway; yes; Bill Stramm; yes.

The meeting adjourned at 6:25 p.m.

Chairman Bill Stramm

Planning Technician



PLANNING COMMISSION

STAFF REPORT

Meeting Date: June 1, 2021

Item #: 7a

Type of Application:	Zoning Text Amendment
Prepared By:	Katie H. Nunez – Interim Zoning Administrator
Applicant:	Cape Charles Town Council
Owner:	South Port Investment LLC
Proposed:	Amendments to Cape Charles Zoning Ordinance Section 3.14: General Business/Light Industrial H-1 (GHI H-1)

Background:

South Port Investment LLC has met with the Town Manager and the Interim Zoning Administrator regarding property owned by them adjacent to the concrete plant and has indicated that Cape Charles Properties, Inc dba Coastal Pre-Cast Systems (CPS) is interested in purchasing this property which is approximately 74.66 acres to be used in an ancillary capacity to their current operations; however, there are proposed changes that would be needed to the General Business/Light Industrial-H1 (GBI-H1) District regulations that are supportive and reflective of a light industrial zoning designation whereas the current language in the Cape Charles Zoning Ordinance Section 3.14 contain several provisions that are prohibitive to a light industrial use.

To that end, the interested purchaser has provided the proposed zoning text amendments to Section 3.14 to the Town Council who has reviewed them and determined to advance them to public hearing. In addition, the current property owner has also provided a letter requesting text amendments to Section 3.14.

Town Council, at their meeting on Thursday, May 20, 2021, passed a Resolution of Intent to advance the proposed text amendments to Section 3.14 to the Planning Commission.

Staff Recommendation: Staff recommends that the Planning Commission schedule a public hearing for this zoning text amendment to Section 3.14 to be reviewed and receive public comment. A full staff report of the application will be given at the public hearing.

Recommended Motion:

Planning Commission authorizes staff to schedule a public hearing for the zoning text amendment to Section 3.14 for July 6, 2021.

Attachments:

Attachment 1 – Letter from South Port Investors dated May 11, 2021

Attachment 2 – Letter from Cape Charles Properties dated May 11, 2021 with proposed text
Amendments

Attachment 3 – Cape Charles Town Council Resolution of Intent dated May 20, 2021

South Port Investors, LLC

**PO Box 395
Eastville, VA 23347**

May 11, 2021

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Attn: John Hozey - Town Manager

Dear Mr. Hozey,

Please let this correspondence serve as a request to consider integrating text amendments to the current General Business/Light Industrial H-1 (GBI H-1 Section 3.14) zoning classification.

As you know, our company currently owns the only piece of property in town with the GBI H-1 classification (Tax Map 90-A-1A.) We have contracted to sell this parcel to an existing Cape Charles business - Cape Charles Properties, LLC. Unfortunately, the language in current zoning ordinance will restrict the end user from being able to effectively utilize the property. Similar amendments to your M2 District were accomplished in April 2018 with numerous alterations to text being approved unanimously by Planning Commission and Town Council. Copies of Zoning Administrator Staff Report, minutes from corresponding Planning Commission approval, and minutes from corresponding Town Council Meetings relating to the 2018 M2 District edits are enclosed.

Also enclosed is a correspondence from the buyer detailing the requested zoning amendments. The modification of the existing regulations will benefit the Town of Cape Charles by promoting the growth of Cape Charles' largest employer. The opportunity to grow this business will lead to an increase in year-round jobs as well as an increase in tax revenue for local government. We are mindful of the need for balance regarding local industry and tourism. These proposed amendments have been designed with concern and respect for the Town's citizens and tourism market.

We would also like some clarification from the Town with regard to Additional Development Requirements found in the District Regulations. Our legal research suggests these requirements are only enforceable to the extent they do not compromise Permitted Uses. Would you please provide a formal written response which describes the relationship of Additional Development Requirements and Permitted Uses?

Please present the above request to Council for text amendment consideration and legal opinion. The existing zoning language is restrictive in nature and ineffective for this parcel. The south side of the harbor has much industrial promise. This is an area of town which has always been

designed to accommodate industrial users. In a controlled and collaborative fashion, the value of the south side of Cape Charles Harbor can be unlocked responsibly. Thank you for your time.

Sincerely,

S. Eyre Baldwin

Executive Director - South Port Investors



Cape Charles Properties
1316 Yacht Drive • Chesapeake, VA 23320
P: (757) 545-5215 • F: (757) 545-6296

May 11, 2021

Ralph W. Dodd & Associates LLC
16464 Courthouse Rd, Eastville
Eastville, Virginia, 23347

Attn: Dan Brown

RE: Intentions for Property and Request for General Business/Light Industrial H-1 (GBI H-1) Additions/Amendments

Mr. Brown,

Below are the areas Coastal Precast feels need to be amended to the current General Business/Light Industrial H-1 (GBI H-1) Ordinance. Our comments/suggestions are in red. City of Chesapeake's Zoning Ordinance for General Business/Light Industrial was used to help further define business operations.

Section 3.14 General Business/Light Industrial H-1 (GBI H-1)

A. Purpose of the District.

The GBI H-1 District is a planned mixed industrial and employment park with a comprehensive development plan. The purpose of the district is to:

1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County
2. Create family-wage employment and training opportunities for local residents
3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment, and culture
4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers
5. Incorporate comprehensive, cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development in all aspects of design and development of the project

B. Permitted Uses.

Within the GBI H-1 District, the following permitted uses shall be allowed.



Cape Charles Properties
1316 Yacht Drive • Chesapeake, VA 23320
P: (757) 545-5215 • F: (757) 545-6296

1. Adult and/or child day care center
2. Agriculture (excluding livestock), horticulture, forestry, and/or fishery/aquaculture
3. Art gallery
4. Business service establishment (including mail order or electronic catalog sales)
5. Conference center
6. Communication and telecommunications centers
7. Commuter parking lot
8. Educational institution
9. Flex industrial use
10. Fire, police, rescue stations
11. Food production, packaging, packing, and canning
12. Hotel, serving as an ancillary and interrelated component of the Park
13. Library or other municipal building
14. Manufacture, processing, fabrication, **assembly and/or storage** of products such as but not limited to scientific and precision instruments, renewable energy technology components, photographic equipment, communications equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods, and electrical equipment.
15. Medical care facility, outpatient only
16. Museum, cultural center, arboretum
17. Offices--administrative, business, professional, and telecommunication
18. Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area in accordance with Appendix A, applicable category
19. Park, plaza, or natural area
20. Parking structure
21. Performing arts center
22. Post office, drop off and pick up, mail courier and parcel services
23. Printing service
24. Public utility service center, without outdoor storage
25. Rail and/or intermodal terminals, including transfer, storage, handling, inspection, processing and/or transport of containerized bulk and/or other cargo
26. Recording studio
27. Recreational facilities
28. Recycling drop-off collection center serving the Park
29. Research, experimental testing or development activities
30. Restaurant, indoor and outdoor (excluding drive-through)
31. Telecommunications, television, or radio microwave dishes or antennas
32. Training center (excluding rehabilitation and institutional facilities)
33. Utility generating plant and transmission facilities using renewable energy sources
34. Utility installations
35. Utility substations provided storage or maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be landscaped in accordance with Appendix A, applicable category, sufficient to screen area



- 36. Warehousing facility (excluding mini-storage facility)
- 37. Water storage tank
- 38. Wholesale trade establishment

C. Conditional Uses.

Within the GBI H-1, the following conditional uses may be allowed, subject to the issuance of a Conditional Use Permit.

- 1. Structures, other than buildings, exceeding 50 feet
- 2. Buildings over 40 feet but equal or less than 50 feet or building or structure other than building may be constructed to a maximum height of 75 feet if the building is set back at least one hundred twenty-five (125) additional feet from the required setback for all yards abutting residential properties.

D. Accessory Uses.

Within the GBI H-1 District, the following accessory uses shall be allowed.

- 1. Only those that are customarily accessory and clearly incidental and subordinate to the principal use and structures
- 2. Temporary licensed uses such as festivals, displays, educational exhibits, outdoor gatherings or performances, and outdoor food markets

E. Lot, Yard, Height, and Density Requirements.

Within the GBI H-1 District, the following standards shall apply.

- 1. Minimum lot requirements
 - lot area..... 15,000 square feet
 - lot width 100 feet
- 2. Yard requirements
 - minimum front yard 10 feet
 - maximum front yard 25 feet
 - minimum side yard between buildings ... none or 5 feet
 - minimum side yard adjacent to street.... 10 feet
 - minimum rear yard 20 feet
- 3. Maximum building height
 - buildings 40 feet
 - structures other than buildings.....50 feet
- 4. Building coverage. No more than 50 percent of the land area of the lot may be covered by structures.
- 5. Buffer yards. Where the GBI H-1 District adjoins the R (residential) zoning districts within the PUD or CO Land Use Classifications or C districts within the PUD, buffer yards are required as follows:
 - a. When a zoning lot within the GBI H-1 District adjoins any R zoning district within the PUD, the following shall be required along all lot lines within the GBI H-1 District adjoining the R zoning district within the PUD.
 - i. A 200-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required



Cape Charles Properties
1316 Yacht Drive • Chesapeake, VA 23320
P: (757) 545-5215 • F: (757) 545-6296

prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.

ii. No loading facilities, loading docks, or loading bays shall be permitted within 200 feet of any zoning district or zoning classification within the PUD that permits residential as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where residential use is allowed.

iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 100 feet wide and run continuously for the length of the buffer.

b. When a zoning lot within the GBI H-1 District adjoins a CO Land Use Classification, the following shall be required along all lot lines within the GBI H-1 District adjoining the CO Land Use Classification:

i. A 100-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval by Town of Cape Charles Zoning Ordinance 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 100 feet of any zoning district or zoning classification within the PUD that permits CO Land Use Classification as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where CO Land Use Classification is allowed.

iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer.

c. When a zoning lot within the GBI H-1 District adjoins a C district, the following shall be required along all lot lines within the GBI H-1 District adjoining the C district:

i. A 50-foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.

ii. No loading facilities, loading docks, or loading bays shall be permitted within 75 feet of any zoning district or zoning classification within the PUD that permits commercial as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where commercial use is allowed.

iii. Any buffer yard exclusive of any other yard requirements shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer.



Cape Charles Properties
1316 Yacht Drive • Chesapeake, VA 23320
P: (757) 545-5215 • F: (757) 545-6296

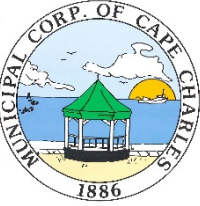
F. Additional Development Requirements.

1. Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side or rear yards.
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 a gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area. See Appendix A, Category I for requirements.
3. All parking must comply with Appendix B - Off Street Parking and Loading Requirements
4. Parking is not permitted in the front yard of a lot.
5. No parking or drive aisles shall be located within the required buffer yards.
6. No outside storage of parts, ~~materials~~, fossil fuels, ~~raw materials~~, or petroleum shall be permitted within the GBI H-1 District.
- ~~7. No outside manufacturing, assembly, or servicing of products used on the property or of trucks or automobiles used in conjunction with or for the transport of materials to the district shall be allowed.~~
8. Any exterior lighting on the property shall be directed down and away from any area zoned R (residential) or PUD where residential development is a permitted use to prevent the disbursement or bleeding of light beyond the limits of the developed portions of the property.
9. No outside loudspeakers, intercoms, ~~sirens~~, paging systems, whistles, horns, bells, ~~or other devices~~ or signals audible outside any buildings shall be allowed on the property. ~~Any and all OSHA requirements shall be adhered to; any OSHA-accepted alternative warning devices are encouraged.~~
10. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property.
11. No delivery or transmission of materials or products shall be permitted to or from the property by truck or rail between 11 p.m. and 5 a.m. Monday through Sunday.

Sincerely,

Coastal Precast Systems, LLC

Brandon Mowrey

 TOWN OF CAPE CHARLES	AGENDA TITLE: Resolution of intent to consider zoning text amendments to Section 3.14 of the zoning ordinance		AGENDA DATE May 20, 2021
	SUBJECT/PROPOSAL/REQUEST: Consideration of referral to Planning Commission		ITEM NUMBER: 7A
	ATTACHMENTS: Resolution of Intent 20210520A		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manger	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.

ITEM SPECIFICS:

Approving this resolution does not constitute approval of any change. It merely identifies that sufficient public necessity, convenience, general welfare, or good zoning practice exists within the proposal to conduct a public process that more fully explores the proposed changes. 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. Final and formal consideration of any change will be brought back to the Town Council following action by the Planning Commission.

RECOMMENDATION:

Staff recommends adoption of Resolution of Intent 20210520A Zoning Ordinance Text Amendment to Section 3.14 General Business/Light Industrial by roll call vote.

RESOLUTION OF INTENT 20210520A
ZONING ORDINANCE TEXT AMENDMENT TO
SECTION 3.14 GENERAL BUSINESS/LIGHT INDUSTRIAL

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

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

WHEREAS, Cape Charles Zoning Ordinance § 3.14 General Business/Light Industrial H-1 (GBI H-1) may require amendment to be consistent with light industrial uses.

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

Adopted by the Town Council of the Town of Cape Charles on May 20, 2021.

By: _____
Mayor Dize

Attest:

Town Clerk



PLANNING COMMISSION

STAFF REPORT

Meeting Date: June 1, 2021

Item #: 7b

Prepared By:	Benjamin Sullivan – Town Planner
Site Address:	Bay Shore Lane - Tax Map 90-A-1A – acreage is 74.66 acres
Applicant:	South Port Investment LLC
Owner:	South Port Investment LLC
Current Zoning:	GHI H-1
Proposed Zoning:	M2

Background:

South Port Investment LLC is seeking a zoning map change of the subject property from GBI H-1 to M2.



Staff Recommendation:

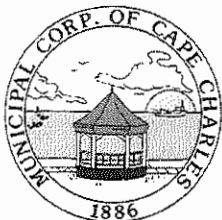
Staff recommends that the Planning Commission schedule a public hearing for this request to be reviewed and receive public comment. A full staff report of the application will be given at the public hearing.

Recommended Motion:

Planning Commission authorizes staff to schedule a public hearing for the zoning map application for July 6, 2021.

Attachments:

Attachment 1 – Application and Documents



ZONING MAP AMENDMENT APPLICATION

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

received
5/12/2021

PERMIT CHECKLIST - all documents can be emailed to the above email

- ☒ Completed application
- ☒ Letter of intent
- ☒ Existing site plan or survey
- ☐ Proposed site plan or survey (if applicable)
- ☒ Names and addresses of adjacent property owners
- ☒ Payment of fees (\$1,000)

PROJECT INFORMATION

Name of Project: _____
Property Address: TAX ID 90-8-1A1
Brief Description of Project: _____
Current Zoning District: HARBOR Proposed Zoning District: GBI-H1
Current Use: RAW LAND Proposed Use: Manufact./Assembly/Storage

OWNER INFORMATION

Name and Company: South Port Investors, LLC
Mailing Address: PO Box 395 Eastville, VA 23347
Phone Number: 757-695-0265 Email: danbrowncpa@gmail.com

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

CERTIFICATION OF APPLICANT

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. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are constructed.

Signature of Applicant: _____ Date: 5/12/21

Town of Cape Charles Planning & Zoning Department
2 Plum St. • Cape Charles, VA 23310 • 757-331-2036 • capecharles.org

South Port Investors, LLC

**PO Box 395
Eastville, VA 23347**

May 12, 2021

John Hozey - Town Manager
2 Plum Street
Cape Charles, VA 23310

Re: Rezoning request for Lot 90-8-1A1 Cape Charles Industrial Park

Dear Mr. Hozey,

As we have discussed, South Port Investors is currently under contract to sell Lot 90-8-1A1, an approximate 10 acre parcel located in the Cape Charles STIP on the south side of the harbor. South Port's sale of this property is contingent upon its ability to provide the buyer with property allowing for light industrial permitted uses. We are requesting a zoning change on this lot from Harbor District to General Business/Light Industrial (GBI-H1.)

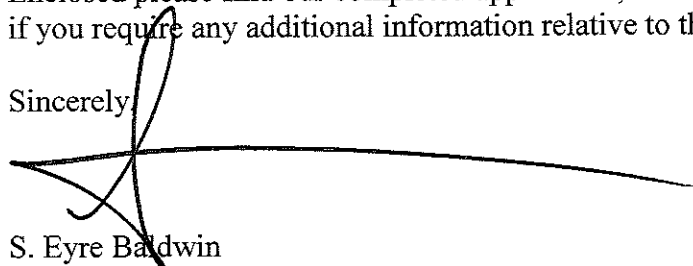
The acquiring company, Cape Charles Properties LLC, requires use capabilities which resemble the provisions in the GBI-H1 zone. The company plans to utilize the land for manufacturing, processing, fabrication, assembly and/or storage of products. Production of renewable energy components is the basis of this initiative.

While the Harbor District zoning classification has proven successful on the north side of the harbor, the south side has not recognized any such traction in the last decade. Harbor District success relies on the proximity to Downtown Cape Charles and the retail foot traffic which it promotes. No such environment exists in the industrial park vicinity.

In 2016, our group registered a similar zoning change request on Lot 83A3-11-2. This is a 20 acre parcel on Cape Charles Harbor which was zoned Harbor District. We approached the Town with our request to alter zoning from Harbor District to Industrial District M-2. The application was approved. Lot 90-8-1A1 is in close proximity to Lot 83A3-11-2. We feel a precedent has been established and are seeking application approval.

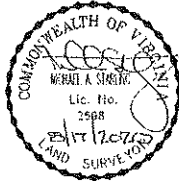
Enclosed please find our completed application, survey, and application fee. Please let me know if you require any additional information relative to this request. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Eyre Baldwin', is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke.

S. Eyre Baldwin
Executive Director - South Port Investors

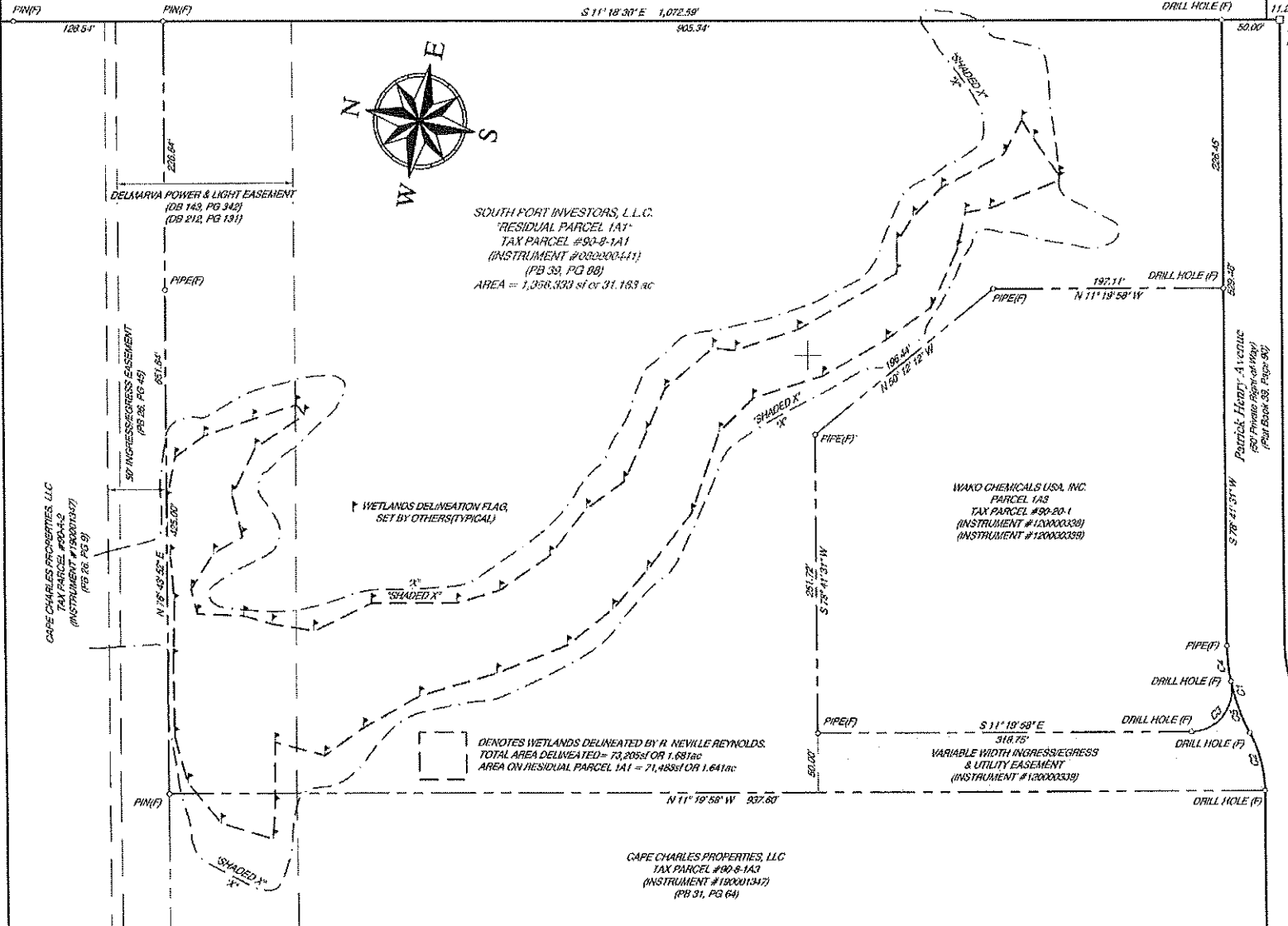
I HEREBY CERTIFY THAT THIS PLAT IS BASED ON A CURRENT FIELD SURVEY, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS.



SOUTH PORT INVESTORS, L.L.C.
TAX PARCEL #90-A-1A
(INSTRUMENT #060000441)
(PB 39, PG 68)
(PB 27, PG 23)

Bayshore Road - State Route 1117
(80' Right-of-Way)
(Plat Book 39, Page 88)

CURVE TABLE						
CURVE #	LENGTH	RADIUS	DELTA	BEARING	CHORD	TANGENT
C1	76.51'	150.00'	29° 13' 24"	S 64° 04' 49" W	75.68'	30.10'
C2	50.91'	100.00'	29° 10' 07"	S 64° 03' 11" W	50.56'	26.02'
C3	62.01'	35.00'	101° 30' 28"	S 62° 05' 12" E	54.21'	42.84'
C4	30.19'	150.00'	11° 31' 57"	S 72° 55' 33" W	30.14'	15.15'
C5	40.31'	150.00'	17° 41' 27"	S 69° 18' 51" W	40.13'	22.24'



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 FEMA 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 DETERMINE THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.

THIS PROPERTY APPEARS TO FALL IN:
FLOOD ZONES: 'X' & 'SHADED X'
COMMUNITY NO.: 510105
PANEL: 0256F DATED: MARCH 2, 2016

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 A SURVEY PREPARED BY THE TAX GROUP DATED JANUARY 3, 2001 AND RECORDED IN PLAT BOOK 29 AT PAGE 29.

THE WETLANDS SHOWN HEREON WERE DELINEATED BY H. NEVILLE REYNOLDS ON JULY 17, 2020.

WETLANDS EXHIBIT OF

'Residual Parcel 1A1'

'SUBDIVISION OF SUSTAINABLE
TECHNOLOGIES INDUSTRIAL PARK'
(INSTRUMENT #120000339)
(PLAT BOOK 39, PAGE 88)
TAX PARCEL #90-B-1A1
TOWN OF CAPE CHARLES
NORTHAMPTON COUNTY, VIRGINIA
FOR

South Port Investors, L.L.C.
AUGUST 3, 2020

Shoreline Surveyors

23314 Courthouse Avenue - P.O. Box 735
Accomac, Virginia 23001
PHONE (757) 760-3050 FAX (757) 760-3952



GRAPHIC SCALE
SCALE: 1" = 60'

DRAWN: MAS
FIELD BOOK: 3, PAGES 55-57
JOB #12081
SHEET 1 OF 1

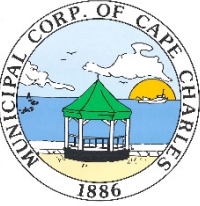
Adjacent Property Owners

Lot 90-8-1A3
Cape Charles Properties, LLC
1316 Yacht Drive
Chesapeake, VA 23320

Lot 90-13-A
Commonwealth of Virginia
Department of Conservation and Recreation
600 East Main Street
12th Floor
Richmond, VA 23219

Lot 90-A-1A
South Port Investors, LLC
PO Box 395
Eastville, VA 23347

Lot 90-A-1B
Up Front Storage, LLC
10605 Oliver Street
Fairfax, VA 22030

 TOWN OF CAPE CHARLES	AGENDA TITLE: Resolution of intent to consider a change to the zoning map within the Harbor District		AGENDA DATE May 20, 2021
	SUBJECT/PROPOSAL/REQUEST: Consideration of referral to Planning Commission		ITEM NUMBER: 7B
	ATTACHMENTS: Resolution of Intent 20210520B		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): John Hozey, Town Manger	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.

ITEM SPECIFICS:

Approving this resolution does not constitute approval of any change. It merely identifies that sufficient public necessity, convenience, general welfare, or good zoning practice exists within the proposal to conduct a public process that more fully explores the proposed changes. 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. Final and formal consideration of any change will be brought back to the Town Council following action by the Planning Commission.

RECOMMENDATION:

Staff recommends adoption of Resolution of Intent 20210520B Zoning Map Amendment of a Parcel Within the Harbor District by roll call vote.

RESOLUTION OF INTENT 20210520B
ZONING MAP AMENDMENT OF A PARCEL
WITHIN THE HARBOR DISTRICT

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

WHEREAS, the owner of a parcel within the Harbor District has requested a modification in the land use to General Business/Light Industrial to match the current land use of the adjacent parcels.

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 modifying the land use for one parcel to match the land use of its adjacent parcels.

Adopted by the Town Council of the Town of Cape Charles on May 20, 2021.

By: _____
Mayor Dize

Attest:

Town Clerk



PLANNING COMMISSION STAFF REPORT

Meeting Date: June 1, 2021

Item #: 8a

Please Note that the Planning Commission has access to a Town Maintained DROPBOX for file sharing; the General Public can access any of these documents referenced on the Town Website on the Planning Page – Comprehensive Plan Update

Prepared By: Benjamin Sullivan – Town Planner / Katie Nunez – Interim Zoning Administrator

Summary:

The Code of Virginia, st 15.2-2223, requires municipalities to update their comprehensive plan at least once every 5 years. Efforts to update the Cape Charles' comprehensive plan started in January 2019. Activities to update the plan included several outreach events to the public, workshop meetings by the Planning Commission, and draft chapters written by Commission members. The document revision became stalled when Covid-19 became prominent and public gathers were no longer allowed. With the restrictions on public gathers being lifted, the Planning Commission and Town Staff are looking to pick up where things were left off. This report will summarize the work that has been done, objectives already set that need to be met, and make recommendations to make sure the comprehensive plan is informative and completed in a timely manner.

Work to date:

The update process started on January 17, 2019 when SWOT analysis was submitted. Analysis can be found in document titled 2019-02-05 PC Agenda Material Item 6b Attachment in the Commission's Dropbox. The Planning Commission worked with ANPDC to identify topics that needed to be included, areas to overhaul, data needed in the document, and Code of Virginia section related to the comprehensive plan.

Kick off Workshop:

Cape Charles held a public workshop on July 25, 2019 to residents the first opportunity to help guide the updating process and give feedback on where the town should be in the future. 50 people attended the meeting which included the public, elected and appointed town officials, consultants, supervisors, and facilitators. 5 questions were asked which were:

1. What is the best way to engage Cape Charles citizens and stake holders?
2. Who are the critical players who need to be engaged in the process?
3. If the Comprehensive Plan process includes a community opinion survey, what topics or questions should be included?
4. List the top three issues you would like to see the Comprehensive Plan address.

5. What major projects should be included in the plan?

The participants were split into 5 groups of 10 and asked these questions. A variety of answers were given and some of the more common ones are listed below. These answers were given by at least 2 groups for their corresponding questions.

1. Online survey, local papers, small group meetings (that happen at different times of the day, and on different days), offer some sort of incentive for giving feedback, place surveys at local businesses and at public locations.
2. Business owners, residence (long term and short term), town boards and staff, state and federal agencies, Northampton County and other surrounding communities, the harbor, religious institutions, real estate agencies
3. Traffic/parking/sidewalks, housing/workforce/ revitalization of homes, environment/harbor, beach, water, what does the town need.
4. Workforce housing, develop year-round economy, historic preservation, storm water drainage, street maintenance/clearing, conditions/plans of infrastructure, healthcare availability, environmental resilience, address tourist vs citizen needs.
5. Parking strategy, transportation options (street, sidewalk maintenance), draining issues, recreation center, internet/cable improvement, expand water/sewer system, parking garage.

The Planning Commission used the collected information to help draft a Vision Statement, develop a scope and outline for the Comprehensive Plan, create goals for topic areas, and create a survey which was distributed on October 1, 2019. Analysis of the survey is found in document titled 2020-01-27 PC Work Session Agenda Pkt found in the Commission's Dropbox.

A list of priorities tailored toward each stakeholder was submitted on February 4, 2020. Document found in 2020-02-24 PC Work Session Agenda Pkt in Commission's Dropbox.

Objectives for the 2021 Comp Plan was drafted on May 1, 2020. Document title is 2020-07-27 PC Agenda Material Division of Responsibilities for Comp Plan Development found in Commission's Dropbox.

Work to be done:

- Staff and Planning Commission is still waiting on draft chapters for Community Facilities and Land Use.
 - Ensure that all chapters have clear stated goals, data showing current conditions, and strategies on how to meet those goals.
- Develop a timeline with staff to ensure all final drafts of chapters are done by end of calendar year. Staff will work with Commission to ensure quality and deadlines are met.
- Discuss any additional public input that will be needed.

By Chapter:

Bellow are all chapter drafts that have been submitted for review.

Population:

1. How is the projection that population will increase over the next 5 years reached?

2. Is it possible to measure how seasonal population has changed over the years? How does it impact the demand on local economy and services? Should this be a goal worth identifying?
 - a. How much does rent prices swing between summer and winter. Are housing units being used during off seasons or are they empty? How can the town get this information, should this be a goal worth pursuing?
3. Median age of town vs surrounding areas should be measured over time. Are we aging faster or slower than surrounding areas?
 - a. Age distribution needs to be done from 2000 - present.
4. How has education distribution changed between 2000 - present?
5. How has median household income changed between 2000 - present?
6. How has income distribution changed between 2000 - present?
7. Suggested goal “establish connections with local and regional NGO” that can help with poor families with housing/food/financial/job support.
8. Changed all analysis to 2000-present.

Economy:

1. Need to identify major economic drivers. Need to better identify business and industries.
2. What types of businesses has Cape Charles gained/lose and how much from 2000-present.
3. Talk about how tourism has grown and shaped the local economy.

Environment:

1. Need to rework “take whatever steps are necessary to ensure its continued health” goal.
2. Needs to justify language used in litter section. How do we know that litter will increase with “control [is] exerted by investors rather than year-round residents”? Is there any data showing that littering has increased with tourism vs residence?
3. Is there any information showing the change in bay water quality over the years? What actions has the town taken to address water quality?
4. How is the ‘water’s edge’ defined? What is its current condition? Why is it important?
5. Environmental goal list #5 need to be more specific and justified.
6. Why are the other natural resources in town important, how are they being used? How has RAFT been useful to the town, how has the town used it?
7. How do the barrier islands protect the town, where are they located? How have they changed over the years? How is the town maintaining them, monitoring them?
8. When talking about Virginia Coastal Resilience Master Framework, need date not “last week”. How will the town use the VA dedicated funding to prepare for flooding?

Housing:

1. All analysis needs to be from 2000- present.
2. Need to check with the PDC again to see if population estimates are in.
3. How many homes are in the historic? How does it impact housing prices and stock?
4. Combine workforce and affordable housing since there is significant overlap.

Traffic:

1. Fill out sidewalk, rail, and goals sections.
2. Should look at parking demand around Mason Avenue; How long is the median parking time on the street; how far does the spill over traffic extend; What are the parking needs of long-term residence?
3. Reference Multi-trail project should be tied in with all the different modes it is promoting. More details should be given, and location of the document should be said.
4. The new street should be mentioned.