

**TOWN COUNCIL & PLANNING COMMISSION FOR PUBLIC HEARINGS
& REGULAR MEETING OF PLANNING COMMISSION**

Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

December 6, 2022, at 6:00 P.M.

1. Town Council Call to Order
 - A. Roll Call and establish a quorum
2. Planning Commission Call to Order
 - A. Roll call and establish a quorum
3. Invocation and Pledge of Allegiance
4. Public Hearings:
 - A. Joint public hearing to receive comment on the recommendation and adoption of the [proposed revisions to the Comprehensive Plan](#). The Comprehensive Plan is a guide for future development in the Town of Cape Charles. It outlines where the Town and its residents are at the time of its creation, where they want to go in the future, and the steps it will take to get there. This document, upon adoption by Town Council, will update and supersede the previous Comprehensive Plan, adopted in 2009 and amended in 2016. The Comprehensive Plan has been updated in the categories of Housing, Economy, Transportation, Community Facilities and Services, Environment and Land Use which includes proposed revisions to the Future Land Use Map and accompanying Future Land Use categories, which will be used to make future changes to the Town's Zoning Map. The Comprehensive Plan document does contain an updated Zoning Map that reflects all zoning map amendments approved by Town Council between 7/10/2008, when the Zoning Map was last adopted, through 7/21/2022 when the most recent zoning map amendment was approved; this Zoning Map is included and requested to be ratified only as a representation of previously approved actions of Town Council for zoning map amendments. There are no proposed zoning map amendments reflected or included on the zoning map.
 - B. Joint Public hearing to receive comment on a re-affirmation of the Historic District Overlay Map (Zoning Map Amendment (ZMA) 2022-02) and to amend Cape Charles Zoning Ordinance Section 8.3 (Inventory of Landmarks and Contributing Properties Established) to include a new paragraph describing the Historic District Overlay area as follows: The Historic District Overlay is bounded by the following and encompasses all of the areas within said bounds and will be shown as an Overlay Map to the Town's Zoning Map: • Starting from the beach front at the corner of Mason Avenue and Bay Avenue and running north along Bay Avenue to the corner of Washington Avenue; • then running east down the center line of Washington Avenue to the corner of Fig Street; • then running south down the center line of Fig Street to the corner of Monroe Avenue; • then running east down the center line of Monroe Avenue to the corner of Fulcher Street; • then running south down the center line of Fulcher Street to the intersection with Randolph Avenue; • then running east along Randolph Avenue for approximately 300 feet to the far east property line of the Cape Charles Historical Society (Tax Map #83A4-1-B-23) located on the south side of Randolph Avenue; • then running west

approximately 952 feet along the rear property lines of the Cape Charles Historical Society (Tax Map #83A4-1B-83 & 84), the Town of Cape Charles (Tax Map #83A4-4-76) and Rayfield Pharmacy (Tax Map #83A4-4-74 & 75 and 83A4- A-21) properties to the corner of Fig Street and Mason Avenue, • then continuing to run west along Mason Avenue to the intersection of Nectarine Street; • then turning south and running 140 feet then turning west for approximately 2,045 ft up to but not including Tax Map #83A3-A-5 (currently owned by Cape Charles RF, LLC and historically referenced as the former Tavi property) then turning north and running 140 feet to Mason Avenue; and • then turning west along Mason Avenue to the beach front at the intersection with Bay Avenue. This moves an area south of Mason Avenue near the harbor from the intersection of Nectarine Street and running approximately 2,045 ft which had formerly been labeled as Historic Harbor Overlay and this merges the Historic Overlay Map so that there is only one Historic Overlay Map.

NOTE: Town Council will be reviewing the Draft Historic District Guidelines at their 12/15/22 meeting. The Zoning Text Amendments (ZTA) that follow, support those changes. The following Public Hearings to receive comment on the ZTAs are shown with deletions as strikethroughs and additions as bold font:

- C. Zoning Text Amendment (ZTA) 2022-02 application from the town of Cape Charles to Amend Section 3.2 (District Regulations - Single Family Residential District R-1) (I – Development Standards) (6) – Delete the following: ~~Vinyl siding will be permitted as long as each individual clapboard is no wider than five inches.~~
Section 3.6 (District Regulations – Commercial District C-1) (F – Development/Redevelopment Standards: (1.e) – Delete the following: ~~aluminum or vinyl siding~~

- D. Zoning Text Amendment (ZTA) 2022-03 application from the Town of Cape Charles to amend Section 8.3 (Inventory of Landmarks and Contributing Properties Established) as follows:

The Town of Cape Charles has established as part of this ordinance a map covering the area included in the Historic District, based on the criteria set forth in this ordinance **and fully described under within Section 8.3 as described in ZMA 2022-02 and further contained in Chapter 1 of the Newly Revised Historic District Guidelines as adopted by the Town Council on (Date to be inserted) and** this map shall be as much a part of this ordinance as if fully described herein. Pending further amendment of this ordinance, the period of significance for the Town will be from 1883 to 1964 as delineated in the Cape Charles Historic District National Register of Historic Places (amended 2019). **Said listing as prepared in 2019 of all contributing and non-contributing properties will be attached as an Exhibit to the newly revised Historic District Guidelines** as identified in the National Register, structures or sites designated as properties which contribute to the historic character of the Town shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as noncontributing properties. Should a building or structure within the boundaries of the historic district not be listed in the national register, the building or structure will be classified as noncontributing. The map may be amended from time to time in the same manner as the zoning district map.

- E. Zoning Text Amendment (ZTA) 2022-04 application from the Town of Cape Charles to Amend Section 8.4 – Application of the District; Relation to Other Zoning Districts to add to the end of the paragraph the following: **Where the overlay district and its Design Guidelines present stricter standard, the stricter standard prevails pursuant to Code of Virginia Section 15.2-2306.**
- F. Zoning Text Amendment 2022-005 to amend Section 8.8 (Historic Board: Terms) by adding the following: The members of the Historic District Review Board shall be appointed by the Town Council. The Membership shall consist of five citizens, at least three of whom shall be residents of the local historic district; **said appointments are at the will of Town Council**
- G. Zoning Text Amendment (ZTA) 2022-06 application from the Town of Cape Charles to Amend Section 8.14 (E) Historic District Review Board; Powers and Duties **to insert the month and year of the newly revised Historic District Guidelines, once adopted by Town Council.**
- H. Zoning Text Amendment (ZTA) 2022-07 application from the Town of Cape Charles to delete Section 8.20 – Design Guidelines: Recommendations for Review Items since guidelines have been included in the newly proposed guideline:
~~(D) Separate guidelines shall be developed for all new infill buildings in Cape Charles' historic district. New infill construction will not diminish, detract, or distract from the character of surrounding historic buildings or the overall historic district.~~

~~(E) Alterations and additions to non-contributing structures that affect the exterior appearance of the structure or additions should be compatible with the district following the guidelines for new (infill) construction. Criteria for non-contributing structures may be less restrictive than that applied to contributing structures.~~
- I. Zoning Text Amendment (ZTA) 2022-08 application from the Town of Cape Charles to amend Section 8.20 (A) as follows: The Historic District Review Board shall be guided in its decisions by the design guidelines but must also use independent judgement and discretion to consider the unique characteristics of each request. The board is expected to work with each applicant to assist them in achieving their goal while preserving the character of the district. The board **and staff shall** ~~may~~ utilize the pre-application review process as defined in Section 8.25.A.
- J. Zoning Text Amendment (ZTA) 2022-09 application from the Town of Cape Charles to amend Section 8.25 (A) as follows: Pre-application review: Persons considering action that requires a certificate of appropriateness, as set forth in this ordinance, are ~~to request and/or to review~~ **the fully proposed application and scope of work with Planning & Zoning staff** ~~an informal informational meeting with the Zoning Administrator and at least one member of the Historic District Review Board~~ prior to submitting a ~~formal~~ **completed** application for a certificate of appropriateness. ~~Requests for such informational meetings can be made to the zoning administrator, who will contact a member of the board. The informational meeting will occur within thirty (30) days of receipt of such a request.~~ The purpose of said review with staff ~~of an informational meeting~~ is to review the design guidelines and standards and the procedures for obtaining a certificate of appropriateness. Neither the applicant nor the zoning administrator ~~or staff member board member(s)~~ shall be bound by any informational meeting or conceptual review. ~~Zoning administrator can use discretion on the need for a pre-application meeting or the inclusion of a board representative depending on the nature of project proposed;~~

K. Zoning Text Amendment 2022-10 application from the Town of Cape Charles to amend Section 8.29 – Certificates of Appropriateness as follows: Any certificate issued pursuant to this article shall expire of its own limitation ~~twelve (12)~~ **six (6)** months from the date of issuance if the work authorized thereby is not commenced by the end of such ~~twelve (12)~~ **six (6)** month period; and further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of ~~twelve (12)~~ **six (6)** months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this article shall be excluded from the computation of the ~~twelve (12)~~ **six (6)** months.

5. Adjournment – Town Council

6. Citizen Comment Period, for any item not subject to an advertised public hearing

7. Unfinished Business: NONE

8. New Business:

A. Comprehensive Plan 5-Year Update: proposed revisions to the Comprehensive Plan (see Item 4A above): review and make a recommendation to Town Council.

B. Historic District Overlay Map: re-affirmation of the Historic District Overlay Map (Zoning Map Amendment (ZMA) 2022-02) and to amend Cape Charles Zoning Ordinance Section 8.3 (Inventory of Landmarks and Contributing Properties Established) to include a new paragraph describing the Historic District Overlay area (see Item 4B above) - review and make a recommendation to Town Council.

C. ZTA2022-02 Vinyl Siding Deletion in the District Regulations: (see Item 4C above) – review and make a recommendation to Town Council.

D. ZTA2022-03 Date of Adoption of new Historic Guidelines and add 2019 Inventory of Contributing and Noncontributing Structures (see 4D above)– review and make a recommendation to Town Council.

E. ZTA 2022-04 Prevailing Document between Ordinance and Guidelines if there is a conflict (see 4E above) – review and make a recommendation to Town Council.

F. ZTA 2022-005 HDRB appoints are at will of Town Council (see 4F above) – review and make a recommendation to Town Council.

G. ZTA 2022-06 Insert Date of Adoption of Newly Revised Historic District Guidelines once adopted by Town Council (see 4G above) – review and make a recommendation to Town Council.

H. ZTA 2022-07 delete Section 8.20 – Design Guidelines: Recommendations for Review Items for new Infill Construction and Non-Contributing Structures since guidelines have been included in the newly proposed guideline (see 4H above) – review and make a recommendation to Town Council.

I. ZTA 2022-08 to amend Section 8.20 (A) for pre-application process to be optional (see 4I above) – review and make a recommendation to Town Council.

J. ZTA 2022-09 to amend Section 8.25 (A) detailing the pre-application process (see 4J above)
– review and make a recommendation to Town Council.

K. ZTA 2022-10 to amend Section 8.29 regarding expiration of Certificates of Appropriateness (see 4K above) – review and make a recommendation to Town Council.

9. Report of Officers and Committees

A. None.

10. Standing Staff Reports

A. Planning & Zoning Administrator Monthly Report for November 2022

1.) Subdivision Agent Report

2.) Report on Applications filed with Board of Zoning Appeals, pursuant to Code of Virginia §15.2-2310

11. Announcements - Next Meetings:

- Regular Session: Tuesday, January 3, 2023

12. Adjourn

TOWN OF CAPE CHARLES
Joint Public Hearings – Zoning Text Amendments
Planning Commission & Town Council

The Cape Charles Planning Commission will hold a joint public hearing with Town Council on Tuesday, December 6, 2022, at 6:00 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following Zoning Text Amendment application with deletions shown as strikethroughs and additions show as bold font:

- A. Zoning Text Amendment (ZTA) 2022-02 application from the town of Cape Charles to Amend Section 3.2 (District Regulations - Single Family Residential District R-1) (I – Development Standards) (6) – Delete the following: ~~Vinyl siding will be permitted as long as each individual clapboard is no wider than five inches.~~
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The Town of Cape Charles has established as part of this ordinance a map covering the area included in the Historic District, based on the criteria set forth in this ordinance **and fully described under within Section 8.3 as described in ZMA 2022-02 and further contained in Chapter 1 of the Newly Revised Historic District Guidelines as adopted by the Town Council on (Date to be inserted)** and this map shall be as much a part of this ordinance ~~as if fully described herein~~. Pending further amendment of this ordinance, the period of significance for the Town will be from 1883 to 1964 as delineated in the Cape Charles Historic District National Register of Historic Places (amended 2019). **Said listing as prepared in 2019 of all contributing and non-contributing properties will be attached as an Exhibit to the newly revised Historic District Guidelines** as identified in the National Register, structures or sites designated as properties which contribute to the historic character of the Town shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as noncontributing properties. Should a building or structure within the boundaries of the historic district not be listed in the national register, the building or structure will be classified as noncontributing. The map may be amended from time to time in the same manner as the zoning district map.

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- C. **Zoning Text Amendment 2022-005 to amend Section 8.8 (Historic Board: Terms) by adding the following:** The members of the Historic District Review Board shall be appointed by the Town Council. The Membership shall consist of five citizens, at least three of whom shall be residents of the local historic district; **said appointments are at the will of Town Council**
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- E. Zoning Text Amendment (ZTA) 2022-07 application from the Town of Cape Charles to delete Section 8.20 – Design Guidelines: Recommendations for Review Items since guidelines have been included in the newly proposed guideline:
- ~~(D) Separate guidelines shall be developed for all new infill buildings in Cape Charles' historic district. New infill construction will not diminish, detract, or distract from the character of surrounding historic buildings or the overall historic district.~~
- ~~(E) Alterations and additions to non-contributing structures that affect the exterior appearance of the structure or additions should be compatible with the district following the guidelines for new (infill) construction. Criteria for non-contributing structures may be less restrictive than that applied to contributing structures.~~
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These applications are available for public review on our website at www.capecharles.org. Please contact the Planning Department at 331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.

AD PLACED: Eastern Shore Post on Monday, November 21, 2022

AD TO RUN: Friday, November 25 & December 2, 2022

TOWN OF CAPE CHARLES
Town Council and Planning Commission
Joint Public Hearing – Comprehensive Plan

The Cape Charles Town Council and Planning Commission will hold a joint public hearing on Tuesday, December 6, 2022, at 6:00 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the recommendation and adoption of the proposed revisions to the Comprehensive Plan.

The Comprehensive Plan is a guide for future development in the Town of Cape Charles. It outlines where the Town and its residents are at the time of its creation, where they want to go in the future, and the steps it will take to get there. This document, upon adoption by Town Council, will update and supersede the previous Comprehensive Plan, adopted in 2009 and amended in 2016.

The Comprehensive Plan has been updated in the categories of Housing, Economy, Transportation, Community Facilities and Services, Environment and Land Use which includes proposed revisions to the Future Land Use Map and accompanying Future Land Use categories, which will be used to make future changes to the Town's Zoning Map.

The Comprehensive Plan document does contain an updated Zoning Map that reflects all zoning map amendments approved by Town Council between 7/10/2008, when the Zoning Map was last adopted, through 7/21/2022 when the most zoning map amendment was approved; this Zoning Map is included and requested to be ratified only as a representation of previously approved actions of Town Council for zoning map amendments. There are no proposed zoning map amendments reflected or included on the zoning map.

The public hearing will be held pursuant to §15.2-2204 and §15.2-2225 of the Code of Virginia (1950, as amended). The draft Comprehensive Plan is available for public review on our website at www.capecharles.org, under Planning and Zoning Department / 2022 Comprehensive Plan Update. Please contact the Planning Department at 1-757-331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.

AD PLACED: Eastern Shore Post on Monday, November 21, 2022
AD TO RUN: Friday, November 25, 2022 and Friday, December 2, 2022



JOINT MEETING REPORT FOR PLANNING COMMISSION & TOWN COUNCIL STAFF REPORT

Meeting Date: December 6, 2022

Item #: 4a & 8a

Prepared by: Katie H. Nunez, Planning & Zoning Administrator

Date: November 28, 2022

APPLICANT: Town of Cape Charles

TYPE OF APPLICATION: Comprehensive Plan -
5 Year Update

DATE RECEIVED: November 18, 2022

DATE APPLICATION DEEMED COMPLETE: November 18, 2022

PLANNING COMMISSION PUBLIC HEARING: December 6, 2022

TOWN COUNCIL PUBLIC HEARING: December 6, 2022 (held jointly with Planning Commission)

DEADLINES FOR DECISIONS: Planning Commission (60 days from date of submission): **December 18, 2022**

In 2019, the Town began the review and update of the 2016 Comprehensive Plan. Since the 2016 Comprehensive Plan document was considered a “minor” update to the 2009 Comprehensive Plan, there was continued reference back to the appendices in the 2009 document. Part of the charge for this update was to develop a “stand alone” Comprehensive Plan, fully update statistics and relative demographic information, and develop goals and objectives for each required element of the Comprehensive Plan.

The Planning Commission initially took on this update; however, due to staffing changes between 2019 through 2021 as well as the impact on workload and in-person meetings due to COVID-19, the Town determined that involving a Planning Consultant firm was necessary to ensure that this update was completed in a timely fashion and contained a uniform voice in its text and narrative presentation.

The Town hired Summit Design and Engineering in summer/fall 2021 and they were provided all of the public engagement conducted by the Town up to that point and provided all of the draft chapters that had been worked upon by the Planning Commission to serve as the jumping off point in the development of the update.

STAFF COMMENTS:

The draft Comprehensive Plan was initially released in September 2022 and public input was solicited on the draft document. The Town held an informational meeting and also convened 2 work sessions of the Planning Commission & Town Council to review all comments received which were approximately 280 comments (please see “Public Input” Section pages 27-31 for additional information on public outreach).

In compliance with Code of Virginia Title 15.2, Chapter 22, Article 3: §15.2-2223 (4), the draft Comprehensive Plan has a Transportation Section and a Future Land Use Section and has submitted this to Accomack-Northampton Residency Office of the Virginia Department of Transportation (VDOT) on

November 3, 2022 for their review. VDOT may take 90 days to provide its review and written comments to the locality. If the Town has not received confirmation from VDOT of their comments and/or acceptance of the Comprehensive Plan's Transportation Section at the meeting when the Town Council may be considering a vote on the document, then staff will lay out a proposed course of action.

The Plan contains all of the required components as listed in Code of Virginia Title 15.2, Chapter 22, Article 3: §22.2223 thru 2231 and fully meets the requirements of Code of Virginia Title 15.2, Chapter 22, Article 3: §15.2-2232.

Staff and our consultant, Summit Design and Engineering, will make a brief presentation of the draft document which is available for review on the Town's website at <https://www.capecharles.org/docview.aspx?docid=30818>

RECOMMENDED ACTION FOR PLANNING COMMISSION:

Staff finds that the draft Comprehensive Plan. has been made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory within the Town of Cape Charles which will, in accordance with present and probable 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.

Staff recommends that the Planning Commission considers any public comments received during the public hearing and considers recommending approval of the draft Comprehensive Plan dated November 23, 2022 to the Town Council.

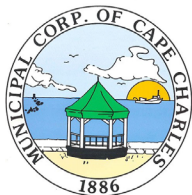
Attachments:

Attachment 1 – Draft Comprehensive Plan dated November 23, 2022

Agenda Item 4B & 8B

Public Hearing (Item 4B) and
Review for recommendation to Town Council (Item 8B)

Historic District Overlay Map



APPLICATION FOR ZONING MAP AMENDMENT

Planning & Zoning Department

757-3331-3259 x 24

planningtech@capecharles.org

✓ Revised 11/2022

Taxes

Violations

Fee

Decision

Completed by P& Z Department Staff:

Date Application Received: 11-14-2022

Town Application # ZMA2022-02

Referred to (check one): ☒ Town Application



Planning Commission



Town Council

Date of Mtg: _____

DECISION OF BOARD: _____

Provide dates of future public hearings, if needed: _____

TO BE COMPLETED BY APPLICANT

Applicant Name: Town of Cape Charles

List All Landowners, if Property is owned by an LLC, LP or other form of corporation:

Property Address: Historic District Overlay – all properties within said overlay district

Phone: 757-331-2036

Email Address: knunez@capecharles.org

Mailing Address: 2 Plum Street, Cape Charles, VA 23310

Property Location: Whole Historic District Overlay

Tax Map #: All properties in the Historic District Overlay Map

Zoning District Impacted by Proposed Application: There are a mix of underlying zoning district within the Historic District Overlay, primarily Residential-1, Commercial-1 and Commercial-Residential.

Zoning Map Amendment Application (also referred to as a Rezoning or Conditional Rezoning) may be submitted by a Cape Charles property owner and may be advanced to public hearing, after this application is submitted to Town Council who authorizes said applications to public hearings, first to the Planning Commission in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204.

The applicant will be required to make a presentation to fully explain the request and demonstrate the need for said request and how the Comprehensive Plan supports and maintains compliance with the goals and objectives of the Comprehensive Plan

Additionally, the Planning Commission or Town Council may prepare and submit an application for a zoning map amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

TO BE COMPLETED BY THE APPLICANT:

A. Tax Map and Current Zoning of Subject Property:

All properties contained within the bounds of the Historic District Overlay

B. Proposed Zoning of Subject Property:

Retaining the same district zoning of each parcel within the Historic District and just clarifying the restating the bounds of the Historic District Overlay (see Map enclosed) and below is public hearing description of the bounds of the District to also insert this description within Cape Charles Zoning Ordinance Section 8.3 as a new paragraph:

The Historic District Overlay is bounded by the following and encompasses all of the areas within said bounds and will be shown as an Overlay Map to the Town's Zoning Map:

- Starting from the beach front at the corner of Mason Avenue and Bay Avenue and running north along Bay Avenue to the corner of Washington Avenue;
- then running east down the center line of Washington Avenue to the corner of Fig Street;
- then running south down the center line of Fig Street to the corner of Monroe Avenue;
- then running east down the center line of Monroe Avenue to the corner of Fulcher Street;
- then running south down the center line of Fulcher Street to the intersection with Randolph Avenue;
- then running east along Randolph Avenue for approximately 300 feet to the far east property line of the Cape Charles Historical Society (Tax Map #83A4-1-B-23) located on the south side of Randolph Avenue;
- then running west approximately 952 feet along the rear property lines of the Cape Charles Historical Society (Tax Map #83A4-1B-83 & 84), the Town of Cape Charles (Tax Map #83A4-4-76) and Rayfield Pharmacy (Tax Map #83A4-4-74 & 75 and 83A4- A-21) properties to the corner of Fig Street and Mason Avenue,
- then continuing to run west along Mason Avenue to the intersection of Nectarine Street;
- then turning south and running 140 feet then turning west for approximately 2,045 ft up to but not including Tax Map #83A3-A-5 (currently owned by Cape Charles RF, LLC and historically referenced as the former Tavi property) then turning north and running 140 feet to Mason Avenue; and
- then turning west along Mason Avenue to the beach front at the intersection with Bay Avenue. This moves an area south of Mason Avenue near the harbor from the intersection of Nectarine Street and running approximately 2,045 ft which had formerly been labeled as Historic Harbor Overlay and this merges the Historic Overlay Map so that there is only one Historic Overlay Map.

- C. **NARRATIVE** *explaining the reason for the zoning map amendment. Also state how this application is supported through the Comprehensive Plan, providing section and page number support. Include additional pages as needed to fully complete this Narrative and provide any supporting documentation as you deem relevant.*

The Town Council minutes did not provide absolute proof of the bounds of the Historic District Overlay – they referenced several amendments to the map over the last decade but the minutes did not actually contain a district description nor a copy of the proposed map. Staff was able to confirm that a map with these bounds had been provided to the Virginia Dept of Historic Resources sometime in the mid-2010's. Therefore, there are no proposed additions of parcels to the Overlay District Map just looking to re-affirm the bounds and also to add a text description of the bounds to the Ordinance itself with the accompanying map.

The Town also had a second Overlay Map for the History Harbor area – this has been merged to show on one Overlay Map.

COMPREHENSIVE PLAN

Pages 20-21

Section III – Future Land Use: Guiding Decisions for the Coming Decades

III-A.5.1 OVERALL POLICIES FOR CAPE CHARLES NEIGHBORHOODS

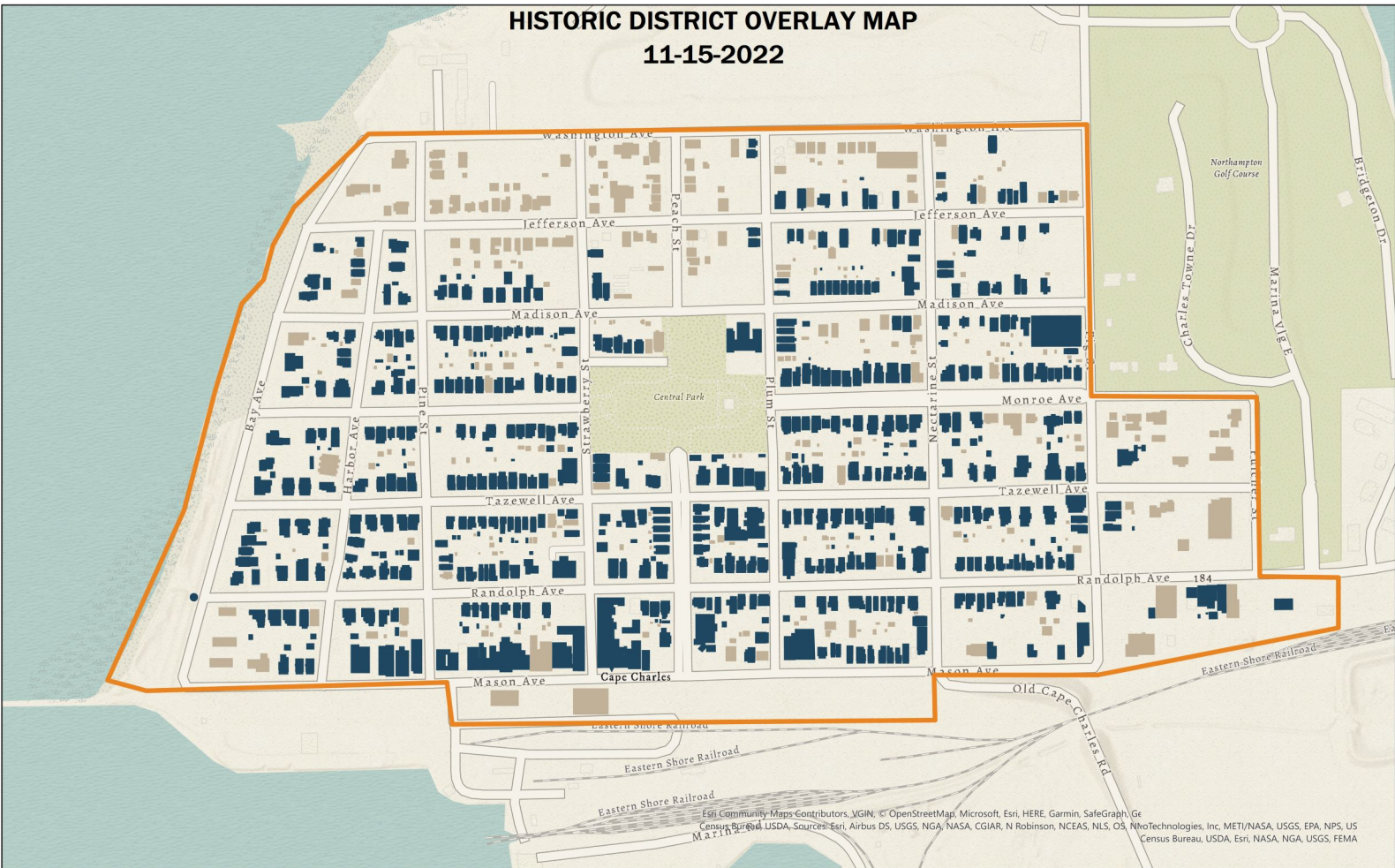
1. Preserved and enhance the integrity of the Historic District.
 - Strengthen the historic preservation ordinance to ensure maintenance and preservation of the existing historic building stock.

Signature of Applicant: Katie H. Nunez Date: 11/14/2022

Application fee: \$200 (mailing and advertising fees are billed separately)

HISTORIC DISTRICT OVERLAY MAP

11-15-2022

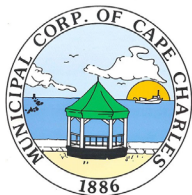


Agenda Item 4C & 8C

Public Hearing (Item 4C) and
Review for recommendation to Town Council (Item 8C)

ZTA 2022-02

Vinyl Siding Deletion in the District Regulations



APPLICATION FOR ZONING TEXT AMENDMENT

Planning & Zoning Department

757-3331-3259 x 24

planningtech@capecharles.org

✓ Revised 11/2022

Taxes

Violations

Fee

Decision

Completed by P& Z Department Staff:

Date Application Received: 11-14-2022

Town Application # ZTA2022-02

Referred to (check one): ☒ Town Application



Planning Commission



Town Council

Date of Mtg: _____

DECISION OF BOARD: _____

Provide dates of future public hearings, if needed: _____

TO BE COMPLETED BY APPLICANT

Applicant Name: Town of Cape Charles

List All Landowners, if Property is owned by an LLC, LP or other form of corporation:

Property Address: Historic District Overlay – all properties within said overlay district

Phone: 757-331-2036

Email Address: knunez@capecharles.org

Mailing Address: 2 Plum Street, Cape Charles, VA 23310

Property Location: Whole Historic District Overlay

Tax Map #: All properties in the Historic District Overlay Map

Zoning District Impacted by Proposed Application: There are a mix of underlying zoning district within the Historic District Overlay, primarily Residential-1, Commercial-1 and Commercial-Residential.

Zoning Text Application may be submitted by a Cape Charles property owner but a Zoning Text Amendment may only be advanced to public hearing, after this application is advanced as a petition to either the Planning Commission or the Town Council meeting agenda, after staff consultation with the Town Manager. Once this matter is heard at a meeting of one of these respective entities, the application will be required to make a presentation to fully explain the request and demonstrate the need for said request and how the Comprehensive Plan supports and maintains compliance with the goals and objectives of the Comprehensive Plan. The application will need to receive an affirmative vote of the Cape Charles Town Council or Cape Charles Planning Commission to step in as the applicant and to set a calendar advancing the application to public hearing in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204

Either the Planning Commission or Town Council may prepare and submit an application for a zoning text amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

A. Zoning Ordinance Section Proposed to be Amended (Sec # & Title):

CCZO Section 3.2 (I) 6 (District Regulations – Single Family Residential District R-1 Development Standards) & 3.6 (Commercial-1) /Development Standards

B. Existing Zoning Text:

3.2 (I) (6). Materials.

New construction should use materials in a manner sympathetic to the character of the existing neighborhood houses. It is encouraged that materials should be of similar or complementary size, texture, scale, craftsmanship, and applicability to function performed. It should be noted that the sympathetic use of materials does not imply that materials used in new construction will replicate the old in detail nor that new construction will attempt to imitate existing structures. Rather, it is a matter of determining the compatibility of new construction. Certain materials are potentially so visually intrusive that their use for new construction in the R1 District will not be permitted. These materials include: a. asphalt siding, vertical plywood siding, aluminum siding b. exposed concrete block above foundation level c. corrugated metal, except for roof applications d. flush doors (hollow or solid core)

Vinyl siding will be permitted as long as each individual clapboard is no wider than five inches.

3.6 (I) (6): Vinyl siding will be permitted as long as each individual clapboard is no wider than five inches. & 3.6 (F) (1) (e):

e. Materials. New construction should use materials in a manner sympathetic to the historic buildings in the Town of Cape Charles. Materials should be of similar or complementary color, size, texture, scale, craftsmanship, and applicability to function performed. It should be noted that the sympathetic use of materials does not imply that materials used in new construction will replicate the old in detail nor that new construction will attempt to imitate historic structures. Rather, it is a matter of determining the compatibility of the new with the old. Certain materials are potentially so visually intrusive that their use for new construction in the Town will not be permitted. These materials include:

- aluminum or vinyl siding*
- asphalt siding*
- carpeted porch floors and steps*
- corrugated metal, except for roof applications*
- exposed concrete block above foundation level*
- exposed concrete masonry*
- faux brick and stone (brick face)*
- flush exterior doors*
- inappropriate window treatments*
- jalousie windows • picture windows*
- windows with horizontal glazing*
- metal or wood awnings*
- open mesh-type fencing*
- ornamental pierced concrete masonry screens and walls*
- painted concrete masonry*
- unpainted wood*
- vertical plywood siding*

- *vertical wood siding on primary structures*
- *wrought iron and aluminum porch columns*

C. Proposed Revisions/Additions: (attach additional pages as necessary):

Delete this bullet from Section 3.2: ~~Vinyl siding will be permitted as long as each individual clapboard is no wider than five inches~~ & Delete Section 3.6 (District Regulations – Commercial District C-1) (F – Development/Redevelopment Standards: (1.e)— Delete the following: aluminum ~~or vinyl siding~~

D. NARRATIVE *explaining the reason for the zoning text amendment. Also state how this application is supported through the Comprehensive Plan, providing section and page number support. Include additional pages as needed to fully complete this Narrative and provide any supporting documentation as you deem relevant.*

In the proposed revised guidelines, vinyl siding could be a possible material choice if it is deemed an alternative material through the review process outlined under Chapter 7.1 for Alternative Materials Consideration. The deletion of the reference to vinyl in the zoning ordinance removes the conflict between the zoning ordinance and the Historic District Guidelines.

COMPREHENSIVE PLAN

Pages 20-21

Section III – Future Land Use: Guiding Decisions for the Coming Decades

III-A.5.1 OVERALL POLICIES FOR CAPE CHARLES NEIGHBORHOODS

1. Preserved and enhance the integrity of the Historic District.

- Strengthen the historic preservation ordinance to ensure maintenance and preservation of the existing historic building stock.

Signature of Applicant: Katie H. Nunez Date: 11/14/2022

Application fee: \$200 (mailing and advertising fees are billed separately)

Town of Cape Charles

ARTICLE III

District Regulations

Section 3.2 Single Family Residential District R-1

- A. Statement of intent. The intent of this basic zoning district is to provide quiet, medium density, single-family residential development plus provide open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to restrict all activities of a commercial nature as described in Section 3.6-A of this ordinance, known as Commercial District C-1, which states "These commercial activities are characterized by heavy traffic, noise, and congestion of people and passenger vehicles and by large office buildings and retail establishments," and to promote a convenient, attractive, and harmonious community. This section is created in recognition of the existence of developed areas where single-family and duplex dwelling currently exist on lots of 5,600 square feet and where the characteristics of the neighborhood include both permanent as well as seasonal residents.
- B. Permitted Uses. The following uses are permitted by right:
1. Single-family dwellings
 2. Churches and places of worship
 3. Parks and playgrounds
 4. Accessory buildings
 5. Schools and Municipal Community Center
 6. Group Homes per § 15.2-2291 of the Code of Virginia
 7. Home occupations in accordance with Section 4.0.
 8. Dog pens.
- C. Conditional Uses: The following uses may also be permitted, subject to securing a use permit as provided for in this ordinance:
1. Libraries, museums, and office and meeting spaces for civic organizations
 2. Public utilities and services provided that the exterior appearance of any building permitted in this district shall be in keeping with the character of the neighborhood in which it is located
 3. Bed and breakfasts and tourist homes, provided the following requirements are met:
 - a. The owner and family must occupy the residence. The owner and his/her appointed agent are responsible for supervising guests.
 - b. The single-family dwelling appearance must be maintained.
 - c. Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Section

4.5.1 (Table of Parking Standards) using both on and off-street parking areas.

- d. A sign no larger than four square feet shall be permitted.
 - e. The number of room accommodations shall be subject to recommendation by the Planning Commission and approved by the Town Council.
- 4. Neighborhood community center
 - 5. Swimming pools, tennis courts, and basketball courts.
 - 6. Adaptive Reuse of existing structure is a new use different than the intended use for which the structure was originally constructed. The Reuse is generally a permitted, accessory or conditional use with an adaptation such as density or size that is greater than the ordinance allows.

The Reuse would require a conditional use permit (CUP). The following additional requirements must also be met:

- a. The use must be compatible with the permitted uses in the zone.
 - b. The Reuse plan must meet the table of parking and landscaping standards (unlike reuse in the C-1 Zone where parking requirements are on a case by case basis).
 - c. Replacement and new utility services shall be placed underground.
 - d. The structure shall be a contributing structure to the Cape Charles National Historic District or at least 50 years old and the exterior of the structure must be restored in accordance with the Cape Charles Historic District Guidelines.
- 7. Residential dwelling units in square footage area below the minimum or above the maximum stated in Section 3.2.F.2.
- D. Subdivision of dwelling units is not permitted.
- E. Height Regulations. Buildings may be erected up to 2 ½ stories and to a height up to 40 feet from the adjacent ground elevation.
- F. Area Regulations
- 1. The minimum lot size shall be 5,600 square feet. Dwelling units existing on lots at the time of adoption of this ordinance which are generally on lots 40 feet by 140 feet are considered to be conforming lots. However, new construction taking place within this district shall meet all standards and requirements of this district.
 - 2. The minimum dwelling unit size shall be 960 square feet and the maximum dwelling unit size shall be 4,500 square feet on any lot or contiguous assemblage of lots under common ownership. Specific dwelling unit square footage relative to the square footage of any lot or contiguous assemblage of lots under common ownership shall be:

- a. Lots or contiguous assemblage of lots under common ownership up to 5,600 square feet dwelling units shall be a minimum of 960 and a maximum of 2,400 square feet.
- b. Lots or contiguous assemblage of lots under common ownership of 5,601 to 8,400 square feet dwelling units shall be a minimum of 960 and a maximum of 3,000 square feet.
- c. Lots or contiguous assemblage of lots under common ownership above 8,400 square feet dwelling units shall be a minimum of 960 and a maximum of 4,500 square feet.

Patios, porches, decks, attached garages, and detached accessory use buildings shall not be included in calculating the dwelling unit square footage.

- 3. The minimum lot width at the setback line shall be 40 feet.
 - 4. Non-conforming lots smaller than 5,600 square feet in the R-1 District the total footprint area of all accessory building lot coverage shall not exceed 10%.
- G. Setback Regulations
- 1. Conforming Lots
 - a. Front yard. The setback line in a R-1 district shall be located 30 feet from all right-of-way lines. In built-up neighborhoods, the prevailing setback shall be the standard to which new housing must conform where possible.
 - b. Side yard. Each main structure shall have a minimum side yard setback of 5 feet.
 - c. Rear yard. Each main structure shall have a minimum rear yard setback of 25 feet.
 - d. Corner Lots. Each main structure shall have a minimum side street setback of 5 feet. In built up neighborhoods, the prevailing setback shall be the standard to which new housing must conform where possible.
 - 2. Non-Conforming Lots
 - a. Front Yard. The setback line in the R-1 district shall be located 30 feet from the Avenue right-of-way lines or 5 feet from side street right-of-way lines. In built up neighborhoods, the prevailing setback shall be the standard to which new housing must conform where possible.
 - b. Side Yard. Each main structure shall have a minimum side yard setback of 5 feet.
 - c. Rear Yard. Each main structure shall have a minimum rear yard setback of 25 feet on lots over 40 feet deep. On lots 40 feet deep or less, the rear yard setback shall be a minimum of 5 feet.
 - d. Corner Lots. Each main structure shall have a minimum side street setback of 5 feet. In built up neighborhoods, the prevailing setback shall be the standard to which new housing must conform where possible.

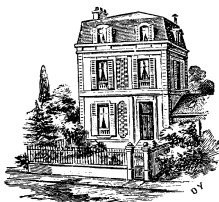
- H. Decks and patios may not be constructed in the front yard area. Decks and patios constructed in the back-yard area may be enclosed. Front porches may be enclosed by insect screening, preferably placed on the inside (house side) of architectural elements such as railings and columns. No permanent enclosures of front porches are allowed except for insect screening.

I. Development Standards

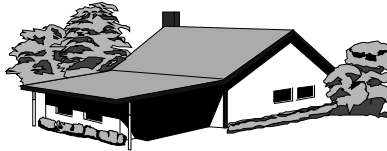
Statement of Intent. The development standards below are intended to help preserve the architectural cohesiveness of the Town of Cape Charles by stipulating that new construction and additions be compatible, sympathetic, and complementary to existing buildings. Development concepts are illustrated below to clarify the intent of the development standards.

1. Proportions. A building may be described by the height, footprint, volume, placement of door openings, window openings, porch columns, spacing, etc. The proportions of new construction should relate, 1:1, to the prevailing standards present in the neighborhood. Comparing new construction to the existing structures in a neighborhood is to see the 1:1 proportion of the building to another.

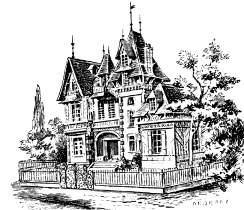
Proportions



YES



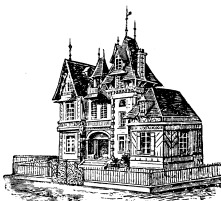
NO



YES

2. Scale and orientation. The elevation of the first floor on new construction must be the same or within six inches of the average of the prevailing standard of neighborhood buildings but must meet the required floodplain elevation. The principal facade of new construction must be oriented in the same direction as the rest of the buildings in the neighborhood.

Scale and Orientation



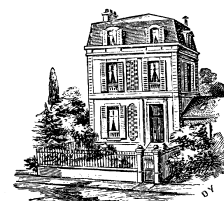
YES



NO



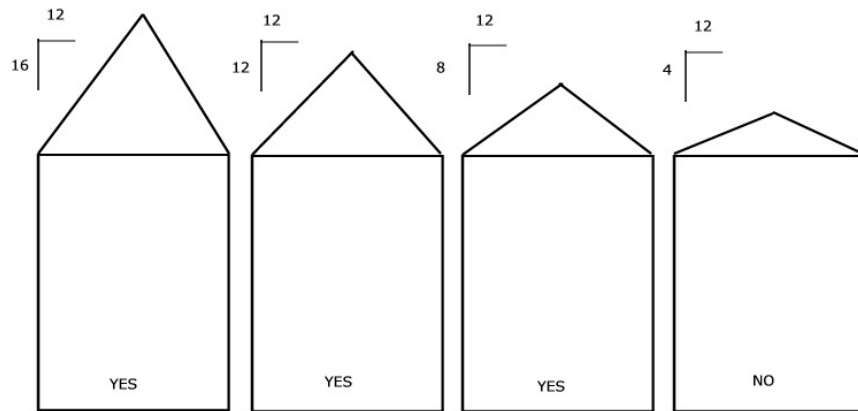
YES



YES

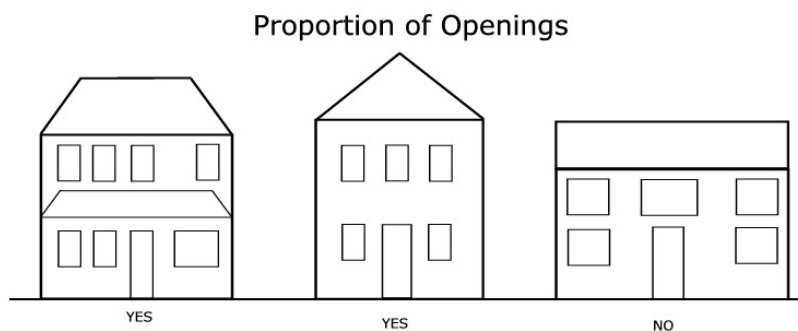
3. Roofs. Primary roof ridges of new construction must be parallel to the primary roof ridges of existing neighborhood buildings. New construction should reflect the prevailing roof pitch of neighborhood buildings within

20 percent. Where there is no prevailing standard, roof pitch should be no less than 8:12.



Roof Pitch Examples
(Drawing Not To Scale)

4. Windows and doors. The facade of new construction must draw upon the proportion of neighborhood structures. Windows must be double hung windows or of a size and style similar to existing windows in the neighborhood. The following window treatments are allowed: Jalousie windows, picture windows and horizontal windows, only in traditional American ranch style architecture. Exterior doors should be paneled or have glass panels. Flush doors are not allowed.



5. Porches. Porches must be constructed on the front of the house and must cover at least 80 percent of the building facade's width. Where there is no prevailing standard, porches may be reduced to be in keeping with the house style. Front porches must have a minimum depth of six feet. Porches on the side and rear of the house are also permitted. All porches must meet setback regulations.
6. **Materials.** New construction should use materials in a manner sympathetic to the character of the existing neighborhood houses. It is

encouraged that materials should be of similar or complementary size, texture, scale, craftsmanship, and applicability to function performed. It should be noted that the sympathetic use of materials does not imply that materials used in new construction will replicate the old in detail nor that new construction will attempt to imitate existing structures. Rather, it is a matter of determining the compatibility of new construction. Certain materials are potentially so visually intrusive that their use for new construction in the R-1 District will not be permitted. These materials include:

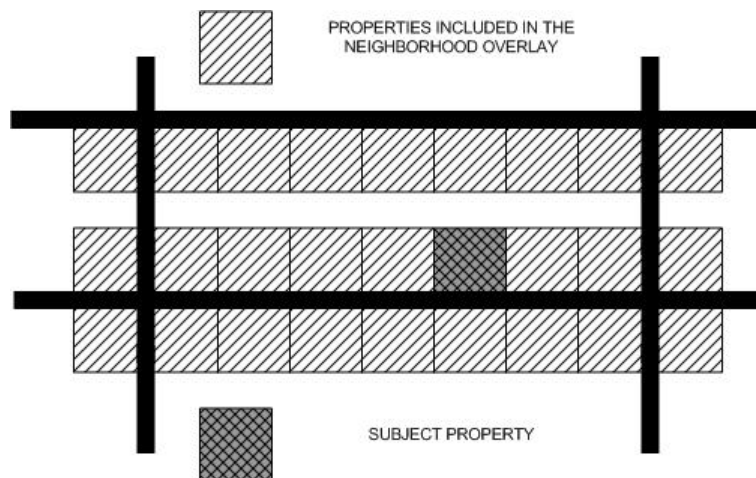
- a. asphalt siding, vertical plywood siding, aluminum siding
- b. exposed concrete block above foundation level
- c. corrugated metal, except for roof applications
- d. flush doors (hollow or solid core)

Vinyl siding will be permitted as long as each individual clapboard is no wider than five inches.

- 7. Utilities. Upon installation of utility access lines, such lines shall be installed underground. The Town encourages replacement lines to be installed underground.

For the purposes of this Section 3.2 only, certain terms shall have the meanings ascribed to them as follows:

NEIGHBORHOOD For the purpose of this ordinance, a neighborhood overlay is defined as parts of a six-square block area, including all parcels on the subject block and all parcels facing on three sides, with the property in question located in the center block.



PREVAILING STANDARDS Prevailing standards exist when 50 percent or more of the buildings exhibit similar attributes in a neighborhood overlay. Where less than 50 percent of the buildings exhibit similar attributes, any of the range of attributes in the neighborhood would be acceptable.

Section 3.6 Commercial District C-1

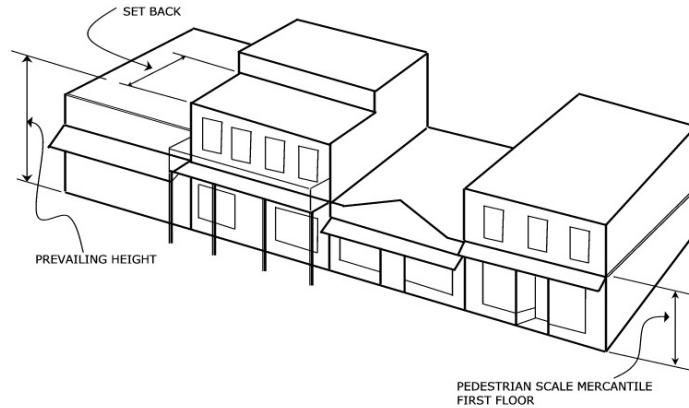
- A. Statement of Intent. The intent of this zoning district is to preserve and enhance the traditional mixed use urban nature of Cape Charles commercial districts, to encourage the location of regional and local business and professional activities, to facilitate the development of buildings in keeping with its largely National Historic District character, and to protect against destruction of or undesirable encroachment on these areas.
- B. Permitted Uses. The following uses are permitted by right:
1. Art or antique shops
 2. Auditoriums, theaters, and assembly halls
 3. Automobile repair and small engine repair
 4. Automobile service stations
 5. Bakeries, confectionaries, delicatessens, and catering services
 6. Barber shops and beauty parlors
 7. Bicycle and moped sales and rentals
 8. Blueprinting shops
 9. Boat sales
 10. Business and vocational schools
 11. Business studios, offices, and clinics
 12. Childcare and child care education centers
 13. Commercial schools of instruction
 14. Drug stores
 15. Dressmaking, tailoring, and millinery shops, dry cleaning shops
 16. Eating and drinking establishments
 17. Financial institutions
 18. Florists, gift shops, card shops, and stationery shops
 19. Funeral homes
 20. Furniture repair, sales and household appliance sales and repair, carpet and flooring sales
 21. Greenhouses and plant nurseries
 22. Grocery stores
 23. Hotels and motels
 24. Liquor stores
 25. Libraries, museums, or galleries
 26. Music stores
 27. Medical or dental or other laboratories
 28. Offices, office supply stores
 29. Public facilities, public buildings
 30. Restaurants
 31. Pet shops and pet supply stores
 32. Radio and television sales
 33. Upholstering shops and fabric stores
 34. Watch and jewelry stores
 35. Any use allowable in the S-C District.
 36. Any other commercial or professional use which is compatible in nature with the foregoing uses and which the Zoning Administrator determines

to be compatible with the intent of the district and is concurred with by the Planning Commission.

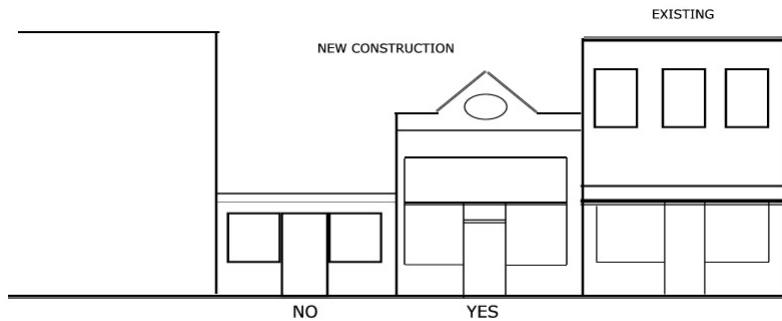
- C. Conditional Uses: Single family and multi-family dwellings provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first level).
- D. Height Regulations: Buildings may be erected up to 40 feet in height from the adjacent ground elevations.
- E. Area Regulations: The following area regulations shall apply as minimums for new development in this district:
 - 1. Lot width at setback line 40
 - 2. Area requirements (40 x 140) 5,600
 - 3. Side yard 0; 5 and 10 feet in Route 184 area
 - 4. Rear yard 10 or prevailing rear yard if less
 - 5. Front setback shall be determined by the average setback of the existing built up commercial area. Front setback along Route 184 (aka Randolph Avenue extended; Old Stone Road) where existing VDOT right of way is 70 feet shall be measured at 80 feet from the center of the right of way.

F. **Development/Redevelopment Standards:**

- 1. Statement of Intent. The development standards below are intended to help preserve the architectural character of the Town of Cape Charles' commercial districts by requiring that all façade reconstruction/rehabilitation must conform to the building style as described in the U.S. Department of Interior National Register without the addition to or removal of contributing elements. New construction, additions, and alterations must be compatible, sympathetic, and complementary to the original or existing buildings in built-up areas. Development concepts are illustrated below to clarify the intent of the development standards.
 - a. Scale. When the scale of neighborhood buildings is relatively consistent, new construction should be discouraged from drastically altering these relationships. In the Town of Cape Charles, the two- and three-story structure is the norm, and structures which digress from this standard to any great degree seriously impact the character of the Town of Cape Charles. If construction is to be allowed, particular attention should be given to the location, siting, setbacks, and façade treatments of the proposed building. No matter what size of the new building, the base of the building should be scaled to pedestrians.



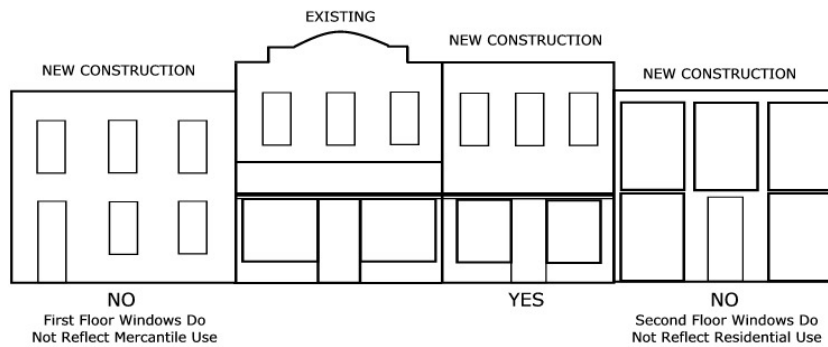
- b. **Floor-to-Floor Heights.** This important element of scale is often ignored in new construction, which tends toward lower ceiling heights. Floor-to-floor heights of new construction should be within 10 percent of neighborhood construction, where a relatively consistent floor-to-floor height is expressed in the facades of a given street.



Single Story Buildings Should Reflect Scale of Neighborhood

- c. **Windows and Cornice Lines.** All first-floor facades shall have large glass areas which denote mercantile use. First-floor walls should be more than 50 percent glass. The first floor shall be distinguished from the upper floors by a cornice line if appropriate or other delineations such as transom windows, fabric awnings, or porches.

Windows above the first floor are to be more residential in scale and should be double hung, single or multiple, and vertical in proportion. Walls above the first floor should be more than 50 percent solid.



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



Single Story Buildings Should Reflect Scale of Neighborhood

- d. Massing. The facades of new construction should reflect the sense of lightness or weight of neighboring buildings by using similar proportions of solids (siding or walls) to void (window and door openings) and projecting bays and overhangs.
- e. **Materials.** New construction should use materials in a manner sympathetic to the historic buildings in the Town of Cape Charles. Materials should be of similar or complementary color, size, texture, scale, craftsmanship, and applicability to function performed.

It should be noted that the sympathetic use of materials does not imply that materials used in new construction will replicate the old in detail nor that new construction will attempt to imitate historic structures. Rather, it is a matter of determining the compatibility of the new with the old. Certain materials are potentially so

visually intrusive that their use for new construction in the Town will not be permitted. These materials include:

- aluminum or vinyl siding
 - asphalt siding
 - carpeted porch floors and steps
 - corrugated metal, except for roof applications
 - exposed concrete block above foundation level
 - exposed concrete masonry
 - faux brick and stone (brick face)
 - flush exterior doors
 - inappropriate window treatments
 - jalousie windows
 - picture windows
 - windows with horizontal glazing
 - metal or wood awnings
 - open mesh-type fencing
 - ornamental pierced concrete masonry screens and walls
 - painted concrete masonry
 - unpainted wood
 - vertical plywood siding
 - vertical wood siding on primary structures
 - wrought iron and aluminum porch columns
- f. Siting. The siting of new construction in the commercial district shall conform to the building line of adjacent buildings. New commercial buildings should occupy the full width of their lot at the street line except in the Route 184 corridor. Freestanding "object" buildings that do not conform to the street and lot lines will not be permitted in the Mason Avenue from Harbor to Peach historic context. Where a commercial building is built adjacent to a vacant lot, it should be built with a party wall in anticipation of subsequent new construction being built adjacent and up to the property line. Probably the single most damaging siting of a commercial building is toward the rear of the lot with parking between the building and the street.
- g. Utilities. Upon installation or replacement of utility access lines, such lines shall be installed underground.
1. Demolition. The owner of a building or structure within the Town shall be entitled to raze or demolish such building or structure provided that he has applied to the Building Official for such right. An owner is entitled to raze or demolish his property pursuant to the procedure outlined in Article IV of the Town Zoning Ordinance.
3. Demolition-By-Neglect. No officially designated contributing building, structure, or site within the Town shall be allowed to deteriorate due to neglect by the owner which would result in violation of the intent of this ordinance. Demolition-by-neglect shall include any one or more of the following courses of action or inaction:

- a. Deterioration of the exterior of a building to the extent that it creates or permits a hazardous or unsafe condition.
- b. Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, windows, brick, plaster or mortar to the extent that it adversely affects the character of the district or could lead to irreversible damage to the structure.
- c. Defective or deteriorated flooring or floor supports or flooring or floor supports of insufficient size to carry imposed loads with safety.
- d. Any fault in the building or structure which renders the same structurally unsafe or not properly watertight.

If the Building Official determines that a structure is being demolished by neglect, it shall send notification to the owners stating the reasons therefore and shall give the owner thirty days to respond with a plan of action and ninety days from the date of the notice in which to commence work. If appropriate action is not taken at this time, the Zoning Administrator may initiate appropriate legal action as provided further in this chapter.

4. Penalties for Noncompliance.

- a. Failure to correct a defect after a notice that the Building Official has determined that a property is being demolished by neglect according to Section 4.11 of this ordinance shall constitute a misdemeanor. Such misdemeanor shall be punished as set forth in §§ 18.2-9, 18.2-11 and §15.2-1429 of the Code of Virginia 1950 as amended. Each day that the violation continues is a separate offense.
- b. Any property owner in the District who does not obtain approval as required within this ordinance shall be guilty of a misdemeanor and may be punished as set forth in §§ 18.2-9, 18.2-11 and §15.2-1429 of the Code of Virginia 1950 as amended.
- c. Nothing in this chapter shall be deemed to restrict or prohibit the Town Council to acquire in any legal manner any historic area, site, building, or structure or the land pertaining thereto for the use, observation, education, pleasure, and welfare of the citizens of the Town.

G. Additional Requirements

- 1. Architectural Treatment. No building exterior (whether front, side, or rear) will consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different building exteriors (which would be acceptable if representative of good architectural design) but rather shall preclude the use of inferior materials

on sides which face adjoining property and thus might adversely impact existing or future development causing a substantial depreciation of property values. No portion of a building constructed of unadorned concrete or concrete block or corrugated and/or sheet metal shall be visible from any adjoining agricultural or residential district or public right-of-way. Mechanical equipment whether ground level or roof top shall be shielded and screened from public view and designed to be perceived as an integral part of the building.

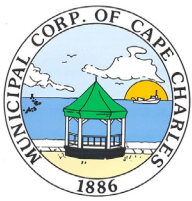
2. Driveways and Parking Areas. Driveways and parking areas shall be paved with concrete, bituminous concrete, or other similar material. Surface penetration treated parking areas and drives shall be prohibited. Concrete curbs and gutters shall be installed around the perimeter of all driveways and parking areas. Other curbing material of similar quality like brick or cobblestone shall be permitted at the discretion of the director of planning. Drainage shall be designed to meet the requirements of the Virginia Department of Transportation.
 3. New in-fill structures or change of use projects on the first floor of structures in C-1 shall be exempt from complying with the exact requirements of Section 4.5.(A), Section 4.6, and Table 4.8. Owners are encouraged to provide off street parking for themselves, employees, and loading facilities where possible (i.e., alleys to backyard areas). Owners shall evaluate existing parking and access and submit proposed plan to Town for review. Projects will be evaluated on a case-by-case basis. New or change of use second- or third-floor projects shall be required to conform to the parking requirements as set forth herein.
 4. Outside Storage Areas. All outdoor storage areas shall be visually screened from public streets, internal roadways, and adjacent property. Screening shall consist of either a ventilated solid board fence, masonry wall, dense evergreen plant materials, or such other materials as may be approved. All such screening shall be of sufficient height to screen storage areas from view. Outdoor storage shall include the parking of all company owned and operated vehicles with the exception of passenger vehicles.
- H. Accessory Uses: Within the C-1 District the following accessory uses shall be permitted:
1. Only those uses which are customarily accessory and clearly incidental and subordinate to the principal use and structure;
 2. Temporary licensed uses such as festivals, outdoor displays, gatherings, performances, and open-air food markets;
 3. Porches, terraces, balconies, sun porches, decks, patios, etc. may not be enclosed without obtaining proper permits and variances from the Board of Zoning Appeals if required by the regulations of this ordinance.
22. Public utility service center, without outdoor storage

Agenda Item 4D & 8D

Public Hearing (Item 4D) and
Review for recommendation to Town Council (Item 8D)

ZTA 2022-03

Date of Adoption of new Historic Guidelines and add
2019 Inventory of Contributing and Noncontributing
Structures



APPLICATION FOR ZONING TEXT AMENDMENT

Planning & Zoning Department
757-3331-3259 x 24
planningtech@capecharles.org

✓ Revised 11/2022	
Taxes	
Violations	
Fee	
Decision	

Completed by P& Z Department Staff:

Date Application Received: 11-14-2022

Town Application # ZTA2022-03

Referred to (check one): ☒ Town Application

☐

Planning Commission

☐

Town Council

Date of Mtg: _____

DECISION OF BOARD: _____

Provide dates of future public hearings, if needed: _____

TO BE COMPLETED BY APPLICANT

Applicant Name: Town of Cape Charles

List All Landowners, if Property is owned by an LLC, LP or other form of corporation:

Property Address: Historic District Overlay – all properties within said overlay district

Phone: 757-331-2036

Email Address: knunez@capecharles.org

Mailing Address: 2 Plum Street, Cape Charles, VA 23310

Property Location: Whole Historic District Overlay

Tax Map #: All properties in the Historic District Overlay Map

Zoning District Impacted by Proposed Application: There are a mix of underlying zoning district within the Historic District Overlay, primarily Residential-1, Commercial-1 and Commercial-Residential.

Zoning Text Application may be submitted by a Cape Charles property owner but a Zoning Text Amendment may only be advanced to public hearing, after this application is advanced as a petition to either the Planning Commission or the Town Council meeting agenda, after staff consultation with the Town Manager. Once this matter is heard at a meeting of one of these respective entities, the application will be required to make a presentation to fully explain the request and demonstrate the need for said request and how the Comprehensive Plan supports and maintains compliance with the goals and objectives of the Comprehensive Plan. The application will need to receive an affirmative vote of the Cape Charles Town Council or Cape Charles Planning Commission to step in as the applicant and to set a calendar advancing the application to public hearing in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204

Either the Planning Commission or Town Council may prepare and submit an application for a zoning text amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

TO BE COMPLETED BY THE APPLICANT:

A. Zoning Ordinance Section Proposed to be Amended (Sec # & Title):

CCZO Section 8.3 (Historic Overlay District – Inventory of Landmarks and Contributing Properties Established)

B. Existing Zoning Text:

Section 8.3 Inventory of Landmarks and Contributing Properties Established

The Town of Cape Charles has established as part of this ordinance a map covering the area included in the Historic District, based on the criteria set forth in this ordinance. This map shall be as much a part of this ordinance as if fully described herein. Pending further amendment of this ordinance, the period of significance for the Town will be from 1883 to 1964 as delineated in the Cape Charles Historic District National Register of Historic Places (amended 2019). As identified in the National Register, structures or sites designated as properties which contribute to the historic character of the Town shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as noncontributing properties. Should a building or structure within the boundaries of the historic district not be listed in the national register, the building or structure will be classified as noncontributing. The map may be amended from time to time in the same manner as the zoning district map.

C. Proposed Revisions/Additions: (attach additional pages as necessary): Additions shown in bold font below:

The Town of Cape Charles has established as part of this ordinance a map covering the area included in the Historic District, based on the criteria set forth in this ordinance **and fully described under within Section 8.3 as described in ZMA 2022-02 and further contained in Chapter 1 of the Newly Revised Historic District Guidelines as adopted by the Town Council on (Date to be inserted) and** this map shall be as much a part of this ordinance ~~as if fully described herein~~. Pending further amendment of this ordinance, the period of significance for the Town will be from 1883 to 1964 as delineated in the Cape Charles Historic District National Register of Historic Places (amended 2019). **Said listing as prepared in 2019 of all contributing and non-contributing properties will be attached as an Exhibit to the newly revised Historic District Guidelines** as identified in the National Register, structures or sites designated as properties which contribute to the historic character of the Town shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as noncontributing properties. Should a building or structure within the boundaries of the historic district not be listed in the national register, the building or structure will be classified as noncontributing. The map may be amended from time to time in the same manner as the zoning district map.

- D. **NARRATIVE** *explaining the reason for the zoning text amendment. Also state how this application is supported through the Comprehensive Plan, providing section and page number support. Include additional pages as needed to fully complete this Narrative and provide any supporting documentation as you deem relevant.*

The proposed revised language references the Zoning Map Amendment public hearing and actual map showing the full Historic District and also references the 2019 inventory conducted by the Town and the State and incorporates that information as part of the Guidelines.

COMPREHENSIVE PLAN

Pages 20-21

Section III – Future Land Use: Guiding Decisions for the Coming Decades

III-A.5.1 OVERALL POLICIES FOR CAPE CHARLES NEIGHBORHOODS

1. Preserved and enhance the integrity of the Historic District.
 - Strengthen the historic preservation ordinance to ensure maintenance and preservation of the existing historic building stock.

Signature of Applicant: Katie H. Nunez Date: 11/14/2022

Application fee: \$200 (mailing and advertising fees are billed separately)

Town of Cape Charles

Article VIII

Historic District Overlay

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

- 1989 National Register of Historic Places Registration Form Section 7, page 1.

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

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

Section 8.1 Purpose of the District

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

Section 8.2 Criteria for Establishing Historic Districts--General Character

The boundaries of the Historic District shall in general be drawn to include areas containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. The district may include either individual buildings or places of such character, and a reasonable distance beyond, or it may include areas or groupings of structures which have significance relative to their patterns of development or social and economic or architectural interrelationships even though some structures in the area might not possess significant merit when considered alone.

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

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

Section 8.5 Permitted Uses

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

Section 8.6 Historic District Review Board; Creation

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

Section 8.7 Historic District Review Board; Membership

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

Section 8.8 Historic District Review Board; Terms

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

Section 8.9 Historic District Review Board; Qualifications

Members of the Historic District Review Board shall have demonstrated interest and knowledge in the historical and architectural development of the Town and when possible, include a Planning Commission member, as well as professionals in the disciplines of architecture, history, historic preservation, archaeology, or related profession; and professionals in the disciplines of planning, building construction, or real estate.

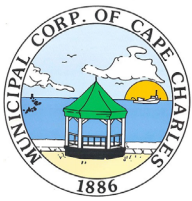
Section 8.10 Historic District Review Board; Organization

Agenda Item 4E & 8E

Public Hearing (Item 4E) and
Review for recommendation to Town Council (Item 8E)

ZTA 2022-04

Prevailing Document between Ordinance and Guidelines
if there is a conflict



APPLICATION FOR ZONING TEXT AMENDMENT

Planning & Zoning Department

757-3331-3259 x 24

planningtech@capecharles.org

✓ Revised 11/2022

Taxes

Violations

Fee

Decision

Completed by P& Z Department Staff:

Date Application Received: 11-14-2022

Town Application # ZTA2022-04

Referred to (check one): ☒ Town Application



Planning Commission



Town Council

Date of Mtg: _____

DECISION OF BOARD: _____

Provide dates of future public hearings, if needed: _____

TO BE COMPLETED BY APPLICANT

Applicant Name: Town of Cape Charles

List All Landowners, if Property is owned by an LLC, LP or other form of corporation:

Property Address: Historic District Overlay – all properties within said overlay district

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Either the Planning Commission or Town Council may prepare and submit an application for a zoning text amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

TO BE COMPLETED BY THE APPLICANT:

A. Zoning Ordinance Section Proposed to be Amended (Sec # & Title):

CCZO Section 8.4 (Historic Overlay District –Application of the District; Relation to Other Zoning Districts)

B. Existing Zoning Text:

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

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

C. Proposed Revisions/Additions: (attach additional pages as necessary): Additions shown in bold font below:

To add to the end of the paragraph the following: **Where the overlay district and its Design Guidelines present stricter standard, the stricter standard prevails pursuant to Code of Virginia Section 15.2-2306.**

D. NARRATIVE explaining the reason for the zoning text amendment. Also state how this application is supported through the Comprehensive Plan, providing section and page number support. Include additional pages as needed to fully complete this Narrative and provide any supporting documentation as you deem relevant.

The proposed revised language includes the statutory language that dictates the order of standing, if there is a conflict between the Overlay zoning ordinance and the Historic District Guidelines.

COMPREHENSIVE PLAN

Pages 20-21

Section III – Future Land Use: Guiding Decisions for the Coming Decades

III-A.5.1 OVERALL POLICIES FOR CAPE CHARLES NEIGHBORHOODS

1. Preserved and enhance the integrity of the Historic District.
 - Strengthen the historic preservation ordinance to ensure maintenance and preservation of the existing historic building stock.

Signature of Applicant: Katie H. Nunez Date: 11/14/2022

Application fee: \$200 (mailing and advertising fees are billed separately)

Town of Cape Charles

Article VIII

Historic District Overlay

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

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

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

Section 8.1 Purpose of the District

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

Section 8.2 Criteria for Establishing Historic Districts--General Character

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Section 8.3 Inventory of Landmarks and Contributing Properties Established

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area included in the Historic District, based on the criteria set forth in this ordinance. This map shall be as much a part of this ordinance as if fully described herein. Pending further amendment of this ordinance, the period of significance for the Town will be from 1883 to 1964 as delineated in the Cape Charles Historic District National Register of Historic Places (amended 2019). As identified in the National Register, structures or sites designated as properties which contribute to the historic character of the Town shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as noncontributing properties. Should a building or structure within the boundaries of the historic district not be listed in the national register, the building or structure will be classified as noncontributing. The map may be amended from time to time in the same manner as the zoning district map.

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

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

Section 8.5 Permitted Uses

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

Section 8.6 Historic District Review Board; Creation

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

Section 8.7 Historic District Review Board; Membership

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

Section 8.8 Historic District Review Board; Terms

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

Section 8.9 Historic District Review Board; Qualifications

Members of the Historic District Review Board shall have demonstrated interest and knowledge in the historical and architectural development of the Town and when possible, include a Planning Commission member, as well as professionals in the disciplines of architecture, history, historic preservation, archaeology, or related profession; and professionals in the disciplines of planning, building construction, or real estate.

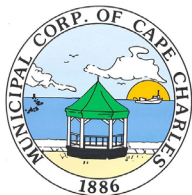
Section 8.10 Historic District Review Board; Organization

Agenda Item 4F & 8F

Public Hearing (Item 4F) and
Review for recommendation to Town Council (Item 8F)

ZTA 2022-05

HDRB appoints are at will of Town Council



APPLICATION FOR ZONING TEXT AMENDMENT

Planning & Zoning Department

757-3331-3259 x 24

planningtech@capecharles.org

✓ Revised 11/2022

Taxes

Violations

Fee

Decision

Completed by P& Z Department Staff:

Date Application Received: 11-14-2022

Town Application # ZTA2022-05

Referred to (check one): ☒ Town Application

☐

Planning Commission

☐

Town Council

Date of Mtg: _____

DECISION OF BOARD: _____

Provide dates of future public hearings, if needed: _____

TO BE COMPLETED BY APPLICANT

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TO BE COMPLETED BY THE APPLICANT:

A. Zoning Ordinance Section Proposed to be Amended (Sec # & Title):

CCZO Section 8.8 (Historic Overlay District –Historic Board: Terms)

B. Existing Zoning Text:

Section 8.8 Historic District Review Board; Terms

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

C. Proposed Revisions/Additions: (attach additional pages as necessary): Additions shown in bold font below:

To add to the end of the paragraph the clause in bold font:

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

D. NARRATIVE explaining the reason for the zoning text amendment. Also state how this application is supported through the Comprehensive Plan, providing section and page number support. Include additional pages as needed to fully complete this Narrative and provide any supporting documentation as you deem relevant.

The proposed revised language provides the appointing authority flexibility relative to their appointments.

COMPREHENSIVE PLAN

Pages 20-21

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III-A.5.1 OVERALL POLICIES FOR CAPE CHARLES NEIGHBORHOODS

1. Preserved and enhance the integrity of the Historic District.

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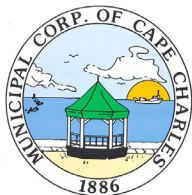
Section 8.10 Historic District Review Board; Organization

Agenda Item 4G & 8G

Public Hearing (Item 4G) and
Review for recommendation to Town Council (Item 8G)

ZTA 2022-06

Insert Date of Adoption of Newly Revised Historic District
Guidelines once adopted by Town Council



APPLICATION FOR ZONING TEXT AMENDMENT

Planning & Zoning Department

757-3331-3259 x 24

planningtech@capecharles.org

✓ Revised 11/2022

Taxes

Violations

Fee

Decision

Completed by P& Z Department Staff:

Date Application Received: 11-14-2022

Town Application # ZTA2022-06

Referred to (check one): ☒ Town Application



Planning Commission



Town Council

Date of Mtg: _____

DECISION OF BOARD: _____

Provide dates of future public hearings, if needed: _____

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Tax Map #: All properties in the Historic District Overlay Map

Zoning District Impacted by Proposed Application: There are a mix of underlying zoning district within the Historic District Overlay, primarily Residential-1, Commercial-1 and Commercial-Residential.

Zoning Text Application may be submitted by a Cape Charles property owner but a Zoning Text Amendment may only be advanced to public hearing, after this application is advanced as a petition to either the Planning Commission or the Town Council meeting agenda, after staff consultation with the Town Manager. Once this matter is heard at a meeting of one of these respective entities, the application will be required to make a presentation to fully explain the request and demonstrate the need for said request and how the Comprehensive Plan supports and maintains compliance with the goals and objectives of the Comprehensive Plan. The application will need to receive an affirmative vote of the Cape Charles Town Council or Cape Charles Planning Commission to step in as the applicant and to set a calendar advancing the application to public hearing in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204

Either the Planning Commission or Town Council may prepare and submit an application for a zoning text amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

TO BE COMPLETED BY THE APPLICANT:

A. Zoning Ordinance Section Proposed to be Amended (Sec # & Title):

CCZO Section 8.14 (E) (Historic Overlay District –Historic District Review Board: Powers and Duties)

B. Existing Zoning Text:

Section 8.14 Historic District Review Board; Powers and Duties

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

- A. To assist and advise the Town Council, the Planning Commission, and other Town departments, agencies, and property owners in matters involving historically significant sites and buildings or other properties in the historic districts such as, but not limited to, appropriate land usage, parking facilities, and signs.*
- B. To continuously evaluate conditions and advise owners of historic landmarks or contributing structures or other properties in historic districts on problems of preservation.*
- C. To oversee studies deemed necessary by the Town Council or Planning Commission concerning location of historic districts and means of preservation, utilization, improvement, and maintenance of historic assets in the Town.*
- D. To propose additional historic districts or additions or deletions to districts.*
- E. To recommend standards and guidelines for adoption by the Town Council to supplement the standards set forth in this Ordinance; the currently adopted guidelines are called "Cape Charles Historic District Guidelines revised October 2017."*
- F. To formulate recommendations to the Town Council concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.*
- G. To cooperate with and enlist assistance from the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties both public and private in its efforts to preserve the character of historic landmarks, buildings, sites, or areas within the Town.*

C. Proposed Revisions/Additions: (attach additional pages as necessary): Additions shown in bold font below:

To insert the month and year of the newly revised Historic District Guidelines, once adopted by Town Council.

- D. **NARRATIVE** *explaining the reason for the zoning text amendment. Also state how this application is supported through the Comprehensive Plan, providing section and page number support. Include additional pages as needed to fully complete this Narrative and provide any supporting documentation as you deem relevant.*

The proposed revision updates the date of the Historic District Guidelines in the Zoning Ordinance once adopted by Town Council.

COMPREHENSIVE PLAN

Pages 20-21

Section III – Future Land Use: Guiding Decisions for the Coming Decades

III-A.5.1 OVERALL POLICIES FOR CAPE CHARLES NEIGHBORHOODS

1. Preserved and enhance the integrity of the Historic District.
 - Strengthen the historic preservation ordinance to ensure maintenance and preservation of the existing historic building stock.

Signature of Applicant: Katie H. Nunez Date: 11/14/2022

Application fee: \$200 (mailing and advertising fees are billed separately)

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

Section 8.11 Historic District Review Board; Rules

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

Section 8.12 Historic District Review Board; Meetings; Hearings

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

Section 8.13 Historic District Review Board; Procedures

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

Section 8.14 Historic District Review Board; Powers and Duties

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

- A. To assist and advise the Town Council, the Planning Commission, and other Town departments, agencies, and property owners in matters involving historically significant sites and buildings or other properties in the historic districts such as, but not limited to, appropriate land usage, parking facilities, and signs.
- B. To continuously evaluate conditions and advise owners of historic landmarks or contributing structures or other properties in historic districts on problems of preservation.
- C. To oversee studies deemed necessary by the Town Council or Planning Commission concerning location of historic districts and means of preservation, utilization, improvement, and maintenance of historic assets in the Town.
- D. To propose additional historic districts or additions or deletions to districts.
- E. To recommend standards and guidelines for adoption by the Town Council to supplement the standards set forth in this Ordinance; the currently adopted guidelines are called "Cape Charles Historic District Guidelines revised October 2017."
- F. To formulate recommendations to the Town Council concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.

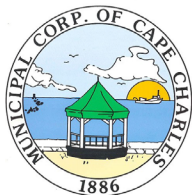
- G. To cooperate with and enlist assistance from the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties both public and private in its efforts to preserve the character of historic landmarks, buildings, sites, or areas within the Town.

Agenda Item 4H & 8H

Public Hearing (Item 4H) and
Review for recommendation to Town Council (Item 8H)

ZTA 2022-07

delete Section 8.20 – Design Guidelines:
Recommendations for Review Items for new Infill
Construction and Non-Contributing Structures since
guidelines have been included in the newly proposed
guideline



APPLICATION FOR ZONING TEXT AMENDMENT

Planning & Zoning Department

757-3331-3259 x 24

planningtech@capecharles.org

✓ Revised 11/2022

Taxes

Violations

Fee

Decision

Completed by P& Z Department Staff:

Date Application Received: 11-14-2022

Town Application # ZTA2022-07

Referred to (check one): ☒ Town Application

☐

Planning Commission

☐

Town Council

Date of Mtg: _____

DECISION OF BOARD: _____

Provide dates of future public hearings, if needed: _____

TO BE COMPLETED BY APPLICANT

Applicant Name: Town of Cape Charles

List All Landowners, if Property is owned by an LLC, LP or other form of corporation:

Property Address: Historic District Overlay – all properties within said overlay district

Phone: 757-331-2036

Email Address: knunez@capecharles.org

Mailing Address: 2 Plum Street, Cape Charles, VA 23310

Property Location: Whole Historic District Overlay

Tax Map #: All properties in the Historic District Overlay Map

Zoning District Impacted by Proposed Application: There are a mix of underlying zoning district within the Historic District Overlay, primarily Residential-1, Commercial-1 and Commercial-Residential.

Zoning Text Application may be submitted by a Cape Charles property owner but a Zoning Text Amendment may only be advanced to public hearing, after this application is advanced as a petition to either the Planning Commission or the Town Council meeting agenda, after staff consultation with the Town Manager. Once this matter is heard at a meeting of one of these respective entities, the application will be required to make a presentation to fully explain the request and demonstrate the need for said request and how the Comprehensive Plan supports and maintains compliance with the goals and objectives of the Comprehensive Plan. The application will need to receive an affirmative vote of the Cape Charles Town Council or Cape Charles Planning Commission to step in as the applicant and to set a calendar advancing the application to public hearing in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204

Either the Planning Commission or Town Council may prepare and submit an application for a zoning text amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

TO BE COMPLETED BY THE APPLICANT:

A. Zoning Ordinance Section Proposed to be Amended (Sec # & Title):

CCZO Section 8.20 D & E (Historic Overlay District –Design Guidelines)

B. Existing Zoning Text:

Section 8.20 Design Guidelines; Recommendations for Review

- A. The Historic District Review Board shall be guided in its decisions by the design guidelines but must also use independent judgement and discretion to consider the unique characteristics of each request. The board is expected to work with each applicant to assist them in achieving their goal while preserving the character of the district. The board shall utilize the pre-application review process as defined in Section 8.25.A.*
- B. It shall be the duty of the Historic District Review Board to prepare recommended amendments to the design guidelines.*
- C. The Town Council shall adopt and amend the design guidelines after conducting at least one public hearing pursuant to §15.2-2204 of the Code of Virginia.*
- D. Separate guidelines shall be developed for all new infill buildings in Cape Charles' historic district. New infill construction will not diminish, detract, or distract from the character of surrounding historic buildings or the overall historic district.*
- E. Alterations and additions to non-contributing structures that affect the exterior appearance of the structure or additions should be compatible with the district following the guidelines for new (infill) construction. Criteria for non-contributing structures may be less restrictive than that applied to contributing structures.*

C. Proposed Revisions/Additions: (attach additional pages as necessary): Additions shown in bold font below:

Delete Sections D & E from Section 8.20

D. NARRATIVE explaining the reason for the zoning text amendment. Also state how this application is supported through the Comprehensive Plan, providing section and page number support. Include additional pages as needed to fully complete this Narrative and provide any supporting documentation as you deem relevant.

The revised Historic District Guidelines now contain both Infill Guidance and Non-Contributing Structure Guidance.

COMPREHENSIVE PLAN

Pages 20-21

Section III – Future Land Use: Guiding Decisions for the Coming Decades

III-A.5.1 OVERALL POLICIES FOR CAPE CHARLES NEIGHBORHOODS

- 1. Preserved and enhance the integrity of the Historic District.
 - Strengthen the historic preservation ordinance to ensure maintenance and preservation of the existing historic building stock.

Signature of Applicant: Katie H. Nunez Date: 11/14/2022

Application fee: \$200 (mailing and advertising fees are billed separately)

- A. Administrator unless altered by the overlay ordinance.
- B. Receiving historic preservation tax credits through state or federal offices.
- C. Demolition of non-contributing buildings or structures.
- D. Alterations or repairs made to a building or structure for the purpose of temporary emergency stabilization.

Section 8.18 Delegation of Authority

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

Section 8.19. Certificate of Appropriateness

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

Section 8.20 Design Guidelines; Recommendations for Review

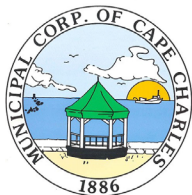
- A. The Historic District Review Board shall be guided in its decisions by the design guidelines but must also use independent judgement and discretion to consider the unique characteristics of each request. The board is expected to work with each applicant to assist them in achieving their goal while preserving the character of the district. The board shall utilize the pre-application review process as defined in Section 8.25.A.
- B. It shall be the duty of the Historic District Review Board to prepare recommended amendments to the design guidelines.
- C. The Town Council shall adopt and amend the design guidelines after conducting at least one public hearing pursuant to §15.2-2204 of the Code of Virginia.
- D. Separate guidelines shall be developed for all new infill buildings in Cape Charles' historic district. New infill construction will not diminish, detract, or distract from the character of surrounding historic buildings or the overall historic district.
- E. Alterations and additions to non-contributing structures that affect the exterior appearance of the structure or additions should be compatible with the district following the guidelines for new (infill) construction. Criteria for non-contributing structures may be less restrictive than that applied to contributing structures.

Agenda Item 4I & 8I

Public Hearing (Item 4I) and
Review for recommendation to Town Council (Item 8I)

ZTA 2022-08

to amend Section 8.20 (A) for pre-application process to
be optional



APPLICATION FOR ZONING TEXT AMENDMENT

Planning & Zoning Department

757-3331-3259 x 24

planningtech@capecharles.org

✓ Revised 11/2022

Taxes

Violations

Fee

Decision

Completed by P& Z Department Staff:

Date Application Received: 11-14-2022

Town Application # ZTA2022-08

Referred to (check one): ☒ Town Application



Planning Commission



Town Council

Date of Mtg: _____

DECISION OF BOARD: _____

Provide dates of future public hearings, if needed: _____

TO BE COMPLETED BY APPLICANT

Applicant Name: Town of Cape Charles

List All Landowners, if Property is owned by an LLC, LP or other form of corporation:

Property Address: Historic District Overlay – all properties within said overlay district

Phone: 757-331-2036

Email Address: knunez@capecharles.org

Mailing Address: 2 Plum Street, Cape Charles, VA 23310

Property Location: Whole Historic District Overlay

Tax Map #: All properties in the Historic District Overlay Map

Zoning District Impacted by Proposed Application: There are a mix of underlying zoning district within the Historic District Overlay, primarily Residential-1, Commercial-1 and Commercial-Residential.

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Either the Planning Commission or Town Council may prepare and submit an application for a zoning text amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

TO BE COMPLETED BY THE APPLICANT:

A. Zoning Ordinance Section Proposed to be Amended (Sec # & Title):

CCZO Section 8.20 A (Historic Overlay District –Design Guidelines)

B. Existing Zoning Text:

Section 8.20 Design Guidelines; Recommendations for Review

A. The Historic District Review Board shall be guided in its decisions by the design guidelines but must also use independent judgement and discretion to consider the unique characteristics of each request. The board is expected to work with each applicant to assist them in achieving their goal while preserving the character of the district. The board shall utilize the pre-application review process as defined in Section 8.25.A.

C. Proposed Revisions/Additions: (attach additional pages as necessary): Additions shown in bold font below:

The Historic District Review Board shall be guided in its decisions by the design guidelines but must also use independent judgement and discretion to consider the unique characteristics of each request. The board is expected to work with each applicant to assist them in achieving their goal while preserving the character of the district. The board **and staff shall** ~~may~~ utilize the pre-application review process as defined in Section 8.25.A.

D. NARRATIVE explaining the reason for the zoning text amendment. Also state how this application is supported through the Comprehensive Plan, providing section and page number support. Include additional pages as needed to fully complete this Narrative and provide any supporting documentation as you deem relevant.

Amend the ordinance to remove the requirement of a pre-application review process and make it optional.

COMPREHENSIVE PLAN

Pages 20-21

Section III – Future Land Use: Guiding Decisions for the Coming Decades

III-A.5.1 OVERALL POLICIES FOR CAPE CHARLES NEIGHBORHOODS

1. Preserved and enhance the integrity of the Historic District.

- Strengthen the historic preservation ordinance to ensure maintenance and preservation of the existing historic building stock.

Signature of Applicant: Katie H. Nunez Date: 11/14/2022

Application fee: \$200 (mailing and advertising fees are billed separately)

- A. Administrator unless altered by the overlay ordinance.
- B. Receiving historic preservation tax credits through state or federal offices.
- C. Demolition of non-contributing buildings or structures.
- D. Alterations or repairs made to a building or structure for the purpose of temporary emergency stabilization.

Section 8.18 Delegation of Authority

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

Section 8.19. Certificate of Appropriateness

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

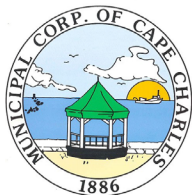
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- A. The Historic District Review Board shall be guided in its decisions by the design guidelines but must also use independent judgement and discretion to consider the unique characteristics of each request. The board is expected to work with each applicant to assist them in achieving their goal while preserving the character of the district. The board shall utilize the pre-application review process as defined in Section 8.25.A.
- B. It shall be the duty of the Historic District Review Board to prepare recommended amendments to the design guidelines.
- C. The Town Council shall adopt and amend the design guidelines after conducting at least one public hearing pursuant to §15.2-2204 of the Code of Virginia.
- D. Separate guidelines shall be developed for all new infill buildings in Cape Charles' historic district. New infill construction will not diminish, detract, or distract from the character of surrounding historic buildings or the overall historic district.
- E. Alterations and additions to non-contributing structures that affect the exterior appearance of the structure or additions should be compatible with the district following the guidelines for new (infill) construction. Criteria for non-contributing structures may be less restrictive than that applied to contributing structures.

Agenda Item 4J & 8J

Public Hearing (Item 4J) and
Review for recommendation to Town Council (Item 8J)

ZTA 2022-09
to amend Section 8.25 (A) detailing the pre-application
process



APPLICATION FOR ZONING TEXT AMENDMENT

Planning & Zoning Department

757-3331-3259 x 24

planningtech@capecharles.org

✓ Revised 11/2022

Taxes

Violations

Fee

Decision

Completed by P& Z Department Staff:

Date Application Received: 11-14-2022

Town Application # ZTA2022-09

Referred to (check one): ☒ Town Application



Planning Commission



Town Council

Date of Mtg: _____

DECISION OF BOARD: _____

Provide dates of future public hearings, if needed: _____

TO BE COMPLETED BY APPLICANT

Applicant Name: Town of Cape Charles

List All Landowners, if Property is owned by an LLC, LP or other form of corporation:

Property Address: Historic District Overlay – all properties within said overlay district

Phone: 757-331-2036

Email Address: knunez@capecharles.org

Mailing Address: 2 Plum Street, Cape Charles, VA 23310

Property Location: Whole Historic District Overlay

Tax Map #: All properties in the Historic District Overlay Map

Zoning District Impacted by Proposed Application: There are a mix of underlying zoning district within the Historic District Overlay, primarily Residential-1, Commercial-1 and Commercial-Residential.

Zoning Text Application may be submitted by a Cape Charles property owner but a Zoning Text Amendment may only be advanced to public hearing, after this application is advanced as a petition to either the Planning Commission or the Town Council meeting agenda, after staff consultation with the Town Manager. Once this matter is heard at a meeting of one of these respective entities, the application will be required to make a presentation to fully explain the request and demonstrate the need for said request and how the Comprehensive Plan supports and maintains compliance with the goals and objectives of the Comprehensive Plan. The application will need to receive an affirmative vote of the Cape Charles Town Council or Cape Charles Planning Commission to step in as the applicant and to set a calendar advancing the application to public hearing in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204

Either the Planning Commission or Town Council may prepare and submit an application for a zoning text amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

TO BE COMPLETED BY THE APPLICANT:

A. Zoning Ordinance Section Proposed to be Amended (Sec # & Title):

CCZO Section 8.25 (A) (Historic Overlay District –Receipt of Application)

B. Existing Zoning Text:

Section 8.25 Receipt of Application

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

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

C. Proposed Revisions/Additions: (attach additional pages as necessary): Additions shown in bold font below and deletions shown as strikethroughs:

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

- D. **NARRATIVE** *explaining the reason for the zoning text amendment. Also state how this application is supported through the Comprehensive Plan, providing section and page number support. Include additional pages as needed to fully complete this Narrative and provide any supporting documentation as you deem relevant.*

Amend the ordinance to remove the requirement of a pre-application review process and make it optional.

COMPREHENSIVE PLAN

Pages 20-21

Section III – Future Land Use: Guiding Decisions for the Coming Decades

III-A.5.1 OVERALL POLICIES FOR CAPE CHARLES NEIGHBORHOODS

1. Preserved and enhance the integrity of the Historic District.
 - Strengthen the historic preservation ordinance to ensure maintenance and preservation of the existing historic building stock.

Signature of Applicant: Katie H. Nunez Date: 11/14/2022

Application fee: \$200 (mailing and advertising fees are billed separately)

review.

Section 8.24 Administration; Zoning Administrator

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

Section 8.25 Receipt of Application

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

- A. Pre-application review: Persons considering action that requires a certificate of appropriateness, as set forth in this ordinance, are to request an informal informational meeting with the Zoning Administrator and at least one member of the Historic District Review Board prior to submitting a formal application for a certificate of appropriateness. Requests for such informational meetings can be made to the zoning administrator, who will contact a member of the board. The informational meeting will occur within thirty (30) days of receipt of such a request. The purpose of an informational meeting is to review the design guidelines and standards and the procedures for obtaining a certificate of appropriateness. Neither the applicant nor the zoning administrator/board member(s) shall be bound by any informational meeting or conceptual review. Zoning administrator can use discretion on the need for a pre-application meeting or the inclusion of a board representative depending on the nature of project proposed;
- B. Once accepted by the zoning administrator as a fully completed application, the zoning administrator will forward to the Historic District Review Board a copy of the application, together with a copy of the site plan and the building plans and specifications filed by the applicant if such application requires the Historic District Review Board to meet and render a decision;
- C. Compile a record of all such applications and of the final disposition of the same, to be maintained by the Town Clerk;
- D. Require applicants to submit one (1) hard copy and one electronic version of material required to permit compliance with the foregoing.

Section 8.26 Material to be Submitted for Review

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

Section 8.27 Other Approvals Required

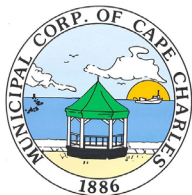
The Zoning Administrator will review submitted applications for Certificates of Appropriateness against appropriate zoning requirements before forwarding application to the Historic District Review Board for pre-application review and approval. In any case in which an applicant's proposal also requires the approval of the Board of Zoning Appeals, final action by the Board of Zoning Appeals shall precede final action by the Historic District Review Board. The Board of Zoning Appeals may, however, table a proposal in order to

Agenda Item 4K & 8K

Public Hearing (Item 4K) and
Review for recommendation to Town Council (Item 8K)

ZTA 2022-10

to amend Section 8.29 regarding expiration of
Certificates of Appropriateness



APPLICATION FOR ZONING TEXT AMENDMENT

Planning & Zoning Department

757-3331-3259 x 24

planningtech@capecharles.org

✓ Revised 11/2022

Taxes

Violations

Fee

Decision

Completed by P& Z Department Staff:

Date Application Received: 11-14-2022

Town Application # ZTA2022-10

Referred to (check one): ☒ Town Application



Planning Commission



Town Council

Date of Mtg: _____

DECISION OF BOARD: _____

Provide dates of future public hearings, if needed: _____

TO BE COMPLETED BY APPLICANT

Applicant Name: Town of Cape Charles

List All Landowners, if Property is owned by an LLC, LP or other form of corporation:

Property Address: Historic District Overlay – all properties within said overlay district

Phone: 757-331-2036

Email Address: knunez@capecharles.org

Mailing Address: 2 Plum Street, Cape Charles, VA 23310

Property Location: Whole Historic District Overlay

Tax Map #: All properties in the Historic District Overlay Map

Zoning District Impacted by Proposed Application: There are a mix of underlying zoning district within the Historic District Overlay, primarily Residential-1, Commercial-1 and Commercial-Residential.

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Either the Planning Commission or Town Council may prepare and submit an application for a zoning text amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

TO BE COMPLETED BY THE APPLICANT:

A. Zoning Ordinance Section Proposed to be Amended (Sec # & Title):

CCZO Section 8.29 (Historic Overlay District –Certificate of Appropriateness)

B. Existing Zoning Text:

Section 8.29 Expiration of Certificates of Appropriateness

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

C. Proposed Revisions/Additions: (attach additional pages as necessary): Additions shown in bold font below and deletions shown as strikethroughs:

Any certificate issued pursuant to this article shall expire of its own limitation ~~twelve (12)~~ **six (6)** months from the date of issuance if the work authorized thereby is not commenced by the end of such ~~twelve (12)~~ **six (6)** month period; and further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of ~~twelve (12)~~ **six (6)** months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this article shall be excluded from the computation of the ~~twelve (12)~~ **six (6)** months.

D. NARRATIVE explaining the reason for the zoning text amendment. Also state how this application is supported through the Comprehensive Plan, providing section and page number support. Include additional pages as needed to fully complete this Narrative and provide any supporting documentation as you deem relevant.

A period of 12 months to commence the work (which may include the application for a building permit) is too lengthy. A Certificate of Appropriateness is valid until the work is completed in a timely fashion and we believe commencing the work within 6 months is ample opportunity from the date of approval.

COMPREHENSIVE PLAN

Pages 20-21

Section III – Future Land Use: Guiding Decisions for the Coming Decades

III-A.5.1 OVERALL POLICIES FOR CAPE CHARLES NEIGHBORHOODS

1. Preserved and enhance the integrity of the Historic District.

- Strengthen the historic preservation ordinance to ensure maintenance and preservation of the existing historic building stock.

Signature of Applicant: Katie H. Nunez Date: 11/14/2022

Application fee: \$200 (mailing and advertising fees are billed separately)

request the comments of the Historic District Review Board. In this case, final action by the Historic District Review Board shall be taken prior to consideration of proposals requiring site plan approval.

Section 8.28 Action by the Historic District Review Board; Issuance of Certificates of Appropriateness

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

All conditions required for the approval of a certificate of appropriateness will also be included on the building plan and will be reviewed by the Code Official during routine inspections.

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

Section 8.29 Expiration of Certificates of Appropriateness

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

Section 8.30 Inspection by Administrator After Approval

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

Section 8.31 Delay of Approval

In the case of a proposal other than for demolition or moving but involving a designated

Agenda Item 10

Standing Staff Reports



Municipal Corp. of Cape Charles

**DECEMBER 2022
MONTHLY REPORT**

Katie H. Nunez, Planning/Zoning Administrator

A. Subdivision Agent:

No subdivision applications filed.

3 Lots on Washington Avenue – currently under common ownership by Daniel & Mary Coffey) with each lot meeting the lot size of our ordinance (5,600 sq. ft each). I have approved the vacation of the lot line between Tax Map #83A1-1-88 and 83A1-1-85 and then have approved a Boundary Line Adjustment (BLA) to move the lot line between Tax Map 83A1-1-89 and 83A1-1-88 by 1 sq. foot so that Lot 89 where the driveway and garage is located, will fully contain the garage structure and not be sitting over the lot line. These land adjustments will allow the Coffeys to sell Lot 89.



B. 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.]

No applications filed for the December meeting.

C. STATUS REPORT ON HISTORIC DISTRICT GUIDELINES

The December 2022 agenda has the public hearings dealing with the proposed changes to the Zoning Ordinance as a result of the revised Historic District Guidelines, which are scheduled for Town Council adoption on December 15, 2022.

Please note that there will be at least one more public hearing in the near future regarding a zoning text amendment to Article VIII – Historic District Overlay – relative to Exterior Work that can be done without any town approval vs. exterior work that can be done through an Administrative Review and approval vs. exterior work that requires full HDRB review and approval. Since this involves amending several sections of the ordinance, I held this zoning text amendment until the Guidelines are adopted to ensure that there are no changes in the scopes of work assigned to each type of review required.

D. OTHER - REMINDER

I am working diligently with the developer, Lance Marine, on the components needed to submit to the Town for a workforce housing project at the 11+ acre lot off Old Cape Charles Road, adjacent to the Town Property identified as the Keck Well lot. We are working to have the full conceptual plan, drawings and draft PUD Ordinance submitted by November 30, 2022 and the developer making a full presentation to the Town Council at their December 15, 2022 meeting. It is anticipated that the Town Council may authorize staff to start the public hearing process for this project at the 12/15/2022 meeting.

E. PLANNING COMMISSION – VACANCIES

Town Council is meeting on December 1, 2022 to conduct interviews in Executive Session for the open vacancy we have had since the spring when Diane D'amico resigned. In addition, with the election of Ken Butta to Town Council, there will be another vacancy on the Planning Commission since only one spot can be appointed to the Planning Commission who can also be a sitting Town Council member. Any such appointments would not be effective until January 1, 2023 to allow time for my office to do an orientation session for any new members prior to their first meeting, which in this case is anticipated to be January 3, 2023.

Therefore, I have held off having the election of officers until the January 2023 meeting as well as selecting members to serve on the subcommittee for Parking Regulations re: golf carts.

