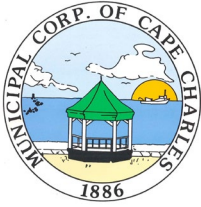


**Planning Commission**  
**Regular Session Agenda**  
**Cape Charles Civic Center – 500 Tazewell Avenue**  
**August 2, 2022, at 6:00 P.M.**

1. Call to Order
  - A. Roll call and establish a quorum
2. Invocation and Pledge of Allegiance
3. Consent Agenda
  - A. Approval of agenda format
  - B. Approval of Minutes
    1. March 1, 2022 Regular Meeting
    2. April 5, 2022 Regular Meeting
    3. May 3, 2022 Public Hearing and Regular Meeting
    4. June 7, 2022 Public Hearing and Regular Meeting
    5. July 12, 2022 Town Council and Planning Commission Joint Work Session
4. Public Hearings:
  - A. Public hearing on Conditional Use Permit (CUP) 2022-004: Application from Barbara and Bill O'Hare at 11 Randolph Avenue (Tax Map #83A3-2-3-1) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to CCZO Section 4.2 (J).
5. Citizen Comment Period, for any item not subject to an advertised public hearing
6. Unfinished Business: None.
7. New Business:
  - A. Discussion and Possible Vote on Conditional Use Permit (CUP) 2022-004: Application from Barbara and Bill O'Hare at 11 Randolph Avenue (Tax Map #83A3-2-3-1) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to CCZO Section 4.2 (J).
  - B. Discussion regarding zoning ordinance provisions regarding Accessory Dwelling Units
  - C. Discussion regarding report commissioned by Northampton County entitled: "Overcoming Land Use Ordinance Barriers to Housing Development" dated May 27, 2022 by the Berkley Group.
8. Report of Officers and Committees
9. Standing Staff Reports
  - A. Interim Planning & Zoning Administrator Monthly Report for June 2022
    - 1.) Subdivision Agent Report
    - 2.) Report on Applications filed with Board of Zoning Appeals, pursuant to Code of Virginia §15.2-2310
    - 3.) Comp Plan Review Update – Status Report
10. Announcements - Next Meetings:
  - Regular Session: September 6, 2022 @ 6:00 pm
11. Adjourn



**DRAFT**  
**PLANNING COMMISSION**  
**Regular Meeting**  
**Cape Charles Civic Center**  
**March 1, 2022**  
**6:00 p.m.**

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Kenneth Butta, Diane D'Amico, Paul Grossman, Jim Holloway, Dennis McCoy, and Michael Strub. Also, in attendance were Interim Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, and Town Clerk Libby Hume. There were no members of the public in attendance and twenty-one viewers on Facebook Live.

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

**CONSENT AGENDA**

**Chairman Bill Stramm approved the consent agenda as presented by unanimous consent.**

**PUBLIC HEARING:**

There was no public hearing.

**CITIZEN COMMENTS:**

There were no citizen comments to be heard nor any written comments submitted prior to the meeting.

**UNFINISHED BUSINESS**

- A. *Continued discussion on proposed zoning text amendments regarding Accessory Dwelling Units and affiliated zoning definitions.*

Katie Nunez read the staff report so the commissioners could discuss each section of the proposed text amendments for Cape Charles Zoning Ordinance Section 4.2 (J).

Discussion and questions were as follows:

Statement of Intent: (i) Diane D'Amico thought there was discussion about not using the wording "Workforce Housing". Katie Nunez has been doing research and found that during the original adoption of Accessory Dwelling Units (ADU) the Town Council was supportive of them for Workforce Housing. (ii) Change the last sentence to read as follows: *The intent is to allow an increased density on a lot in specific zoning districts to provide opportunity in the creation of long-term rental units to assist in meeting the housing needs of the Town and County.*

Definitions: (i) Paul Grossman said adding a definition to this section deviated from having a central location to find definitions and all sections would need to be updated. Kenneth Butta agreed and would prefer the definitions to reside in one location. (ii) Diane D'Amico would like to take out the word "single" in the dwelling unit definition. (iii) A definition for "sleeping area" needs to be added. and (iv) The grammar needs to be checked in the definition for "Building, Accessory".

4.2 (J):

(1) Physical Characteristics: (i) Under C - add a comma after the word "bathroom" and an "a" before the word "sleeping". and (ii) There was much discussion on limiting the number of potential renters based on the square footage of the ADU.

(2) Occupancy characteristics: (i) Under A - the word "An" needs to be added before "accessory" and remove the words "either verbally or". and (ii) Diane D'Amico said the statement does not allow for a family's elderly members to stay.

(3) Other requirements: (i) Under B - change the word "can" to "receptacle". (ii) Under E - all parking regulations should be followed therefore all sections should be referenced. (iii) Under G - (a) add the word "units" after the words "Accessory Dwelling", (b) Paul Grossman would like the code/building official to have flexibility when entering the ADU. Katie Nunez and Jeb Brady would create an inspection process. and (c) A new affidavit needs to be completed if the property is sold.

#### **NEW BUSINESS**

There was no new business.

#### **REPORT OF OFFICERS AND COMMITTEES**

There were no reports from the officers or committees.

#### **STANDING STAFF REPORTS**

Katie Nunez gave updates on the following: (i) Subdivision: Final Plats submitted Bay Creek Village L - Phase 1B, 1C, 1C, and 1D and (ii) BZA: an application was filed seeking a height variance for 7 Strawberry Street to expand the Hotel Cape Charles - seeking to add three floors to create a maximum of 12 hotel rooms.

#### **ANNOUNCEMENTS**

- Regular Session - April 5, 2022, at 6:00 p.m. in the Civic Center

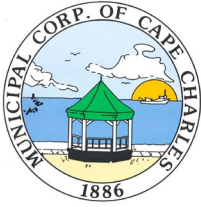
**Motion made by Paul Grossman, seconded by Jim Holloway, to adjourn the Planning Commission Regular Meeting at 7:21 p.m. The motion was approved by unanimous vote.**

---

Chairman Bill Stramm

---

Planning Technician



**DRAFT**  
**PLANNING COMMISSION**  
**Regular Meeting**  
**Cape Charles Civic Center**  
**April 5, 2022**  
**6:00 p.m.**

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Kenneth Butta, Diane D'Amico, Paul Grossman, Jim Holloway, Dennis McCoy, and Michael Strub. Also, in attendance were Interim Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, and Town Clerk Libby Hume. There were no members of the public in attendance and seven viewers on Facebook Live.

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

**CONSENT AGENDA**

**Chairman Bill Stramm approved the consent agenda as presented by unanimous consent.**

**PUBLIC HEARING:**

There was no public hearing.

**CITIZEN COMMENTS:**

There were no citizen comments to be heard nor any written comments submitted prior to the meeting.

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

*A. Schedule public hearing on Zoning Text Amendment (ZTA) 2022-01: Accessory Dwelling Unit and Definitions.*

Dennis McCoy asked why the Town Council wanted to participate in a joint public hearing. Bill Stramm answered to save the applicants time and on advertising cost.

**Motion made by Paul Grossman, seconded by Jim Holloway, to schedule a joint public hearing with Town Council on May 3, 2022 for ZTA 2022-01 to amend Section 4.2 (J) and Section 2.9 – Definitions of the Cape Charles Zoning Ordinance for Accessory Dwelling Units. The motion was approved by unanimous vote.**

*B. Schedule public hearing on Zoning Map Amendment (ZMA) 2022-01: Application from Cape Charles Ventures, LLC to conditionally rezone 238 Randolph Avenue (Tax Map #83A3-1-625A) from Residential-1 to Commercial-1 with proffers to limit the commercial activity of said proposed rezoning.*

Jim Holloway asked if this was the same application mentioned in the Interim Planning and Zoning Administrator's Monthly Report for February. Katie Nunez answered no and informed the commissioners that the applicant had withdrawn the variance request from the Board of Zoning Appeals.

**Motion made by Michael Strub, seconded by Dennis McCoy, to schedule a joint public hearing with Town Council on May 3, 2022 for ZMA 2022-01 from Cape Charles Ventures,**



**LLC to conditionally rezone Tax Map #83A3-1-625A, located at 238 Randolph Avenue, from Residential-1 to Commercial-1. The motion was approved by unanimous vote.**

*C. Schedule public hearing on Conditional Use Permit (CUP) 2022-002: Application from Cynthia Emrich & Charles van Dyck at 420 Randolph Avenue for an Accessory Dwelling Unit Permit After the Fact.*

**Motion made by Paul Grossman, seconded by Dennis McCoy to schedule a joint public hearing with Town Council on May 3, 2022 for a Conditional Use Permit (CUP 2022-002) for an Accessory Dwelling Unit After-the-Fact at 420 Randolph Avenue on an application filed by Cynthia Emrich and Charles van Dyck, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J). The motion was approved by unanimous vote.**

#### **REPORT OF OFFICERS AND COMMITTEES**

There were no reports from the officers or committees.

#### **STANDING STAFF REPORTS**

Katie Nunez gave updates on the following: (i) Subdivision: no new applications filed. (ii) BZA: no new applications. and (iii) The CAMP Training Schedule.

#### **ANNOUNCEMENTS**

- Planning Commission & Town Council Joint Public Hearing & Planning Commission Regular Session – May 3, 2022, at 6:00 p.m. in the Civic Center

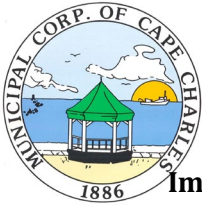
**Motion made by Paul Grossman, seconded by Dennis McCoy, to adjourn the Planning Commission Regular Meeting at 6:10 p.m. The motion was approved by unanimous vote.**

---

Chairman Bill Stramm

---

Planning Technician



# **DRAFT**

## **PLANNING COMMISSION**

**Regular Meeting**  
**Cape Charles Civic Center**  
**May 3, 2022**

**Immediately following the Joint Public Hearing with Town Council**

At approximately 7:40 p.m., Chairman Bill Stramm, having established a quorum, called to order Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Kenneth Butta, Diane D'Amico, Paul Grossman, Jim Holloway, Dennis McCoy, and Michael Strub. Also, in attendance were Interim Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, Town Clerk Libby Hume, and the applicants. There was one member of the public in attendance and twenty-two viewers on Facebook Live.

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

### **AGENDA**

**Chairman Bill Stramm approved the consent agenda as presented by unanimous consent.**

### **DISCUSSION ON APPLICATIONS AFTER CLOSE OF PUBLIC HEARINGS:**

A. *Zoning Text Amendment (ZTA) 2022-01: Accessory Dwelling Unit and Definitions.*

This was no further discussion on this item.

B. *Zoning Map Amendment (ZMA) 2022-01: Application from Cape Charles Ventures, LLC to conditionally rezone 238 Randolph Avenue (Tax Map #83A3-1-625A) from Residential-1 to Commercial-1 with proffers to limit the commercial activity of said proposed rezoning.*

The applicant submitted another Proffer Statement and Site Plan before the start of the Public Hearing. (Please see attached.)

Discussion and questions were as follows: (i) Diane D'Amico said although the hotel and its courtyard were very nice, she agreed with Katie Nunez. She wanted to know if the trash receptacles and propane could be landscaped without rezoning the property. (ii) Michael Strub said the hotel was excellent but, the residential zoning district promises a quite neighborhood. (iii) Dennis McCoy reminded the commissioners that if rezoned there would be a limited number of commercial uses being done on this property due to the proffers. (iv) Paul Grossman did not think a rezoning was necessary because it was not any different than others using alleys. Jim Holloway agreed. (v) Kenneth Butta asked if the use of a propane tank on this property different than on other residential lots. Katie Nunez answered no, the propane tank was already approved, and the applicant was proposing to use this lot for other amenities that would be landscaped that was the difference. (vi) Jim Holloway asked if the applicant would be willing to replace the numerous trash receptacle with one dumpster, yes. (vii) Bill Stramm said the comprehensive plan does not support this and that was a discussion to have with the consultants but, this problem needs to be solved now and the Town Council should work on it. (viii) Diane D'Amico said that golf carts driving on a stone road were loud and did not think they were a necessity. and (ix) Kenneth Butta thought maybe granting nine feet (9') easement for the use of trash and propane would keep this a residential zoned lot. Paul Grossman was in favor of this idea. Much discussion ensued.

**Motion made by Paul Grossman, seconded by Dennis McCoy, to table the application for Zoning Map Amendment (ZMA 2022-01) from Cape Charles Ventures, LLC to conditionally**

**rezone Tax Map #83A3-1-625A, located at 238 Randolph Avenue, from Residential-1 to Commercial-1 until Interim Zoning Administrator Katie Nunez could explore a possible solution that would not involve rezoning. The motion was approved by unanimous vote.**

*C. Conditional Use Permit (CUP) 2022-002: Application from Cynthia Emrich & Charles van Dyck at 420 Randolph Avenue for an Accessory Dwelling Unit Permit After the Fact.*

Diane D'Amico asked if parking followed the zoning ordinance, yes.

The commissioners confirmed that the applicant understood the thirty-one days stay.

**Motion made by Paul Grossman, seconded by Jim Holloway, to recommend Town Council approve the Conditional Use Permit (CUP 2022-002) for an Accessory Dwelling Unit After-the-Fact at 420 Randolph Avenue on an application filed by Cynthia Emrich and Charles van Dyck, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J). The motion was approved by unanimous vote.**

#### **CITIZEN COMMENTS:**

There were no citizen comments to be heard nor any written comments submitted prior to the meeting.

#### **UNFINISHED BUSINESS**

There was no unfinished business.

#### **NEW BUSINESS**

*A. Schedule public hearing on Conditional Use Permit (CUP) 2022-003: Application from Michelle and Nathan Davidson at 211 Madison Avenue for an Accessory Dwelling Unit and In-Ground Pool.*

Katie Nunez informed the commissioners that staff was still working with the applicant.

Discussion and questions were as follows: (i) Paul Grossman thought the lot size was incorrect. Katie Nunez explained that the surveyor needed to address some issues. (ii) Diane D'Amico asked if the applicant had a landscaping plan, yes. and (iii) There was much discussion on the incompleteness of the application. Katie Nunez ensured the commission that before a public hearing was scheduled the application would be complete.

**Motion made by Paul Grossman, seconded by Jim Holloway, to schedule a public hearing on this application at the earliest opportunity once the application is in zoning compliance for a Conditional Use Permit (CUP 2022-003) for an Accessory Dwelling Unit and an In-ground Pool at 211 Madison Avenue on an application filed by Michelle and Nathan Davidson pursuant to Cape Charles Zoning Ordinance Section 4.2 (J), and a Conditional Use Permit for an in-ground pool pursuant to Cape Charles Zoning Ordinance Section 3.2 (C) (5). The motion was approved by majority vote with Diane D'Amico opposing.**

#### **REPORT OF OFFICERS AND COMMITTEES**

There were no reports from the officers or committees.

#### **STANDING STAFF REPORTS**

Updates were on the following: (i) Approval of a subdivision and boundary line adjustment plat between the Town of Cape Charles and the Cape Charles Rosenwald School; (ii) There were no applications filed for the Board of Zoning Appeals but, one potentially for a variance to allow residential on the 1<sup>st</sup> floor of a commercial building. and (iii) Three proposals have been received in response to the comprehensive plan consulting services request for proposals.

**ANNOUNCEMENTS**

- Regular Session – June 7, 2022, at 6:00 p.m. in the Civic Center

**Motion made by Dennis McCoy, seconded by Paul Grossman, to adjourn the Planning Commission Public Hearing and Regular Meeting at 8:36 p.m. The motion was approved by unanimous vote.**

---

Chairman Bill Stramm

---

Planning Technician

DRAFT

**Prepared by:**

Christopher M. Mackenzie, Esquire (VSB# 84141)  
Sands Anderson PC  
2400 Bank of America Center  
1111 East Main Street (23219), P.O. Box 1998  
Richmond, Virginia 23218-1998

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

Tax Map #: 83A3-1-625A

**VOLUNTARY PROFFER STATEMENT**

Applicant & Owner: Cape Charles Ventures LLC (the “**Applicant**”)

Representative: Christopher M. Mackenzie, Esquire (VSB# 84141)  
Sands Anderson PC  
2400 Bank of America Center  
1111 East Main Street (23219), P.O. Box 1998  
Richmond, Virginia 23218-1998  
Phone: 804-783-7280  
Email: CMackenzie@SandsAnderson.com

Subject Property: Northampton County Tax Parcel 83A3-1-625A, with a street address of 238 Randolph Avenue, Cape Charles, Virginia, consisting of approximately 1 acre (the “**Property**”)

Benefited Properties: Northampton County Tax Parcel 83A3-1-623, with a street address of 235 Mason Avenue, Cape Charles, Virginia (the “**Hotel Parcel**”);  
227, 231, 237, 239, and 241 Mason Avenue, Cape Charles, Virginia; and  
7 Strawberry Street, Cape Charles, Virginia if acquired by Applicant

Date: May 3, 2022

Site Plan: Entitled “Site Plan – 238 Randolph”, prepared by Kendra Taylor  
Landscape Architecture, LLC, dated April 6, 2022, as revised, attached  
hereto as **Exhibit A** (the “**Site Plan**”)

Rezoning Request: From R-1 to C-1

Rezoning File No.: ZMA 2022-001

---

## RECITALS

- A. Applicant is the owner of the Property and has initiated the conditional amendment to the zoning map of the Town of Cape Charles, Virginia, by petition addressed to the Town of Cape Charles, a municipal corporation of the Commonwealth of Virginia (the “**Town**”).
- B. The purpose of this Voluntary Proffer Statement (the “**Proffers**”) is to rezone the Property from the R-1 Zoning District to C-1 Zoning District.
- C. The Town’s policy is to provide for the orderly development of land for various purposes, including commercial purposes, through zoning and other land development legislation.
- D. Applicant desires to offer the Town the following conditions for the enhancement of the community and to provide for the highest quality and orderly development of the Property.
- E. The conditions outlined in this Agreement have been proffered by Applicant and allowed and accepted by Town as a part of the amendment of the Town Zoning Ordinance and the Zoning Map. These conditions shall continue in full force and effect until a subsequent amendment changes the zoning of the Property; provided, however, that such conditions shall continue if the subsequent amendment is part of the comprehensive implementation of a new or substantially revised zoning ordinance of the Town.

## CONDITIONS

### **I. General Information.**

The Applicant, and its successors and assigns, hereby agrees that the use and development of the Property, subsequent to the Town’s approval of the rezoning application to which these Proffers are attached, will be in conformance with the Site Plan and the below proffered conditions pursuant to §§ 15.2-2303 and 15.2-2303.4, et al. of the *Code of Virginia* (1950, as amended), and Section 2.7 of the Zoning Ordinance of the Town, as amended. The Proffers are the only conditions offered in this rezoning application, and any prior proffers affecting the Property are hereby superseded by these Proffers, and thus are void and of no further force and effect upon said approval. The Proffers will be effective only upon the Town’s full and final approval of rezoning application # ZMA 2022-001, submitted by the Applicant to reclassify the Property from R-1 to C-1.

These Proffers are made voluntarily and without any requirement by or exaction from the Town or its governing body and without any element or compulsion or quid pro quo for zoning, rezoning, site plan, building permit or subdivision approval, and covenants and agrees that these Proffers shall constitute covenants running with the Property, which shall be binding upon the Property, and upon all persons and entities claiming under or through the Applicant, its heirs successors and assigns, grantees and other successors in interest or title to the Property.

## **II. Land Use.**

**A. General Development.** The Property will be developed in general conformance with the Site Plan. Notwithstanding the foregoing, all parcel lines, parcel sizes, improvement sizes and locations, private driveway and travelway locations, landscaping and lighting locations, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the Site Plan may be reasonably adjusted for purposes of the final site plans to allow the Applicant to address final development, engineering and design requirements, fulfill compliance with state and federal agency regulations including, but not limited to, DHR, VDOT, DEQ, DCR, Army Corps., etc., and compliance with the requirements of the Town's development regulations and design standards manual.

**B. Permitted Uses.** The use of the Property shall be limited to uses in support of and in association with the permitted uses for which the Hotel Parcel is utilized, and namely the following:

- 1. Deliveries.** Propane and other service related deliveries for the Hotel Parcel and the properties located at 227, 231, 237, 239, and 241 Mason Avenue, Cape Charles, Virginia.
- 2. Waste Management.** Storage and use of Town waste management receptacles for the Hotel Parcel and the properties located at 237, 239 Mason Avenue, Cape Charles, Virginia and 7 Strawberry Street, Cape Charles, Virginia, if acquired by the Applicant or an entity associated with the Applicant.
- 3. Golf Cart and Bicycle Storage.** Parking, storage, charging, and use of golf carts, bicycles, and similar recreation equipment owned and operated by the Applicant in association with the Hotel Parcel.

## **III. Landscaping & Screening.**

The Applicant agrees to install, maintain, and, if necessary, replace, the landscaping and screening improvements shown on the Site Plan in conformance with the following:

**A.** The landscaped buffer areas shown on the Site Plan shall be maintained in good, healthy state by the owner of the Property. Fallen, diseased, and dead plant growth shall be removed and replaced with comparable (at maturity) healthy plant materials.

**B.** The Property may include additional plantings, signage, and/or fencing, as otherwise permitted under the Town's Zoning Ordinance.

**C.** Dumpsters and/or trash cans, not including convenience containers, shall be reasonably screened from public view at ground level.

**D.** Golf carts and bicycles shall be stored overnight in the locations designated on the Site Plan, with a maximum of six (6) golf carts stored therein and with the bicycles stored at the end of the shelter closer to Randolph Avenue, as shown on the diagram entitled “Newport 7-40” included in Exhibit A.

**III. Lighting.** Any lighting of the Property shall be directed in a way to minimize glare on public roads and adjacent structures.

*[Signature pages follow]*



The Applicant makes these proffers voluntarily, in support of its rezoning application.

**WITNESS** the following signatures:

**APPLICANT & OWNER:**

Cape Charles Ventures LLC,  
a Virginia limited liability company

By: [Signature]

Name: David M. Gammino

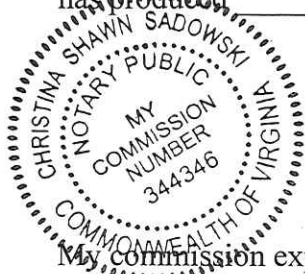
Title: Manager

Date: 5/3/22

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Richmond

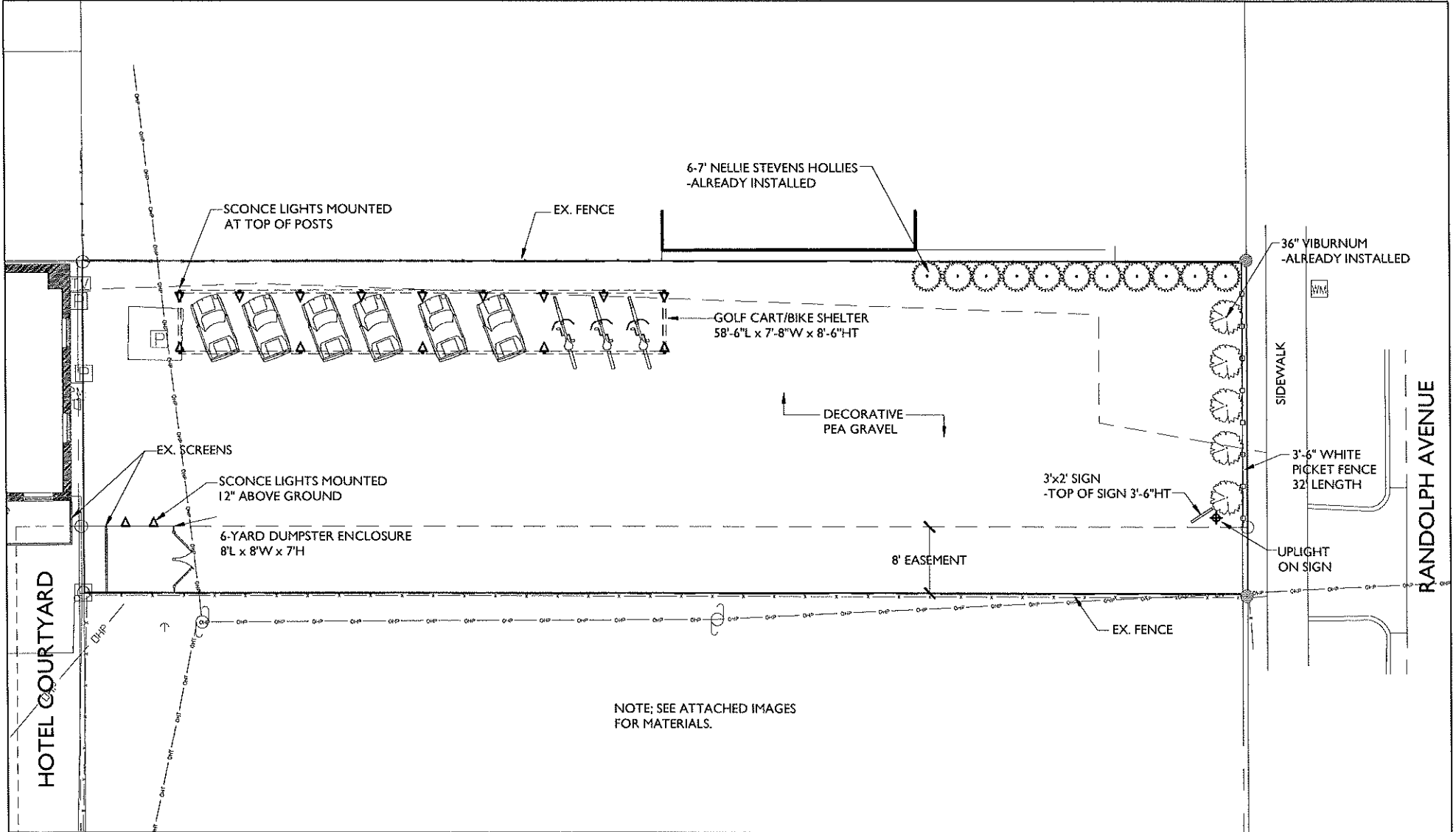
The foregoing was subscribed, sworn to and acknowledged before me this 3rd day of May, 2022 by that David M. Gammino, whose name is signed to the foregoing instrument as (title) owner of Cape Charles Ventures LLC, a Virginia limited liability company, on behalf of said company. He/she ☒ is personally known to me or ☐ has produced N/A as identification.



[Signature]  
Notary Public

My commission expires: 6/30/2024  
Registration No. 344346

**Exhibit A**  
**Site Plan**



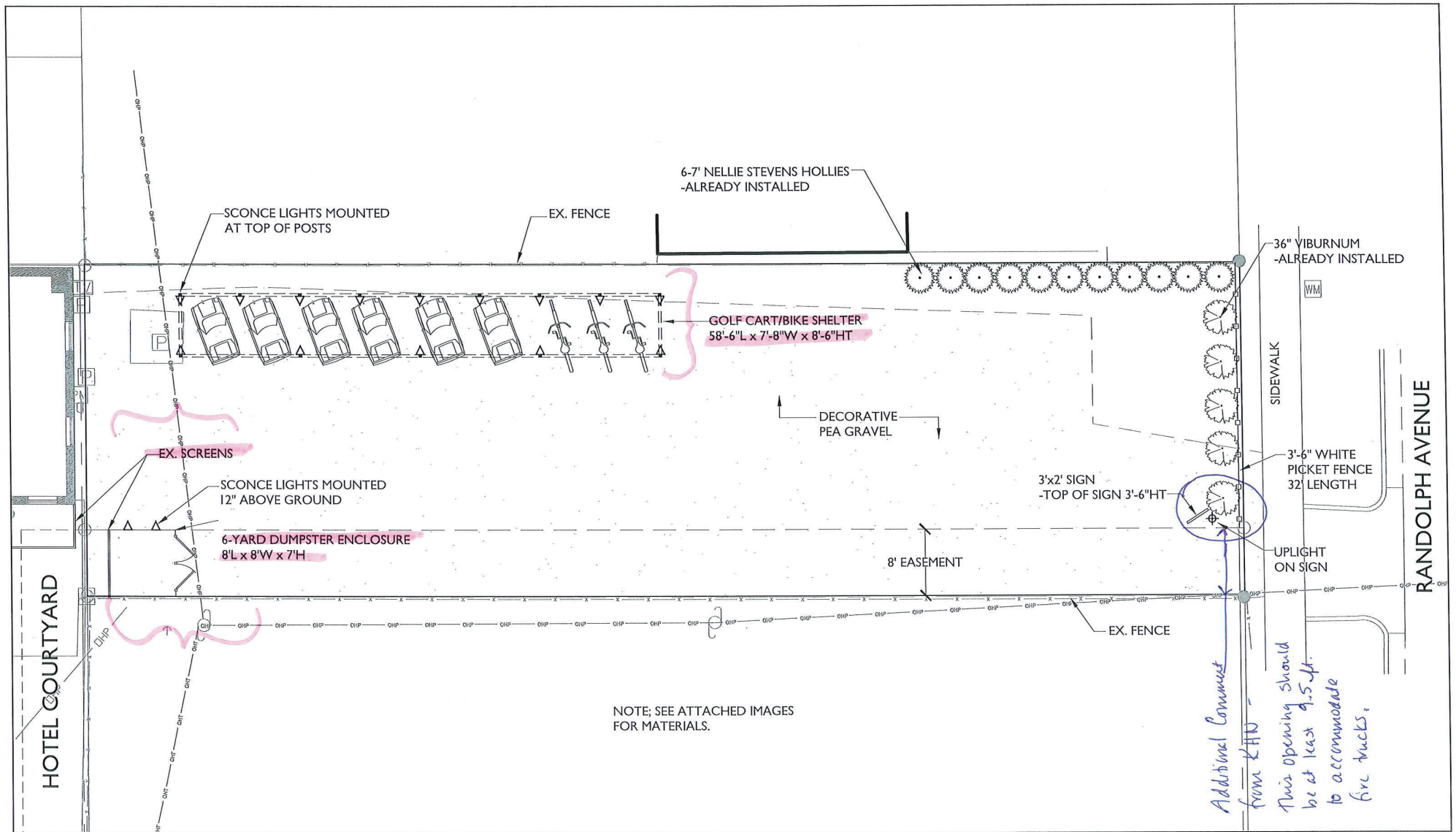
## SITE PLAN - 238 RANDOLPH

KENDRA TAYLOR LANDSCAPE ARCHITECTURE, LLC



SCALE: 3/32" = 1'-0"

HOTEL CAPE CHARLES  
 CAPE CHARLES, VIRGINIA  
 MAY 03, 2022



## SITE PLAN - 238 RANDOLPH

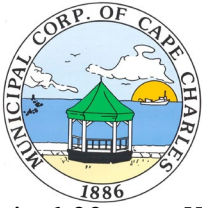
KENDRA TAYLOR LANDSCAPE ARCHITECTURE, LLC



SCALE: 3/32" = 1'-0"

HOTEL CAPE CHARLES  
CAPE CHARLES, VIRGINIA

MAY 03, 2022



**DRAFT**  
**PLANNING COMMISSION**  
**Public Hearing & Regular Meeting**  
**Cape Charles Civic Center**  
**June 7, 2022**

At 6:00 p.m., Vice-Chairman Dennis McCoy, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Vice-Chairman McCoy, present were Commissioners Kenneth Butta, Paul Grossman, Jim Holloway, and Michael Strub. Chairman Bill Stramm was not in attendance and there was one vacancy on the commission. Also, in attendance were Interim Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, Town Clerk Libby Hume, and the applicant. There were three members of the public in attendance and twenty-four viewers on Facebook Live.

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

**AGENDA**

**Motion made by Paul Grossman, seconded by Michael Strub, to approve the agenda format as present. The motion was approved by unanimous vote.**

**Motion made by Paul Grossman, seconded by Jim Holloway, to approve the minutes from the February 2, 2022 Town Council Joint Work Session with Planning Commission and the March 22, 2022 Town Council, Planning Commission, and Harbor Area Review Board Joint Work Session as presented. The motion was approved by unanimous vote.**

Dennis McCoy informed all that Commissioner Diane D'Amico had resigned from the Planning Commission. (Please see attached.)

Dennis McCoy read the public hearing notice and opened the public hearing.

**PUBLIC HEARING COMMENTS:**

- A. *Conditional Use Permit (CUP) 2022-003: Application from Michelle and Nathan Davidson at 211 Madison Avenue for an Accessory Dwelling Unit and In-Ground Pool.*  
Katie Nunez summarized the staff report.

There were no public comments to be heard nor any written comments submitted prior to the meeting.

**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.**

**CITIZEN COMMENTS:**

There were no citizen comments to be heard nor any written comments submitted prior to the meeting.

**UNFINISHED BUSINESS**

- A. *Continued discussion on Zoning Map Amendment (ZMA) 2022-01: Application from Cape Charles Ventures, LLC to conditionally rezone 238 Randolph Avenue (Tax Map #83A3-1-625A) from Residential-1 to Commercial-1 with proffers to limit the commercial activity of said proposed rezoning.*

**Motion made by Paul Grossman, seconded by Jim Holloway, to take off the table and to reopen for discussion the application for Zoning Map Amendment (ZMA 2022-01) from Cape Charles Ventures, LLC to conditionally rezone Tax Map #83A3-1-625A, located at 238 Randolph Avenue, from Residential-1 to Commercial-1 until Interim Zoning Administrator Katie Nunez could explore a possible solution that would not involve rezoning. The motion was approved by unanimous vote.**

Katie Nunez updated the commissioners on the research that was conducted to explore a possibility of leaving 238 Randolph Avenue zoned Residential-1 but allowing limited trash collection and servicing as well as propane delivery by classifying the lot legal, non-conforming. Based on her extensive title research, she was not able to do come to that conclusion and therefore, continued by saying there was a legal alley which was privately owned by the current owner, Cape Charles Ventures, LLC, for the use and traversing on and off the alley for propane services.

Paul Grossman indicated that he does not agree with this Zoning Determination and felt that it was possible that the uses were still occurring by the hotel property from 2010 to 2014 on the residential lot, even though the residential lot was owned by a different party than the owner of the Hotel Lot. Katie Nunez stated that she had no information to confirm or contradict his assumption but did not find it necessary to know that since the two lots had different owners and unless there was a signed agreement from the owners of the residential lot to allow that lot to be used by the owners of the Hotel Lot then any use on the residential lot by the Hotel Lot during that time frame would not be legal and she stood by her Zoning Determination.

The Planning Commission reviewed each section of the Proffer Statement, and the affiliated Site Plan and comments were as follows:

- (i) Section II Land Use – B. Permitted Uses (1) Deliveries: The commissioners needed clarification regarding “other service-related deliveries”. As currently written, this statement was too broad and uncertainty about what falls under that umbrella.
- (ii) Section II Land Use – B. Permitted Uses (2) Waste Management: Katie Nunez had conversations with the applicant discussing the number of Town issued trash receptacles are being used and asked if a dumpster placed on site would be an option. This would eliminate the concern about timely placement of trash bins on the sidewalk on pick-up days as well as removal of the emptied bins back onto the hotel property. If the dumpster approach was amenable to both parties, then the site plan would need to be revised accordingly and some sort of screening, such as a fence around the dumpster, would need to be part of this condition.

Additionally, if this was an amenable approach, there may need to be consideration of considering the frequency of emptying of the dumpster beyond once a week, especially during the summer season. The summer season should be considered March to November.

Lastly, if the hotel expansion was pursued, possibly through the acquisition of 7 Strawberry Street, then an increase to at least two dumpsters should be an acknowledged stipulation or an increase in the frequency of the weekly emptying of the one trash dumpster to reflect the increase in the number of hotel rooms and the increased trash generation that would come from an increase in the number of hotel rooms.

- (iii) Section II Land Use – B. Permitted Uses (3) Golf Carts: Katie Nunez indicated that golf carts were not deemed essential in the provision of services needed for the operation and management of the hotel and was an expansion of the services that historically were provided from the rear of the hotel property such as propane deliveries, trash collection and storage. After much discussion, the commissioners agreed that the offering of golf carts were an amenity and not a necessity for a hotel to function. They continued by adding that providing a charging station for said golf carts and the noted screening are not essential to the hotel and support the removal of this condition of use on the lot addressed 238 Randolph Avenue as well as the associated screening in Section III (D).
- (iv) Section III Landscaping & Screening – C.: The commissioners asked what the term “convenience containers” referred to. Katie Nunez did not know. Since “convenience containers” was not clearly defined, a decision could not be made.
- (v) The commissioners would like clarification regarding the addresses listed in the Proffer Statement and what businesses were associated with those addresses. Katie Nunez stated that these addresses reflected businesses located in real estate owned by Cape Charles Ventures II, LLC which was the corporate entity for Hotel Cape Charles. The businesses benefiting from this zoning application were the Hotel itself, subsidiary businesses of the Hotel’s LLC entity operating within space of the hotel building or third parties that have leased from the Hotel’s LLC to operate a business such as the PenFed Credit Union or the Almeta Coffee Shop.

Kenneth Butta still did not support the rezoning of this lot from Residential-1 to Commercial-1 even with certain concerns raised and addressed during the discussion, since he believed the design and construction of the hotel created this issue, specifically the courtyard which was at the back of the building where the zoning was Commercial-1 and where the trash receptacles used to be stored. He added that the courtyard could be relocated to the residential lot and the other uses be moved to operate from the portion of the Commercial-1 zoned lot that the hotel sits on. Kenneth Butta does not think the rezoning was supported by the Comprehensive Plan, which Michael Strub agreed.

Katie Nunez explained that Proffer Statements were voluntary offers submitted by an applicant to place specific conditions or stipulations to either restrict by-right usage of the zoning ordinance or supplement any named improvements above the minimum requirements of the ordinance. The Proffer Statement needs to be submitted prior to the convening of the public hearing (which these were) and may be further tweaked as long as they were not materially changed from what was part of the public hearing process and were fully and voluntarily offered by the applicant.

Katie Nunez said that any motion for recommendation for approval should include an update to the Comprehensive Plan to reflect the rezoning.

**Motion made by Paul Grossman, seconded by Jim Holloway, to recommend Town Council approve the application for Zoning Map Amendment (ZMA 2022-01) from Cape Charles Ventures, LLC to conditionally rezone Tax Map #83A3-1-625A, located at 238 Randolph Avenue, from Residential-1 to Commercial-1 with the following conditions to the terms of the Proffer Statement, with the understanding that the Town can not require the Applicant to amend the Proffer Statement:**

- (1) Section II Land Use: B. Permitted Uses – 1. Deliveries: Provide clarification regarding “other service-related deliveries” to eliminate ambiguity and clearly specify the type and purpose of said deliveries; if unable to do so, then the phrase “other service-related deliveries” should be stricken.**

- (2) Section II Land Use: B. Permitted Uses – 2. Waste Management: All trash should be collected and stored in a dumpster (not the trash receptacle supplied by the Town) on the site and said dumpster shall be serviced by a third-party vendor at the expense of the property owner/applicant and said dumpster shall be serviced at least twice a week during the summer season of March to November. Revise the site plan to show the location of the dumpster and provide appropriate screening of dumpster through a fence. If the hotel expands its number of rooms from the acquisition of 7 Strawberry Street expansion, then this site plan will be amended to either accommodate two dumpsters or the property owner/applicant will increase the frequency of weekly servicing of the trash dumpster.
- (3) Section II Land Use: B. Permitted Uses – 3. Golf Carts: Remove any mention or allocation of land on this lot for the storage, charging or holding of golf carts for the hotel and any associated screening and / or landscaping for golf carts.
- (4) Section III Landscaping & Screening: C.: Fully explain/define the term “convenience containers” to be reviewed and determined if acceptable by the Town; otherwise, this term should be removed.

Also, the Town Council should incorporate any update to the Comprehensive Plan and Cape Charles Zoning Ordinance and Zoning Maps to reflect the rezoning.

The motion was approved by majority vote with Kenneth Butta and Michael Strub opposing.

#### **NEW BUSINESS**

- A. *Schedule public hearing on Conditional Use Permit (CUP) 2022-003: Application from Michelle and Nathan Davidson at 211 Madison Avenue for an Accessory Dwelling Unit and In-Ground Pool.*

**Motion made by Paul Grossman, seconded by Michael Strub, to recommend Town Council approve the Conditional Use Permit (CUP 2022-003) for an Accessory Dwelling Unit and an In-ground Pool at 211 Madison Avenue on an application filed by Michelle and Nathan Davidson pursuant to Cape Charles Zoning Ordinance Section 4.2 (J), and a Conditional Use Permit for an in-ground pool pursuant to Cape Charles Zoning Ordinance Section 3.2 (C) (5). The motion was approved by unanimous vote.**

- B. *Schedule public hearing on Conditional Use Permit (CUP) 2022-043: Application from Barbara and Bill O'Hare at 11 Randolph Avenue for an Accessory Dwelling Unit pursuant to CCZO Section 4.2 (J).*

Katie Nunez briefly read through the staff report.

**Motion made by Paul Grossman, seconded by Kenneth Butta, to schedule a public hearing on July 5, 2022 for a Conditional Use Permit (CUP 2022-004) for an Accessory Dwelling Unit at 11 Randolph Avenue on an application filed by Barbara and Bill O'Hare pursuant to Cape Charles Zoning Ordinance Section 4.2 (J). The motion was approved by unanimous vote.**

#### **REPORT OF OFFICERS AND COMMITTEES**

There were no reports from the officers or committees.

#### **STANDING STAFF REPORTS**

Katie Nunez gave updates on the following: (i) Final Plats Approved: (1) Bayside Parcels: 90-30-P5 and 90-30-P8; (2) Bayside Section XIII: portion of 90-32-P91=1 lot; (3) The Forest at Bayside: 90-32-P91=8 lots and 2 open space lots; (4) Fairways The Commons; (5) Plantation Pointe: 90-30-P3=4 lots; (ii) Board of Zoning Appeals: Two variance applications have been received. (iii) Town Council did not approve the Zoning Text Amendments 2022-001 for Accessory Dwelling



Units and Definitions. and (iv) Town Council had revised the Public Hearing Procedure and commissioners needed to sign an acknowledgement form certifying that they received a copy of the revised Code of Ethics & Meeting Rules of Order Policy.

**ANNOUNCEMENTS**

- Regular Session – July 5, 2022, at 6:00 p.m. in the Civic Center
- Joint Meeting with Town Council and Comp Plan Consultants – July 12, 2022, at 6:30 p.m. in the Civic Center

**Motion made by Paul Grossman, seconded by Jim Holloway, to adjourn the Planning Commission Public Hearing and Regular Meeting at 7:40 p.m. The motion was approved by unanimous vote.**

---

Vice-Chairman Dennis McCoy

---

Planning Technician

## Planning Commissioner Diane D'Amico Resignation

May 12, 2022

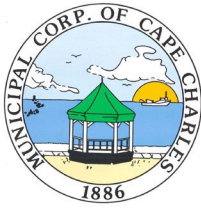
Mayor Smitty Dize, Bill Stramm, Katie Nunez, Town Council, and Planning Commission,

I agreed to be on the Planning Commission because I thought I could make a difference. Based on what's happened during my tenure and the basic differences I have with other members and staff, both philosophically and from the standpoint of personality, I believe it is time for me to resign. I'm a very direct person and I say what's on my mind. I also believe in the strict interpretation of Town Codes. Because of these differences I feel it would be better for me and for the Planning Commission for me to leave now.

A handwritten signature in black ink, appearing to read "Diane D'Amico", with a long, sweeping horizontal line extending to the right.

Diane D'Amico

DRAFT



**TOWN COUNCIL & PLANNING COMMISSION**  
**Joint Work Session**  
**Cape Charles Civic Center**  
**July 12, 2022**  
**6:30 p.m.**

At 6:30 p.m., Mayor William “Smitty” Dize, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Dize, present were Vice-Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O’Brien. Staff in attendance were Town Manager John Hozey, Interim Planner/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, and Town Clerk Libby Hume. Ann Darby and Michael Stapor from Summit Design and Engineering Services were also in attendance. There were two members of the public in attendance.

Chairman Bill Stramm, having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Paul Grossman, Jim Holloway, Dennis McCoy, and Michael Strub. Commissioner Kenneth Butta was not in attendance. There was one vacancy on the Commission.

**ITEM FOR DISCUSSION:**

**Comprehensive Plan Update**

- Existing Conditions Report
- Vision Goals, Objectives and Strategies
- Future Land Use Map

John Hozey stated that the documents being reviewed this evening were still drafts. The goal was to schedule public meetings in September to engage the public and obtain their input.

Ann Darby began by expressing her excitement for the progress made on the Comprehensive Plan update and went on to provide an update on the progress and process. (Please see attached.)

John Hozey stated that the project management group, consisting of Katie Nunez, Councilman Paul Grossman, Commissioner Bill Stramm and himself, had been working closely with Summit providing input on the draft documents. The items needing discussion were the group’s questions, which were highlighted in yellow, and the language/items shown in red were items that the group felt could be deleted, but input from the Council and Commission was being requested. John Hozey explained that the strategic plan was being incorporated into the comprehensive plan as the implementation tool since it was updated annually whereas the comprehensive plan was updated every five years. The vision statement was taken verbatim from the strategic plan.

The review began with the Existing Conditions Report with discussion regarding the following: i) The list of major employers needed to be updated as some of the businesses shown on the list were no longer open. Councilwoman Holloway noted that Cape Charles Main Street (CCMS) develops a similar list which could be used; ii) Councilman Grossman stated that the Existing Conditions Report did not have any language relating to the Town’s facilities, particularly the public utilities. Ms. Darby stated that it was an oversight, and the facilities would be added to the Existing Conditions Report; iii) Councilman Buchholz commented that the numbers related to housing were from 2020. With this document being dated 2022, the 2020 numbers were outdated. Ms. Darby stated that the numbers used were from the Census data updated in 2020. Councilman Buchholz went on to state that the

information kept in the building department could be a good reference to update these figures; iv) Councilman Follmer stated that a hot topic was the percentage of full-time occupied dwelling units versus short term rentals. This could be tracked by business licenses. People who would read the comprehensive plan would be looking for this information. He agreed that 2020 data was fairly recent but suggested that it could be updated with the information gathered by the Town; v) Councilman Grossman stated that he had a number of little nits which he would send in writing.

The review continued with the Vision, Goals, Objectives & Strategies with discussion as follows:

Housing: i) Alternative language was suggested for items 1b, 5a, and 6; ii) Item 7 was deleted.

Community Facilities & Services: i) Item 6 was deleted and language relating to “playscapes” would be included with item 9; ii) Ms. Darby stated that an implementation matrix and list would be included at the end of the document; iii) John Hozey stated his preference to leave the language vague in relation to park and recreation facilities to allow flexibility to the Town when considering future amenities.

Economy: i) There was much discussion regarding item 8 and “chains of activity.” Ms. Darby explained the intent was to show that there was so much to do in Cape Charles that it couldn’t be done in one day, a weekend, etc. Councilwoman Holloway added that the Eastern Shore of Virginia Tourism Commission already did this for the Town and Eastern Shore; ii) There was some discussion regarding item 9 and “placemaking.” Councilwoman Holloway stated that CCMS currently worked on placemaking locations, adding that bicycle racks were needed in areas of the Town; iii) Councilman Grossman commented that item 10 was good to include, but the Accawmacke Plantation Planned Unit Development (PUD) documents needed to be updated. Katie Nunez stated that she was working with Bay Creek to update their PUD documents. John Hozey added that this document would provide guidance for Bay Creek to update their PUD documents.

Transportation: i) Regarding items 2b, c and d, it was noted that not all pedestrian crossings were ADA compliant and needed to be addressed. Ms. Darby added that badly designed crossings could create more of a danger than having no crossing. There was also some discussion regarding having VDOT install “continuous sidewalks;” ii) The program management group had recommended item 3 be deleted, but there was much discussion regarding the increasing number of golf carts and the need for signage and enforcement of fines. Councilman Buchholz suggested printing stickers showing the fines to be provided to all golf cart owners and rental companies. Councilwoman Holloway added that stop signs were needed at the ends of the alleys, especially the alley behind her house which was also the entrance to Central Park. It was just a matter of time before someone going into the park got hit by a golf cart; iii) It was suggested that rather than deleting item 3, that the title/language could be changed to relate more to golf carts. It was noted that Cape Charles was a golf cart town and it was appropriate to have language included in this document.

Town Design: i) The project management group had recommended this section be deleted as being redundant since we had separate design guidelines for the historic and harbor districts; ii) There was much discussion regarding this section. Vice Mayor Bennett suggested reducing this section to one paragraph with language directing people to the various design guidelines for more details.

Environment: i) Councilman Grossman expressed his concern regarding much of the language in this document being written as directives versus considerations; ii) A change was suggested to item 1a stating that the Town would “support” the monitoring of the bay’s health versus “intensifying” the monitoring...; iii) Councilman Grossman stated that some things were nice to say but impractical to implement and suggested removing items 1b and c; iii) It was explained that item 4c was included for the future, that after that railroad property was developed, access to the town harbor should be

provided. Several Council members agreed that it was a goal for the future to have a road from Mason Avenue to the harbor. The downtown area could be extended with future development in this area; iv) Ms. Darby clarified that when talking about the harbor area, it was referencing the railroad property; v) Councilman Grossman asked about the practicality of item 5a when we had specific requirements regarding the materials and construction projects in the historic district, adding that the language needed to be changed to “consider” versus being a directive. Katie Nunez stated that staff followed the building code for construction projects; vi) The state code required item 7 be included in the comprehensive plan; vii) Councilman Grossman stated that the Existing Conditions Report included language to consider creating a committee to address resiliency to flooding and felt that it should also be included in this document.

Land Use: i) There was some discussion regarding item 2b, specifically “incentivizing” development versus “encouraging;” ii) Councilman Grossman felt that item 3b should be deleted. John Hozey noted that this item was deleted in the file provided to Summit from the program management group and he was unsure the number of other changes that were not reflected in this document. Ms. Darby stated that she thought all the changes submitted by the program management group had been updated in this document but realized that it had not all been completed. She would review both documents and get the requested changes made; iii) Commissioner Holloway noted, in reference to item 5, that CCMS performed a parking study several years ago. It was noted that CCMS’ study was for the commercial district.

The Council and Commission went on to review the Future Land Use with the following discussion: i) Several corrections in land use classification were noted; ii) It was noted that the PUD classification on the north end of Town showed the lakes as conservation/open space, but the PUD area on the south end did not; iii) It was suggested that the railroad property be depicted as a separate color from the harbor district. Ms. Darby would work with staff to determine the boundaries of the railroad property so this change could be made; iv) John Hozey noted that anything currently being worked on relating to land use should be reflected in the Future Land Use Map; v) Councilman Grossman asked whether the historic downtown mixed-use classification could be extended along Mason Avenue to the hump. It was agreed to do so; vi) The description of the Harbor District showed inclusion of structures up to six stories which exceeded the Town’s current limit. Vice Mayor Bennett noted that some of the existing buildings at the concrete plant were about six stories tall and Council had approved a conditional use permit for a 75’ structure at the plant. There was much discussion regarding reference to stories or height; vii) Katie Nunez cautioned that the comprehensive plan established policy. If we did not want six story buildings, this language needed to be changed. Also, if heights were established, we needed to ensure that emergency vehicles could reach that height. She suggested that the language could go back to a limit of four stories and requests for anything more could be handled individually; viii) John Hozey stated that a lot of territory was included in the Entrance Corridor (in orange) and some additional work was needed in the orange and blue (harbor district) areas; ix) Councilman Grossman stated that the property next to Rayfield’s where the old ballpark was located was shown as M-2 Industrial and asked how to reflect the ultimate desire to not have heavy industry on this parcel. Ms. Darby stated that this was the place to show that. Future Land Use did not affect the current use/zoning. If the zoning was changed, the current use (farming) would be grandfathered unless the use was stopped for a period of two years.

There were no other comments regarding the draft documents reviewed this evening.

Ms. Darby stated that she would ensure that the requested changes from the project management group would be incorporated, and the updated drafts would be provided to the Town prior to making the new changes discussed this evening. The goal was to have the final draft for September review by the public.

**Motion made by Commissioner Grossman, seconded by Commissioner McCoy, to close the Planning Commission work session. The motion was approved by unanimous vote.**

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

The joint work session was adjourned at 8:08 p.m.

---

Planning Commission Chair

---

Mayor Dize

---

Town Clerk

**July 12, 2022 Town Council & Planning Commission  
Joint Work Session Presentation**

*Summit Design and Engineering Services Agenda and Presentation*



**TOWN OF CAPE CHARLES**

**COMPREHENSIVE PLAN**

**JOINT TOWN COUNCIL AND PLANNING COMMISSION WORKING SESSION**

---

**Date:** Tuesday, July 12, 2022

**Time:** 6:30pm

**Location:** Cape Charles Civic Center

1. Introductions
2. Project Overview
3. Feedback and discussion on Existing Conditions and Goals and Objectives documents
4. Description of plan composition
5. Discussion: Draft Future Land Use Map and category descriptions
6. Discussion: Harbor District and the Comprehensive Plan
7. Discussion: Planned Unit Development and the Comprehensive Plan
8. Deliverables and next steps

---

**Richmond Office**

2201 W. Broad Street, #204, Richmond, VA 23220

804.204.1022 // [www.summitde.com](http://www.summitde.com)



1

## Summit's Team.



Anne Darby, AICP  
Project Lead, Planning Manager



Michael Stapor, AICP  
Planner II



Noah Holmes Foster  
Planner I



Joel Webne  
GIS / Graphics Tech

+ Other Summit staff, as needed...

2

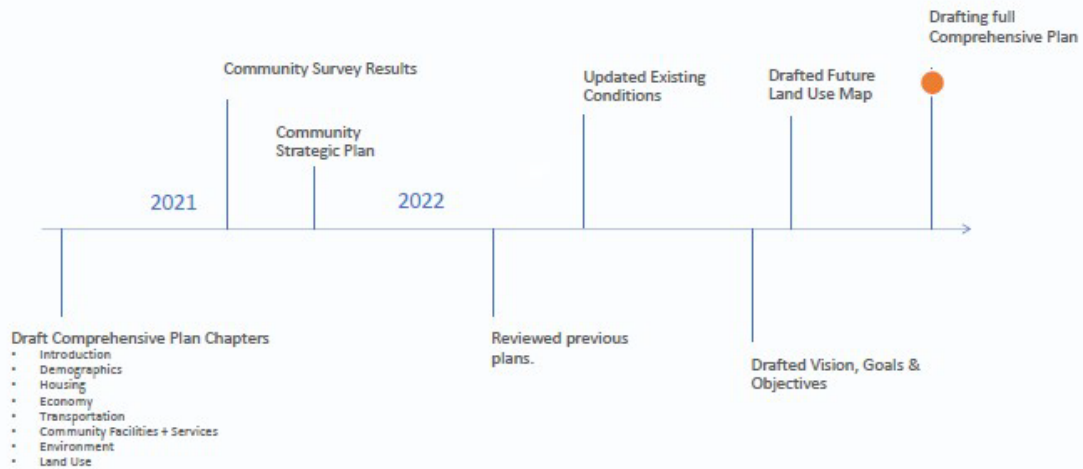


## The Process So Far (Recap).



3

## We are Here.



4

## The Process.

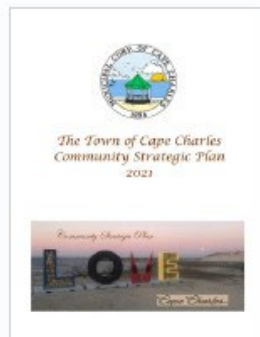


5

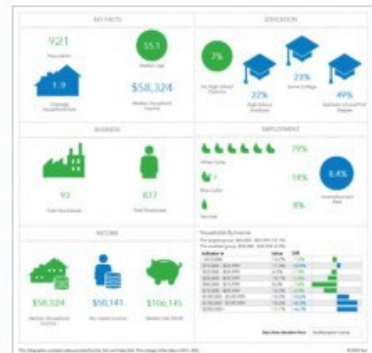
## Our Work So Far (Recap).



Began Mapping



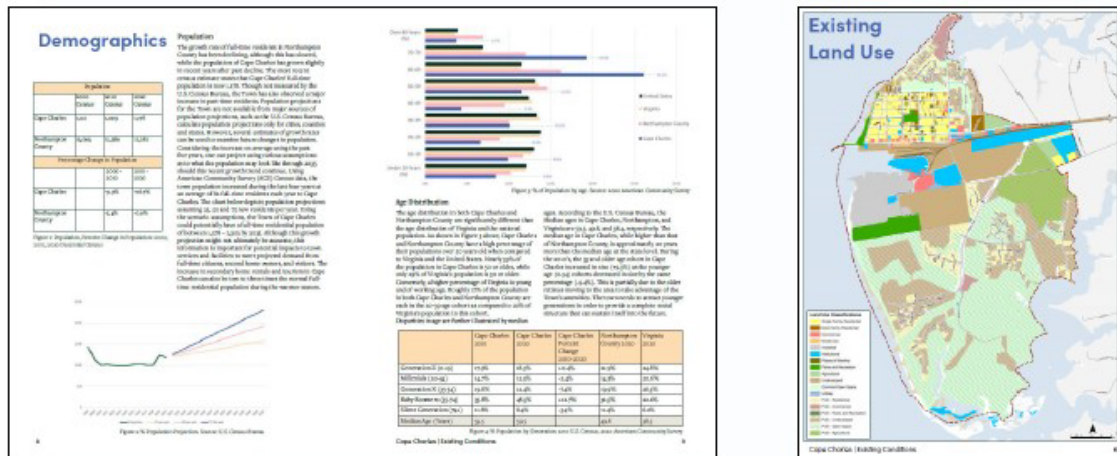
Reviewed Previous Work



Updated Demographic Information

6

# Existing Conditions Update.



Updated with latest available demographic information.

New / Updated Maps

7

# Vision, Goals, Objectives & Strategies.

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

Vision from Community Strategic Plan

## Community Facilities & Services

"Create vibrant community facilities through facilities, attractive architecture, and year-round programming for individuals of different ages and incomes."

### Objectives and Strategies

1. Maintain and enhance existing assets to residents.
  - a. Seek opportunities to improve assets, including historic preservation, and renovation.
  - b. Explore and enhance opportunities consistent with Cape Charles branding.
2. Maintain and enhance Central Park, with on-site use for active and passive recreation throughout the year by residents and visitors of all ages.
  - a. Pursue opportunities for art, public events, markets, etc.
  - b. Create a community calendar of events for Central Park and other public spaces with opportunities for residents to organize events.
3. Maintain and enhance green infrastructure on town-owned land.
4. Facilitate activities related to the water at the beach and on the beach.
  - a. Explore the implementation of "Yogi" as a park facility to allow for active play, rather than passive play structures. Utilize the natural landscape for play and to expand the age that will use the on-beach facilities.
5. Provide adequate lighting and other amenities (parking, trash receptacles, water fountains, etc.) for these designated facilities.
6. Plan for the creation of modernized, accessible, and welcoming municipal facilities.
7. Plan for the creation of a multi-use recreation field.
8. Ensure efficient, cost-effective management, maintenance, and operation of water and sewer utilities, in accordance with all regulatory requirements.

VISION, GOALS, OBJECTIVES & STRATEGIES

Draft Strategies per topic area

8

## 9

Visually appealing with images, explanations, and callout bubbles.  
Additional narrative text added.

## 10

[illegible]

## For Discussion.

1. Draft Future Land Use Map & Category Descriptions.
2. Harbor District & the Comprehensive Plan
3. Planned Unit Development & The Comprehensive Plan

11

## Next Steps.

1. Draft the document
2. Public Meetings to review “final” draft
3. Begin Zoning Ordinance rewrite

12

**TOWN OF CAPE CHARLES**  
**Planning Commission – Public Hearing**

The Cape Charles Planning Commission will hold a public hearing on Tuesday, August 2, 2022, at 6:00 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following:

- A. A Conditional Use Permit application from Barbara and Bill O'Hare at 11 Randolph Avenue (Tax Map #83A3-2-3-1) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J).

The application is available for public review on our website at [www.capecharles.org](http://www.capecharles.org). Please contact the Planning Department at 331-2036, or by email at [planner@capecharles.org](mailto:planner@capecharles.org) if you have any questions or require additional information.

***AD PLACED: Eastern Shore Post – Tuesday, July 12, 2022***  
***AD TO RUN: Friday, July 15, 2022 and Friday, July 22, 2022***

## Tracy Outten

---

**From:** Katie Nunez  
**Sent:** Tuesday, June 21, 2022 12:46 PM  
**To:** Tracy Outten  
**Subject:** Planning Commission Public Hearing - 11 Randolph - Conditional Use - Public Comment

---

**From:** stephen handy <stephenmhandy@gmail.com>  
**Sent:** Tuesday, June 21, 2022 10:34 AM  
**To:** Katie Nunez <knunez@capecharles.org>  
**Subject:** 11 Randolph - Conditional Use

Dear Katie,

We received the notice that Bill and Barbara O'Hare have applied for a conditional use permit for their property at 11 Randolph, Ave. We will be out of town at the time of the Planning Commission hearing but wanted to provide you with our comment here. We are an adjoining property owner and have no objection to their application for conditional use.

If you could pass this on to the appropriate Planning Commission member we would appreciate it.

Best regards,

Steve Handy and Claudine Pierce  
10 Tazewell Ave  
Cape Charles, Va





## PLANNING COMMISSION STAFF REPORT

Meeting Date: August 2, 2022

Item #4A & 7A – CUP 2022-004

Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator

Date: June 28, 2022

**APPLICANT:** Bill & Barbara O'Hare

**SITE ADDRESS:** 11 Randolph Avenue

**TAX MAP:** 83A3-2-3-1

**LOT SIZE:** 8,960 sq ft

**TYPE OF APPLICATION:** Conditional Use  
Permit 2022-04

**SPECIFIC REQUEST:** An Accessory Dwelling  
Unit within an Existing Accessory Structure

**ZONING ORDINANCE:** Section 4.2 (J)

**CURRENT ZONING:** Residential (R-1)

**DATE RECEIVED:** March 26, 2022

**DATE DEEMED COMPLETE:** May 30, 2022

**LEGAL DEADLINE (90 Days from Complete Application – Directory, not Mandatory):** August 30, 2022

### **NARRATIVE OF PROPOSAL**

The applicant is seeking to obtain a Conditional Use Permit to convert 50% of an existing, 720 square foot Garage Accessory Structure for an Accessory Dwelling Unit. The applicant has provided a signed Accessory Dwelling Unit Affidavit and is aware of the requirements regarding Length of Stay but has indicated in her narrative that she is primarily looking to utilize as personal office space for herself.

The property is in zoning compliance, and she is not seeking to add square footage but to convert a portion of an existing accessory structure for this purpose and currently provides one on-lot parking space which would comply with our ordinance requirements, since no on-lot parking spaces are required for the principal residence in the R-1 District

### **AERIAL MAP: Property outlined in blue**





## **ORDINANCE REQUIREMENTS**

The Cape Charles Zoning Ordinance Section 4.2 (J) states that:

*Accessory Dwellings. One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3, and subject to the following:*

*1. Physical characteristics.*

- a. Accessory dwellings shall be located in an accessory building.*
- b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.*
- c. Accessory dwellings shall have one kitchen and one bathroom.*
- d. Accessory buildings shall not have the appearance of a single-family dwelling.*

*2. Occupancy characteristics.*

- a. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.*
- b. Inspections – All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.*

*3. Other requirements.*

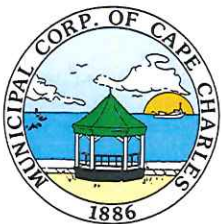
- a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.*
- b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.*
- c. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1.C.6. (Table of Parking Standards) using both on and off-street parking areas.*
- d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.*

## **STAFF RECOMMENDATION:**

***Staff recommends that the Planning Commission review the application and conduct the public hearing and consider an affirmative recommendation on CUP2022-004: Conditional Use Permit for an Accessory Dwelling Unit at 11 Randolph Avenue on an application filed by Barbara & Bill O'Hare, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J).***

### **Attachments:**

Attachment 1 – CUP Application Packet



## CONDITIONAL USE PERMIT APPLICATION

Town of Cape Charles  
2 Plum Street  
Cape Charles, VA 23310  
757-331-2036 Fax: 757-331-4820  
[planningtech@capecharles.org](mailto:planningtech@capecharles.org)

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

- ☒ Completed application (if applicable, attach accessory dwelling checklist and documents)
- ☒ Letter of intent clearly explaining project
- ☒ Existing site plan or survey
- ☒ Proposed site plan or survey (if applicable)
- ☒ Names and addresses of adjacent property owners
- ☒ Payment of Fees (single-family detached residential \$600; all other \$800)

### PROJECT INFORMATION

Name of Project: Living Area in Garage  
Property Address: 11 Randolph Ave. Cape Charles  
Brief Description of Project: Garage Renovation  
Zoning District: R1 Current Use: garage Proposed Use: garage & living area

### OWNER INFORMATION

Name and Company: Barbara & Bill O'Hare  
Mailing Address: 11 Randolph Ave, Cape Charles  
Phone Number: 410-707-1610 Email: barboh5@gmail.com  
443-472-7434 billohare1@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: Barbara O'Hare Date: 4/29/2022

aw b o'har

Town of Cape Charles Planning & Zoning Department  
2 Plum St. • Cape Charles, VA 23310 • 757-331-2036 • [capecharles.org](http://capecharles.org)

## Conditional Use Permit - Accessory Dwelling Unit Checklist

Date: 4/29/2022

Address: 11 Randolph Ave.

The following criteria are required for one accessory dwelling to be maintained on a property in the R-E, R-1, R-2, and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3:

1. Is the accessory dwelling unit located in an accessory building? YES ☒ NO ☐
2. Does the accessory dwelling floor area exceed of forty-five (45) percent of the floor area of the main building? YES ☐ NO ☒ Accessory Dwelling Unit square footage 720 ft<sup>2</sup>
3. Does the accessory dwelling have one kitchen <sup>etc</sup> and one bathroom? YES ☒ NO ☐  
microwave & fridge
4. Does the accessory building/dwelling differentiate from the single-family dwelling? YES ☒ NO ☐

The following conditions must be maintained for an accessory dwelling unit on a property in the R-E, R-1, R-2, and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3:

1. Occupancy characteristics.
  - a. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.
  - b. Inspections – All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.
2. Other requirements.
  - a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
  - b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
  - c. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1.C.6. (Table of Parking Standards) using both on and off-street parking areas.
  - d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.

\*\*\*\*\*

### 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. I am providing authorization to the town authorities to enter my properties to confirm accuracy of information contained in this application.

Signature of Owner: Burtal O'Hare

Applicant  
Signature of Applicant: AW B O'Hare



April 29, 2022

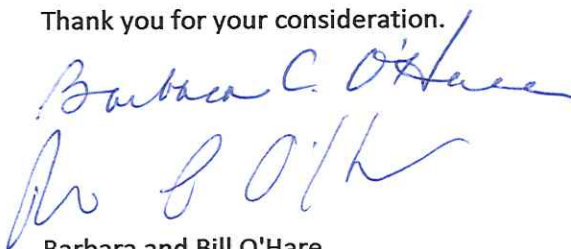
Ms. Katie Nunez  
Town of Cape Charles  
Planning and Zoning Department  
2 Plum Street  
Cape Charles, VA 23310

Dear Ms. Nunez:

We are asking for approval to expand our living area at our home by building a room in our existing garage at 11 Randolph Ave. The garage currently has room for one car, as well as a tool bench, open storage, and storage room. Half of the building will remain a garage.

Currently, our house has three rooms upstairs, one of which my husband uses as an office, and an open living room area and kitchen on the main floor. We would finish the room in the garage as additional living space. We would also add a small bathroom and a kitchenette area with a mini-fridge and a microwave. This room will give us space for Barbara to move her desk and computer out of the kitchen!

Thank you for your consideration.

Handwritten signatures of Barbara C. O'Hare and Bill O'Hare in blue ink.

Barbara and Bill O'Hare  
11 Randolph Ave.

Neighbors:

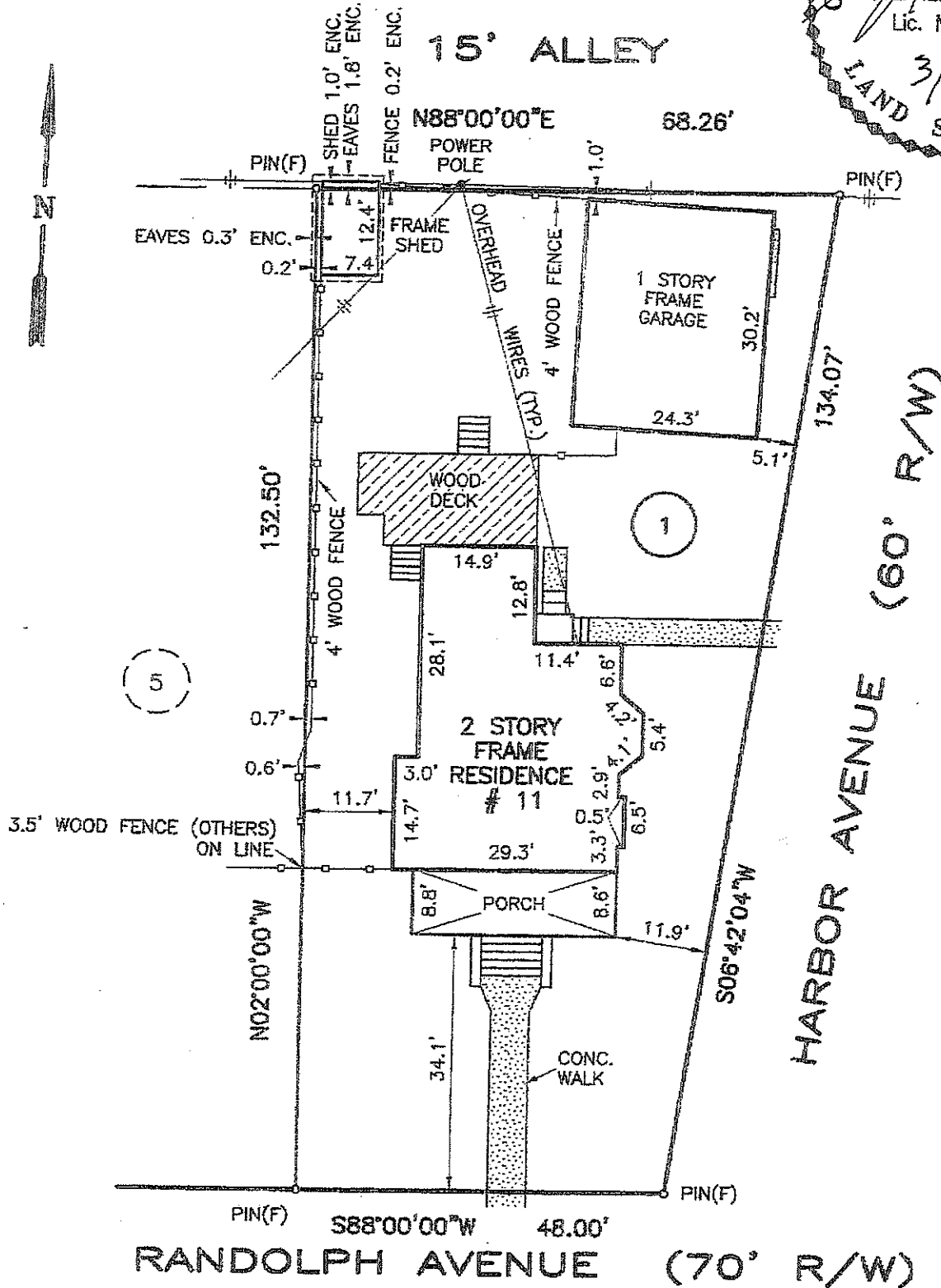
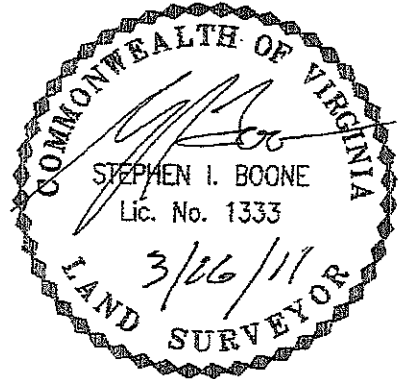
Steve and Claudine Pierce 10 Tazewell Ave.

Nick and Elaine Alpern 9 Randolph Ave.

THIS IS TO CERTIFY THAT ON MARCH 11, 2011, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE RESIDENCE SHOWN HEREON APPEARS TO BE IN FLOOD ZONE "AE"  
FIRM MAP TOWN OF CAPE CHARLES COMMUNITY NO. 510106  
MAP REVISION: AUG. 28, 2008 MAP/PANEL NO. 51131C0295E

THIS SURVEY PERFORMED WITHOUT  
THE BENEFIT OF A TITLE REPORT.





## PLANNING COMMISSION STAFF REPORT

Meeting Date: August 2, 2022

Item #: 7B

**PREPARED BY:** Katie H. Nunez, Interim Planning/Zoning Administrator  
**ITEM:** Update on Town Council Discussion regarding zoning ordinance provisions regarding Accessory Dwelling Units

At their meeting on June 16, 2022, Town Council had a discussion regarding the Accessory Dwelling Unit (ADU) ordinance and whether the previous intent of the allowance of ADUs as supplementing the housing stock, specifically for long-term rental capacity.

Below is a summary of the Town Council discussion on this matter:

*John Hozey stated that in November 2018, the Town adopted a zoning ordinance addressing Accessory Dwelling Units (ADU). On May 3, 2022, a joint public hearing with the Planning Commission was held, and on May 19, 2022, the Town Council considered a zoning text amendment to this ordinance as recommended by the Planning Commission and rejected the proposed text amendment. Since the initial ADU ordinance was adopted, there had been considerable turnover in staff as well as several new members on the Town Council. During this intervening time, the purpose and intent of the original ADU ordinance might have been misinterpreted or changed. Current staff understood that the initial purpose of the ADU ordinance was to address critically needed affordable long-term rental units, precluding Town approval of any building permit for an ADU if it was to be used just as a means to extend the capacity of the primary structure or for short-term rentals. However, property owners felt that once built, an ADU should be available for whatever use they wanted. Since homeowner expectations were at odds with the currently understood intent of ADUs, the Planning Commission attempted to clarify the initial ordinance and close any unintentional loopholes. Since the Town Council rejected the recommended amendment, it would seem prudent to get an updated vision and purpose for ADUs from the currently seated Town Council to provide to the Planning Commission.*

*There was much discussion as follows: i) Councilman Grossman stated his opinion that the Council could make their changes and approve the ordinance without the need to send it back to the Planning Commission. John Hozey responded that if Council had not voted down the motion, they could have amended and approved the ordinance, but since Council voted it down, it died and was no longer valid. It now had to go back through the process again; ii) Councilman Grossman noted the two items of contention last month were family usage of the ADU and the definition of a kitchen; iii) Vice Mayor Bennett stated that Councilman Follmer made a point about use of the ADU by family; iv) Councilman Follmer stated that he was not on Council at that time but he followed the deliberations and did not think that the Council wanted to be as restrictive with the intent; v)*

*Councilman Buchholz noted that he was on the Planning Commission at the time and Council did not want to allow ADUs. Council's intent was to promote long-term rentals as affordable housing. Family use of the ADU was not discussed. In his opinion, family use should be by right; vi) Councilwoman O'Brien expressed her concern regarding enforcement of ADUs being used as short-term rentals. John Hozey responded that short-term rentals were advertised, and staff monitored the various sites searching for rental units; vii) There was also discussion about property owners living in the ADU and renting out the main house as a short-term rental, which was not Council's intent. Councilman Follmer stated that exceptions should be made for hardship cases where a spouse may have passed away, so the surviving spouse moved into the ADU and rented the main house as the only way to keep the property; viii) There was some discussion regarding the change in process from a conditional use permit (CUP) to an annual affidavit. Councilwoman Holloway added that her property received a CUP in the mid-1990s, and it conveyed with the house, but no one had checked on it since she had owned the property. Adding an annual affidavit made sense; ix) There was a consensus among Council to keep the 60-day stay requirement but also allow the property owners to have their family and non-paying friends stay in the ADU. There was some concern of property owners leasing the ADU for 60 days but allowing the tenant to leave after a week or days in order to circumvent the requirement; x) The definition of a kitchen needed to be revised to require more than a sink and a microwave.*

*John Hozey asked Katie Nunez if she had any questions or needed any clarification of Council's intent since she would be taking this item back to the Planning Commission. Katie Nunez recommended keeping the CUP requirement in place and expressed her concern of allowing ADUs by right. If ADUs were permitted by right, and each house had an ADU with people living in them, additional regulations would be needed to address safety issues, etc.*

*Since Council had provided direction regarding their intent for an ADU, he did not think a motion was necessary. He felt that Councilman Grossman and Katie Nunez understood Council's goals and would be able to take this back to the Commissioners. He believed the new recommendation would be very similar to the initial one, but with a few tweaks.*

Based upon that input from Town Council, we are now tasked to prepare a new zoning text amendment regarding Accessory Dwelling Units.

I have included the proposed ADU that we sent to Town Council which they rejected since it contains the mark-ups that the Planning Commission proposed. Since some of the proposed changes were not objectionable, I have highlighted in YELLOW the sections that did achieve agreement with a majority of the Town Council and would like to focus our discussion on these components:

- Intent Statement – either remove completely or rewrite based upon the Town Council discussion, including the use of said units by associated family of the property owner and not to be used as a short-term rental unit (would need to define short-term rental)

- Length of Stay – need to rewrite this section to provide for the allowances of use by related members of the property owner. We may want to consider something more specific relative to a prohibition against Short-Term Rental (i.e. rental terms of less than 30 days) vs. stating a 30 day or 60-day rental period requirement in addition to any use of the unit by visiting family members.
- Definition of Kitchen needs to be revisited.

Currently, the Zoning Ordinance does not define kitchen.

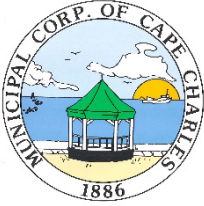
The Virginia Uniform Statewide Residential Building Code defines kitchen as “Kitchen shall mean an area used, or designated to be used, for the preparation of food.”

In the PC proposal, kitchen was proposed as “A room, or space within a structure, designated for the preparation of food that includes a sink.”
- I had originally been advocating for ADUs to no longer require a CUP but for ADUs to be a by-right use; however, I believe that we should revisit this consideration based upon how we finally decide and define both the physical characteristics and use and intent of said ADUs and review how the Town will monitor and potentially enforce compliance.

Attachments:

- 1 – Town Manager Staff Report to Town Council 2022-06-16
- 2 – Proposed ADUs Zoning Text Amendment – Highlighted for Discussion Purposes



|                                                                                                                          |                                                                                                           |                                                 |                                                        |
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------|--------------------------------------------------------|
|  <p><b>TOWN OF<br/>CAPE CHARLES</b></p> | <b>AGENDA TITLE:</b> Purpose for Accessory Dwelling Units                                                 |                                                 | <b>AGENDA DATE</b><br>June 16, 2022                    |
|                                                                                                                          | <b>SUBJECT/PROPOSAL/REQUEST:</b> Establish the purpose and vision for permitting Accessory Dwelling Units |                                                 | <b>ITEM NUMBER:</b><br>7H                              |
|                                                                                                                          | <b>ATTACHMENTS:</b> Comp Plan Excerpt – ADU's                                                             |                                                 | <b>FOR COUNCIL:</b><br>Action ( X )<br>Information ( ) |
|                                                                                                                          | <b>STAFF CONTACT (s):</b><br>John Hozey, Town Manager                                                     | <b>REVIEWED BY:</b><br>John Hozey, Town Manager |                                                        |

### **BACKGROUND:**

In November 2018 the Town adopted a zoning ordinance which addressed Accessory Dwelling Units (ADU). On May 19, 2022, the Town Council considered a zoning text amendment to this ordinance, as recommended by the Planning Commission. The Council also held a joint public hearing with the Planning Commission on this amendment on May 3, 2022. However, on May 19<sup>th</sup> the Town Council rejected the proposed text amendment.

### **ITEM SPECIFICS:**

Since the initial ADU ordinance was adopted, there has been considerable turnover in staff, as well as several new members on the Town Council. During this intervening time, and as a result of such turnover, the purpose and intent of the original ADU ordinance may have been misinterpreted or changed.

Current staff understood the initial purpose for this ordinance was to address critically needed affordable long-term rental units in town. It was further understood that increasing the density of buildings/structures on any parcel in the historic district was not necessarily desired and could detract from the character of the district. However, the need for long-term rental units was deemed so great, that the Town Council was willing to sacrifice the incremental increase in density required to achieve the goal of long-term rentals.

The conclusion staff drew from the above understanding was that an accessory dwelling unit would not otherwise be desired within the historic district unless it was to be used for long-term rentals. Otherwise, it would contribute to the density of the district without a corresponding benefit. This conclusion would preclude Town approval of any building permit for an ADU if it was to be used just as a means to extend the capacity of the primary structure. This conclusion would also negate the long-term use of an ADU by the property owner, so that the primary structure would be available for short-term rentals.

However, property owners felt that once built, an ADU should be available for whatever use the homeowner wanted. Since homeowner expectations were at odds with the currently understood intent of ADU's, the Planning Commission attempted to clarify the initial ordinance and to close any unintentional loopholes of the original legislation. That culminated in the text amendment that was forwarded to Council.

Since the Town Council rejected this amendment, it would seem prudent to get an updated vision and purpose for ADU's from the currently seated Town Council, before the Planning Commission tries again to develop potential text revisions.

### **RECOMMENDATION:**

Staff requests that the Town Council discuss a vision and the purpose for ADU's in town, and to make a motion clarifying such, which will then be used by the Planning Commission to develop future amendments that will be acceptable to the Council.

## Policies and Descriptions

Following is an expansion of each of the policies:

|                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Preserve and enhance the integrity of the Historic District.</b>                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Applies to Neighborhoods:</b> <ul style="list-style-type: none"> <li>➤ Residential</li> <li>➤ Mixed Use</li> </ul>                                       | <b>Description:</b> <ul style="list-style-type: none"> <li>• Strengthen the historic preservation ordinance to ensure maintenance and preservation of the existing historic building stock</li> <li>• Make streetscape improvements along Mason Avenue, Bay Avenue, Randolph Avenue, Strawberry Street, and Peach Street</li> <li>• Restore medians and landscaping</li> <li>• Continue sidewalk improvements</li> <li>• Maintain Central Park as an urban/civic amenity that provides a multipurpose space for town events and individual recreation</li> </ul>                                                                   |
| <b>2. Promote compatible infill development and renovation within established neighborhoods.</b>                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Applies to Neighborhoods:</b> <ul style="list-style-type: none"> <li>➤ Residential</li> <li>➤ Mixed Use</li> </ul>                                       | <b>Description:</b> <ul style="list-style-type: none"> <li>• Promote accessory dwelling units to add diversity of housing types, while maintaining the neighborhood character and providing affordable housing options</li> <li>• Ensure new development is sympathetic and compatible with the neighborhood's architectural fabric. New building(s) should match the prevailing style and character of the neighborhood's existing buildings in scale, massing, colors and materials</li> <li>• Emphasize the preservation of the town's historic housing stock</li> </ul>                                                        |
| <b>3. Promote mixed use as the preferred form of development in the Commercial, Harbor, and Village Districts.</b>                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Applies to Neighborhoods:</b> <ul style="list-style-type: none"> <li>➤ Mixed Use</li> <li>➤ Some parts (villages) of Accawmacke Planation PUD</li> </ul> | <b>Description:</b> <ul style="list-style-type: none"> <li>• Encourage the principle of incorporating mixed land uses, similar to the current land use patterns in the town such as: <ul style="list-style-type: none"> <li>○ Allowing residential and retail/commercial uses within the same building</li> <li>○ Promoting residences within close proximity to commercial and retail centers</li> </ul> </li> <li>• Combined live-work structures should be encouraged in new development and in the Mason Avenue districts to better integrate housing with the shops and businesses of the new and existing centers</li> </ul> |

**PROPOSED ZONING TEXT AMENDMENTS**  
**SECTION 4.2 (J) – ACCESSORY DWELLING UNITS &**  
**SECTION 2.9 – DEFINITIONS**  
**AS OF 3/1/2022**

Legend of Changes in the document:

Current Zoning Text: Regular Text

Proposed Deletions: Shown as **bold, strike-through text**

Proposed Additions: Shown in *Red Italic Font*

---

**A. PROPOSED ZONING TEXT AMENDMENTS TO CCZO SECTION 4.2 (J)**

**1. ADD A NEW SECTION AS THE FIRST PARAGRAPH in SECTION 4.2 (J)**

*STATEMENT OF INTENT: To establish criteria and standards for Accessory Dwelling Units to implement one component of the goal from the Town's Comprehensive Plan to add diversity of housing type while maintaining the neighborhood character and providing affordable housing options. The intent is to allow an increased density on a lot in specific zoning districts to provide opportunity in the creation of long-term rental units to assist in meeting the housing needs of the Town and County.*

**2. ORIGINAL ORDINANCE of SECTION 4.2 (J):**

Accessory Dwellings. One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, ~~contingent upon approval as a conditional use in accordance with Section 4.3~~, and subject to the following:

**1. Physical characteristics.**

- a. Accessory dwellings shall be located in an accessory building.
- b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.
- c. Accessory dwellings shall have **one kitchen area**, one bathroom, and a *sleeping area*.
- d. Accessory buildings ~~and~~ shall not have the appearance of a single-family dwelling.

**2. Occupancy characteristics.**

- a. Length of stay – ~~No~~ *An* accessory dwelling unit shall be occupied ~~by any person or persons~~, whether paying a fee for such occupancy or not, *by the same person or persons* for a period ~~no~~ less than ~~thirty (30)~~ *sixty (60)* consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, ~~either verbally or in writing~~. ~~Failure to do so may result in the revocation by the Cape Charles~~

**Town Council of the conditional use status for the accessory dwelling unit according to Section 4.3.F.**

**b. Inspections—All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.**

3. Other requirements.

- a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
- b. Accessory dwellings will be required to have its own municipally issued trash receptacle, separate from the main residence/structure.*
- c. Accessory dwellings meeting the requirements of all of the physical characteristics of 4.2 (J) (1) above must obtain a Certificate of Completion for Accessory Dwellings from the Code Official, which is equivalent to a Certificate of Occupancy. In order to issue said Certificate, the Code Official will conduct an inspection to determine compliance with the Building Code.*
- ~~b.~~ d. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
- ~~e.~~ e. Parking shall ~~be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to~~ *be in compliance with* Section 4.5.1.C.6. **(Table of Parking Standards)** using both on and off-street parking areas.
- ~~d.~~ f. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.
- ~~e.~~ g. *Annual Certifications to be submitted to the Town by March 15 of each year to the Building and Planning Department.*
  - 1. The property owner will submit an annual affidavit on Town Affidavit Form for Accessory Dwellings attesting to their acknowledgement and adherence to the Zoning Ordinance requirements for Accessory Dwelling Units .*
  - 2. The property owner will submit an annual affidavit on Town Affidavit Form for Safety Compliance for Accessory Dwellings Units.*
  - 3. If the property owner changes between March 16 and December 31 of the calendar year, the new property will be required to submit both a new Town Affidavit Form for Accessory Dwellings and a Town Affidavit Form for Safety Compliance for Accessory Dwelling Units no later than 30 days from the property transfer.*

**B. PROPOSED ZONING TEXT AMENDMENTS TO SECTION 2.9 – Definitions**

**1. Add the following Definitions to Section 2.9**

***KITCHEN means a space within a structure designated for the preparation of food that includes a sink.***

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

*BEDROOM is a room, or space within a structure intended for sleeping. Requirements include:*

- A minimum size of 70 sq. ft; if more than one person occupies the room, there must be 50 sq. ft per occupant.*
- Access to a bathroom without crossing another bedroom.*
- Every bedroom must have access to natural ventilation and have a permanent heat source.*
- Two means of egress: one that leads to the rest of the home without going through another bedroom and one that leads directly to the outside. If the outside egress is a window, it must be at least 5.7 sq. ft and can be no more than 44 inches from the room floor, unless there is a permanent step installed. It shall be illegal to have locking bars or grates covering an egress window.*
- Ceiling height must be no less than 7 feet.*

*SLEEPING AREA is an area in a room or house where a person can sleep and may utilize a bed, bunk beds, daybed, or other furniture identified for sleeping purposes, including ad without limitation, a pull-out couch or futon.*

2. Correct the following definition in Section 2.9

BUILDING, ACCESSORY means a subordinate and separate building located upon the same lot occupied by the main structure or where a main structure was previously located. Accessory buildings shall not be used as dwelling units, unless a conditional permit is issued for an accessory dwelling zoning permit is issued in compliance with Section 4.2 (J).



## PLANNING COMMISSION STAFF REPORT

Meeting Date: August 2, 2022

Item #: 7C

**PREPARED BY:** Katie H. Nunez, Interim Planning/Zoning Administrator  
**ITEM:** Discussion regarding report commissioned by Northampton County entitled: "Overcoming Land Use Ordinance Barriers to Housing Development dated May 27, 2022" by the Berkley Group.

Northampton County commissioned their Comprehensive Plan Consultant, the Berkley Group, to examine the County's zoning ordinance as well as each of the incorporated towns within Northampton County and their associated zoning ordinances or Town Codes that deal with any type of housing definition and regulation by zoning district and to evaluate if said regulations support or establish barriers to housing development.

I am providing this report for the Planning Commission's review and determine if we concur with some or all of the recommendations and conclusions presented by the Berkley Group, especially since this report was commissioned by the Northampton County Board of Supervisors and not the Cape Charles Town Council.

If so, I would like to review the specific items that we may wish to work on proposing zoning text amendments or other policy changes and develop a work schedule and timeline for said items, keeping in mind our other work priorities regarding the Comprehensive Plan update and the impending zoning ordinance changes that will be need to addressed in response to a final Comprehensive Plan update.

Attachment:

1 – Report from Northampton County by the Berkley Group dated May 27, 2022 entitled "Overcoming Land Use Ordinance Barriers to Housing Development"

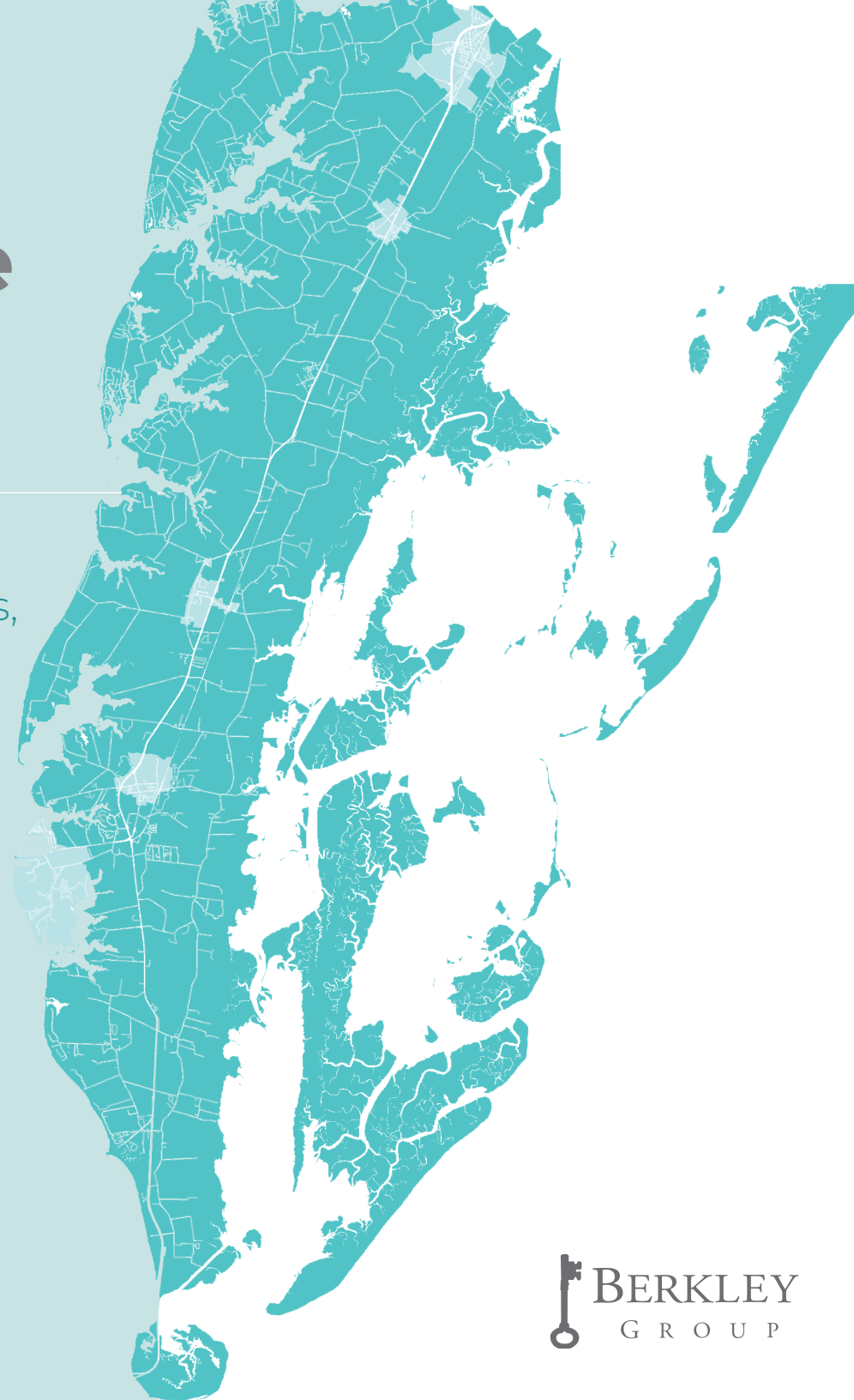


# Overcoming Land Use Ordinance Barriers to Housing Development

## Northampton County, VA

and the towns of Belle Haven, Cape Charles,  
Cheriton, Eastville, Exmore, & Nassawadox

*May 27, 2022*



# Table of Contents

## Part 1: Project Overview and Organization

|              |   |
|--------------|---|
| Overview     | 1 |
| Organization | 2 |

## Part 2: Community Context

|                                   |   |
|-----------------------------------|---|
| Location and Geography            | 3 |
| Key Housing Indicators            | 3 |
| Influencing Conditions and Trends | 4 |

## Part 3: Understanding Housing Needs & Effects of Land Use Regulations on Housing

|                                             |   |
|---------------------------------------------|---|
| Understanding the Housing Spectrum          | 6 |
| Housing Needs for Diverse Population        | 7 |
| How Do Land Use Regulations Effect Housing? | 8 |
| How Can We Improve Housing Affordability?   | 8 |

## Part 4: Assessment of Land Use Regulations

|                                             |    |
|---------------------------------------------|----|
| Factor 1: Diversity of Housing Stock        | 11 |
| Factor 2: Permitted Housing Densities       | 19 |
| Factor 3: Regulation Consistency/Clarity    | 30 |
| Factor 4: Development Standards             | 34 |
| Factor 5: Standards for Livable Communities | 37 |
| Factor 6: Development Approval Processes    | 41 |
| Factor 7: Maintenance of Existing Housing   | 45 |
| Factor 8: Location of Housing Growth        | 48 |

## Part 5: Recommendations Summary and Implementation

## Charts

|                                                             |    |
|-------------------------------------------------------------|----|
| Chart 1: Analysis of Permitted Residential Uses             | 12 |
| Chart 2: Analysis of Permitted Residential Densities        | 22 |
| Chart 3: Livable Community Design Standards                 | 39 |
| Chart 4: Summary of Development Review Process Requirements | 41 |
| Chart 5: Implementation Matrix                              | 54 |

## Figures

|                                                                   |   |
|-------------------------------------------------------------------|---|
| Figure 1: Map of Northampton County, Virginia                     | 3 |
| Figure 2: Housing Spectrum                                        | 6 |
| Figure 3: Increasing Housing Supply and Affordability in Virginia | 8 |

## Appendix

|                                |    |
|--------------------------------|----|
| Appendix A: Housing Indicators | 58 |
|--------------------------------|----|





Single-family home on shoreline

## Part 1. Project Overview and Organization

### Overview

Quality housing is important to all aspects of a community. Northampton County's Comprehensive Plan, Your Northampton County 2040, adopted by the Board of Supervisors in June 2021, recognizes that quality housing is "critical to the community's health, well-being, and economic vitality."

Analysis during the development of Your Northampton County 2040 revealed that many residents of Northampton County, both homeowners and renters, find housing unaffordable and that a variety of options are needed to support affordable housing for all segments of the population.

The Plan recommends a number of initiatives to address key objectives to preserve existing housing, increase housing affordability, diversify the housing supply, and create livable communities. One such initiative is the Eastern Shore Housing Needs Assessment in which Northampton County is currently participating. Being overseen by the Accomack-Northampton Planning District Commission, that initiative is intended to address the identified housing crisis in the region by providing an analysis of the region's housing market with recommendations on housing priorities and current and future housing needs.

The purpose of this study is not to duplicate that project or any of the other initiatives outlined in the County's Comprehensive Plan designed to create opportunities to address housing needs. Rather, this study evaluates how existing land use regulations support or are a barrier to housing development within the County and its six (6) incorporated Towns (Cape Charles, Cheriton, Eastville, Exmore, Nassawadox, and a portion of Belle Haven). While the Towns have their own governing bodies, Comprehensive Plans, and land use regulations, Northampton County's Comprehensive Plan directs most housing development in and around the Towns. Therefore, this study incorporates the Towns' regulations to affect a comprehensive analysis and set the stage for on-going cooperation between the County and Towns to collectively address housing barriers, which includes the provision of public utilities,

available in some towns, to serve higher density residential uses and a variety of housing options.

This study documents potential gaps and restraints to quality and affordable housing that may be attributed to the localities' land use regulations. In addition, this study identifies land use regulation reforms for the localities to consider to overcome land use regulation barriers to providing much needed housing in the County and Towns. This document should be an impetus to modernize land use regulations and streamline development procedures as specific tools to help create more housing opportunities throughout Northampton County.

## Organization

This document includes the following sections, as outlined below:

- Part 1 – *Project Overview and Organization* is a general introduction of the project, its purpose and, for the reader, how the study is organized.
- Part 2 – *Community Context* offers a brief overview of Northampton County to generally introduce local conditions affecting housing development and offer a snapshot of current housing conditions.
- Part 3 – *Understanding Housing Needs and Effects of Land Use Regulations on Housing* identifies various housing types and preferences/needs of different populations, and introduces indicators analyzed in land use regulations that often create barriers to housing.
- Part 4 – *Assessment of Land Use Regulations* is a diagnosis of the County's and Towns' land use regulations (zoning and subdivision ordinances and current zoning) based on factors that are found to create barriers to housing. This section includes ordinance assessment charts, summaries of key findings, and offers solutions to consider for code reforms.
- Part 5 – *Recommendations Summary and Implementation* summarizes recommended solutions to key findings during the zoning and ordinance diagnostics and provides strategies to implement those solutions.

## Part 2. Community Context

### Location & Geography

Northampton County is located on Virginia's Eastern Shore at the southernmost portion of the Delmarva Peninsula. The County is surrounded by the Chesapeake Bay to the west, the Atlantic Ocean to the east, and Accomack County, Virginia, to the north.

Northampton County lies approximately 125 miles east of Richmond, Virginia, and 30 miles northeast of the Tidewater Region of Virginia, which includes Norfolk and Virginia Beach. Northampton County is approximately 35 miles in length with an average width of six miles and a total area of 696 square miles. The County contains an estimated 357 square miles in land surface and a shoreline that has remained relatively unchanged with pristine beaches and barrier islands.

The County's six incorporated towns – Cape Charles, Cheriton, Eastville, Exmore, Nassawadox, and a portion of Belle Haven – serve as economic and community focal points of the County. Eastville is Northampton's county seat.

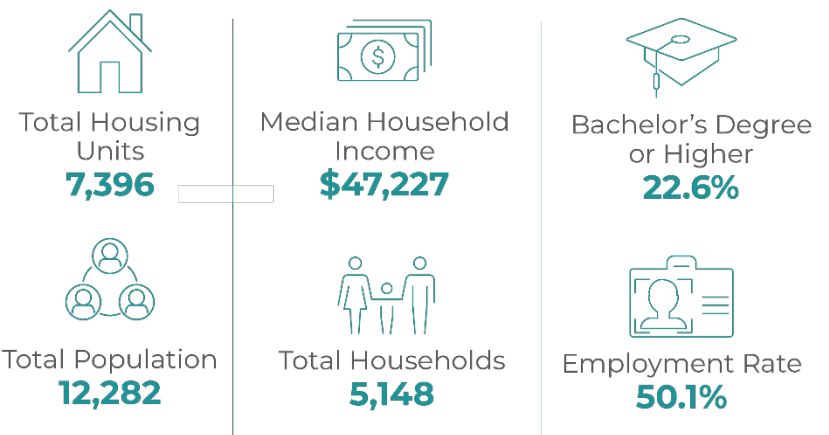
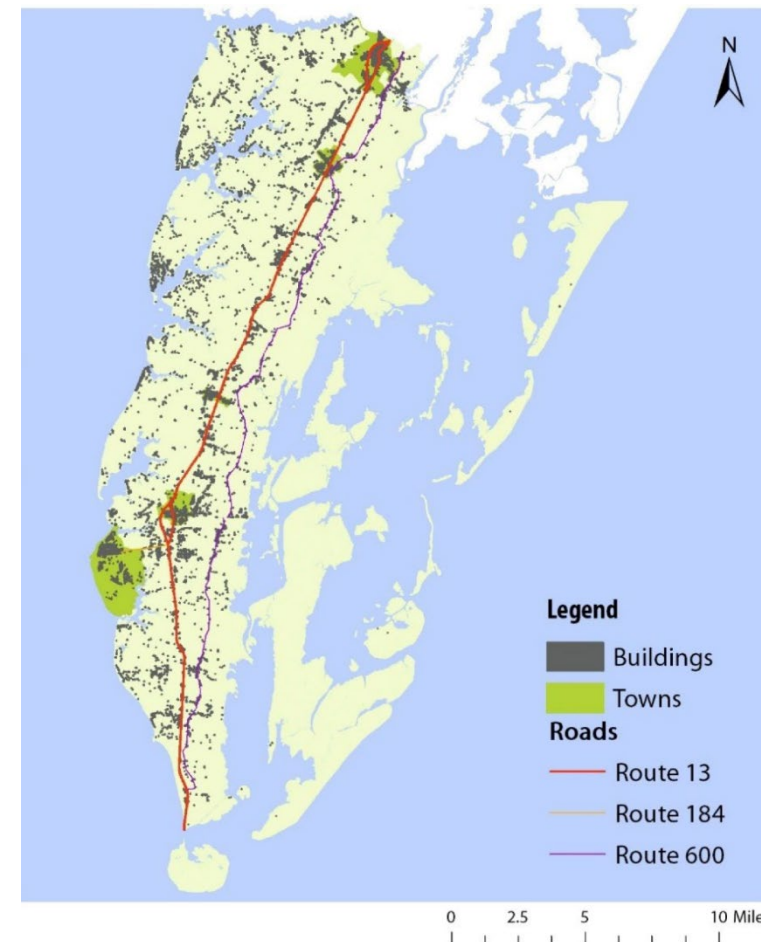
### Key Housing Indicators <sup>1</sup>

Key Housing Indicators are provided in Appendix A. Northampton County has a total of 7,396 housing units, 69.6% occupied and 30.4% vacant. Of vacant homes, 51% are classified "other vacant", which includes units abandoned by their owners, used as storage, going through foreclosure, and other reasons; 42% of vacant homes are for seasonal, recreational, or occasional use.

The housing stock is mostly single-family detached homes (80.2%) and is relatively older with less than 2% of homes being constructed since 2010. The median monthly housing cost is \$726 countywide, and ranges from \$519 in Nassawadox to \$976 in Cape Charles. Approximately 40% of rental households and 28% of owner households with a mortgage are cost burdened, meaning they spend 30% or more of their income on housing costs. Cost burden is highest for rental households in Cheriton at 64%.

<sup>1</sup> Sourced from U.S. Census ACS 2019 data.

Figure 1. Northampton County, Virginia





## Influencing Conditions & Trends

Northampton is a rural and ecologically unique community. The County boasts unparalleled natural resources, working waterfronts, charming towns, and agriculture, aquaculture, and tourism industries. The County also has significant constraints that impact the location, availability, and affordability of housing. The following is a brief overview of how existing conditions in the community influence housing needs and opportunities.

### *Natural Resources*

Northampton County's economy and way of life depends on unique natural features – including its sole-source multi-aquifer groundwater system and precious saltwater ecosystems. These natural resources face significant and growing threats from the impacts of climate change and development. The County has several ordinances in place to protect and mitigate the impacts of development, including for wetlands, primary dunes, floodplain, erosion and sediment control, and Chesapeake/Atlantic Preservation zones.

Most recent development pressure has been near waterfront areas along the Chesapeake Bay and its tributaries. These areas are increasingly vulnerable to storm surges, inundation, and sea level rise, which present further planning and development challenges. The Comprehensive Plan calls for new development to be directed away from coastal areas “down the necks” and concentrated in towns and around town edges to preserve natural ecosystems and protect life and investment.

### *Conservation Lands*

Protecting sensitive ecosystems has been a long-term priority in the County; about 80 square miles of land is held in federal, state, and nonprofit conservation land and private conservation easements. The County also has a voluntary Agricultural and Forestal District program, which incentivizes land preservation over shorter-term timeframes. While the majority of conserved land is located along the Atlantic coast and barrier islands, there are also some easements near towns and along the Route 13 corridor that may limit housing development potential in certain areas.

### *Water & Sewer Availability*

Approximately 25% of the County's population is served by public water and 15% by public sewer. Cape Charles and Exmore offer public water and sewer service, and Eastville and Nassawadox operate public water systems. In Nassawadox, this water service is limited, currently available, according to Northampton County staff, for only a select number of businesses along Hospital Avenue. The Hampton Roads Sanitation District (HRSD) is beginning a project to construct sewer pipes and pump stations to improve wastewater flows for Exmore and Nassawadox by taking advantage of underutilized capacity at the Onancock Wastewater Treatment Plant. Belle Haven and Cheriton do not have public water or sewer. There are also several community water systems throughout the County, including Arlington Plantation, Kiptopeke Condominiums, and Holiday Acres Mobile Home Park. Bayview has a community water and sewer system that is now owned and operated by the County.

The amount of new middle to higher density housing development that can be accommodated substantially depends on the availability of water and sewer service. Where public water and sewer is not available, development relies on on-site groundwater wells and septic systems or private community-based systems. On-site systems, especially those that serve multiple dwelling units and in areas with environmental restrictions such as Chesapeake Bay watershed areas, can be expensive to develop and maintain. Private well and septic systems are regulated by the health department and have minimum drainfield size and setback requirements, which reduces potential housing density. Where public systems are available, high hook-up fees may still challenge the financial feasibility of multifamily development.

### *Housing Diversity<sup>2</sup>*

Northampton County's housing stock consists primarily of single-family detached homes (80.2% of occupied units). The census definitions for this unit type also includes manufactured (or mobile) homes to which one or more permanent rooms have been added or built.

Multifamily housing (2-10+ units) makes up a total of 11.4% of occupied units countywide. Cape Charles has the highest percentage of apartment units (39.2% of occupied units), followed by Exmore (31.9% of occupied units). This is likely due to the presence of public water and sewer, though local land use regulations may also play a role.

---

<sup>2</sup> Sourced from U.S. Census ACS 2019 data.

Manufactured (or mobile) homes without any permanent additions comprise the third largest segment of Northampton's housing stock at 6.4% of occupied units. This includes traditional mobile homes and towable recreational vehicles used for housing<sup>3</sup>.

### *Manufactured Housing*

Manufactured homes are one of the most affordable pathways to homeownership in rural communities, such as Northampton County's unincorporated areas. However, they also are not without challenges that must be considered as part of any affordable housing solution. Some of the key challenges identified by Housing Virginia<sup>4</sup>, include:

- Manufactured homes are less durable, structurally sound, and energy efficient than permanent construction.
- Manufactured homes are almost always titled as personal property rather than real estate, repairs and upgrades do little to build equity for their homeowners.
- Some rehab programs require the unit to be built on a permanent foundation or on land owned by the homeowner.
- Substandard units can be difficult to replace; removal fees are often very expensive and can lead to unit abandonment on the property.
- Insurance and interest rates can be significantly higher for manufactured housing than for stick-built housing.

Perhaps even more so than other rural communities, the durability of housing is vital in coastal communities, such as Northampton County. Programs to promote replacement and refurbishment, combined with higher quality and permanent siting of manufactured units, can improve performance while maintaining affordability advantages.

### *Tourism, Short-Term Rentals, & Vacation Homes<sup>5</sup>*

Tourism is a vital component of Northampton County's economy and a significant part of the tax and employment base. Despite its benefits, tourism also has indirect impacts on the housing market.

At approximately 30% vacancy, Northampton County has a high proportion of vacant housing structures compared to the rest of the state. Of the vacant units, 42%, (or about 13% of the total housing stock) is used for seasonal, recreational, or occasional use. This is even higher in Cape Charles, with 65% of vacant homes, (or about 24% of the Town's total housing stock) being used as seasonal, recreational, or occasional use.

Vacation homes and short-term rentals take homes off the market for full-time occupancy and can drive up rental prices beyond the reach of low to moderate income individuals and families. Virginia Housing provides that the second-home market has driven up housing costs, with second homes representing more than 10% of the housing in some rural areas. As a vacation community, there is currently a struggle in Northampton County to provide housing that is affordable to many earning low to moderate wages and to meet the housing needs of citizens of all ages and incomes.



Street view of waterfront single-family homes

<sup>3</sup> Source: US Census definitions.

<sup>4</sup> Housing Virginia. 2016. Meeting Housing Needs in Rural Virginia: Trends, Needs, Gaps, Solutions. [www.housingvirginia.org](http://www.housingvirginia.org).

<sup>5</sup> Sourced from U.S. Census ACS 2019 data.

## Part 3. Understanding Housing Needs and Effects of Land Use Regulations on Housing

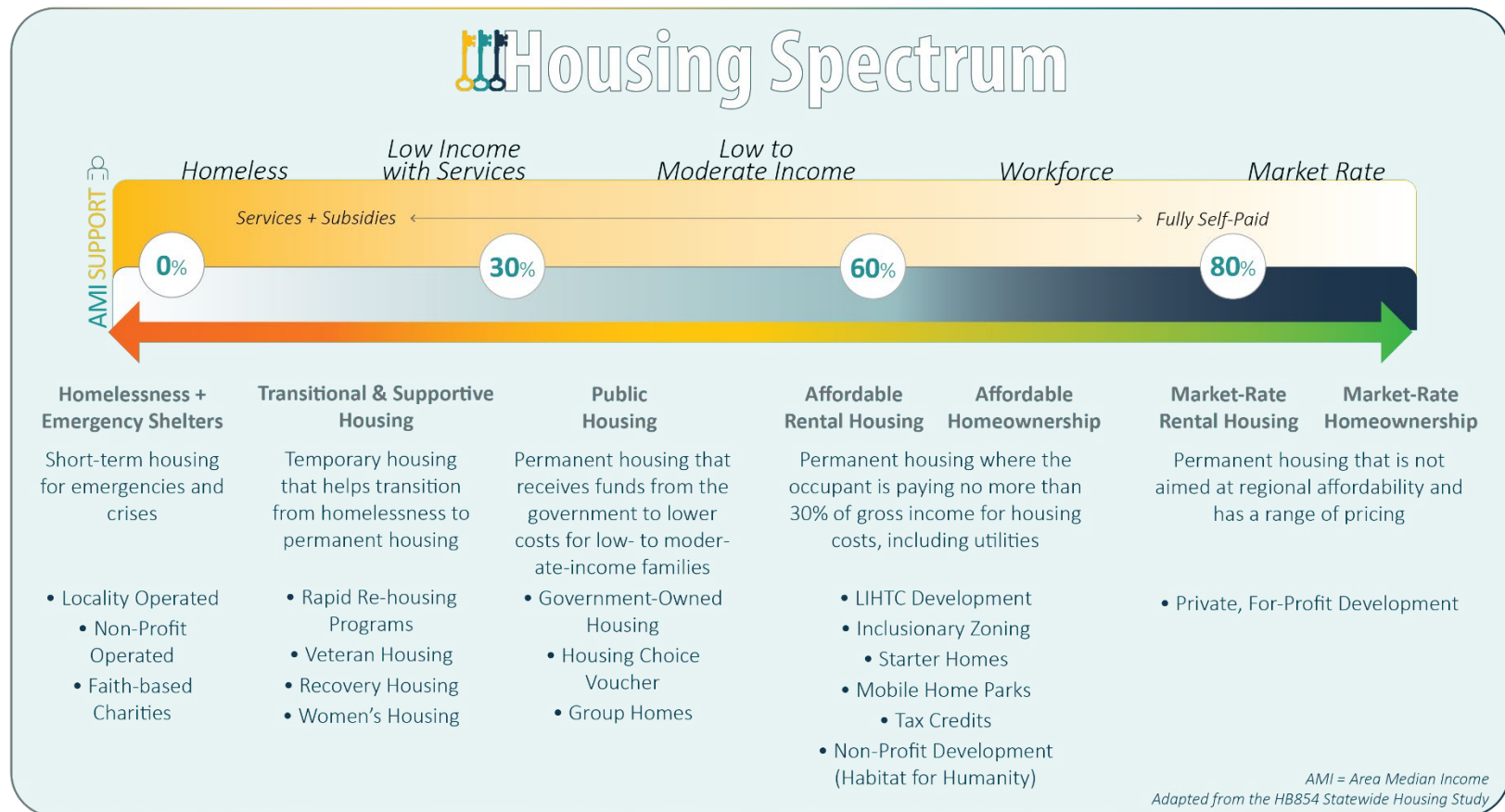
### Understanding the Housing Spectrum

Just as the population of Northampton County is diverse, so are the housing needs of its citizens. Northampton County joins localities across Virginia and the nation that are feeling the effects of the housing short-fall and the current housing crisis.

Figure 2, *The Housing Spectrum*, identifies how an individual's housing needs are impacted based on household income in different ways. This spectrum provides a broad view of housing needs from those who are in greater need of supportive services and subsidies to those who are self-sufficient in market rate housing. These assumptions are based on general housing types and programs utilized by individuals in each category. It is important to note that housing affordability can impact people across the housing spectrum. Those with higher incomes may or may not experience housing cost burden by HUD's definition.

This study focuses on affordable rental and owner-occupied housing that is influenced by land use policy. However, it is important to note that this is just one piece of the puzzle, and solutions across the entire spectrum are needed.

Figure 2. Housing Spectrum



## Housing Needs for Diverse Population

In January 2020, Northampton County and its Towns partnered with the Eastern Shore Regional Housing Coalition to conduct a housing workshop to identify housing needs and strategies to improve housing. This workshop identified, and local leaders reiterated during this study, the lack of housing variety, the need for affordable housing options for essential workers and seniors near jobs and personal services. Diverse housing options are needed within Northampton County to meet the housing needs for citizens. Without options, citizens will struggle to find housing and the community as a whole will be impacted. Some of the known housing needs are discussed below.

### *Affordable Housing*

For the purposes of this study, affordable housing does not necessarily mean subsidized housing. The basic rule of thumb to measure affordability of housing by the U.S. Department of Housing and Urban Development (HUD) is that housing is affordable when a household pays no more than 30% of their gross income on mortgage or rent and basic utilities. Paying in excess of this amount means the household is cost burdened. Cost-burdened households often must sacrifice other essential needs (e.g., food and healthcare) to remain in their homes.

Many of the County's households are cost burdened. In 2019, about 40% of renters and 28% of homeowners with a mortgage were considered cost burdened countywide. With the exception of the Town of Eastville, cost burden is highest for renters across the County and Towns. Rental cost burden is highest in Cheriton (64%) and Exmore (58%) and lowest in Eastville (13%) and Belle Haven (17%). Mortgaged homeowner cost burden ranges are highest in Eastville (57%) and Cape Charles (29%) and lowest in Cheriton (6%) and Belle Haven (14%).<sup>6</sup>

Other affordability indicators also suggest a need to improve affordable housing options in the County. The United Way's ALICE (Asset Limited, Income Constrained, Employed) data provides a measure for understanding households that surpass the federal poverty rate but earn less income than the basic cost of living. ALICE households are considered working households with limited assets and constrained incomes. In Northampton County, the 2018 estimates suggested that

49% of County households were below the ALICE threshold, with 18% being below the poverty line and 31% considered ALICE. This lags behind the state average where 39% of households were below the threshold, with 10% in poverty and 29% considered ALICE.

Cost burden and ALICE data suggests that a significant portion of households in Northampton County struggle to make ends meet due to the imbalance between the cost of housing and the median household income in the area. Many of these households make up the prime workforce for the County's primary industries. Addressing the gap in affordable housing, to keep these workers in Northampton County, is imperative to the long-term vitality of the County.

### *Workforce (Essential Worker) Housing*

Housing for essential workers, or workforce housing, is housing for those individuals from low to moderate income households that do not require low-income housing assistance, but that need lower to middle homeownership and rental options for housing. This workforce, or middle, housing stock is an important part of the County's housing needs that should be located near employment centers, such as within the Towns and Town Edges, to reduce commuting and offer easier access to jobs. Meeting this housing need is important to ensure an available, qualified workforce and retain a younger population who might otherwise seek jobs with better housing options in other areas.

### *Housing Preferences for the Ages*

Just as ideals and priorities change from generation to generation, so do housing preferences and needs. An aging population may need a variety of services, such as healthcare and other supportive services, while the younger population seeks employment opportunities and community activities. Interestingly, however, these two generations have similar preferences for housing options that offer integration and connection with community centers and amenities. A 2017 report from the National Association of Realtors reveals that 30% of the baby boomer generation and 60% of the millennial generation want to live in walkable communities with access to shopping, food, personal and health services, and transit.

---

<sup>6</sup> Sourced from U.S. Census ACS 2019 data.



## How Do Land Use Regulations Affect Housing?

Strict land use and building policies are often cited as barriers to housing development. Typical zoning ordinance regulations that constrain housing development are referred to “exclusionary zoning” and can lower production of affordable housing and a diverse housing stock. Common examples include minimum lot size requirements, minimum square footage requirements, prohibitions on multi-family homes, and limits on the height of buildings.

Virginia’s HB 854 Statewide Housing Study found that counties zone most of their land for low-density residential use, often for efforts to preserve community character. Areas zoned exclusively for single-family detached homes are generally reserved for larger homes on larger lots with large yards. Over large land areas, these restrictions constrain the overall housing stock in the community – particularly for “missing” middle housing (including house-scale rentals, townhomes, and smaller single-family options).

Feedback from housing industry stakeholders as part of the statewide study noted that “local land use restrictions lead to limited site availability” for development and therefore higher costs to purchase land available for housing development. These stakeholders also noted that these limitations make it harder to find developable land and increase land prices, which impedes production of new affordable housing options.

The barriers to housing variety and the “missing” middle housing include limitations relative to permitted uses and permissible zoning districts, density, site design regulations and development review processes, land use designations in Comprehensive Plans, and the availability of infrastructure. Barriers are often also found in the zoning process – such as requiring rezoning or special use permit – which can be fraught with opposition to new housing products, especially affordable housing. When there is need within the community for a variety of housing types, as with Northampton County and its Towns, zoning regulations should include appropriate zoning districts and development standards to accommodate the housing need.

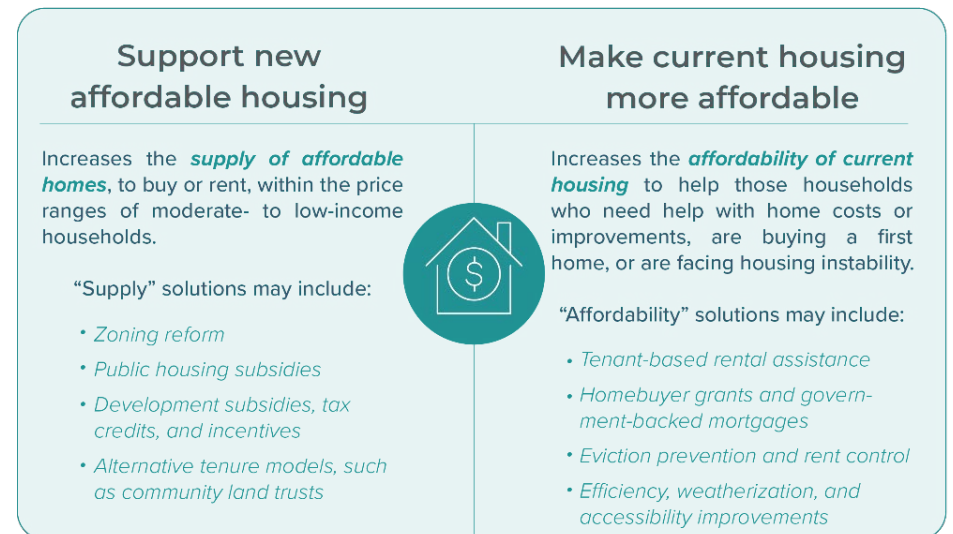
## How Can We Improve Housing Affordability?

While skyrocketing housing markets and overall economic shifts, including unforeseen events like the current pandemic, stress our ability to reach a healthy, affordable balance between housing costs and incomes, there are measures that can help level the scale.

The tools to help lessen the impacts of higher housing costs are found through efforts that foster development of new affordable housing stock, and efforts to make existing housing more affordable through assistance for individual residents. Benefits to improving housing affordability are found in using tools from each tool set.

Increasing the housing supply and rehabilitating existing housing stock in the County and Towns would offer the currently missing options to individuals, such as teachers, firefighters, and seniors, who are seeking to rent and buy homes within the lower to middle income brackets. It is necessary for both governing bodies and private developers to work in concert to be successful.

Figure 3. Increasing Housing Supply and Affordability in Virginia



Adapted from the HB854 Statewide Housing Study

As a first step toward these goals, this analysis of existing zoning and land use ordinances (See Part 4) will identify how current land use regulations and zoning ordinances can be improved. Implementing the recommendations will remove land use barriers to housing development.

While this study concentrates on the potential zoning reforms, all of the approaches to addressing affordable housing are important. The recently released “HB 854 Statewide Housing Study: Current Efforts, Future Needs and New Strategies” is a good resource of examples of other initiatives in addition to land use reforms, such as:

- Development and tenant based rental assistance;
- Development tax credits and other incentives for creation of below market homes;
- Housing agency programs that address affordable rental housing, community revitalization and homeless assistance;
- Demand-side solutions including homebuyer down payment grants and mortgage assistance, eviction prevention, and investments in energy efficiency and weatherization;
- Homeownership counseling; and
- Home rehabilitation and accessibility.

The study notes that these efforts “help tens of thousands of Virginians with their housing needs each year.”

## Part 4. Assessment of Land Use Regulations

To understand the effects of land use regulations on the community's housing needs, it is important for the County and its Towns to evaluate how existing zoning and land use ordinances promote or may potentially prevent new home construction that results in a diverse, attainable housing supply for citizens.

This assessment investigates specific aspects of local land use codes to document potential barriers to housing, regulatory requirements that increase housing costs, and compliance gaps with state code. Identifying what regulations may constrain development is a first step in consideration of innovative code reforms to better accommodate the county's current and future housing needs.

Ordinance assessment were performed to analyze the Zoning and Subdivision Ordinances of Northampton County and its six towns (Belle Haven, Cape Charles, Cheriton, Eastville, Exmore and Nassawadox). These ordinance assessments are organized within this chapter based on the identified barriers to housing, each being referred to as a 'factor'. These factors include:

- **Factor 1: Diversity of Housing Stock**
- **Factor 2: Permitted Housing Densities**
- **Factor 3: Regulation Consistency/Clarity**
- **Factor 4: Development Standards**
- **Factor 5: Standards for Livable Communities**
- **Factor 6: Development Approval Processes**
- **Factor 7: Maintenance of Existing Housing**
- **Factor 8: Location of Housing Growth**

Assessments are provided for each factor to evaluate the current regulations and include a summary of the key findings and solutions that may be considerations for code reforms.



---

**“ZONING REFORM IS  
ONE OF THE GREATEST  
WEAPONS AGAINST  
RISING HOUSING  
COSTS.”**

Planning Magazine, American  
Planning Association, February 1,  
2021

---

## Factor 1 – Diversity of Housing Stock

Land use regulations directly affect permitted housing options in Northampton County and its Towns. Specifically, within the communities' zoning district standards, permitted uses identify what types of residential structures can be built. These standards allow uses to be built "by-right" or by "special (or conditional) use permit" By-right means that new structures can be reviewed and approved administratively as long as they conform with dimensional standards such as lot area and yard requirements. Special (or conditional) uses require public hearings and action by the Planning Commission and Board of Supervisors/Town Council before approval.

Analysis for this factor examined what housing types are permitted within each district. Chart 1, *Analysis of Permitted Residential Uses*, documents where residential uses are allowed and provides which housing types are permitted by-right, by special (or conditional) use permit, or not permitted. This assessment helps identify whether the regulations provide diverse housing options to meet the community's needs.

Because of the complexity of each ordinance, zoning districts were consolidated under similar types for this analysis (i.e., agricultural, residential, non-residential, and overlay or floating districts). The following residential use types were analyzed and grouped as follows:

- Detached Dwellings and Lower Density Housing:

- Single-family Dwelling (Detached)
- Modular Home
- Two-family Dwelling - Attached (Duplex)
- Accessory Dwelling Unit
- Manufactured Home (Single-wide)
- Manufactured Home (Double-or Triple-wide)

- Middle and Higher Density Housing:

- Cluster Style Housing
- Single Family Dwellings (Attached); includes Townhomes, Patio Homes, Row Houses and Side-by-Side Units
- Multi-family Dwellings (4 Units Attached); includes Apartment Houses and Condominiums
- Multi-family Dwellings (5+ Units Attached); includes Apartment Houses and Condominiums
- Manufactured Home Park or Subdivision
- Mixed Use – Live/Work Units
- Mixed Use – Vertically and Horizontally Integrated; includes Upper Story Units

- Assisted, Transitional, and Temporary Housing:

- Assisted Living Residential (Facility)
- Assisted Living Respite Care, Retirement, and Senior Home
- Assisted Living Residential Care Home
- Temporary/Emergency Manufactured Homes and Dwellings
- Temporary Family Health Care Structures
- Boarding Houses and Farm Worker Housing
- Transition and Recovery Housing

- Tourist/Transient Housing and Alternative Housing:

- Bed and Breakfast
- Short-term Rental
- Tourist Court, Motel, Cabins, or Motor Lodge
- Tourist Home/Cottage
- Hotels
- Tiny Homes and Alternative Structures

Chart 1 - Analysis of Permitted Residential Uses

The chart below provides information on permitted residential uses categorized by zoning district type for each locality to streamline the discussion.

| Locality                                                                                            |                                           | Northampton County                      |             |                                           |                            |                                                      | Belle Haven                             |             |                                           |                            | Cape Charles                            |             |                                           |                            | Cheriton                                |             |                                           |                            | Eastville                               |             |                                           |                            | Exmore                                  |             |                                           |                            | Nassawadox |   |   |  |
|-----------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|------------------------------------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|------------|---|---|--|
| B = By-Right<br><br>S = Special or Conditional Use<br><br>Blank space = Not listed as Permitted Use |                                           | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Existing Subdivision/Residential (ES/R) <sup>8</sup> | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other |            |   |   |  |
| Detached Dwellings & Lower Density Housing                                                          | Single Family Dwellings (Detached)        | B                                       | B           | S                                         |                            | B                                                    | B                                       | B           |                                           |                            | B                                       | B           | B                                         |                            |                                         | B           | B                                         |                            |                                         | B           | B                                         |                            |                                         |             |                                           | B                          | B          |   |   |  |
|                                                                                                     | Modular Home                              | B                                       | B           | B & S                                     |                            | B                                                    | B                                       | B           |                                           |                            |                                         | B           |                                           |                            |                                         | B           | B                                         |                            |                                         |             | B                                         |                            |                                         |             |                                           | B                          | B          |   |   |  |
|                                                                                                     | Two Family Dwelling (Attached) - Duplex   | S <sup>1</sup>                          | S           | S                                         | B                          | B & S                                                |                                         | B & S       | B                                         |                            |                                         |             |                                           |                            |                                         |             | B & S                                     |                            |                                         |             | B & S                                     |                            |                                         |             |                                           | B                          | B          |   |   |  |
|                                                                                                     | Accessory Dwelling Unit <sup>2</sup>      | S                                       | S           | S                                         |                            | B & S                                                |                                         |             |                                           |                            |                                         |             |                                           |                            | B                                       | S           |                                           |                            |                                         | S           | S                                         |                            |                                         |             |                                           |                            |            |   |   |  |
|                                                                                                     | Manufactured Home - Single                | B & S                                   | S           | S                                         | B                          | B & S                                                | S                                       |             |                                           |                            |                                         |             |                                           |                            | S                                       | S           |                                           |                            |                                         | B           |                                           |                            |                                         | S           | B                                         |                            | S          | B |   |  |
|                                                                                                     | Manufactured Home - Double or Triple wide | B                                       | B           |                                           | B                          | B                                                    | B                                       | B           | B                                         |                            |                                         | B           |                                           |                            |                                         |             | B                                         | S                          |                                         |             | B                                         | B                          |                                         |             |                                           | B                          |            | B | B |  |

| Locality                                                                                            |                                                                                   | Northampton County                      |             |                                           |                            |                                                      | Belle Haven                             |             |                                           |                            | Cape Charles                            |             |                                           |                            | Cheriton                                |             |                                           |                            | Eastville                               |             |                                           |                            | Exmore                                  |             |                                           |                            | Nassawadox |  |   |       |   |  |
|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|------------------------------------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|------------|--|---|-------|---|--|
| B = By-Right<br><br>S = Special or Conditional Use<br><br>Blank space = Not listed as Permitted Use |                                                                                   | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Existing Subdivision/Residential (ES/R) <sup>8</sup> | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other |            |  |   |       |   |  |
| Middle<br>& Higher Density Housing                                                                  | Cluster Style Housing <sup>3</sup>                                                | B                                       | B & S       | B & S                                     |                            |                                                      |                                         |             |                                           |                            |                                         | S           |                                           | S                          | B                                       | B           |                                           |                            |                                         | S           |                                           |                            |                                         |             |                                           | S                          |            |  |   | B     | B |  |
|                                                                                                     | Single Family Dwellings (Attached) Town & Patio Homes, Row Houses or Side-by-Side |                                         | S           | S                                         | B                          | B & S                                                |                                         |             |                                           |                            |                                         | B           |                                           | B                          |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |            |  | B | B     |   |  |
|                                                                                                     | Multi-family Dwellings (4 units) <sup>4</sup>                                     |                                         | S           | S                                         |                            | B & S                                                |                                         | S           | B                                         |                            |                                         | B           |                                           | B                          |                                         | B           | B                                         |                            |                                         |             | B                                         |                            |                                         |             | B & S                                     | S                          |            |  | B | B & S |   |  |
|                                                                                                     | Multi-family Dwellings (5+ units) <sup>4</sup>                                    |                                         | S           | S                                         |                            | B & S                                                |                                         |             |                                           |                            |                                         | B           |                                           | B                          |                                         | S           | B                                         |                            |                                         |             | B                                         |                            |                                         |             | B & S                                     | S                          |            |  | B | B     |   |  |
|                                                                                                     | Manufactured Home Park or Subdivision <sup>5</sup>                                |                                         |             |                                           | B                          |                                                      |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |            |  |   |       |   |  |
|                                                                                                     | Mixed Use - Live/Work Units                                                       | S                                       | S           | B & S                                     |                            | B                                                    |                                         |             | B                                         |                            | S                                       |             | B & S                                     |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           | B                          |            |  |   | B     |   |  |
|                                                                                                     | Mixed Use Buildings - Integrated & Upper Story Units <sup>6</sup>                 |                                         | S           | S                                         |                            |                                                      |                                         |             | B                                         |                            | S                                       |             | B & S                                     |                            |                                         |             |                                           | B                          |                                         |             |                                           |                            |                                         |             |                                           | B                          |            |  |   | B     |   |  |
|                                                                                                     |                                                                                   |                                         |             |                                           |                            |                                                      |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |            |  |   |       |   |  |



| Locality                                                                                            |                                                                     | Northampton County                      |             |                                           |                            |                                                      | Belle Haven                             |             |                                           |                            | Cape Charles                            |             |                                           |                            | Cheriton                                |             |                                           |                            | Eastville                               |             |                                           |                            | Exmore                                  |             |                                           |                            | Nassawadox                              |             |                                           |                            |   |  |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|------------------------------------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|---|--|
| B = By-Right<br><br>S = Special or Conditional Use<br><br>Blank space = Not listed as Permitted Use |                                                                     | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Existing Subdivision/Residential (ES/R) <sup>8</sup> | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other |   |  |
| Assisted, Transitional, & Temporary Housing                                                         | Assisted Living Residential (Facility)                              |                                         | S           | S                                         |                            | B & S                                                |                                         | S           | B                                         |                            |                                         |             |                                           |                            |                                         | S           |                                           |                            |                                         |             | S                                         |                            |                                         |             |                                           | S                          | B & S                                   |             |                                           | S                          | S |  |
|                                                                                                     | Assisted Living Respite Care, Retirement & Senior Home <sup>7</sup> | S                                       | S           | S                                         |                            | B & S                                                |                                         | S           | B                                         |                            |                                         |             |                                           |                            |                                         | S           |                                           |                            |                                         |             | S                                         |                            |                                         |             |                                           | S                          | B & S                                   |             |                                           | S                          | S |  |
|                                                                                                     | Assisted Living Residential Care (Home)                             | B                                       | B           | B & S                                     |                            | B & S                                                | B                                       | B           | B                                         |                            |                                         | B           |                                           | B                          |                                         | S           |                                           |                            |                                         |             | S                                         |                            |                                         |             |                                           | S                          | B & S                                   |             |                                           |                            |   |  |
|                                                                                                     | Temporary/ Emergency Manufactured Homes/ Dwellings                  | B                                       | B           | B                                         |                            | B                                                    |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             | B                                         |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |   |  |
|                                                                                                     | Temporary Family Health Care Structures                             | B                                       | B           | B                                         |                            |                                                      |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             | B                                         |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |   |  |
|                                                                                                     | Boarding Houses, Farm Worker Housing                                | S                                       | S           |                                           |                            | B & S                                                | S                                       |             |                                           |                            |                                         |             |                                           |                            | S                                       | S           |                                           |                            |                                         |             |                                           |                            |                                         | S           | S                                         |                            |                                         |             |                                           | S                          | B |  |
|                                                                                                     | Transition & Recover Housing (Shelters)                             |                                         |             |                                           |                            |                                                      |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           | S                          | S |  |

| Locality                                                                                            |                                             | Northampton County                      |             |                                           |                            |                                                      | Belle Haven                             |             |                                           |                            | Cape Charles                            |             |                                           |                            | Cheriton                                |             |                                           |                            | Eastville                               |             |                                           |                            | Exmore                                  |             |                                           |                            | Nassawadox |  |  |  |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|------------------------------------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|-----------------------------------------|-------------|-------------------------------------------|----------------------------|------------|--|--|--|
| B = By-Right<br><br>S = Special or Conditional Use<br><br>Blank space = Not listed as Permitted Use |                                             | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Existing Subdivision/Residential (ES/R) <sup>8</sup> | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other | Agricultural, Conservation & Open Space | Residential | Mixed Use - Residential & Non-Residential | Overlays, Floating & Other |            |  |  |  |
| Tourist/Transient Housing & Alternative Housing                                                     | Bed & Breakfast                             |                                         |             | B                                         |                            | B & S                                                |                                         | S           | B                                         |                            | S                                       | S           | B                                         | S                          | S                                       | S           | S                                         | B                          |                                         |             | S                                         | B                          |                                         |             | S                                         |                            |            |  |  |  |
|                                                                                                     | Short term Rental                           | B                                       | B           | B                                         |                            | B                                                    |                                         |             |                                           |                            | S                                       | S           |                                           | S                          |                                         | B           |                                           |                            |                                         |             |                                           |                            |                                         |             |                                           |                            |            |  |  |  |
|                                                                                                     | Tourist Court, Motel, Cabins or Motor Lodge | S                                       | S           | B & S                                     |                            |                                                      |                                         |             |                                           |                            | S                                       |             | B                                         |                            |                                         |             | B                                         |                            | S                                       |             | S                                         | B                          |                                         |             |                                           | B                          |            |  |  |  |
|                                                                                                     | Tourist Home, Cottage                       |                                         |             | B                                         |                            |                                                      |                                         | S           | B                                         |                            | S                                       | S           |                                           | S                          |                                         | B           |                                           |                            |                                         |             |                                           |                            |                                         |             | S                                         | B                          |            |  |  |  |
|                                                                                                     | Hotels                                      |                                         | S           | B & S                                     |                            | B & S                                                |                                         |             |                                           |                            | S                                       |             | B                                         | B                          |                                         |             | B                                         |                            |                                         |             | S                                         | B                          |                                         |             |                                           | B                          |            |  |  |  |
|                                                                                                     | Tiny Homes/ Alternative Structures          | B                                       | B           | B                                         | B                          | B                                                    |                                         |             |                                           |                            |                                         | S           |                                           | S                          |                                         |             |                                           |                            | B                                       |             |                                           |                            |                                         |             |                                           |                            |            |  |  |  |

Table Notes:

- Identifies SUP required where each unit is not under fee simple ownership.
- Accessory dwelling units include single family dwellings built on-site, rural farmstead dwelling, guesthouses, manufactured homes and accessory single family dwelling units located on the same lot as the principal dwelling.
- Clustering or bonus density permissions identified in bulk standards for each district with open space preservation requirements; some require density bonuses to be determined with rezoning.
- Using term apartment for this category defined as 3 or more attached dwelling units.
- Mobile Home Parks are identified as a floating zone in Northampton County.
- Mixed use structures within residential and commercial districts limited to 4 dwelling units in Northampton County. Other localities do not offer clear guidance on density of dwelling units within mixed use buildings where permitted; however, a common standard found in those ordinances prohibit residential dwelling units on the first floor of mixed used buildings.
- Retirement, respite, and shared senior home are grouped together to separate residential care (or group) homes as defined in the Code of Virginia and supervised/ larger residential care facilities.
- Primary District recognizing existing and approved residential development/subdivisions between December 28, 2000 and October 1, 2009. This district is not intended to be enlarged; however, a development may expand to the lawful limits of the approved subdivision plat and plan of development in accordance with the applicable use, dimensional and area regulations in Appendix D of the Zoning Ordinance.

## *Key Findings*

### ***The zoning ordinances demonstrate a preference for single-family detached homes.***

As noted in Part 2 (Community Context) of this report, approximately 80.2% of the existing occupied housing stock in Northampton County is single-family detached homes, which includes manufactured homes with permanent room additions. This majority of single-family detached housing is not surprising given a traditional preference for single-family detached homes over other housing styles across the nation and in more rural areas like Northampton County. However, part of this singular housing construction can also be attributed to the permitted land uses in the zoning ordinances. The analysis of permitted uses within the County's and Towns' zoning ordinances reveal that detached dwellings and lower density housing (including single-family detached homes, modular homes, and manufactured homes) are permitted by-right across the zoning districts where residential uses are allowed.

### ***Most middle to high density housing requires special zoning approvals, if permitted at all.***

Housing types within the middle to higher density range are excluded or require another layer of zoning approval prior to development by the localities' zoning ordinances. These middle to higher density housing types, such as attached single- and multi-family residential uses (including townhomes, patio homes, and multi-family units of 3+ units) and manufactured home parks or subdivisions, as well as condominium units and vertically and horizontally integrated residential uses within mixed use buildings, require approval of a special (or conditional) use permit in most districts. These middle or higher density housing types represent only 11.4% of the County's overall housing stock, except where higher percentages of multi-family units exist in the Towns of Cape Charles and Exmore with 39.2% and 31.9% of the housing stock respectively. These higher numbers of multi-family units may likely be due to the availability of public utilities to serve these towns.

Interesting to this discussion, however, is the observation that the zoning ordinances of these two localities and the Towns of Belle Haven, Eastville and Nassawadox permit some middle to higher density residential uses by-right as opposed to requiring special (or conditional) use permit approvals. In addition, in Northampton County's Primary Zoning District entitled Existing Subdivision/Residential (ES/R) options for middle to higher density housing types such as apartments, condominiums, patio units and quadplexes are permitted in Rural Village

and Community Development secondary districts by-right, subject to standards of Appendix D of the Zoning Ordinance. The ES/R District is applicable to existing and approved residential developments/subdivisions between December 28, 2000 and October 1, 2009 and includes secondary districts as outlined in the ordinance appendix. This district is not intended to be enlarged; however, a development may expand to the lawful limits of the approved subdivision plat and plan of development in accordance with the applicable use, dimensional and area regulations for the district in the Zoning Ordinance.

It is important to note that by-right permissions are more inclusionary and, by reducing potentially lengthy approval processes, are naturally more affordable.

### ***Manufactured home park subdivisions could increase affordability and homeownership.***

Northampton County has a floating manufactured home park district that allows manufactured home parks but does not offer consideration of manufactured home park subdivisions. Unlike traditional manufactured home parks, manufactured home park subdivisions allow residents to own the underlying property and thereby they become vested in the maintenance of the community as owners. Performance standards can be included in the ordinance, specifying design of manufactured home parks and subdivisions, resulting in quality and sustainable housing options. The other localities' ordinances do not list manufactured home parks or subdivisions as permitted uses. There may be opposition to these uses within areas of the Towns. Nevertheless, manufactured housing should be recognized as an affordable option for homeownership in Northampton County's unincorporated areas. The Towns of Belle Haven, Cheriton and Exmore should examine their agricultural districts to ensure manufactured homes are permitted in compliance with the Code of Virginia §15.2-2290 which requires manufactured homes to be permitted within these districts as by-right uses where single family dwellings are permitted.

### ***Assisted and transitional housing options are restricted, and regulations in some localities are non-compliant with the Code of Virginia.***

Assisted living and transitional housing options are important to meet the needs of the County's aged, infirmed, or lower income population. The majority of the various assisted and transitional housing uses

require approval of a special (or conditional) use permit in most of the zoning ordinances, which restrict housing options for this population and may be leaving them underserved. The zoning ordinances for Cheriton, Eastville, and Exmore require approval of a special (or conditional) use permit for residential group homes, and Nassawadox's ordinance does not list these homes as permitted where residential uses are allowed as by-right or as a special use. The Code of Virginia § 15.2-2291 requires zoning ordinances to permit such a licensed residential facility with no more than eight (8) individuals excluding resident or non-resident staff persons as residential occupancy as a single-family dwelling. These localities may be interpreting their ordinance in compliance with the Code of Virginia; however, the ordinances should be updated to clearly comply with the Code of Virginia. Similarly, the Code of Virginia § 15.2-2292.1 allows temporary family health care structures, which are transportable residential structures as accessory uses to the caregiver's dwelling, with certain restrictions ensuring their limited size and temporary location on the property. Ordinances for Northampton County and Eastville provide for these structures as outlined in the Code of Virginia. Ordinances for the other localities should be amended to include this use.

***Accessory dwelling units should be permitted more broadly across the localities.***

Accessory Dwelling Units (ADUs) have the potential to offer another option for housing diversity. As a smaller independent dwelling unit, an ADU may be located on the same lot as a principal dwelling as a detached unit (as a separate structure or within a portion of an accessory structure), in a converted portion of an existing dwelling, or an addition to an existing dwelling unit. ADUs can be affordable for both the owner of the principal home and for the tenant(s) and can offer an opportunity for seniors to maintain independence as they stay near family members. Many localities look favorably on permitting ADUs by-right within certain districts provided certain use and development standards are met, such as size and compatibility with the principal structure. Though some localities limit ADU residency to family members, this is not recommended as it is a difficult provision to enforce and limits the ability to create affordable rental options.

Northampton County and Eastville permit ADUs with the approval of a special (or conditional) use permit, and Cheriton permits ADUs as by-right in their agricultural district and with a special (or conditional) use permit in residential districts. ADUs are not listed as permitted uses in the Towns of Belle Haven, Cape Charles, Exmore, and Nassawadox.

Expanding the permission of ADUs provides opportunity for additional affordable housing and aging in place.

***Impacts of Tourist/Transient Housing and Alternative Structures on Housing***

Tourist and transient housing was noted by Northampton County staff as a potential constraint to affordable housing, as much of the new housing construction is occurring as second, or vacation, homes. Staff believe this has driven up housing costs and limits available housing to meet needs of permanent residents.

Terminology for the tourist and transient housing types is dated in most ordinances and varies among localities (e.g., tourist courts and homes, cottages, and cabins). Terms should be modernized for these uses to ease understanding of permissions and regulations across all localities.

Due to this variety in terminology, similar tourist/transient housing types are grouped together to identify permissions for uses that serve tourist/transient housing needs by providing a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days in exchange for a charge for the occupancy. Northampton County, Cape Charles and Cheriton use the term short-term rental. In most of the Towns' ordinances short-term rentals could be categorized with terms noted within the chart as tourist homes or cottages, etc. Taking a comprehensive look at the tourist/transient housing group across all localities reveals that each locality permits some form of these tourist/transient or "short-term" rentals by-right. Studies show that short-term rentals and similar tourist and transient housing can negatively affect housing affordability if they are not owner-occupied dwellings. Owner-occupancy can be a requirement as a performance standard for these uses.

Alternative structures for housing, such as tiny houses and yurts, are not specifically identified as permitted uses within the community. Northampton County staff stated that these alternative structures would be permitted in Northampton County and Eastville because the definition of a dwelling does not include a required minimum area. It is unclear whether any other code interpretation would allow this use. Studies debate the benefits of tiny homes or alternative structures as affordable housing options. Some localities require approval of special (or conditional) use permits to permit alternative structures as housing options, permanent or temporary.

## Solutions

Permitting a wide variety of housing types helps to diversify the housing stock with options for different living situations and price points. In some cases, restrictive codes can limit housing options that are naturally more affordable, including the often “missing-middle” housing types such as duplexes, townhomes, tri- and quadplexes, multifamily, and mixed-use housing options. Additional restrictions, such as density limitations and larger lot sizes, as well as requiring additional steps in the approval process, such as with special (and conditional) use permits, limit a developer’s options on available land for these uses and adds additional development costs that will be passed on to renters or purchasers.

The following solutions are recommended:

1. *Create a consolidated use table/matrix.* Each Town should re-organize its zoning ordinances to create a consolidated use table or matrix, similar to the table in Northampton County’s ordinance, to clearly identify permitted uses within each district to ease interpretation and usability.
2. *Modernize/expand permitted uses.* Modernize permitted use lists in ordinances to incentivize and facilitate a diverse range of housing types not currently permitted, such as accessory dwelling units and middle housing (4–8-unit buildings) in appropriate zoning districts.
3. *Expand flexibility in residential use permissions.* To ensure the most flexibility and provide diverse affordable housing options, examine whether residential uses that currently require approval of a special (or conditional) use permit may be appropriate by right with accompanying use/development standards. Development standards can help to address concerns with regard to impacts of such uses on surrounding single family neighborhoods. Evaluating where special uses have been previously approved, along with the corresponding conditions of approval, would be a first step to identify where uses could be allowed by right and which use/development standards might be appropriate. Considering use and development standards from other localities would also be beneficial. It is important to consider that the Code of Virginia § 15.2-2288.1 specifically prohibits a locality from requiring special (or conditional) use permit approval for residential dwellings proposed

in compliance with the use, height, and density permitted by-right under the zoning district regulations.

4. *Evaluate manufactured home parks and subdivisions as affordable housing options.* Manufactured homes serve as affordable housing options. Consideration should be given to standards for design of manufactured home parks and subdivisions and maintenance of the units themselves to mitigate key challenges to manufactured housing as outlined in Part 2 (Community Context) of this report.
5. *Amend ordinances to ensure uses comply with the Code of Virginia.* Zoning and Subdivision Ordinance provisions must comply with the enabling legislation of the Code of Virginia. In this study, evaluations of ordinances considered the Code of Virginia compliance relative to the permission of housing. As noted in the Key Findings section above, the zoning ordinances for Cheriton, Eastville and Exmore should be amended to comply with the Code of Virginia § 15.2-2291 relative to licensed assisted living residential (group) homes. Likewise, ordinances for Belle Haven, Cape Charles, Cheriton, Exmore, and Nassawadox should be amended to comply with the Code of Virginia § 15.2-2292.1 relative to temporary family health care structures. In addition, the Towns of Belle Haven, Cheriton and Exmore should examine their agricultural districts to ensure manufactured homes are permitted in compliance with the Code of Virginia §15.2-2290.

## Factor 2 – Permitted Housing Densities

Residential density – meaning the number of dwelling units per acre – is one of the most defining characteristics of a community’s residential development patterns. Density is an important key to fostering a variety of housing types or, conversely, stunting housing stock diversity in a community.

Analysis of ordinances for this factor examined permitted residential densities by zoning district alongside the intents for each zoning district. Chart 2, *Analysis of Permitted Residential Densities*, shows densities, minimum lot sizes, and intent statements for districts that permit residential uses.

### Key Findings

#### ***Higher densities and smaller lot sizes in appropriate areas would be more supportive of diverse housing options.***

There is significant variability among the ordinance provisions in terms of density and lot size. Observations on the least restrictive options for each ordinance are as follows:

- Belle Haven allows a minimum lot size of up 16,000 square feet for single family and up to 4 dwelling units per acre for other unit types (based on a minimum lot size of 26,000 square feet for 2 units and 10,000 square feet for each additional unit). These minimum lot sizes could be reduced to support greater housing diversity.
- Cape Charles allows options for small single-family lots as low as 5,600 square feet and townhomes on lots of 1,500 square feet. These lot sizes are supportive of diverse housing options at densities that create a walkable, livable community. The minimum lot size for multifamily is 3 acres, which could be reduced to increase opportunity for multifamily.
- Cheriton allows single family lots of 11,000 square feet with both public utilities, or 12 units per acre for multi-family (based on minimum lot size of 3,600 square feet). Smaller lot size considerations should be made for townhouses.
- Eastville offers multi-family at 4 units per 20,000 square feet (roughly 9 units per acre) but does not have a small-lot single

family option. Minimum lot size for single family is 20,000 square feet. Greater diversity in single family lot sizes, particularly where public or community utilities are available, is recommended.

- Exmore offers 11,000 square foot lots, which can be reduced to 8,000 square feet with both public utilities. The R-M district also offers options as low as 9,000 square feet for duplexes and 3,600 square feet for multi-family, depending upon utilities. Allowing a smaller lot size for townhouses could improve housing diversity.
- Nassawadox allows flexibility in lot size based on unit type and utility availability, as low as 11,000 square feet for single family; 9,000 square feet for duplexes; 3,600 square feet for attached and multifamily; and 2,000 square feet for townhouses.
- Northampton’s highest residential density is 1 unit per 20,000 square feet in the Existing Subdivision/Residential (ES/R) District. The ES/R District is applicable to existing and approved residential developments/subdivisions between December 28, 2000 and October 1, 2009 and includes secondary districts as outlined in Appendix D of the Zoning Ordinance which includes secondary districts such as Rural Village-Residential (RV-R) and Community Development-Residential Mixed (CD-RM). These primary and secondary districts cannot be enlarged; however, a development may expand to the lawful limits of the approved subdivision plat and plan of development in accordance with the applicable use, dimensional and area regulations for the district in the Zoning Ordinance. Development potential within these districts is therefore limited in scope to existing zoning district boundaries and potential re-development, including vacation of subdivision plats or amendments to approved plans of development. For this reason, the densities within these districts, except for noting the maximum allowable density of 1 unit per 20,000 square feet, as noted in this section, is not included in Chart 2. For development outside of the Existing Subdivision/Residential District, the highest permitted density is 2 units per acre. This can be increased only up to 4-5 units per acre with a rezoning or special use permit. This is not sufficiently dense to support townhomes and multi-family housing. Additionally, allowing higher density and smaller lots by-right in preferred future growth areas is recommended.

The observations noted above are made without consideration of utility availability. Higher densities should be considered and are most

appropriate for areas currently served by public or central utilities and in anticipation of future service/growth areas within the Towns and Town Edges of Northampton County.

Across all communities, the multi-family densities are fairly low and could be increased where utility availability allows. Options for density bonuses or density waivers/exceptions through a rezoning or special (or conditional) use permit could also be considered to support local housing needs.

***Available infrastructure affects higher density housing options.***

Higher densities will not be realized without public or centralized water and sewer to serve the units. Individual well and septic systems limit development to mostly large lots with single family detached homes and some duplexes, as Health Department minimum lot area requirements for the placement of individual wells and conventional septic systems are larger based on soil infiltration conditions, minimum required absorption (or drainfield) areas, and minimum setbacks for drainfields from wells, structures, and surface waters.

Northampton County and the Towns of Belle Haven and Cheriton will continue to be challenged to support new higher density housing options, such as duplexes, townhomes, tri- and quadplexes, and multifamily and mixed-use housing, to meet the needs and preferences of a diverse population without the ability to serve these units with centralized or public utilities.

Developments in Cape Charles, Eastville, Exmore, and Nassawadox that can be served by centralized or public utilities will be more likely to realize development at densities that will accommodate middle to higher density housing options.

It is important that ordinances for all of the localities continue to permit flexibility through allowance of smaller minimum lot sizes and higher densities in appropriate areas in anticipation of future extensions of public utilities or community water systems into their jurisdictions which may be feasible for higher density developments. However, without the infrastructure in place the overall densities permitted will continue to be challenged.

***Northampton County is the only locality to offer a density bonus option for affordable housing.***

Northampton County's ordinance provides for a ten percent (10%) bonus density to be considered at the time of rezoning for developments that provide affordable housing units. The Zoning Ordinance contains guidance for the Board of Supervisors to consider when analyzing such proposals. However, the density allowances and regulations do not match the current standards of the Code of Virginia § 15.2-2305.1, which would allow greater density bonuses for affordable units and allows for other considerations such as fee waivers.

Out of the ordinances evaluated, Northampton County's ordinance is the only ordinance that begins to offer density considerations for development of affordable housing units. The zoning district intent statements for several districts within the Town of Cheriton include the Town's desire to support housing variety and accommodate infill and affordable workforce housing; however, correlating density bonuses or other development standards to accommodate the affordable housing options are not included. While not a mandate, utilizing the Code of Virginia § 15.2-2305.1 would be a valuable method of encouraging affordable housing in areas where utilities can support the density bonus.

***Cluster developments offer flexibility to traditional lot development to create housing diversity.***

Cluster, or open space bonus density developments, is a development option that provides smaller minimum lot sizes and permanently preserved open space. Northampton County and the Towns of Cape Charles, Eastville, and Nassawadox include options to increase density and reduce minimum lot sizes for cluster-style developments that preserve open space.

Cluster development is an environmentally friendly alternative to traditional single-family development on larger lots. By de-emphasizing large, private lots, they allow conservation of environmentally sensitive areas and community open space.

***Several localities require zoning approval to achieve density necessary for "missing middle" and affordable housing.***

Several localities require approvals such as rezoning and special (or conditional) use or Planned Unit Developments (PUDs) approvals to obtain density bonuses. The exceptions to this include:



- Cape Charles, Cheriton, Exmore, and Nassawadox offer options for higher density (which vary in intensity from middle to higher density) by-right; and,
- Cape Charles and Nassawadox offer options for higher density for developments meeting standards such as open space preservation in certain districts for cluster developments.

PUDs are identified as a means to allow a mix of uses and increased or bonus densities in three of the localities. PUDs are optional in Cape Charles and Nassawadox. It is unclear in Northampton County's ordinance whether additional PUD applications would be accepted other than the Bayview Planned Unit Development.

As previously discussed, higher densities – whether by-right or with performance-based density bonuses – should be considered to incentivize housing diversity and affordability.

Chart 2 - Analysis of Permitted Residential Densities

The chart below provides a summary of district intent statements, permitted residential densities, and minimum lot sizes required for zoning districts within each locality.<sup>1</sup>

|                                    | Districts<br>Permitting<br>Residential Use | District Intent Summary                                                                                                                                                                                                                                                                                                                                                                                                           | Permitted Densities<br>and/or Minimum Lot Areas                                                                                                                                                                                               |
|------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                    |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                               |
|                                    |                                            | Conservation, Agriculture, and Open Space                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                               |
| Northampton<br>County <sup>2</sup> | Conservation (C)                           | Protect resources of coastal, bay, and upland coastal areas, barrier islands, tidal marshes and intercoastal waters; insure viability of water dependent industry.                                                                                                                                                                                                                                                                | 1 unit per 50 ac.; Lot area - 1 ac.                                                                                                                                                                                                           |
|                                    | Agriculture/Rural<br>Business (A)          | Preserve prime agricultural soils and land uses; maintain rural character; provide for farm agritourism; and provide for low density housing compatible with existing housing and rural quality of District arranged to minimize impact on agricultural activities and maximize space for farm and forestry uses.                                                                                                                 | 1 unit per 20 ac.; increased to 1 unit per 10 ac. with open space density bonus (85% open space required); Lot area - 1 ac.; reduced to 30,000 sq. ft. with open space bonus                                                                  |
|                                    | Waterfront Village-1<br>(WV-1)             | Provide low density rural housing while recognizing existing aquaculture and farming activities; protect wetlands and ground and surface waters.                                                                                                                                                                                                                                                                                  | 1 unit per 20 ac.; Lot area - 1 ac.                                                                                                                                                                                                           |
| Belle Haven                        | Agricultural (A-1)                         | Provide appropriate locations for open farm and wooded land; Regulations designed to keep farmland for farming purposes with minimum other development and restrict farming activities only as far as it would cause health hazards or excessive annoyance to neighboring residential areas.                                                                                                                                      | Lot area - single-family dwellings - 2 ac.;<br>Other uses no minimum                                                                                                                                                                          |
| Cape Charles                       | Harbor (H)                                 | Encourage a vibrant working waterfront area that is a strong economic benefit with compatible new industry and employment uses, strong public recreational value with public gathering places and access to the water; a place for people to conduct business and to live, meet, relax, encounter nature and learn of the working maritime and rail history; encourage public access to water's edge in a pedestrian environment. | Lot area - 11,200 sq. ft.                                                                                                                                                                                                                     |
|                                    | Residential Estate<br>(R-E)                | Provide relatively low-density housing in a rural type setting; Streets may be private in nature but are not expected to handle heavy traffic as they serve primarily homes in the local neighborhood.                                                                                                                                                                                                                            | Lot area - 1 ac.                                                                                                                                                                                                                              |
| Cheriton                           | Agricultural/<br>Residential (A/R)         | Provide appropriate locations for farm and woodlands; Keep farmland for farming purposes with minimum other development; Cluster development is encouraged to conserve farmland                                                                                                                                                                                                                                                   | Lot area - 2 ac.                                                                                                                                                                                                                              |
| Eastville                          | In-Town Farm (ITF)                         | Protect prime agricultural soils of the Town; help maintain rural character and to provide for low density, rural housing compatible in aspect, design, and form with the rural, agricultural quality of the district and arranged to minimize impact on agricultural activities, and to maximize open space which may be used for agriculture and forestry.                                                                      | 1 unit per 20 ac.; Lot area - 1 ac.; Bonus option - 1 unit 10 ac. with 85% open space preservation; Lot area - 30,000 sq. ft.;<br>Accessory Dwelling Units permitted with Special (or Conditional) Use Permit - subject to underlying density |
| Exmore                             | Agricultural (A-1)                         | Provide appropriate locations for open farmland or forest; designed to keep farmland for farming purposes as open land with minimal other development; restrict general farming activity only as far as it would cause health hazards or excessive annoyance to neighboring residential.                                                                                                                                          | Lot area - 1 ac.                                                                                                                                                                                                                              |
| Nassawadox                         | No relevant districts                      |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                               |

<sup>1</sup> As noted in the Key Findings, this chart does not include densities under Northampton County’s Existing Subdivision/Residential (ES/R) District. Details for that District can be found in Appendix D of the Zoning Ordinance.

<sup>2</sup> With a rezoning request, BOS may approve 10% density increase for Affordable Dwelling Units.

| Districts Permitting Residential Use |                                       | District Intent Summary                                                                                                                                                                                                                                                                                                                                                                                  | Permitted Densities and/or Minimum Lot Areas                                                                           |
|--------------------------------------|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Residential                          |                                       |                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                        |
| Northampton County <sup>3</sup>      | Hamlet/Residential (H/R)              | Area of small rural settlements, primarily residential; provide for mixture of residential and low-impact commercial uses compatible in aspect, design, and form with rural setting                                                                                                                                                                                                                      | 2 units per ac.; Lot area - 1/2 ac.                                                                                    |
|                                      | Waterfront Hamlet/Residential (W/HR)  | Area of small, traditional residential & working-waterfront seaside and bayside hamlets; provide for their continued existence but discourage additional residential land use to protect flood prone areas; preserve environmentally sensitive lands and protect water quality and viewsheds.                                                                                                            | 2 units per ac.; Lot area - 1/2 ac.                                                                                    |
|                                      | Village-1 (V-1)                       | Provide transition and future growth area between principally agricultural areas and more intense residential village areas with farming activities permitted; provide for a mix of farming & low-density residential uses while maintaining rural lifestyle.                                                                                                                                            | 1 unit per 20 ac.; Lot area - 1 ac.                                                                                    |
|                                      | Village/Residential (V-R)             | Primarily residential district to provide residential lots large enough to accommodate individual water and sewage disposal systems on the same lot.                                                                                                                                                                                                                                                     | 2 units per ac.; with SUP density could be increased to 4 units per ac. for multi-family; Lot area - 1 ac.             |
|                                      | Waterfront Village/Residential (WV/R) | Provide for a mix of housing types, with single family units predominating that are compatible in scale with traditional characteristics of the village area; ensuring uses protect wetlands and ground and surface waters.                                                                                                                                                                              | 2 units per ac.; Lot area - 1/2 ac.                                                                                    |
|                                      | Town Edge-1 (TE-1)                    | Provide for a mix of farming activities, low density residential and other low impact uses at a density higher than the surrounding agricultural areas, but lower than other Town Edge areas.                                                                                                                                                                                                            | 1 unit per 5 ac.; Lot area - 1 ac.                                                                                     |
|                                      | Town Edge/Residential (TE/R)          | Provide a mix of residential, home business, low impact commercial and community services at density/intensity similar to that of the adjacent Town while considering the feasibility of and impacts from infill development within the Town.                                                                                                                                                            | 1 unit per 2 ac.; with rezoning density may be increased to 5 units per 1 ac. with central utilities; Lot area - 1 ac. |
| Belle Haven                          | Single Family Residential (R-1)       | Composed of quiet, low density residential areas plus open areas where similar development is planned; regulations intended to protect essential characteristics of the area and promote suitable environment for family life where there are children; development limited to relatively low concentration; uses limited generally to single family and parks and public uses that serve the residents. | Lot area - 16,000 sq. ft.                                                                                              |
|                                      | Residential Mixed (R-2)               | Area of mixed single and multi-family residential areas and open areas where similar residential development is planned; regulations intended to protect essential characteristics of area; encourage a suitable environment for family life and limit commercial activities that serve the residents of the district.                                                                                   | Lot area - 1 unit - 16,000 sq. ft.; 2+ units - 26,000 sq. ft. plus 10,000 sq. ft. for each additional unit             |
| Cape Charles                         | Single Family Residential (R-1)       | Provide quiet, medium density single family residential development plus provide open areas where similar residential development is likely to occur; stabilize and protect the essential characteristics of the district; encourage suitable environment for family life where there are children and restrict more intense commercial uses.                                                            | Lot area - 5,600 sq. ft.                                                                                               |
|                                      | Residential Mixed (R-2)               | Provide medium density residential with a mixture of single family and multi-family housing; encourage a suitable environment for family life and restrict commercial activities to those that serve the needs of the neighborhood itself.                                                                                                                                                               | Lot area - 6,000 sq. ft.                                                                                               |

<sup>3</sup> With a rezoning request, BOS may approve 10% density increase for Affordable Dwelling Units.

|            | Districts<br>Permitting<br>Residential Use | District Intent Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Permitted Densities<br>and/or Minimum Lot Areas                                                                                                                                                                                                                                                                          |
|------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                          |
|            |                                            | Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                          |
| Cheriton   | Residential Multi-family (R-3)             | Provide for relatively high-density multi-family residential development; encourage a suitable environment for family life and restrict commercial activities to those that serve the needs of the surrounding residential neighborhood.                                                                                                                                                                                                                                                    | Project area for multi-family and townhomes - 3 ac.<br>Lot area for townhomes -- 1,500 sq. ft.                                                                                                                                                                                                                           |
|            | Residential (R-20)                         | Suburban density; existing & planned area for development; Encourage infill & affordable workforce housing; Cluster development encouraged to reduce infrastructure costs & to preserve open space, water resources & wildlife habitat and to provided dedicated recreational areas such as parks, trails & bike paths.                                                                                                                                                                     | Lot area - 20,000 sq. ft.                                                                                                                                                                                                                                                                                                |
|            | Residential (R-11)                         | Town density residential; existing & planned area for development including infill and affordable workforce housing; Protect residential character from non-residential encroachment; Intended to be served by public or central utilities; Cluster development encouraged to reduce infrastructure costs & to preserve open space, water resources & wildlife habitat and to provided dedicated recreational areas such as parks, trails & bike paths.                                     | Lot area - 11,000 sq. ft. with public or central utilities; otherwise, 20,000 sq. ft.                                                                                                                                                                                                                                    |
|            | Residential-Mixed District (R-M)           | Variety & flexibility in land development for higher density residential; infill development & affordable workforce housing; district regulations to protect mixed residential character from non-residential encroachment; provide harmonious variety in physical development; Cluster development encouraged to reduce infrastructure costs & to preserve open space, water resources & wildlife habitat and to provided dedicated recreational areas such as parks, trails & bike paths. | Single family lot area - 20,000 sq. ft. with individual well & septic; 15,000 sq. ft. with one public utility; 11,000 sq. ft. with both public utilities;<br>Multi-family lot area - Not permitted with individual well & septic; 5,500 sq. ft. with one public utility; 3,600 sq. ft. with both public utilities        |
| Eastville  | Residential Twenty (R-20)                  | Enhance the safety / function of these areas for family oriented and pedestrian friendly neighborhoods where the predominant land use is single family dwellings and is relatively free from traffic congestions, noise, pollution, and other nuisances.                                                                                                                                                                                                                                    | 1 single family unit per 20,000 sq ft; Multi-family up to 4 dwelling units per 20,000 sq. ft.; Cluster allowed - no clear density defined                                                                                                                                                                                |
| Exmore     | Residential (R-40)                         | Provide for existing and planned low-density residential development.                                                                                                                                                                                                                                                                                                                                                                                                                       | Lot area - 40,000 sq. ft.; reduced to 21,000 sq. ft. with both public utilities                                                                                                                                                                                                                                          |
|            | Residential (R-20)                         | Provide for existing and planned suburban density residential development.                                                                                                                                                                                                                                                                                                                                                                                                                  | Lot area - 20,000 sq. ft.; reduced to 13,000 sq. ft. with both utilities                                                                                                                                                                                                                                                 |
|            | Residential (R-11)                         | Protect the essential residential character of the district; protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, large concentrations of traffic, light, etc.; intent of district to be served by public or central water and sewer systems.                                                                                                                                                                                     | Lot area - 11,000 sq. ft.; reduced to 8,000 sq. ft. with both public utilities                                                                                                                                                                                                                                           |
|            | Mixed Residential (R-M)                    | Provide for variety of housing needs; regulations designed to stabilize and protect essential characteristics of the district and promote economical and efficient land use, appropriate and harmonious variety in physical development, creative design, and a better environment.                                                                                                                                                                                                         | Depending on utilities - Main Building Lot Area - 12,800 - 25,000 sq. ft.; Duplex - 9,000 - 25,000 sq. ft.; multi-family - 3,600 - 5,500 sq. ft.                                                                                                                                                                         |
| Nassawadox | Residential (R-20)                         | Provide for suburban density residential development where such development presently exists or where the Town wishes to encourage such development.                                                                                                                                                                                                                                                                                                                                        | Lot area - 20,000 sq. ft. with reduction to 8,000 - 15,000 sq. ft. with cluster and depending on availability of public utilities                                                                                                                                                                                        |
|            | Residential-Mixed (RM)                     | Encourage and provide for variety and flexibility in land development for residential purposes and ancillary uses; promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design, and a better environment.                                                                                                                                                                                        | Lot area (varies based on utilities) - 11,000 - 20,000 sq. ft. for single family; 9,000 - 20,000 sq. ft. for duplexes; Attached dwellings (Patio, atrium) - 3,600 or 10,000 sq. ft.; Townhouses - sq. ft. 2,000 - 3,000 sq. ft.; Multi-family (Apartments) - 3,600 - 5,500 sq. ft.; not permitted on individual systems. |

| Districts Permitting Residential Use    |                                                    | District Intent Summary                                                                                                                                                                                                                                                                                                                                                                                   | Permitted Densities and/or Minimum Lot Areas                                                                                                                                                       |
|-----------------------------------------|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mixed Use/Residential & Non-Residential |                                                    |                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                    |
| Northampton County <sup>4</sup>         | Village - Neighborhood Business (V-NB)             | Recognize existing small neighborhood commercial areas; provide for additional small neighborhood-serving commercial areas compatible in nature, design and scope with a rural village setting; mixed use neighborhood business and limited compatible residential development may be appropriate if impacts from mixed-use development can be mitigated.                                                 | 2 units per ac.; with SUP density could be increased to 4 units per ac. for multi-family; Lot area - 1 ac.                                                                                         |
|                                         | Waterfront Village - Neighborhood Business (WV-NB) | Recognize existing commercial areas and allow for environmentally low impact commercial activities which preserve ground and surface waters and other natural resources; mixed use neighborhood businesses with limited residential development may be appropriate outside of flood hazard areas may be appropriate if impacts can be mitigated and wetlands and ground and surface waters are protected. | 2 units per ac.; Lot area - 1/2 ac.                                                                                                                                                                |
|                                         | Waterfront Village - Waterfront Commercial (WV-WC) | Provide for those low-impact commercial uses which must be located on the waterfront due to the intrinsic nature of the activity and ensuring uses and activities protect wetlands and ground and surface waters.                                                                                                                                                                                         | No density and lot area provided                                                                                                                                                                   |
|                                         | Town Edge - Neighborhood Business (TE-NB)          | Provide for a compatible mix of neighborhood-scale commercial, community service and very limited industrial, and residential uses at a density similar to that of the adjacent Town but less dense than TE-1 Districts                                                                                                                                                                                   | 1 unit per 2 ac.; with rezoning density may be increased to 5 units per 1 ac. with central utilities; Lot area - 1 ac.                                                                             |
|                                         | Town Edge - Commercial General (TE-CG)             | Provide for a mix of commercial, community service, and light manufacturing/industrial uses adjacent to incorporate towns and at a density similar to that of the adjacent Town.                                                                                                                                                                                                                          | No density and lot area provided                                                                                                                                                                   |
| Belle Haven                             | Business-General (B-1)                             | Provide for conduct of limited business which provides convenience, goods, and services.                                                                                                                                                                                                                                                                                                                  | None, except for uses permitted in R-1 and R-2 shall meet area requirements for those districts; where individual sewage disposal is used, lot area must be approved by the county health official |
| Cape Charles                            | Commercial Residential (CR)                        | Recognize the unique juxtaposition of existing residential structures within the central business district and future needs of commercial districts; promote continued residential character while allowing introduction of commercial uses.                                                                                                                                                              | Lot area - 5,600 sq. ft.                                                                                                                                                                           |
|                                         | Commercial (C-1)                                   | Preserve and enhance the mixed-use urban nature of Cape Charles' commercial district; to encourage location of regional and local businesses and professional activities; facilitate development of buildings in keeping with its National Historic District character and to protect against destruction of or undesirable encroachment on these areas.                                                  | Lot area - 5,600 sq. ft.                                                                                                                                                                           |
|                                         | Commercial (C-2)                                   | Preserve existing commercial areas which are less densely developed than those in the C-1 District; encourage compatible commercial uses and density.                                                                                                                                                                                                                                                     | Lot area - 9,000 sq. ft.                                                                                                                                                                           |
|                                         | Commercial (C-3)                                   | Provide for development of the existing linear commercial area along Route 184; encourage uses to serve the community; and to encourage quality construction and design as this serves as an entrance corridor to Cape Charles.                                                                                                                                                                           | Lot area - None; historic overlay area                                                                                                                                                             |

<sup>4</sup> With a rezoning request, BOS may approve 10% density increase for Affordable Dwelling Units.

| Districts Permitting Residential Use    |                                         | District Intent Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Permitted Densities and/or Minimum Lot Areas                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mixed Use/Residential & Non-Residential |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                 |
|                                         | General Business/Light Industrial (GBI) | Provide a district for business, office, light industrial and specific public purpose and to encourage formation and continuance of a quiet, compatible, and uncontested environment for business, professional and light industrial firms; discourage any uses capable of adversely affected the specialized commercial and housing character of the Town.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Lot area - None                                                                                                                                                                                                                                                                                                                                 |
|                                         | Industrial (M-1)                        | Permit certain industries which will not detract from the residential desirability and will not be permitted to locate in any area adjacent to a residential area; standards designed to protect and foster adjacent desirability while permitting industry to locate near a labor supply and near existing available transportation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Lot area - 15,000 sq. ft.                                                                                                                                                                                                                                                                                                                       |
| Cheriton                                | Commercial Neighborhood (CN)            | Provide location & expansion of businesses which are pedestrian & neighborhood oriented; support downtown revitalization, promote adaptive reuse of existing buildings & preserve historic character; pedestrian and bicycle oriented; medium truck and vehicle traffic.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Lot area - None                                                                                                                                                                                                                                                                                                                                 |
|                                         | Commercial General (CG)                 | Provide locations for a broad range of commercial activities; characterized by heavy truck and vehicle traffic; accommodate commercial development while maintaining highway safety & capacity and preserving the Town's scenic and rural character.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Lot area - None                                                                                                                                                                                                                                                                                                                                 |
| Eastville                               | Commercial Neighborhood (CN)            | Promote harmonious development, redevelopment, and rehabilitation of uses in the historic downtown commercial area and other traditional mixed-use neighborhoods to allow for limited business and mixed-use buildings which provide convenience, goods, housing options, and services to local neighborhoods.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Lot area - solely residential buildings - 20,000 sq. ft.; All other uses (which includes multi-family in mixed use buildings) - no minimum area but must be able to meet bulk standards; maximum area - 1 ac. Density for single family - refers to R-20; 1 dwelling per 20,000 sq. ft.; For multi-family - 4 dwelling units per 20,000 sq. ft. |
|                                         | Commercial General (CG)                 | Provide appropriate locations for a broad range of commercial activities characterized by heavy truck and vehicle traffic and occasional nuisance factors which are highway oriented; provides for residential apartments in mixed use buildings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Lot area - None                                                                                                                                                                                                                                                                                                                                 |
| Exmore                                  | Business, Downtown (B-D)                | Provide pedestrian oriented access to stores and services located downtown by encouraging preservation and restoration of existing buildings to their original early 1900's character; provide friendly, welcoming atmosphere by maintaining sidewalks, streetlights, park benches, building facades and parking lots.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Lot Area - None                                                                                                                                                                                                                                                                                                                                 |
|                                         | Business, General (B-G)                 | Provide for general businesses which provide convenience, goods, and services to Town residents and those living in close proximity to the Town, and which is compatible with adjacent residential uses.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Lot Area - None                                                                                                                                                                                                                                                                                                                                 |
|                                         | Commercial Highway (C-H)                | Provide for a broad range of highway-oriented business and service uses while preserving and enhancing the safety, function, and capacity of the U.S. Route 13 corridor; Sales or services may be on or off the premises, and may be characterized by relatively heavy vehicle and truck traffic and occasionally by other nuisance factor; preserve U.S. Route 13 as important to the public health, safety, and welfare of the Town through providing access to jobs and schools, facilitates delivery of emergency services, and supports movement of goods and services vital to economic development function; the corridor serves as a first impression of the community for tourists and the traveling public; C-H District is also intended to minimize potential impact of highway-oriented development on existing and future residential areas. | Lot Area - None                                                                                                                                                                                                                                                                                                                                 |

|            | Districts Permitting Residential Use    | District Intent Summary                                                                                                                                                                           |  | Permitted Densities and/or Minimum Lot Areas                                                                                                                                                                           |
|------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | Mixed Use/Residential & Non-Residential |                                                                                                                                                                                                   |  |                                                                                                                                                                                                                        |
| Nassawadox | Residential-Office (RO)                 | Provide for a mixture of residential uses, including duplexes, and offices where such residential development and offices presently exist or where the Town wishes to encourage such development. |  | Lot area - 20,000 sq. ft. for residential subdivisions and dwellings; reduction for single family detached units to 8,000 - 15,000 sq. ft. depending on available public utilities (Note: chart has typo in standards) |
|            | Commercial-Office (CO)                  | Promote health and services industries by providing appropriate locations for health services related commercial activity and professional services as well as some multi-family housing.         |  | Lot Area - None except for uses with off-street loading areas required                                                                                                                                                 |
|            | Commercial General (CG)                 | Provide appropriate locations for a broad range of commercial activities which are characterized by heavy truck and vehicle traffic and occasional nuisance factors which are highway oriented.   |  | Lot Area - None except for uses with off-street loading areas required                                                                                                                                                 |



|                                    | Districts<br>Permitting<br>Residential Use         | District Intent Summary                                                                                                                                                                                                                                                                                                                                                           |  | Permitted Densities<br>and/or Minimum Lot Areas  |
|------------------------------------|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------|
|                                    | Overlays & Floating Zones                          |                                                                                                                                                                                                                                                                                                                                                                                   |  |                                                  |
| Northampton<br>County <sup>5</sup> | Mobile Home Park<br>Floating Zone (MHP)            | To accommodate mobile homes in a planned neighborhood served by approved sewage disposal facilities, adequate access to a public road, and a public/community water supply. In mobile home parks, no space shall be rented for residential use except for a period of at least 30 days.                                                                                           |  | Lot area - 5,000 sq. ft./unit                    |
|                                    | Planned Unit<br>Development Floating<br>Zone (PUD) | Intended to allow innovative and creative development projects that conform to the goals and objectives of the Comprehensive Plan while allowing flexibility in design.                                                                                                                                                                                                           |  | Per zoning conditions                            |
| Belle Haven                        | No relevant districts                              |                                                                                                                                                                                                                                                                                                                                                                                   |  |                                                  |
| Cape Charles                       | Planned Unit<br>Developments (PUD)                 | Promote creative and imaginative development designs for residential and commercial uses by allowing greater flexibility than is possible under the restrictions of conventional zoning regulations; promote more efficient land use while encouraging variety and convenience for the overall development; development of recreational areas and open spaces within the project. |  | Article V of Ordinance not provided for analysis |
| Cheriton                           | No relevant districts                              |                                                                                                                                                                                                                                                                                                                                                                                   |  |                                                  |
| Eastville                          | No relevant districts                              |                                                                                                                                                                                                                                                                                                                                                                                   |  |                                                  |
| Exmore                             | No relevant districts                              |                                                                                                                                                                                                                                                                                                                                                                                   |  |                                                  |
| Nassawadox                         | Planned Unit<br>Development Petition<br>(PUD)      | Allow for a cohesive development of mixed uses based on units in which conventional lot restrictions are lowered to provide a percentage of open space                                                                                                                                                                                                                            |  | Based on zoning conditions                       |

<sup>5</sup> With a rezoning request, BOS may approve 10% density increase for Affordable Dwelling Units.

## Solutions

Infrastructure and density allowance define residential development patterns. Reforming ordinance minimum lot area and density standards accommodates a wider housing variety to meet the housing needs of the community's diverse population, as well as increases affordable housing options.

The following solutions are recommended:

1. *Ensure densities and lot sizes recommended for growth areas foster housing variety and options for affordable housing.* Consider amendments to Comprehensive Plans and ordinances to allow for densities necessary for a diverse and affordable housing supply.
2. *Consider options to provide infrastructure necessary for increased densities.* Policy discussions and cooperation should occur between the County and Towns to discuss and implement the provision of public utilities in areas of the County around Town edges, where appropriate.
3. *Consider adoption/amendment of inclusionary zoning regulations.* Density bonuses encourage the production of affordable housing units. The Code of Virginia § 15.2-2305.1 allows localities to adopt zoning regulations for inclusive zoning and bonus densities for developments that incorporate affordable units. These developments should be targeted to areas where increased density would not negatively impact the surrounding area and can be accommodated by utilities. Consideration should be given to amendments to Northampton County's ordinance to align with this state enabling legislation.
4. *Consider adoption/amendment of standards that allow cluster developments.* For localities without the option for cluster development (Belle Haven, Cheriton and Exmore), consider adopting standards to allow these developments where appropriate. Regulations to allow for cluster developments should be clear with respect to standards such as for permitted density bonuses, lot sizes, and long-term open space maintenance. In Northampton County and Eastville, consider where existing cluster development standards could be revised to allow these developments by-right subject to specific development standards.
5. *Consider adoption/amendment of standards that allow for Planned Unit Developments (PUD).* For localities without the option for Planned Unit Development (PUD) zoning, consider adopting standards to allow for these developments where appropriate to accommodate higher densities, a variety of housing types within a development, mixes of residential and non-residential uses, and to incorporate quality design standards.
6. *Analyze purpose and intent statements of zoning districts.* Zoning districts intent statements, such as with Cheriton which identifies the desire for affordable and workforce housing, should clearly reflect a locality's intent for the area included in the district. Other localities should ensure their district intent statements also align with their desire for housing diversity and affordable housing. Density and zoning regulations should align with and forward the purpose and intent of the zoning districts.
7. *Consider ordinance amendments to allow higher density options by right.* All localities should consider allowing higher density development by right with appropriate design standards to reduce the need for each development to seek subsequent zoning approvals to accommodate the housing variety desired within the community.

### Factor 3 – Regulation Consistency/Clarity

In removing barriers in land use regulations to coincide with comprehensive strategies for housing, consistency and clarity in terminology is important.

Analysis for this factor specifically concentrated on housing terms to determine whether there is a general consistency in definitions, and how different terms may be defined between the County's and Towns' ordinances. Terms examined included those for various housing types.

#### Key Findings

##### ***Most of the ordinances lack definitions for affordable and workforce housing.***

Only Northampton County and Cape Charles ordinances include definitions related to affordable housing terms. Cheriton's zoning district intent statements reference the provision of affordable and workforce housing, but the terms are not defined in the ordinance.

Affordable housing in Northampton County's zoning ordinance is defined as "Housing, either rental or owned, which is accessible to any or all of the HUD-defined income categories up to and including "low income," based on the "area median income," such that the occupant pays not more than 30% of his/her gross income for gross housing costs, including utilities, consistent with the Code of Virginia § 15.2-2201." The Cape Charles Ordinance defines low-income housing as "Housing that is economically feasible for families whose income level is categorized as low within the standards promulgated by the U.S. Department of Housing and Urban Development or the appropriate housing agency." Both definitions vary somewhat from the definition of affordable housing in the Code of Virginia § 15.2-2201 which reads, "housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than thirty percent of his gross income for gross housing costs, including utilities."

Northampton County's ordinance also defines workforce housing as "Housing which is accessible to households whose primary source of reported income is from employment and whose income ranges between the weekly income available from minimum-wage salaries and

the weekly income available from the current "average wage" salary as defined for Northampton County by the U. S. Bureau of Labor Statistics."

Defining both affordable housing and workforce housing are important for the intelligible administration, application, review, and permitting of these types of housing developments.

##### ***The ordinances contain inconsistent and obsolete terms and language.***

A variety of definitions throughout the evaluation of the various ordinances were found to be either obsolete, such as those terms are not otherwise listed as permitted uses, or those that are inconsistent with other definitions. In addition, certain permitted uses are not defined, and some terms are inconsistently titled in different parts of the code. Terms for permitted land uses should be consistently named throughout an ordinance and should always include a definition.

While the following are examples of key findings relative to consistency in terminology, other language inconsistencies exist and should be addressed comprehensively:

For Northampton County:

- Consistency is needed for definitions of Manufactured Home and Manufactured Home Park, which references the Code of Virginia "to replace mobile home, mobile home park and similar references"; however, the Ordinance also still includes definitions of mobile home and mobile home park.
- Consistency is needed between definitions for apartment, apartment house, and multi-family dwelling; multi-family dwelling is defined as 3-5 units (location of units for apartment allows more flexibility) while multi-family dwelling in ordinance appears to reference townhouse, row house, side-by-side which infers garden style; these should be defined more clearly; townhomes are also defined separately.
- Permitted uses should be consistently titled. Permitted uses include fee simple ownership of a dwelling unit which is not defined, but the term condominium is defined.
- Clarity is needed for the numerous terms defined relative to assisted living facility types where uses are residential in nature or more institutional; other nuances in the definition of shared senior housing as being for those with "no

observed behavior indicative of mental illness" and facilities that "voluntarily" become licensed need clarity to ease usability and enforcement.

For Belle Haven:

- Consistency is needed for terms of all housing types and definitions are needed for each term.
- Consistency is needed between terms multi-family, duplex, and apartment house relative to design (as separate dwelling units vs. as interior of building is designed) and occupancy (numbers of families permitted overlap in terms).
- Definition of group home includes outdated Code of Virginia reference.

For Cape Charles:

- Clarity is needed between definitions of manufactured housing and manufactured home dwelling; manufactured housing as permitted may be a modular home. Modular homes are typically clarified as different from manufactured housing and treated the same as a traditional single-family dwelling.
- Clarity is needed between definitions for duplex and multi-family, which both include with two (2) dwelling units.
- Clarity is needed in definition of family relative to "common housekeeping management plan, intentionally structured relationship providing organization and stability" to ease understanding and enforcement.
- Clarity is needed in definition of continuing care retirement facility relative to specific components of the definition to ensure ease of understanding and enforceability.

For Cheriton:

- Consistency is needed between attached dwelling definition (one or more dwellings having a common party wall separating dwellings such as townhomes), duplex, cluster or quadplex units (2 or more units), and multi-family (3 or more attached units). Each of these housing types are characterized as attached dwellings. The permitted unit numbers that overlap between these development types should be clarified for a clear difference between the types of attached units.

- Determine need for separate definitions of manufactured home and mobile home parks; obsolete terms should be removed.
- Determine need for separate terms for modular home, modular dwelling, modular unit, and sectional home; obsolete terms should be removed and could be combined with term for single family dwelling.

For Eastville:

- Consistency needed between definitions for duplex and multi-family relative to the number of units that constitute the uses and building design components.
- Typographical error in definition of manufactured home length; should read "forty" feet instead of "forth" feet.
- Clarity needed between definitions of modular home, modular dwelling, modular unit, and sectional home.
- Missing definition from the Code of Virginia for assisted living group home; ordinance defines residential elder care which is not consistent with the Code of Virginia as a group home.

For Exmore:

- Clarity needed in definitions of dwelling types; definitions reference maximum occupancy permitted per bedroom; may be difficult to enforce.
- Consistency needed between duplex and multi-family definitions relative to bedrooms and occupancy by more than one family.
- Clarity needed for definition of term bed and breakfast inn, which is listed as a permitted commercial use, but not defined and a bed and breakfast home, which is defined but not listed as a permitted use.

For Nassawadox:

- Consistency between definitions needed for attached dwelling, atrium house & townhouse, all include reference to attached dwellings. Two attached dwellings could also be a duplex.

- Definitions of terms not otherwise referenced in the ordinance should be removed.
- Clarity needed between definitions of modular unit and sectional home.
- Clarity in definition of group home needed for compliance with the Code of Virginia.

Often zoning and subdivision ordinances have some of the same terms which are found to be defined differently in the ordinances. To prevent inconsistencies, these two ordinances can be combined as a unified code with one set of definitions.



Single-family home in Willis Wharf



## Solutions

To support a locality's comprehensive housing strategy, it is important to ensure there is consistency and clarity in housing terminology. Terms related to affordable and workforce housing should clearly identify targeted income levels and housing needs for citizens and be consistent between affordable housing policies and ordinances to reinforce the importance of those policies.

In Northampton County much of the future housing growth is anticipated in towns and at town edges, therefore consistency between the localities will provide developers with clarity as they work with the County and Towns to develop new residential housing options.

1. *Consider adopting consistent housing definitions across localities, especially for affordable housing.* Since the majority of housing growth is anticipated in the towns and town edges within the County, localities should consider adoption of consistent housing definitions which include clear language for affordable housing to reflect the community's goals for the provision of affordable housing, including targeted income levels and diverse housing needs.
2. *Amend ordinances for housing definitions.* Modernize definitions and add new definitions for terms not defined. These amendments should also remove obsolete and inconsistent definitions.
3. *Implement ordinance amendments to comply with the Code of Virginia.* Ensure terminology is compliant with Code of Virginia requirements and that definitions are not overly exclusionary.
4. *Evaluate definitions of other development terms.* Examine definitions of other development terms such as setbacks, yards, lot areas, lot widths, and frontages to ensure consistency and clarity in how area calculations or measurements are determined.
5. *Consider adoption of a unified development ordinance.* A unified development ordinance, including both zoning and subdivision regulations in one document, is recommended to provide a more user-friendly code, afford greater consistency in regulations, and is easier for staff to administer.



## Factor 4 – Development Standards

Residential development standards can help foster development variety and promote visual interest and durability. The goal of development standards should be to provide minimum standards designed to achieve quality community design for diverse by-right housing development.

Analysis for this factor examined potential constraints related to development standards, such as maximum lot coverage, off-street parking, building heights, and setbacks, which may impact housing variety and overall development quality.

### *Key Findings*

#### ***Basic development standards can unintentionally limit diversity.***

Development standards contained within the localities' zoning district standards are basic development standards, such as minimum lot sizes, maximum building coverages, setbacks, building heights, and parking, which accommodate single lot development and provide building setbacks depending on the minimum lot sizes within a zoning district. These basic standards are a benefit to maintaining a consistent residential character or pattern, but if too stringent they may limit a broader set of dwelling configurations that could accommodate greater housing diversity.

#### ***Varying lot areas supports housing variety.***

Only some of the localities offered sufficient variability in lot sizes to accommodate diversity in housing types. This is due in part to the availability of infrastructure. Because of the close tie between lot size and density, lot size is addressed in more detail under Factor 2 (Permitted Housing Densities).

#### ***Low maximum lot coverages may limit housing diversity.***

Maximum lot coverage is a common development standard in zoning ordinances that may unintentionally constrain middle housing. Typically, these standards are provided for the purpose of maintaining open yard space and landscaping. The standards apply consistently across a district, regardless of unit type; therefore, higher density housing options may be unintentionally restricted by provisions intended for single family homes. As an example, in Eastville's Residential (R-20) the maximum lot coverage allowed is 18%. This is out of range with the more

typical 30%-40% lot coverage allowances in other localities' ordinances. While 30-40% is within the common range for single-family, higher maximum lot coverages are typical for higher density unit types, such as duplexes, townhomes, and multifamily. For districts that permit mixed dwelling types, increasing maximum lot coverage standard should be considered to reasonably accommodate more variety in housing – particularly where infrastructure is available to support it.

It should be noted that lot coverage definitions frequently vary by locality. Depending on the locality, specific lot coverage definitions may address buildings and impervious surfaces, only structures under roof, or only *enclosed* buildings under roof. When considering benchmarks and adjustments to lot coverage, the specific, ordinance-defined terminology must also be reviewed.

***Flexibility in setbacks supports diverse housing products.*** Standards within Cape Charles' Residential Multi-Family (R-3) District offer reduced setbacks to accommodate a variety of uses, including zero-lot line, townhomes, and patio homes. The same flexibility in setbacks is not found in other ordinances as a matter of right. Most setbacks in the other localities' ordinances are standardized across all zoning districts, even those where slightly higher density uses are permitted. Variation in setbacks reduces monotonous development and allows greater flexibility in site design.

The Towns' ordinances and in the village-type districts in Northampton County, front setback averaging with existing development is required/permitted except along major roadways. This flexibility assists to maintain the character of the neighborhood and consistency along the streetscape.

Development standards within each community include increased setbacks (and some landscaped buffers) as separations between single family and higher density residential housing types or for districts where residential mixed use is allowed. Transitions between residential uses with varying intensities and building footprints can often be accomplished without a set standard for greater physical separation, such as with landscaping and building orientation.



***Reducing parking requirements can increase a property's development potential.***

Across the board, the ordinances required two (2) parking spaces per dwelling unit. Eastville's ordinance allows for both required spaces to be the garage for the unit. Allowing at least one (1) of the two (2) spaces within a garage reduces the on-site area required for parking and provides more efficient use of land; however, if no on-site parking is available outside of the building, parking concerns may arise in higher density areas. Within Town downtown business districts and areas with public transportation, consideration may be given to available on-street parking to assist with meeting parking needs for multi-unit and mixed-use buildings.

Each Town ordinance discusses the ability for shared parking between uses, which is a best practice that offers flexibility and land efficiency, especially in mixed use areas. Northampton County's parking standards require parking to be provided calculating the parking needs of both uses separately unless the Zoning Administrator determines that a reduced number of parking spaces is adequate due to different hours of normal activity for the uses. This standard could be clarified to establish the criteria for the reduction without a separate determination needed. Shared parking and on-street parking in appropriate areas is recommended as a best planning practice.

***While permitted building heights can ensure compatibility between new and existing development, standards may limit housing diversity and potential unit yield.***

Maximum building heights are generally thirty-five (35) feet in each community, which is typical for two-story buildings. Two exceptions to note are that Cape Charles' ordinance permits building heights of forty (40) feet in non-residential and higher density districts and in the Existing Subdivision/Residential (ES/R) District for Northampton County, which may be increased to forty-five (45) feet in Community Development secondary zoning districts.

Limiting building height to two stories may limit the viability of multi-family development and reduce the overall number of units produced. There may be areas throughout the community where taller buildings may be appropriate to accommodate denser townhome and multi-family residential uses, perhaps away from shorelines where scenic views are critical.

***Minimum house sizes limit housing diversity and middle housing opportunity.***

Cape Charles' ordinance includes minimum and maximum house sizes in its residential districts and building design standards. In the R-1 District dwelling sizes range from 960 to 4,500 square feet but are further limited based on the developable lot size. In the R-2 District, minimum habitable areas for single family dwellings and patio-style homes are 1,000 square feet and 850 square feet per unit, respectively. In the R-3 District, all dwellings must have a minimum habitable area of 1,000 square feet. While these standards are intended to ensure development is compatible with the character of its existing residential neighborhoods, these minimum building sizes may limit development of diverse housing options.

***Ordinance provisions requiring specific identification or standards for rental units are exclusionary.***

In ordinances for Eastville and Nassawadox, site plans for condominium and common wall houses require the developer to indicate on the plat which units are reserved for rental and which units are reserved for sales purposes. These standards indicate that all units reserved for sale purposes must be shown on subdivided lots for individual ownership. Dwelling units within a building intended as condominium development may be owned without ownership of a lot surrounding the unit. Perhaps this standard is intended for townhome development. This requirement is unclear and a constraint to the provision of rental units.

Under the Code of Virginia § 55.1-1905, condominiums must be treated the same under zoning, subdivision, site plan, and other land use ordinances as would physically identical projects or developments under a different form of ownership. Localities must carefully consider ordinance provisions which are unclear or are exclusionary towards condominium and other diverse and affordable housing.

## Solutions

While the demand for housing will drive the specific housing products that are built, development standards that support more types of residential development designs can offer alternative approaches that promote development diversity.

1. *Amend ordinance to offer development standards specific to meet the community's desired housing variety.* Consider revisions to residential development standards to eliminate the one size fits all approach to lot coverages, widths and areas, setbacks, and parking standards to ensure they offer flexibility to accommodate a variety of new development. Based on careful analysis of the variety of housing desired and where such variety is appropriate, it is important that the impact of the requirements upon the affordability of housing is considered.
2. *Reduce setbacks between single family and higher density housing.* Consider reducing setbacks between single family residential uses and higher density residential and/or mixed residential and non-residential developments with standards to address physical form in lieu of large physical separation/setbacks.
3. *Increase lot coverage maximum standards to permit mixed residential uses.* Consider increasing lot coverage of the zoning districts that permit mixed residential uses to ensure they can accommodate higher density housing options.
4. *Consider reductions in the required number of parking spaces to increase developable area of lots.* Review Town parking standards to allow parking reductions in downtowns and areas served by public transit.
5. *Allow for increased building heights in appropriate areas.* Consider increasing allowable building heights in appropriate areas such as areas where existing infrastructure is in place to support higher density residential uses but will not negatively affect scenic views.
6. *Remove constraints to housing diversity that may come from minimum and maximum dwelling sizes.* Examine house size

standards to encourage provision of middle housing and diverse housing options.

7. *Amend ordinances to remove language that is unclear and exclusionary to diverse and affordable housing.* Remove conflicting, unclear, and exclusionary language in standards for ease of use and understanding.

## Factor 5 – Standards for Livable Communities

Affordable housing does not have to mean lower quality housing. Quality, accessible neighborhoods are important to the quality of life and economic vitality of the County and its Towns. Northampton County has adopted standards for livable communities through the Eastern Shore Healthy Communities “Livable Communities” concept. Among other concepts for community-building, these encourage pedestrian-friendly, walkable communities with safe sidewalks and useable open spaces located near services. These standards can improve the quality and sustainability of developments and the community overall.

Analysis for this factor evaluated whether ordinance design standards align with basic development principles for livable communities (i.e., sidewalks, useable open space, development amenities, landscaping, and parking design standards).

### *Key Findings*

#### ***Clear design standards for elements of livable communities result in quality, livable developments.***

Results of the analysis of livable community standards for sidewalks, useable open space, development amenities, landscaping and parking design standards for each locality are provided in Chart 3, *Livable Community Design Standards*. As a general summary, Northampton County and Cape Charles provide specific development standards for each of the livable community components. Ordinances for the Towns of Belle Haven, Cheriton, Eastville, Exmore, and Nassawadox vary on whether development standards exist for each element or are mentioned as needing to be shown on site development plans. It is important for ordinances to specifically require development standards to improve the quality of its residential communities.

Each locality should examine its livable community design standards, and other development standards, to ensure they are clear. Words such as “whenever possible” should be avoided as such terms may be challenged by developers during plans review. Clear processes for exceptions to ordinance standards should be enumerated.

#### ***The ordinances require pedestrian connectivity/sidewalks for walkability.***

Ordinances for Northampton County and each of the Towns require developers, either as a specific development standard or in language in site plan requirements, to provide for sidewalks and pedestrian walkways for developments requiring site plans to enable patrons and/or tenants to walk safely and conveniently from one building to another and to adjacent sites and places such as schools, parks, and similar areas.

#### ***Useable open space and recreational amenities are important to improving the quality of life aspect of communities.***

In Cape Charles’ Harbor District, the ordinance requires minimum open space areas of 25% to be dedicated to plazas, esplanades, landscaping, walkways, and pedestrian oriented public recreational areas along the waterfront.

The Town of Cheriton’s ordinance provides that clustering is encouraged in residential areas to reduce infrastructure costs, but also to preserve open space and water resources. In addition, these standards require open space areas for recreational areas to include parks, trails, and bike paths and speaks to aesthetic open spaces and cooperative parking.

Northampton County’s, Exmore’s, and Nassawadox’s ordinances address open space standards for cluster developments. Each locality’s ordinance could be clearer with respect to percentages of *useable* open space and development amenities, including active and passive recreational areas to serve various districts and housing types and communities. However, any of the localities instituting cluster provisions under the Code of Virginia § 15.2-2286.1 should be cautious of requiring active recreational uses. While this section of the Code of Virginia does not allow localities to require usable open space, it is important to note that similar development designs can be achieved through Planned Unit Development (PUD) and similar districts without restricting recreational spaces.

***Parking lot design standards can help improve safety and livability.***

Each locality's ordinance provides some level of parking lot design. These design standards range from mentioning the need for crosswalks and landscaping in site plan requirements in Belle Haven's ordinance to specific design standards for the provision of safe pedestrian accessibility, lighting and landscaping in Northampton County's, Cape Charles', Cheriton's, and Nassawadox's ordinances. A caution is mentioned in Eastville's ordinance that screening of parking areas shall occur to the "maximum extent possible" without compromising safety. Each locality should look specifically at parking lot design standards for mixed and higher density residential uses to ensure consideration is given to specific nuances in parking needs and designs for these uses. Large, expansive parking areas are not supportive of a walkable, livable community design. Factor 4 (Development Standards) provides suggestions on reduction of minimum parking requirements.

***Manufactured home parks and subdivisions can be designed as quality communities.***

In its Manufactured Home Park floating district, Northampton County's ordinance includes requirements for these parks to provide adequate roads, open space, and recreational amenities. However, all of the standards for manufactured home parks should be evaluated and strengthened to ensure manufactured home parks have a quality design for sustainability and standards for maintenance and upkeep of the park. These standards are not found in the Towns' ordinances since manufactured home park use is not listed as a permitted use.

***Planned and mixed-use zoning districts create livable communities.***

Planned Unit Development (PUD) districts promote development of livable communities with compact, pedestrian-oriented patterns and housing variety with a mix of non-residential uses.

Northampton County and the Towns of Cape Charles and Nassawadox allow PUDs with zoning approval to establish the PUD areas. Northampton County's and Nassawadox's ordinances allow for the creation of the PUD districts but include only minimal standards. Cape Charles' ordinance outlines expectations for development details required with a PUD application, as well as development standards that should be addressed such as pedestrian connectivity, uses and densities, recreational and open space amenities, and landscaping. These design components should be clearly outlined in each locality's PUD standards. PUDs as well as other mixed-use zoning districts, are good tools to support housing diversity in livable communities.



Sidewalk and landscaping in residential neighborhood

Chart 3 – Livable Community Design Standards

|              | Sidewalks | Useable Open Space | Development Amenities | Landscaping | Parking Design | <p>Notes</p> <p>● – Specific Development Standards Required</p> <p>◐ – Partial Requirement/Standards</p> <p>Blank – Not Addressed</p>                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------|-----------|--------------------|-----------------------|-------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Northampton  | ●         | ●                  | ●                     | ●           | ●              | Includes specific development standards for elements of livable communities, including requiring development amenities and specific landscaping standards for tree retention & perimeter planting; could be strengthened across districts in addition to PUD and cluster; consider expansion of design standards for various development types such as townhomes vs. multi-family or zero-lot line developments.                                                                                                                                        |
| Belle Haven  | ●         |                    |                       | ◐           | ●              | Includes specific standards for parking and requires pedestrian connectivity between uses; open space and landscaping are mentioned, but no specific standards exist; consideration should be given to adoption of specific development standards for livable communities.                                                                                                                                                                                                                                                                              |
| Cape Charles | ●         | ●                  | ●                     | ●           | ●              | Includes specific development standards for these elements of livable communities including requiring development amenities and specific landscaping standards for tree retention & perimeter planting; could be strengthened across districts not only for PUD and cluster; includes flexibility in parking standards for cooperative parking; consider reduction in numbers of parking spaces for walkable communities; expansion of design standards for various development types such as townhomes vs. multi-family or zero-lot line developments. |
| Cheriton     | ◐         | ◐                  | ◐                     | ◐           | ●              | Requires provisions for sidewalks, open space and landscaping to be shown on development plans, but lacks specific development standards; development amenities are required in conjunction with “large” residential communities; consider adoption of additional standards for livable communities for each of these elements including for parking and use types as discussed for Northampton County.                                                                                                                                                 |
| Eastville    | ◐         | ◐                  | ◐                     | ◐           | ●              | Requires provision of sidewalks for connectivity; general discussion in site plan submittal requirements including useable open space and landscaping plan; consider adoption of additional standards for livable communities for each of these elements including for parking and use types as discussed for Northampton County.                                                                                                                                                                                                                       |
| Exmore       | ●         | ◐                  | ◐                     | ◐           | ●              | Requires provision of sidewalks for connectivity; requires open space for cluster developments and general discussion in site plan submittal requirements including an optional landscaping plan; consider adoption of additional standards for livable communities for each of these elements including for parking and use types as discussed for Northampton County.                                                                                                                                                                                 |
| Nassawadox   | ●         | ◐                  | ◐                     | ◐           | ◐              | Requires for provision of sidewalks for connectivity; requires open space for cluster developments and general discussion in site plan submittal requirements including an optional landscaping plan; consider adoption of additional standards for livable communities for each of these elements including for parking and use types as discussed for Northampton County.                                                                                                                                                                             |



## Solutions

Components that assist in creating quality, livable communities are mentioned in the community's ordinances. However, the community's expectations for quality design standard elements are not clearly outlined in ordinance standards in a manner which is understandable and enforceable.

1. *Adopt ordinance standards that incorporate livable community design standards.* Consider adoption of specific ordinance standards and revisions of existing standards to set clear design expectations for development of livable communities and Planned Unit Developments (PUDs).
2. *Ensure codes include sidewalk and pedestrian connectivity requirements.* Where County and Town codes include sidewalk construction and provision, evaluate those standards to ensure they align with the quality, livable community design desired for residential areas.
3. *Plan for improvements to infrastructure for walkable communities.* Evaluate existing pedestrian and bikeway infrastructure to identify gaps in accessibility and strategically plan for improvements to this infrastructure.
4. *Plan for improvements to infrastructure to ensure recreational amenities meet community's needs.* Evaluate existing parks and recreational facilities to identify gaps in the community's current system, as well as to understand expected increase in needs with growth. That analysis could examine project size thresholds and types to set standards for the provision of active and passive recreational amenities for by-right and diverse housing options. Standards should also include variations in requirements, where appropriate, based on locations of new developments versus infill developments.
5. *Adopt standards for livable manufactured home parks and subdivisions.* Create quality and livable community standards for manufactured home parks and manufactured home park subdivisions to ensure these developments include requirements that ensure safety and sustainability including, but not exclusively, walkability, park road construction standards, landscaping, recreational amenities, appropriate setbacks and spacing for homes and accessory structures.
6. *Adopt and/or amend standards for Planned Unit Development (PUD) Districts and mixed-use districts that incorporate design standards for livable communities.* Consider amendments to and creation of standards for Planned Unit Developments (PUDs) and mixed-use districts that are clearly defined and represent the community's desire for development of livable communities.

## Factor 6 – Development Approval Processes

Analysis for this factor examined development review and approval processes based on administrative reviews vs. the need for Commission and/or Board of Supervisors or Town Council approval for certain housing types, site plans and subdivision plats.

Unpredictable or overly complicated development review and permitting processes in land use regulations can discourage new residential development and add costs to developers seeking approval for new developments, which in turn increases housing prices. Standards for development review and approval should include reasonable review timelines and be streamlined. Developers are more encouraged to invest in a community when they understand local approval processes will be predictable and fair. Developers may be less likely to pursue development where land use regulations and approval

processes require public hearings or actions by Planning Commissions and Boards/Councils for rezonings, special use permits, and development plan approval.

These processes add anywhere from 3 to 6+ months for legislative approvals, including time for public notices and hearings, and Commission and Board/Council reviews and actions, even before site development plans can be submitted for review and approval. In addition, the unpredictability of the political process creates uncertainties that are a risk to a developer's investment. The creation of zoning districts, located in appropriate areas, which permit middle and higher density housing as by-right uses with development standards to mitigate impacts on the surrounding areas, allows a developer to proceed with more confidence and clarity of process.

*Chart 4 - Summary of Development Approval Process Requirements*

|                                                                                                  | Northampton | Belle Haven | Cape Charles | Cheriton | Eastville | Exmore | Nassawadox | Notes                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------|-------------|-------------|--------------|----------|-----------|--------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                  |             |             |              |          |           |        |            | <ul style="list-style-type: none"> <li>● – Requirement</li> <li>◐ – Partial Requirement</li> <li>Blank – Not Required; Administrative</li> <li>X – No Data Available</li> </ul>                                                                                                                                                                                                          |
| Requires Zoning Approval <sup>1</sup> for Middle to Higher Density Residential Uses <sup>2</sup> | ◐           | ●           |              | ◐        |           | ◐      |            | For Northampton County, Cheriton and Exmore, this item is marked as a partial requirement because a variety of higher density residential uses are permitted by right and others require special or conditional use permit approval in their ordinances depending on the use type and zoning districts. <sup>4</sup>                                                                     |
| Requires Planning Commission Review of Subdivision Plats                                         |             | X           |              |          |           | X      | ●          | Belle Haven's and Exmore's subdivision ordinances were not provided for analysis                                                                                                                                                                                                                                                                                                         |
| Requires Council Review of Subdivision Plats                                                     |             | X           |              | ●        |           | X      |            | Belle Haven's and Exmore's subdivision ordinances were not provided for analysis                                                                                                                                                                                                                                                                                                         |
| Requires Planning Commission Review of Site Plans                                                |             |             |              |          |           | ●      |            | In Exmore, Planning Commission provides written comments                                                                                                                                                                                                                                                                                                                                 |
| Requires Council Review of Site Plans                                                            |             |             |              | ●        |           |        | ●          | In Cheriton, Council reserves right of approval; In Nassawadox, Council approval is required                                                                                                                                                                                                                                                                                             |
| Requires Other Legislative Development Approvals <sup>3</sup>                                    | ●           |             | ●            |          | ●         |        | ●          | Northampton County, Cape Charles, Eastville, and Exmore require SUPs for cluster development; Northampton County, Cape Charles and Nassawadox require rezoning for PUDs; Cape Charles' Harbor District requires development plan approval by an appointed review committee and Council; and Nassawadox's site plan process requires certificates of occupancy to be ratified by Council. |

<sup>1</sup> Zoning Approval includes rezoning and special/conditional use permit approvals.

<sup>2</sup> Single family dwellings and Lower Density Dwelling uses are outlined in Factor 1. Housing Diversity in R districts.

<sup>3</sup> Other approval such as density bonuses and planned developments.

<sup>4</sup> Reference Northampton County's Existing Subdivision/Residential (ES/R) District.



## *Key Findings*

### ***Legislative development approvals add time and costs to development proposals.***

As noted above, land use approvals that require public hearings and legislative approvals can be barriers to housing development. An analysis of the County and Towns' process requirements for medium to higher density residential uses revealed the following:

- Cape Charles, Eastville and Nassawadox permit a considerable number of options for higher density residential uses by-right in residential zoning districts.
- Cheriton and Exmore permit a mix of higher density residential uses by-right and those that require special (or conditional) use permit approval in residential zoning districts.
- Northampton's and Belle Haven's ordinances require zoning approval either with rezoning or special (or conditional) use permit approval for medium to higher density residential uses.
- Ordinances for Northampton County, Cape Charles, Eastville, and Exmore require approval of Special (or Conditional) Use Permits for cluster development.
- Legislative rezoning approvals are also required in Northampton County, Cape Charles, and Nassawadox for PUD districts and bonus densities in village areas of Northampton County require special use permits.
- Cape Charles' Harbor District requires development plan approval by an appointed architectural review committee with subsequent approval by the Council.

The point of this discussion is not to suggest that there is no appropriate place or level of development impact that warrants legislative approvals through rezonings or use permits. However, consideration should be given to where the adoption of adequate development standards would address the localities' concerns and reduce the need for legislative action in certain zoning districts and for certain uses. The creation of zoning districts specifically to permit medium to higher density residential uses and/or other mixed-use districts with appropriate development standards could eliminate some development approval process barriers. In areas where there may be a question about whether increased density should be permitted by-right, a locality could offer a clear process for a waiver provision during rezoning to allow higher quality proposals to be considered. Cape Charles' Residential Multi-

family (R-3) District provides for townhomes and multi-family residential use by right subject to specific development standards. The district could be approved, and areas rezoned where these higher density residential uses would be appropriate and the site development would conform to the regulations without the need for any legislative action, allowing a shorter and predictable process.

### ***Subdivision ordinance standards need to be consistent with the Code of Virginia requirements.***

The Belle Haven's and Nassawadox's subdivision ordinances need to be updated to comply with current Code of Virginia (§ 15.2-2240 et seq.) requirements for subdivisions of land. While a copy of the Town of Belle Haven's subdivision ordinance was not made available for analysis, the Town's zoning ordinance references that "subdivisions to meet all standards of Code of Virginia § 15.1-465...se seq." The Town of Nassawadox's subdivision ordinance also references Code of Virginia § 15.1-465 et seq. Title 15.1 of the Code of Virginia is no longer valid. The subdivision ordinances for all the other localities in this study reference the correct Code of Virginia section but should be kept up to date with any Code of Virginia amendments.

One process related example of a Code of Virginia revision is relative to the provision allowing subdivision ordinances to require tentative review of preliminary subdivision plats. A preliminary plat allows for review of a schematic representation of the proposed subdivision of land before it is drawn in a final form for final plat approval and recording. The Code of Virginia § 15.2-2260 has enabled ordinances to require preliminary subdivision plat approvals for subdivisions but was amended to include language that clarifies when localities can require such approvals. The Code of Virginia enables localities to require that a developer submit a preliminary plat for approval if the plat involves more than 50 lots, and an ordinance may provide for submittal of a preliminary plat at the option of the landowner for subdivisions involving 50 or fewer lots. Cape Charles' Subdivision Ordinance allows optional submittal of a preliminary plat regardless of the number of lots within the subdivision. Eastville's Subdivision Ordinance requires submittal of a preliminary plat in all instances in which a new or modified road is proposed or in which subsurface sewage disposal is proposed. Northampton County's Subdivision Ordinance was recently revised to address preliminary plat requirements in compliance with this Code of Virginia provision.

*Editor's Note: No comments are provided for the processes included in the Town of Belle Haven's and Exmore's subdivision ordinances as copies of the ordinances were not made available for analysis.*

***Permitting administrative reviews of plats and plans can expedite approvals for diverse housing options.***

Localities assign subdivision plat and site plan review and approval to the locality's designated subdivision agent, to the planning commission or to the governing body itself. It is important to remember that if a developer has complied with all applicable laws for subdivision or site plans, the approval is a ministerial function. For site plans, Nassawadox's ordinance requires approval by Town Council and Exmore's ordinance requires Planning Commission approval. In Cheriton's ordinance, Town Council reserves the optional right to approve site plans. For subdivision plat review, Nassawadox's ordinance requires Planning Commission approval and Cheriton's ordinance requires Town Council approval of subdivision plats. The other localities ordinances allow for administrative review of subdivision plats and site plans. Requiring final approvals by Council and/or Planning Commission can lengthen processes and discourage developers from submitting applications to proceed.

Each ordinance allows for exceptions to subdivision ordinance standards and/or appeals of administrative decisions to be heard by the Planning Commission, Board of Zoning Appeals or Board/Council, which is not uncommon. It is a best practice to have appeals of administrative decisions be heard by the Planning Commission with an established time period versus the Board of Zoning Appeals. In addition, the subdivision ordinance should clearly establish this permission and process, as well as for any waiver or modification to the requirements.

***Clear, Code of Virginia compliant standards for timeliness of reviews and the length of validity for approved plats/plans enable developers to have surety of process and reasonable allowances for site construction.***

The Code of Virginia (§ 15.2-2259 et seq.) contains requirements for timing for subdivision plat and site plan reviews. For these plats/plans, the Code of Virginia states they must be acted on by the locality within 60 days after it was submitted, provided that if state agency approval is required of a feature (such as the street design), the plat/plan must be acted on within 35 days after receipt of all state-agency approvals (who must act within 45 days after receiving the plat/plan) and within 90 days after the plat was officially submitted. Failure of the locality to act within

this time period, opens options for a developer to appeal to the circuit court.

Within this same Code of Virginia section, approved site plans and preliminary subdivision plats remain valid for 5 years, unless the locality grants an extension or extensions are provided for in the Code of Virginia. An approved final plat that has been recorded is valid for 5 years and for 6 months if the final plat has not been recorded.

Northampton County and Town's ordinances all include standards for timing of reviews and periods of validity for plats and plans. The localities' ordinances include approval times ranging between 45 to 90 days. Each locality's ordinance should be reviewed for clarity of process and timing and Code of Virginia compliance. Northampton County completed an analysis of their ordinance about 3 years ago. Similarly, a range of times for validity of approved plats/plans are outlined in the localities' ordinances. As an example, Northampton County provides validity for 5 years for subdivision plats and site plans; Cape Charles – 6 months for plats and 5 years for plans; Cheriton – 5 years for plats and 5 years for plans; and Nassawadox provides for 1 year for plats and 18 months for plans. Having these standards clearly outlined in the ordinances assures compliance with the Code of Virginia, eases administration, is more user friendly, and provides developers with more comfort in the review processes. It is important for localities to ensure subdivision plans and site plans are complete prior to acceptance, as the acceptance date begins the review clock, including the requirement that plats and plans be forwarded to state agencies for review, as required, within 10 days of receipt. Each of the localities' ordinances should include clear guidance on requirements necessary for plat/plan acceptance and the responsibility and timing for the locality to forward plats/plans to state agencies for review.

***Ease of access to ordinances, Comprehensive Plans, and zoning maps assists developers, community stakeholders, officials, and staff.***

The process of obtaining current ordinances, plans and zoning maps during this study revealed the extra effort developers and community stakeholders would need to employ to obtain these documents for the Towns of Belle Haven, Eastville, Exmore (subdivision ordinance) and Nassawadox. Northampton County does provide this information online. Given the number of primary, secondary districts and appendices in Northampton's Ordinance, consideration should be given to an

overall chart that outlines the districts and standards. It would be beneficial to a locality's development process and engagement of developers, community stakeholders, officials, and staff for regulations to be available online in a searchable format, such as is available with the *Municode* platform. Localities should also consider providing a web-based Geographical Information System (GIS), so parcel-level zoning and future land use map information is readily available.

## *Solutions*

Long processes, especially where the outcome is uncertain, such as is necessary with rezonings and special (or conditional) use permits, makes development riskier and more expensive. The additional costs will be evident in the rents and sale prices of the housing development. Options for ordinance amendments to lessen this impact should be given careful consideration.

1. *Amend ordinances to ensure plat and plan review processes and ordinances comply with the Code of Virginia.* Site and subdivision plat review processes and ordinances should be reviewed and amended to comply with state code standards and to ensure that processes are not overly burdensome and are not exclusionary, such as with the state code exclusion of preliminary plat approval for subdivisions with over 50 lots.
2. *Consider adoption of a Unified Development Code.* Consideration should be given to adoption of ordinance amendments that would combine the requirements of the subdivision and zoning ordinances into a Unified Development Ordinance (UDO). A UDO allows a user to quickly compare processes, standards, and procedures for development approvals, offers greater consistency by reducing conflicting development terms, and easier to provide direction to applicants and to enforce.
3. *Evaluate plat and plan review processes to streamline processes and reduce review times where possible.* Examine whether it is feasible to modify processes for site and subdivision review and approvals to only require administrative reviews for projects, possibly with a different process for major and minor subdivisions and site plans. Also, where middle or affordable housing is preferred and can be accommodated, consider adoption of faster review processes for complete submittals,

often referred to as a “green tape” process. Many localities have adopted “green tape processes” for residential development reviews to reduce typical development review process timing. These faster processes could be implemented for developments that provide a certain percentage of affordable housing units and would also be appropriate in areas targeted for new housing development and infill areas.

4. *Consider adoption of development standards and/or new zoning districts that could reduce the need for public hearings and actions by Planning Commission or governing body.* Considerations should be given to the appropriate areas and for certain residential uses where the adoption of adequate development standards would ensure a localities' concerns are addressed to reduce approval processes. This would include options to create zoning districts specifically to permit medium to higher density residential uses or other mixed-use districts with appropriate development standards that could eliminate some development approval process barriers.
5. *Provide online access to ordinances, Comprehensive Plans, and zoning maps.* Development processes and stakeholder engagement would benefit from easy access to land use regulations through searchable on-line ordinances and plans.

## Factor 7 – Maintenance of Existing Housing

As with many communities, some of the existing single family housing stock in Northampton County and its towns is aged and in need of repair. For seniors, maintenance of existing homes can become a barrier to quality age-in-place housing. In addition, manufactured homes are an affordable housing option, but can require more frequent maintenance and/or replacement than a traditional stick-built home.

Analysis for this factor examined the localities' ordinances to identify any constraints in non-conformity regulations that may prohibit additions or alterations to non-conforming structures, which may be necessary for maintenance of aging housing stock, manufactured home replacement in compliance with the Code of Virginia § 15.2-2307, and accessibility improvements for seniors. Additional solutions for home maintenance beyond zoning requirements are also discussed.

### Key Findings

***Ordinances should consider flexibility for maintenance and reconstruction of non-conforming single-family dwellings.***

Repair, maintenance, and replacement of dwellings constructed in compliance with minimum Zoning Ordinance standards are allowed by-right within land use regulations. Therefore, this analysis focuses on ensuring that land use regulations do not prohibit maintenance of existing older housing that may not comply with current ordinance standards (i.e., non-conforming homes).

Ordinances for Northampton County and the Towns of Cape Charles, Cheriton and Nassawadox all specifically exempt single family dwellings from the requirements limiting the amount of reconstruction or alterations permitted to maintain, repair, or replace them if they are non-conforming to current standards. Ordinances for Belle Haven, Eastville and Exmore did not specifically exempt these dwellings from the limitations in the non-conformity standards with regard to replacement or repair of non-conforming structures.

Though the intent of reconstruction/expansion non-conformity limits is to encourage alignment with current zoning codes, such restrictions may unnecessarily limit reinvestment and result in blighted properties in slower markets. Given Northampton County's unique location,

infrastructure constraints, and condition of existing housing stock, the County and Towns should allow remodel, repair, and expansion of non-conforming single-family homes, provided it does not further increase the non-conformity.

***Non-conforming manufactured homes must be permitted to be replaced by-right.***

Manufactured homes are not specifically addressed within the localities' non-conformity provisions. The Code of Virginia § 15.2-2307.H permits the replacement of non-conforming manufactured homes with another comparable manufactured home that meets the current HUD manufactured housing code. This provision should be specifically addressed within the localities' zoning ordinances.

***Additions to non-conforming dwellings for accessibility is important for seniors aging in place.***

The non-conforming sections of all of the localities' ordinances contain standard language relative to not permitting additions to non-conforming structures, unless such additions meet current ordinance standards for setbacks and yards. If strictly interpreted, these provisions might prevent the addition of ramps for accessibility for seniors who are aging in place.

The Code of Virginia § 15.2-2283 provides for reasonable modifications in accordance with the Americans with Disabilities Act of 1990 and the Virginia Uniform Statewide Building Code (13VAC5-63-432.5. Chapter 4) requires accessibility to existing structures be provided and/or maintained. All of the localities' ordinances should ensure that additions for accessibility such as ramps or lifts are excluded from standards which would prohibit them as additions. Northampton County's Ordinance provides for setback exceptions for accessibility, such as for ramp additions.

## Solutions

Preservation of existing, older homes whether owner-occupied or renter-occupied is critical to a community's existing affordable housing stock. These older homes are often the dominant fabric of older and rural communities. If preserved, these homes can serve as the largest source of affordable housing in many neighborhoods. Solutions to ensure housing maintenance include:

1. *Amend ordinances to ensure compliance with state codes regulating non-conforming uses.* State enabling legislation regarding provisions in zoning ordinances regulating non-conforming uses and structures have been amended in the last several years. Provisions for non-conformities should be updated to ensure compliance with the Code of Virginia in addition to the observations of the key findings for this factor.
2. *Amend ordinances to allow accommodations for accessibility.* Update setback standards to allow accessibility alterations or additions by-right within the context of certain setback encroachment standards. Seniors who are aging in place may need to alter the existing structure to add a ramp or make other alternations to accommodate accessibility.
3. *Consider comprehensive plan and ordinance amendments outside of zoning to support preservation of existing housing stock.* In appropriate areas, these policies and standards could incentivize and/or require this preservation in a sustainable way. Example programs to support housing rehabilitation include:
  - a. *Local Rehabilitation Tax Abatement Programs.* Tax incentives for the rehabilitation and improvement of residential properties can help encourage reinvestment. Typically, tax abatement programs offer a partial tax exemption on the increase in assessed structural value due to renovation, rehabilitation, and replacement. The amount of the abatement can be set by the locality and may be graduated over a set time period. Applicability criteria should establish the minimum age of structure and minimum investment based on the assessed structural value.
  - b. *Housing Rehab Toolkit for Property Owners.* Existing tax credit programs and resources should be promoted by the localities. Educational brochures, web-based informational campaigns, and in-person events like a Housing Resource Forum can be effective tools in educating the public on existing resources. Example programs include the Livable Home Tax Credit through Virginia Department of Housing and Community Development (DHCD) and Rehabilitation Tax Credits offered through the Virginia Department of Historic Resources for certified historical structures.
  - c. *Revitalization Grants & Loans.* Many funding opportunities are available at the state and federal level that can be used to revitalize and rehabilitate housing. Examples include, DHCD Enterprise Zone Real Property Investment Grant and Community Development Block Grant Community Improvement Grants. These programs have been used successfully to complete housing rehab, foster homeownership, and make stormwater, street, lighting, and other neighborhood improvements.
4. *Consider adopting ordinances to address unsafe, substandard housing.* Where housing has become substandard and is unsafe, ordinances and standards can be used to support removal of these structures to provide area for redevelopment for newer affordable housing options. Specific tools available to localities include:
  - a. *Spot Blight Abatement,* which allows the locality to take action against blighted properties. Staff must follow the procedures outlined in the Code of Virginia § 36-49.1:1. These steps require a comprehensive determination of blight under Title 36, notice to property owner(s) of noncompliance after which the property owner(s) have 30 days in which to respond with a written spot blight abatement plan to address the blight. If no appropriate blight abatement plan is submitted, the locality may repair the property or acquire the property through donation, purchase, or eminent domain. The locality may put a lien on the property to recoup repair cost.



- b. *Virginia Maintenance Code*, which is an optional component of the Virginia Uniform Statewide Building Code intended to control all the design, construction, alteration, addition, enlargement, repair, removal, demolition, conversion, use, location, occupancy and maintenance of buildings and structures in the locality. Property maintenance ordinances must be rigorously enforced to be effective. Enforcement may include both proactive (actively looking for code violations by locality officials) and reactive code enforcement (investigating complaints made by residents). These ordinances, when properly enforced, can rectify dilapidation, or prevent properties from becoming dilapidated.





## Factor 8 – Location of Housing Growth

The Code of Virginia requires each locality's Comprehensive Plan to address the provision of affordable housing. It is important to evaluate housing needs and ensure areas for middle to higher density housing are provided for, whether the housing is new development, redevelopment, or infill development. It is also important that land use regulations align to the recommendations of the Comprehensive Plan.

Analysis of this factor includes basic observations from the localities' Comprehensive Plans, a qualitative evaluation of zoning maps from the Towns and the County, and a general understanding of available infrastructure to accommodate housing growth.

### Key Findings

#### ***Comprehensive Plans guide a locality's growth, including housing locations and diversity, and the provision of affordable housing options.***

The Code of Virginia § 15.2-2223 requires localities to adopt a Comprehensive Plan, after careful and thorough surveys and studies of existing conditions, growth trends, and probable future needs/requirements of its territory and citizens. The law continues that a Comprehensive Plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the community which will, based on present and future needs and resources, best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants, including the elderly and persons with disabilities. The Comprehensive Plan is to be general in nature, designating general or approximate locations, character, and extent of each feature, including infrastructure such as roads and utilities, and for the purposes of this study, areas for housing growth. The Comprehensive Plan offers guidance on housing to meet the community's needs by suggesting where housing should be located with recommendations whether it should be through new development, infill development, and maintenance or removal of housing, and often providing suggested densities.

The Code of Virginia in § 15.2-2223.D. also requires a Comprehensive Plan to include the designation of areas and implementation of measures for the construction, rehabilitation, and maintenance of affordable housing sufficient to meet the current and future needs of residents of all levels of income in a locality.

Components relative to residential growth opportunities and the provision of affordable housing within the Comprehensive Plans for Northampton County and the Towns of Cape Charles, Cheriton, and Exmore were reviewed with the findings provided below.

*Editor's Note: No comments are provided for The Comprehensive Plans for the Towns of Belle Haven, Eastville, and Nassawadox as copies were not available for analysis.*

For Northampton County:

- The Comprehensive Plan (Plan) promotes maintenance of its existing housing stock, infill development, and new housing growth based on Pattern Areas as outlined below:
  - Within Cottage Communities, new development is discouraged. Single family infill development on existing parcels and maintenance of existing housing is intended to contribute to the availability of housing options at a density of 2 dwelling units per acre.
  - Within Hamlets and Villages, the traditional, smaller lot development patterns should be preserved. Maintenance and rehabilitation of existing structures is a priority to provide a range of housing options for all income levels. New development is limited to infill development which complements the unique character of each hamlet or village community. Single family dwellings are suggested at 2 dwelling units per acre. Within Villages, multi-family residential use of 4 dwelling units per acre is recommended.
  - Within Waterfront Communities, maintenance, preservation, and rehabilitation of existing structures is also a priority to provide a range of housing options for all income levels at a density of 2 dwelling units per acre. New development should be limited to infill parcels, with rezoning to allow higher density or intensity uses at the edges of Waterfront Communities not recommended unless new development is

compatible with the area's existing character, streets are connected, new structures are adjacent to or near existing development with a clear development boundary, and connections to available public or central utility systems are provided.

- Within Town Edges, new residential development is recommended with the support of public utilities at a density of 5 dwellings units per acre to 1 dwelling unit per 2 acres with density decreasing as distance from Town Center increases. The Plan provides that these areas could potentially be rezoned to accommodate a wide range of residential unit types and densities as natural extensions of those communities. Preservation, renovation, reuse, and adaptive use of existing structures is encouraged, as well as compact development patterns, including cluster and traditional neighborhood development.
- Residential growth/densities may be limited in each Pattern Area, as the Plan states that the low end of a stated density range is considered most appropriate and clear justification is needed before development at a higher density is warranted or appropriate. Determining where higher densities may be warranted or appropriate would be beneficial to expedite diverse housing development.
- The Plan addresses the need for affordable housing within the County and contains goals and implementation strategies, of which this study is a part, to foster the provision of affordable housing.

#### For Cape Charles:

- The Comprehensive Plan identifies Residential Community areas and Mixed-Use areas to support housing development.
- Recommendations within these areas suggest the Town should:
  - Promote compatible infill development and renovation within established neighborhoods.
  - Promote accessory dwelling units to add diversity of housing types, while maintaining the neighborhood character and providing affordable housing options.
  - Emphasize the preservation of the Town's historic housing stock.

- Encourage the principle of incorporating mixed land uses by allowing residential and retail/commercial uses within the same building, promoting residential uses within close proximity to commercial/retail centers, and supporting live/work units in certain areas.

- The Plan recognizes that the Town needs to be concerned with planning for quality affordable housing as its economy grows from new development. The Plan notes that it is necessary to reduce the percent of cost burdened households since this will help encourage people to live in stable neighborhoods in Town.
- The last revision of the Town's Comprehensive Plan in 2016 was considered a 'minor' update to the 2009 Plan. A current update to the Plan is underway and will incorporate land use recommendations after consideration of the Town's development trends which reportedly have resulted in substantial changes since 2009 and 2016.

#### For Cheriton:

- The Comprehensive Plan suggests housing in Residential and Commercial areas (as mixed use) within the Town and anticipated growth areas around the Town edges.
- Recommendations within these areas suggest the Town should:
  - Consider increased density incentives for developments that include quality design, open space preservation, dedicated community facilities, and/or multi-income housing development through mixed-use and incentive zoning which could allow modifications in ordinance standards such as with an increase in density, building heights, floor area.
  - Encourage construction of compatible workforce and affordable infill housing on existing lots.
  - Preserve and maintain existing housing stock and encourage renovation of existing structures.
  - Approve new subdivisions only if constructed to easily hook into public water and sewer.
- The increased density incentives suggested by the Plan for affordable housing and quality, livable communities should be clearly incorporated into ordinance regulations.

For Exmore:

- The Comprehensive Plan identifies the inclusion of residential areas that were added through annexation as areas for housing provision, including areas such as along Occohannock Neck Road, Roosevelt and Poplar Avenues and Hadlock Lanes, Exmore Village and Peter Cartwright Apartments, and the New Roads affordable housing, and recognizes these and neighboring residential areas as being targeted for service by existing sewer and future extension of sewer service. The Plan recognizes that densities are suggested based on these sewerable areas and non-sewerable areas identified for residential use based on such factors as the underlying soil types and compatibility with neighboring land uses.
- The Plan identifies the Mixed Use/Urban Development Area as an area on the east side of Route 13 available for growth opportunity to connect downtown residential areas with commercial services and recommends a flexible development approach using principles of traditional neighborhood designs.

***A locality's zoning should align with the Comprehensive Plan goals for housing diversity and affordability.***

Overall zoning for the County and several of the Towns is approved to accommodate a majority of lower density, single family dwellings (See Factor 2, Density for more information). Observations of zoning maps for the localities reveal:

For Northampton County:

- Residential growth to accommodate more housing variety and affordable housing options is planned for areas within the Town Edges. The ordinance's 12 primary zoning districts, 19 secondary zoning districts, 3 overlay districts and 2 floating districts align with the County's goal of identifying the various growth pattern areas, such as with Waterfront, Village and Town Edge areas. Other than identifying a particular growth pattern area, the zoning districts are quite similar with minor differences for residential uses allowed by-right and densities. In addition, the County's Ordinance contains the primary Existing Subdivision/Residential District with 12 secondary districts in Appendix D to represent areas of approved development and zoning between 2000 and

2009. The County should consider simplifications and possible revisions to zoning districts to help achieve long-term planning goals, such as reducing the number of districts and clearly naming districts to distinguish density and uses. Specifically identifying higher density and preferred housing growth near borders of Towns with density decreasing as distance from Town Center increases will help align districts with the Comprehensive Plan. Additionally, the zoning ordinance's district standards need to include clear development regulations that will accommodate the desired density and mix of development.

For Belle Haven:

- The zoning map for Belle Haven includes a small area zoned for Residential-Mixed (R-2). Depending upon Comprehensive Plan recommendations which were unavailable for review, observations of the zoning map revealed a possibility to expand the Residential (R-2) area to accommodate medium to higher density housing opportunities that may be served by central systems.

For Cape Charles:

- Existing zoning aligns with the Town's goal to accommodate additional housing opportunities at varying density levels. With the Town's new Comprehensive Plan amendment, revisions to the zoning map should be made to follow the updated Plan's recommendations.

For Cheriton:

- The Town's zoning map indicates that approximately 80% of the Town is zoned Residential (R-20) which accommodates single family residential development. Portions of these R-20 zoned areas which are closer to existing commercial areas could be rezoned to accommodate higher density residential uses that will benefit from a location near retail and personal services.

For Eastville:

- Approximately 80% of Eastville is zoned as In-Town Farm (ITF). There may be opportunities to rezone to allow housing opportunities adjacent to the Commercial General (CG) areas along Lankford Parkway to the west and near Willow Oak Road.

For Exmore:

- Existing zoning aligns with the Town's Comprehensive Plan goals of identifying areas for residential growth opportunities. There may be opportunities to identify areas for Residential Mixed (R-M) near commercial areas as service to higher density residential uses.

For Nassawadox:

- The Town's zoning map does include two (2) larger areas within the Town that are identified as areas that would accommodate residential mixed housing in the Residential-Mixed (RM) district and multi-family housing in the Commercial-Office (CO) district. These zoning districts would accommodate higher density residential housing.

As noted in other areas of this study, the availability of public utilities, or lack of utilities, will determine locations of new development and areas that can accommodate higher densities to afford housing variety.



Street view of small residential neighborhood

## *Solutions*

1. *Participate in cooperative discussions for the provision of public utilities.* Policy discussions and cooperation should occur between the County and Towns for the provision of public utilities, where appropriate, to include areas of the county around Town edges.
2. *Incentivize development of housing variety in growth areas.* In addition to ensuring the zoning map allows for development of desired housing variety, offer regulatory incentives for developments within desired growth areas. These incentives vary and may be found in modified development standards such as parking reductions, density bonuses, and alternative standards for lots, landscaping, and other requirements.
3. *Adopt inclusionary zoning regulations allowed by the Code of Virginia in targeted growth areas.* Localities should adopt inclusionary zoning regulations that mirror the state's inclusive zoning and bonus densities for development's that incorporate percentages of affordable units (Code of Virginia § 15.2-2305.1) in target areas where increased density can be accommodated by utilities.
4. *Ensure recommendations of Comprehensive Plans support densities to foster development of higher density affordable housing options.* Consider evaluation of land use recommendations in Comprehensive Plans to ensure future land use densities, such as in areas where multi-family is a recommended use, coordinate with affordable housing and growth policies. Northampton County's Plan suggests residential development at lower densities of offered ranges unless justification warrants higher density. Consideration should be given to incorporating language to accommodate higher density to offer housing diversity and affordable housing options in growth areas.
5. *Rezone properties to designate areas for desired housing.* For growth areas identified on a locality's Comprehensive Plan, local governments can proactively rezone areas to permit preferred residential types as a step to obtaining the desired housing diversity and affordable housing units.
6. *Support Comprehensive Plan policies and rezoning that allow for adaptive re-use of existing buildings for affordable housing options.* Analyze existing vacant buildings for the potential for conversion into affordable housing options. Grants and resources could then be pursued to support these types of projects.

## Part 5. Recommendations Summary and Implementation

### Recommended Reforms Summary

A lack of housing diversity is common in more rural areas. Some sources identify this as a function of local preference and a history of the development of mostly single family dwellings. Lack of housing diversity is also likely a function of local land use regulations and water and sewer availability. Allowing for a diversity of housing types, particularly where water and sewer is available, is a critical component of an effective affordable housing strategy and one of the primary considerations in this study. Housing diversity may include traditional townhouse, multifamily, and manufactured housing, as well as emerging housing types such as accessory dwelling units and middle housing.

To understand the effects of land use regulations on the community's housing needs, this study evaluated how existing zoning and land use ordinances promote or may potentially inhibit new home construction that results in a diverse housing supply for the citizens of Northampton County and its Towns.

There is not a single strategy that will automatically result in providing the housing variety to meet housing needs within the County and Towns. The solutions are found in an assortment of efforts. This study analyzed the Comprehensive Plans, Zoning and Subdivision Ordinances, and Zoning Maps for Northampton County and Towns of Belle Haven, Cape Charles, Cheriton, Eastville, Exmore and Nassawadox to look for land use barriers to housing diversity based on the following factors:

- **Factor 1: Diversity of Housing Stock**
- **Factor 2: Permitted Housing Densities**
- **Factor 3: Regulation Consistency/Clarity**
- **Factor 4: Development Standards**
- **Factor 5: Standards for Livable Communities**
- **Factor 6: Development Approval Processes**
- **Factor 7: Maintenance of Existing Housing**
- **Factor 8: Location of Housing Growth**

Key findings from the assessments for each of these factors are provided in Part 4 of this study.

With each factor this study recommends a variety of solutions identified to remove land use regulation barriers. Many of the solutions apply to each locality. It is important for each locality to consider the overall impact of the recommended solutions, such as with those that suggest inclusionary zoning, use modifications, and density increases, while being mindful of the community's needs for diverse and affordable housing. A summary of each of the solutions are provided as Action Items in Chart 5, *Implementation Matrix*, on the following page.

“Today's housing challenges demand new tools and better planning. The housing options we plan for today will foster the homes that families will grow, thrive, and dream in tomorrow.”

American Planning Association



## Action Items

This study found barriers to housing provisions in the County's and Towns' land use regulations. Solutions for the implementation of code reform are summarized below:

*Chart 5 – Implementation Matrix*

| Factors and Solutions                                                                                                     | Northampton County | Belle Haven | Cape Charles | Cheriton | Eastville | Exmore | Nassawadox |
|---------------------------------------------------------------------------------------------------------------------------|--------------------|-------------|--------------|----------|-----------|--------|------------|
| <b>Factor 1 - Diversity of Housing Stock</b>                                                                              |                    |             |              |          |           |        |            |
| 1. Create a consolidated use table/matrix.                                                                                |                    | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 2. Modernize/expand permitted uses.                                                                                       | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 3. Expand flexibility in residential use permissions.                                                                     | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 4. Evaluate manufactured home parks and subdivisions as affordable housing options.                                       | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 5. Amend ordinances to ensure uses comply with Code of Virginia. <sup>1</sup>                                             | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| <b>Factor 2 - Permitted Housing Densities</b>                                                                             |                    |             |              |          |           |        |            |
| 1. Ensure densities and lot sizes recommended for growth areas foster housing variety and options for affordable housing. | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 2. Consider options to provide infrastructure necessary for increased densities.                                          | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 3. Consider adoption/amendment of inclusionary zoning regulations <sup>2</sup>                                            | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 4. Consider adoption/amendment of standards that allow cluster developments.                                              | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 5. Consider adoption/amendment of standards that allow for Planned Unit Developments (PUD).                               | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 6. Analyze purpose and intent statements of zoning districts                                                              | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 7. Consider ordinance amendments to allow higher density options by right.                                                | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |

| Factors and Solutions                                                                                       | Northampton County | Belle Haven | Cape Charles | Cheriton | Eastville | Exmore | Nassawadox |
|-------------------------------------------------------------------------------------------------------------|--------------------|-------------|--------------|----------|-----------|--------|------------|
| <b>Factor 3 - Regulation Consistency/Clarity<sup>3</sup></b>                                                |                    |             |              |          |           |        |            |
| 1. Consider adopting consistent housing definitions across localities, especially for affordable housing.   | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 2. Amend ordinances for housing definitions.                                                                | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 3. Implement ordinance amendments to comply with the Code of Virginia.                                      | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 4. Evaluate definitions of other development terms.                                                         | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 5. Consider adoption of a unified development ordinance.                                                    | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| <b>Factor 4 - Development Standards</b>                                                                     |                    |             |              |          |           |        |            |
| 1. Amend ordinance to offer development standards specific to meet the community's desired housing variety. | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 2. Reduce setbacks between single family and higher density housing.                                        | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 3. Increase lot coverage maximum standards to permit mixed residential uses.                                | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 4. Consider reductions in the required number of parking spaces to increase developable area of lots.       | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 5. Allow for increased building heights in appropriate areas.                                               | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 6. Remove constraints to housing diversity that may come from minimum and maximum dwelling sizes.           |                    |             | ✓            |          |           |        |            |
| 7. Amend ordinances to remove language that is unclear and exclusionary to diverse and affordable housing   | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |

| Factors and Solutions                                                                                                                                                          | Northampton County | Belle Haven | Cape Charles | Cheriton | Eastville | Exmore | Nassawadox |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------|--------------|----------|-----------|--------|------------|
| <b>Factor 5 - Standards for Livable Communities</b>                                                                                                                            |                    |             |              |          |           |        |            |
| 1. Adopt ordinance standards that incorporate livable community design standards.                                                                                              | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 2. Ensure codes include sidewalk and pedestrian connectivity requirements.                                                                                                     | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 3. Plan for improvements to infrastructure for walkable communities.                                                                                                           | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 4. Plan for improvements to infrastructure to ensure recreational amenities meet community's needs.                                                                            | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 5. Adopt standards for livable manufactured home parks and subdivisions.                                                                                                       | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 6. Adopt and/or amend standards for Planned Unit Development (PUD) Districts and mixed-use districts that incorporate design standards for livable communities.                | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| <b>Factor 6 - Development Approval Processes</b>                                                                                                                               |                    |             |              |          |           |        |            |
| 1. Amend ordinances to ensure plat and plan review processes and ordinances comply with the Code of Virginia.                                                                  | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 2. Consider adoption of a Unified Development Code.                                                                                                                            | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 3. Evaluate plat and plan review processes to streamline processes and reduce review times where possible.                                                                     | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 4. Consider adoption of development standards and/or new zoning districts that could reduce the need for public hearings and actions by Planning Commission or governing body. | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 5. Provide online access to ordinances, Comprehensive Plans, and zoning maps.                                                                                                  |                    | ✓           |              |          | ✓         | ✓      | ✓          |

| Factors and Solutions                                                                                                                    | Northampton County | Belle Haven | Cape Charles | Cheriton | Eastville | Exmore | Nassawadox |
|------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------|--------------|----------|-----------|--------|------------|
| <b>Factor 7 - Maintenance of Existing Housing</b>                                                                                        |                    |             |              |          |           |        |            |
| 1. Amend ordinances to ensure compliance with state codes regulating non-conforming uses                                                 | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 2. Amend ordinances to allow accommodations for accessibility.                                                                           |                    | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 3. Consider comprehensive plan and ordinance amendments to support preservation of existing housing stock.                               | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 4. Consider adopting ordinances to address unsafe, substandard housing.                                                                  | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| <b>Factor 8 - Location of Housing Growth</b>                                                                                             |                    |             |              |          |           |        |            |
| 1. Participate in cooperative discussions for the provision of public utilities.                                                         | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 2. Incentivize development of housing variety in growth areas.                                                                           | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 3. Adopt inclusionary zoning regulations allowed by the Code of Virginia in targeted growth areas.                                       | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 4. Ensure recommendations of Comprehensive Plans support densities to foster development of higher density affordable housing options.   | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 5. Rezone properties to designate areas for desired housing.                                                                             | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |
| 6. Support Comprehensive Plan policies and rezoning that allow for adaptive re-use of existing buildings for affordable housing options. | ✓                  | ✓           | ✓            | ✓        | ✓         | ✓      | ✓          |

# Appendix A

## Housing Indicators

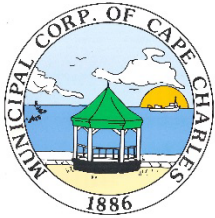
*sourced from U.S. Census ACS 2019 data*



*Housing Indicators*

|                                                         | Northampton County |        | Belle Haven |        | Cape Charles |        | Cheriton  |        | Eastville |        | Exmore    |        | Nassawadox |        |
|---------------------------------------------------------|--------------------|--------|-------------|--------|--------------|--------|-----------|--------|-----------|--------|-----------|--------|------------|--------|
| INDICATOR                                               | Est                | %      | Est         | %      | Est          | %      | Est       | %      | Est       | %      | Est       | %      | Est        | %      |
| <b>Total Population (2020)</b>                          | 12,282             | -      | 543         | -      | 1,178        | -      | 486       | -      | 300       | -      | 1,473     | -      | 533        | -      |
| <b>Total Housing Units</b>                              | 7,396              | -      | 280         | -      | 1,048        | -      | 248       | -      | 363       | -      | 842       | -      | 207        | -      |
| <b>Occupied housing units</b>                           | 5,148              | 69.6%  | 225         | 80.4%  | 658          | 62.8%  | 207       | 83.5%  | 287       | 79.1%  | 655       | 77.8%  | 165        | 79.7%  |
| <b>Vacant Housing Units</b>                             | 2,248              | 30.4%  | 55          | 19.6%  | 390          | 37.2%  | 41        | 16.5%  | 76        | 20.9%  | 187       | 22.2%  | 42         | 20.3%  |
| <b>PHYSICAL CHARACTERISTICS OF OCCUPIED UNITS</b>       |                    |        |             |        |              |        |           |        |           |        |           |        |            |        |
| <b>UNITS IN STRUCTURE</b>                               |                    |        |             |        |              |        |           |        |           |        |           |        |            |        |
| 1, detached                                             | 4,128              | 80.2%  | 211         | 93.8%  | 338          | 51.4%  | 192       | 92.8%  | 199       | 69.3%  | 422       | 64.4%  | 135        | 81.8%  |
| 1, attached                                             | 101                | 2.0%   | 0           | 0.0%   | 62           | 9.4%   | 0         | 0.0%   | 0         | 0.0%   | 24        | 3.7%   | 2          | 1.2%   |
| 2 apartments                                            | 167                | 3.2%   | 3           | 1.3%   | 60           | 9.1%   | 8         | 3.9%   | 6         | 2.1%   | 21        | 3.2%   | 23         | 13.9%  |
| 3 or 4 apartments                                       | 51                 | 1.0%   | 0           | 0.0%   | 19           | 2.9%   | 0         | 0.0%   | 0         | 0.0%   | 25        | 3.8%   | 0          | 0.0%   |
| 5 to 9 apartments                                       | 138                | 2.7%   | 0           | 0.0%   | 116          | 17.6%  | 0         | 0.0%   | 22        | 7.7%   | 0         | 0.0%   | 0          | 0.0%   |
| 10 or more apartments                                   | 233                | 4.5%   | 0           | 0.0%   | 63           | 9.6%   | 0         | 0.0%   | 0         | 0.0%   | 163       | 24.9%  | 0          | 0.0%   |
| Mobile home or other type                               | 330                | 6.4%   | 11          | 4.9%   | 0            | 0.0%   | 7         | 3.4%   | 60        | 20.9%  | 0         | 0.0%   | 5          | 3.0%   |
| <b>YEAR STRUCTURE BUILT</b>                             |                    |        |             |        |              |        |           |        |           |        |           |        |            |        |
| 2014 or later                                           | 23                 | 0.4%   | 0           | 0.0%   | 13           | 2.0%   | 0         | 0.0%   | 0         | 0.0%   | 0         | 0.0%   | 0          | 0.0%   |
| 2010 to 2013                                            | 56                 | 1.1%   | 4           | 1.8%   | 13           | 2.0%   | 0         | 0.0%   | 0         | 0.0%   | 0         | 0.0%   | 0          | 0.0%   |
| 2000 to 2009                                            | 1,310              | 25.4%  | 53          | 23.6%  | 184          | 28.0%  | 50        | 24.2%  | 67        | 23.3%  | 126       | 19.2%  | 22         | 13.3%  |
| 1980 to 1999                                            | 1,160              | 22.5%  | 27          | 12.0%  | 67           | 10.2%  | 23        | 11.1%  | 56        | 19.5%  | 125       | 19.1%  | 47         | 28.5%  |
| 1960 to 1979                                            | 833                | 16.2%  | 59          | 26.2%  | 92           | 14.0%  | 23        | 11.1%  | 46        | 16.0%  | 135       | 20.6%  | 34         | 20.6%  |
| 1940 to 1959                                            | 867                | 16.8%  | 40          | 17.8%  | 71           | 10.8%  | 62        | 30.0%  | 39        | 13.6%  | 210       | 32.1%  | 47         | 28.5%  |
| 1939 or earlier                                         | 899                | 17.5%  | 42          | 18.7%  | 218          | 33.1%  | 49        | 23.7%  | 79        | 27.5%  | 59        | 9.0%   | 15         | 9.1%   |
| <b>COMPLETE FACILITIES</b>                              |                    |        |             |        |              |        |           |        |           |        |           |        |            |        |
| With complete plumbing                                  | 5,143              | 99.9%  | 225         | 100.0% | 658          | 100.0% | 202       | 97.6%  | 287       | 100.0% | 655       | 100.0% | 165        | 100.0% |
| With complete kitchen facilities                        | 5,146              | 100.0% | 225         | 100.0% | 658          | 100.0% | 207       | 100.0% | 287       | 100.0% | 655       | 100.0% | 163        | 98.8%  |
| <b>VEHICLES AVAILABLE</b>                               |                    |        |             |        |              |        |           |        |           |        |           |        |            |        |
| No vehicle available                                    | 549                | 10.7%  | 0           | 0.0%   | 100          | 15.2%  | 28        | 13.5%  | 0         | 0.0%   | 191       | 29.2%  | 13         | 7.9%   |
| <b>HOUSING TENURE CHARACTERISTICS OF OCCUPIED UNITS</b> |                    |        |             |        |              |        |           |        |           |        |           |        |            |        |
| <b>Occupied housing units</b>                           | 5,148              | 5,148  | 225         | 225    | 658          | 658    | 207       | 207    | 287       | 287    | 655       | 655    | 165        | 165    |
| Owner-occupied                                          | 3,356              | 65.20% | 153         | 68.00% | 344          | 52.30% | 135       | 65.20% | 146       | 50.90% | 255       | 38.90% | 86         | 52.10% |
| Renter-occupied                                         | 1,792              | 34.80% | 72          | 32.00% | 314          | 47.70% | 72        | 34.80% | 141       | 49.10% | 400       | 61.10% | 79         | 47.90% |
| Average household size (owner-occupied unit)            | 2.15               | -      | 2.23        | -      | 1.7          | -      | 2.53      | -      | 1.6       | -      | 2.41      | -      | 2.24       | -      |
| Average household size (renter-occupied unit)           | 2.44               | -      | 2.79        | -      | 2.08         | -      | 1.65      | -      | 2.68      | -      | 2.22      | -      | 1.99       | -      |
| <b>STATUS OF VACANT UNIT</b>                            |                    |        |             |        |              |        |           |        |           |        |           |        |            |        |
| <b>Total Vacant Housing Units</b>                       | 2,248              | -      | 55          | -      | 390          | -      | 41        | -      | 76        | -      | 187       | -      | 42         | -      |
| For rent                                                | 8                  | 0%     | 7           | 13%    | 3            | 1%     | 0         | 0%     | 5         | 7%     | 0         | 0%     | 0          | 0%     |
| Rented, not occupied                                    | 0                  | 0%     | 0           | 0%     | 0            | 0%     | 0         | 0%     | 0         | 0%     | 0         | 0%     | 0          | 0%     |
| For sale only                                           | 50                 | 2%     | 7           | 13%    | 20           | 5%     | 5         | 12%    | 0         | 0%     | 21        | 11%    | 4          | 10%    |
| Sold, not occupied                                      | 50                 | 2%     | 0           | 0%     | 9            | 2%     | 0         | 0%     | 0         | 0%     | 19        | 10%    | 0          | 0%     |
| For seasonal, recreational, or occasional use           | 954                | 42%    | 14          | 25%    | 252          | 65%    | 12        | 29%    | 9         | 12%    | 0         | 0%     | 10         | 24%    |
| For migrant workers                                     | 42                 | 2%     | 0           | 0%     | 0            | 0%     | 0         | 0%     | 0         | 0%     | 0         | 0%     | 0          | 0%     |
| Other vacant                                            | 1,144              | 51%    | 27          | 49%    | 106          | 27%    | 24        | 59%    | 62        | 82%    | 147       | 79%    | 28         | 67%    |
| <b>FINANCIAL CHARACTERISTICS</b>                        |                    |        |             |        |              |        |           |        |           |        |           |        |            |        |
| <b>Median Household Income</b>                          | \$47,227           | -      | \$66,397    | -      | \$54,643     | -      | \$31,250  | -      | \$43,319  | -      | \$27,679  | -      | \$41,250   | -      |
| <b>Median Monthly Housing Cost</b>                      | \$726              | -      | \$857       | -      | \$976        | -      | \$526     | -      | \$606     | -      | \$578     | -      | \$519      | -      |
| <b>Median Value of Owner-Occupied Units</b>             | \$176,800          | -      | \$148,400   | -      | \$345,500    | -      | \$154,400 | -      | \$175,000 | -      | \$136,600 | -      | \$111,700  | -      |
| <b>Cost Burdened Owner Households w/Mortgage</b>        | 451                | 28%    | 13          | 14%    | 63           | 29%    | 3         | 6%     | 28        | 57%    | 29        | 22%    | 5          | 18%    |
| <b>Cost Burdened Rental Households</b>                  | 614                | 40%    | 9           | 17%    | 86           | 35%    | 32        | 64%    | 18        | 13%    | 225       | 58%    | 13         | 20%    |





# *Municipal Corp. of Cape Charles*

## **JULY 2022 MONTHLY REPORT**

Katie H. Nunez, Interim Planning/Zoning Administrator

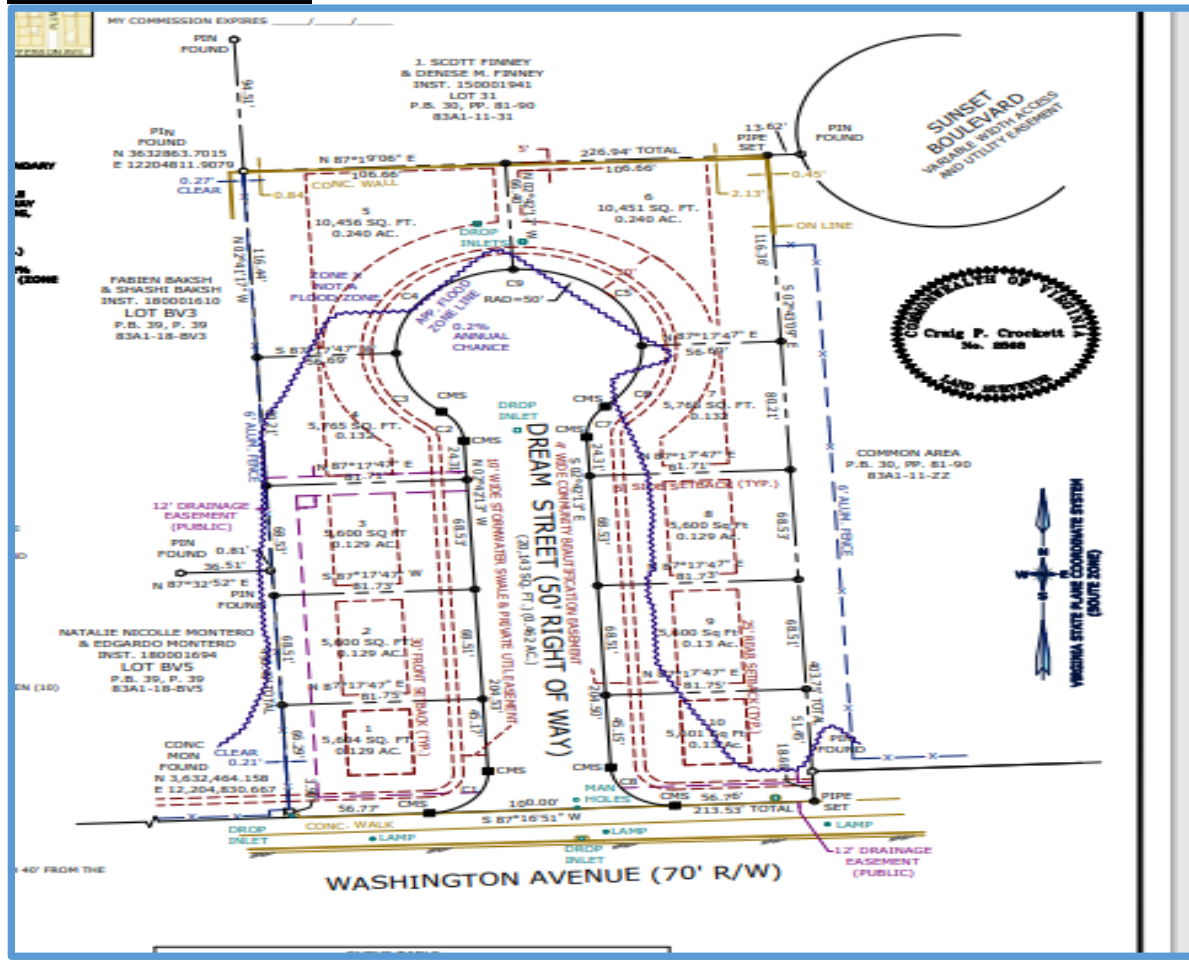
### **1. Subdivision Agent:**

- A. Final Plat: Dreams by the Water Subdivision (Tax Map #83A1-A-2) was approved for a 10 lot subdivision.

### **AERIAL MAP**



## SUBDIVISION PLAT



### 2. Board of Zoning Appeals - Code of Virginia Section 15.2-2310

*[Planning Commission shall be provided any applications filed with the Board of Zoning Appeals.]*

July Applications filed:

- A.) Variance Application from Spen Custis at Lot 100 Washington Avenue (Tax Map #83A1-1-100) to allow an existing shed to remain on premise without a principal use of a main dwelling unit in the Residential-1 Zoning District, pursuant to Cape Charles Zoning Ordinance Section 3.2 (B)
- B.) I am working with the property owner, Nancy Rooney, at 107 Mason Avenue (Tax Map #83A3-2-1-74), who has filed a Variance Application to allow 1<sup>st</sup> floor residential in the rear of an existing building in the Commercial-1 Zoning District, pursuant to Cape Charles Zoning Ordinance 3.6 (C). I have conducted research as to how other properties in the C-1 district have received approval from the Town to allow residential dwelling on the first floor and the approaches have been inconsistent and not fully compliant with the Code of Virginia.

I have recommended to the property owner that the Town explore 2 other options with her prior to advancing any variance application and the owner is willing to put her application on hold while I work on these two other options: rezoning of the

Municipal Building · 2 Plum Street · Cape Charles, Virginia 23310

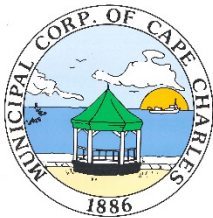
(757) 331-3259

Fax (757) 331-4820

parcel from C-1 to CR but this approach is contingent upon gaining approval of the other property owner of the adjacent two parcels on that corner of Mason and Harbor Avenue to join in on a rezoning application.

If I am unsuccessful in that conversation, then I would then recommend that we propose a text amendment to the zoning district and see if the Town would be willing to take up a Zoning Text Amendment. I have provided the next two months to pursue these two options.

- C.) I have been working with the intended purchaser of the lots at the corner of Washington Avenue and Bay Avenue (the former Old Ferry lots) for 2 variance applications relative to the Chesapeake Bay Act seeking to reconfigure into 2 lots & a dwelling unit on each lot which encroach into the Resource Protection Act (RPA). This application was delayed in its submission as the applicant continued to work on the proposed layout of the site and will be submitting this week so that it goes to public hearing at the August 2022 BZA Meeting.



# *Municipal Corp. of Cape Charles*

## **AUGUST 2022 MONTHLY REPORT**

Katie H. Nunez, Interim Planning/Zoning Administrator

### **1. Subdivision Agent:**

Final Site Plan approved for the Cape Charles Mini-Golf at 2100 Stone Road on July 25, 2022.

### **2. Board of Zoning Appeals - Code of Virginia Section 15.2-2310**

*[Planning Commission shall be provided any applications filed with the Board of Zoning Appeals.]*

August Applications filed:

- A. An application from Dave & Pam Hainsworth for the property at the corner of Bay Avenue and Washington Avenue adjacent to the Chesapeake Bay and further described as the majority portion of Tax Map #83A1-3-A and 50% of Tax Map #83A1-3-C totaling approximately .85 acres or 37,037 sq. ft. and further identified on the proposed Site Plan as Lot A located in the Residential-1 (R-1) Zoning District and in the Chesapeake Bay Preservation Act (CBPA) Overlay Zoning District; said application is seeking an exception to the CBPA of the Cape Charles Zoning Ordinance (CCZO) Section 7.7 (A3) to allow for a residential dwelling unit pursuant to CCZO Section 7.5 which provides by-right single family dwelling in the R-1 Zoning District.
- B. An application from Dave & Pam Hainsworth for the property at the corner of Bay Avenue and Washington Avenue adjacent to the Chesapeake Bay and further described as the remaining portion of Tax Map #83A1-3-A not identified in the application above, 50% of Tax Map #83A1-3-C and all of Tax Map #83A1-3-B1 totaling approximately .84 acres or 36,933 sq. ft. and further identified on the proposed Site Plan as Lot B located in the Residential-1 (R-1) Zoning District and in the Chesapeake Bay Preservation Act (CBPA) Overlay Zoning District; said application is seeking an exception to the CBPA of the Cape Charles Zoning Ordinance (CCZO) Section 7.7 (A3) to allow for a residential dwelling unit pursuant to CCZO Section 7.5 which provides by-right single family dwelling in the R-1 Zoning District.