



PLANNING COMMISSION

Regular Meeting

Cape Charles Civic Center

September 6, 2022

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, Paul Grossman, Jim Holloway, Dennis McCoy and Michael Strub. There was one vacancy on the commission. Also, in attendance were Planning/Zoning Administrator Katie Nunez and Town Clerk Libby Hume. There were no members of the public in attendance and five viewers on Facebook Live.

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

CONSENT AGENDA:

Hearing no objections, Bill Stramm approved the Consent Agenda as presented.

PUBLIC HEARING COMMENTS:

There were no public hearings to be heard.

CITIZEN COMMENTS:

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

UNFINISHED BUSINESS

A. *Review of proposed zoning ordinance amendments regarding Accessory Dwelling Units.*

Katie Nunez summarized the staff report on what was agreed upon at the last meeting.

Discussion was as follows: (i) Paul Grossman said Section 4.2 (J) (2) (c) should include guests of the family. (ii) Kenneth Butta thought the words "as needed" could be removed. (iii) Kenneth Butta asked if the definition of a kitchen implied that it must be a separate room; no. (iv) Paul Grossman was concerned that the total floor area of an accessory dwelling unit was not being measured and thought that Section 4.2 (J) (1) (b) may need to have more concise language. Katie Nunez would compare the floor area and gross floor area definitions with the statement and see if any changes were needed. (v) Michael Strub would like the period of stay to be sixty consecutive calendar days as thirty days was easy to get around. He thought accessory dwelling units were supposed to be affordable housing. After some discussion it was decided to keep the thirty-day language to be consistent with the transient occupancy definition. (vi) Jim Holloway asked if a separate electric meter was required; no. (vii) Paul Grossman asked what word was dropped off in paragraph two under Instructions of the Accessory Dwelling Unit Annual Safety Inspection Checklist & Affidavit. Katie Nunez answered request. He also wanted to make sure Jeb Brady checked all the listed items for safety.

Motion made by Paul Grossman, seconded by Dennis McCoy, to recommend Town Council adoption of the proposed zoning text amendments regarding Accessory Dwelling Units in the Cape Charles Zoning Ordinance Section 4.2 (J) Accessory Dwellings, and Section 2.9 Definitions. The motion was approved by unanimous vote.

NEW BUSINESS

There was no new business.

REPORT OF OFFICERS AND COMMITTEES

Bill Stramm summarized the housing subcommittee's purpose and wanted to give commissioners the housing spreadsheet they have been working on.

STANDING STAFF REPORTS

Katie Nunez gave updates on the following: (i) Subdivision Agent: Working with Water and Sewer Departments and Town Attorney to draft documents and establishing procedures for accepting the water and sewer infrastructure and accepting new road construction in a subdivision so new Village L (Muirfield) Subdivision in Bay Creek can be signed off on; (ii) Board of Zoning Appeals: August hearings were left open and will be continued at the September 13, 2022 meeting; and (iii) Consultant Status Reports: (1) Commonwealth Preservation Group - Historic District Guidelines: Draft arrival September 2, 2022, Public Input accepted entire month of September. (2) Summit Design and Engineering – Update to Comprehensive Plan: Final Draft emailed to Town September 27, 2022, public input throughout the month of October.

ANNOUNCEMENTS

- Public Forum: Presentation on Draft Historic District Guidelines – September 8, 2022, at 6:00 p.m. in the Civic Center
- Joint Meeting with Town Council, Planning Commission & Historic District Review Board with our consultant, Commonwealth Preservation Group – September 29, 2022, at 6:30 p.m. in the Civic Center
- Regular Session – October 4, 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 6:57 p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning Technician

Planning Commissioner Paul Grossmans Table

Paul Grossman (7/25/22)

Review of 'Overcoming Land Use Ordinance Barriers to Housing Development' Report (May 27,2022)

Factor 1: Diversity of Housing Stock

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
1	Finding: Accessory dwelling units should be permitted more broadly across the localities. - 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. - ADUs are not listed as permitted uses in the Town of Cape Charles. Expanding the permission of ADUs provides opportunity for additional affordable housing and aging in place.	P.17	Cape Charles does not limit occupants of ADU to family members. ADUs can be occupied by owners, family members or renters > 30 days duration. One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, <u>contingent upon approval as a conditional use</u> in accordance with Section 4.3. Section 4.2.J.	No changes recommended. Planning Commission/ Town Council currently revising ADU ordinance and considering removal of conditional use permit requirement (i.e., allow by-right).	Pro: Ordinance has sufficient requirements to allow review and approval by ZA. Reduces process time by eliminating public hearings and PC and TC engagement.
2	Finding: Impacts of Tourist/Transient Housing and Alternative Structures on Housing Cape Charles uses the term short-term rental. 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.	P.17			

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	Owner-occupancy can be a requirement as a performance standard for these uses.				
3	Recommendation 1: Create a consolidated use table/matrix similar to the table in Northampton County's ordinance, to clearly identify permitted uses within each district to ease interpretation and usability	P.18			
4	Recommendation 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.	P.18			
5	Recommendation 3: Expand flexibility in residential use permissions. 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. [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.]	P.18			
6	Recommendation 4: Evaluate manufactured home parks and subdivisions as affordable housing options.	P.18			

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	"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" does not include a park model recreational vehicle, which is a vehicle that is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard. [§ 46.2-100. Definitions.]				
7	Recommendation 5: Amend ordinances to ensure uses comply with the Code of Virginia. Ordinance for Cape Charles, should be amended to comply with the Code of Virginia § 15.2-2292.1 relative to temporary family health care structures.	P.18			

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	§ 15.2-2292.1. Zoning provisions for temporary family health care structures. Zoning ordinances for all purposes shall consider temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land. "Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in § 63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.				
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