

Planning Commission
Regular Session Agenda
Cape Charles Civic Center – 500 Tazewell Avenue
January 3, 2023, at 6:00 P.M.

1. Call to Order
 - A. Roll call and establish a quorum
2. Invocation and Pledge of Allegiance
3. Introduction and Welcome to new members
4. Annual Reorganization of Board
 - A. Election of Officers for a Term of One-Year: Chairman and Vice-Chairman
 - B. Update and Adoption of Revised Planning Commission Bylaws
5. Consent Agenda
 - A. Approval of agenda format
 - B. Approval of Minutes:
 1. September 6, 2022 Regular Meeting
 2. October 4, 2022 Public Hearing and Regular Meeting
 3. November 9, 2022 Regular Meeting
 4. November 9, 2022 Town Council and Planning Commission Joint Work Session
 5. December 6, 2022 Town Council and Planning Commission Joint Public Hearing
6. Public Hearings:
 - A. Zoning Text Amendment (ZTA – 2023-01) application from Lot 4 Holdings, LLC c/o Winmar Advisory to amend Article III to create a new zoning district called Bay Crossing Planned Unit Development and to amend any other sections of the Zoning Ordinances deemed appropriate to achieve the purposes described herein.
 - B. Zoning Map Amendment (ZMA – 2023-01) application from Lot 4 Holdings, LLL c/o Winmar Advisory to rezone Tax Map #90-19-A from Residential-R3 to the new zoning district called Bay Crossing Planned Unit Development District if so created.
7. Citizen Comment Period, for any item not subject to an advertised public hearing
8. Unfinished Business:
 - A. Request from Town Council to draft Zoning Text Amendments to Section 4.5 – Off-Street Parking and Loading Standards re: add golf cart parking spaces – appoint subcommittee
9. New Business:
 - A. Zoning Text Amendment (ZTA – 2023-01) application from Lot 4 Holdings, LLC c/o Winmar Advisory to amend Article III to create a new zoning district called Bay Crossing Planned Unit Development and to amend any other sections of the Zoning Ordinances deemed appropriate to achieve the purposes described herein.
 - B. Zoning Map Amendment (ZMA – 2023-01) application from Lot 4 Holdings, LLL c/o Winmar Advisory to rezone Tax Map #90-19-A from Residential-R3 to the new zoning district called Bay Crossing Planned Unit Development District if so created.
 - C. Planning Commission Annual Work Plan with proposed calendar for 2023
10. Report of Officers and Committees
 - A. Housing Committee re: Land Use Ordinance Barriers to Housing Development
11. Standing Staff Reports
 - A. Planning & Zoning Administrator Monthly Report for December 2022

- 1.) Subdivision Agent Report
 - 2.) Report on Applications filed with Board of Zoning Appeals, pursuant to Code of Virginia §15.2-2310
- B. 2022 Annual Report of the Planning Commission & review of annual reports for Board of Zoning Appeals, Wetlands Board, Historic District Review Board and Harbor Area Review Board

12. Announcements - Next Meetings:

- Regular Session: Tuesday, February 7, 2023

13. Adjourn



PLANNING COMMISSION

Regular Meeting

Cape Charles Civic Center

September 6, 2022

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

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

CONSENT AGENDA:

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

PUBLIC HEARING COMMENTS:

There were no public hearings to be heard.

CITIZEN COMMENTS:

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

UNFINISHED BUSINESS

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

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

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

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

NEW BUSINESS

There was no new business.

REPORT OF OFFICERS AND COMMITTEES

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

STANDING STAFF REPORTS

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

ANNOUNCEMENTS

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

Motion made by Paul Grossman, seconded by Jim Holloway, to adjourn the Planning Commission Regular Meeting at 6:57 p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning Technician

Planning Commissioner Paul Grossmans Table

Paul Grossman (7/25/22)

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

Factor 1: Diversity of Housing Stock

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
1	Finding: Accessory dwelling units should be permitted more broadly across the localities. - Though some localities limit ADU residency to family members, this is not recommended as it is a difficult provision to enforce and limits the ability to create affordable rental options. - ADUs are not listed as permitted uses in the Town of Cape Charles. Expanding the permission of ADUs provides opportunity for additional affordable housing and aging in place.	P.17	Cape Charles does not limit occupants of ADU to family members. ADUs can be occupied by owners, family members or renters > 30 days duration. One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, <u>contingent upon approval as a conditional use</u> in accordance with Section 4.3. Section 4.2.J.	No changes recommended. Planning Commission/ Town Council currently revising ADU ordinance and considering removal of conditional use permit requirement (i.e., allow by-right).	Pro: Ordinance has sufficient requirements to allow review and approval by ZA. Reduces process time by eliminating public hearings and PC and TC engagement.
2	Finding: Impacts of Tourist/Transient Housing and Alternative Structures on Housing Cape Charles uses the term short-term rental. Taking a comprehensive look at the tourist/transient housing group across all localities reveals that each locality permits some form of these tourist/transient or "short-term" rentals by-right. Studies show that short-term rentals and similar tourist and transient housing can negatively affect housing affordability if they are not owner-occupied dwellings.	P.17			

1

	Owner-occupancy can be a requirement as a performance standard for these uses.				
3	Recommendation 1: Create a consolidated use table/matrix similar to the table in Northampton County's ordinance, to clearly identify permitted uses within each district to ease interpretation and usability	P.18			
4	Recommendation 2: Modernize/expand permitted uses. Modernize permitted use lists in ordinances to incentivize and facilitate a diverse range of housing types not currently permitted, such as accessory dwelling units and middle housing (4–8-unit buildings) in appropriate zoning districts.	P.18			
5	Recommendation 3: Expand flexibility in residential use permissions. Examine whether residential uses that currently require approval of a special (or conditional) use permit may be appropriate by right with accompanying use/development standards. [Code of Virginia § 15.2-2288.1 specifically prohibits a locality from requiring special (or conditional) use permit approval for residential dwellings proposed in compliance with the use, height, and density permitted by-right under the zoning district regulations.]	P.18			
6	Recommendation 4: Evaluate manufactured home parks and subdivisions as affordable housing options.	P.18			

2

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

3

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

4



PLANNING COMMISSION

Public Hearing & Regular Meeting

Cape Charles Civic Center
October 4, 2022

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearings and Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Paul Grossman, Jim Holloway, Dennis McCoy and Michael Strub. Commissioner Kenneth Butta participated via telephone. There was one vacancy on the commission. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, and Special Assistant to Town Manager Julie Pruitt. There were five members of the public in attendance and seven viewers on Facebook Live.

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

CONSENT AGENDA:

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

Bill Stramm read the public hearing notice and opened the public hearing.

PUBLIC HEARING COMMENTS:

- A. *Zoning Text Amendment (ZTA) 2022-02 application from the Town of Cape Charles to amend Section 4.2 (J) – Accessory Dwelling Units and Section 2.9 Definitions associated with Accessory Dwelling Units.*

Katie Nunez gave a summary of the staff report.

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

Motion made by Paul Grossman, seconded by Michael Strub, to close the public hearing on the Zoning Text Amendment (ZTA) 2022-02 application from the Town of Cape Charles to amend Section 4.2 (J) – Accessory Dwelling Units and Section 2.9 Definitions associated with Accessory Dwelling Units at 6:06 p.m. The motion was approved by unanimous vote.

- B. *Zoning Text Amendment (ZTA) 2022-03 application from the Town of Cape Charles to remove proffers that were accepted and approved on November 13, 2008 as part of the "Keck Property Rezoning" and recorded in Northampton County Clerk of Courts as Instrument #090002549 and affecting the following parcels:*

<i>Tax Map #:</i>	<i>OWNER:</i>	<i>LOCATION</i>
90-19-B	Town of Cape Charles	2443 Old Cape Charles Road
90-19-A	General Builders LLC	Old Cape Charles Road
90-29-3	General Builders LLC	2401 Old Cape Charles Road
90-29-4	General Builders LLC	2403 Old Cape Charles Road
90-29-2	CEM Investments, LLC	2405 Old Cape Charles Road
90-29-1	General Builders LLC	2407 Old Cape Charles Road

Katie Nunez summarized the staff report and pointed out that removing the proffers increased the density. Some discussion ensued on the water and sewer hookup.

Jody Bundy, 2510 Old Cape Charles Road

Ms. Bundy has lived in Cape Charles for over thirty some years and wants to make sure the land is developed properly. She said developers normally give offers and it seems as though the town was doing the opposite and giving everything. Ms. Bundy thought the Planning Commission should know more about the developer and get a conceptual plan before making any changes. She begged them to look at this more closely and wanted them to assign the new road not Old Cape Charles Road as the entrance point. Ms. Bundy added that this would not be a hardship for the developer as they would get federal and state funding.

Mark Bundy, 2510 Old Cape Charles Road

Mr. Bundy would like to know more about the proposed project before deciding and thought other proposals could be made by various developers. He was confused why the town would be paying for the water and sewer hookup and asked for a definition of workforce housing. Mr. Bundy thanked the commission.

There were no additional public comments.

Motion made by Paul Grossman, seconded by Jim Holloway, to close the public hearing on the Zoning Text Amendment (ZTA) 2022-03 application from the Town of Cape Charles to remove proffers that were accepted and approved on November 13, 2008 as part of the "Keck Property Rezoning" and recorded in Northampton County Clerk of Courts as Instrument #090002549 and affecting the following tax map numbers: 90-19-B (2443 Old Cape Charles Road); 90-19-A (Old Cape Charles Road); 90-29-3 (2401 Old Cape Charles Road); 90-29-4 (2403 Old Cape Charles Road); 90-29-2 (2405 Old Cape Charles Road); and 90-29-1 (2407 Old Cape Charles Road) at 6:23 p.m. The motion was approved by unanimous vote.

CITIZEN COMMENTS:

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

UNFINISHED BUSINESS

- A. *Zoning Text Amendment (ZTA) 2022-02 application from the Town of Cape Charles to amend Section 4.2 (J) – Accessory Dwelling Units and Section 2.9 Definitions associated with Accessory Dwelling Units.*

Discussion and questions were as follows: (i) Dennis McCoy pointed out the following corrections: (1) the word "and" was misspelled in the definition of sleeping area and (2) Cape Charles was a town therefore on page two of the affidavit the word city needed to be changed. (ii) Michael Strub asked if the bathroom should require more than a sink and toilet; no. and (iii) Paul Grossman would like the word "and" to be spelled out instead of the symbol being used. He asked if Accessory Dwelling Units (ADU) should be added to Article III as uses. Katie Nunez answered historically everyone reads Article IV for ADU but for clarity they should be added as a permitted use to Article III.

Motion made by Paul Grossman, seconded by Jim Holloway, to recommend Town Council approve the Zoning Text Amendment (ZTA) 2022-02 application from the Town of Cape Charles to amend Section 4.2 (J) – Accessory Dwelling Units and Section 2.9 Definitions associated with Accessory Dwelling Units and Article III – District Regulations to add Accessory Dwelling Units to Permitted Uses as proposed with any minor clerical corrections needed. The motion was approved by unanimous vote.

- B. *Zoning Text Amendment (ZTA) 2022-03 application from the Town of Cape Charles to remove proffers that were accepted and approved on November 13, 2008 as part of the “Keck Property Rezoning” and recorded in Northampton County Clerk of Courts as Instrument #090002549 and affecting the following parcels:*

<i>Tax Map #:</i>	<i>OWNER:</i>	<i>LOCATION</i>
90-19-B	Town of Cape Charles	2443 Old Cape Charles Road
90-19-A	General Builders LLC	Old Cape Charles Road
90-29-3	General Builders LLC	2401 Old Cape Charles Road
90-29-4	General Builders LLC	2403 Old Cape Charles Road
90-29-2	CEM Investments, LLC	2405 Old Cape Charles Road
90-29-1	General Builders LLC	2407 Old Cape Charles Road

Katie Nunez said the focus has been on the General Builders, LLC property but that was not the purpose of removing the proffers. She has seen a draft concept plan and the proffers would need to be removed to allow for the type of workforce housing apartment building. A planned unit development would be created therefore another legal advertisement would be needed and public comments accepted.

Paul Grossman added that these proffers tied Town Council’s hands and the capital plan included the water and sewer access connection to this property.

Bill Stramm confirmed that the proffers would be removed from properties listed above; yes.

Motion made by Paul Grossman, seconded by Dennis McCoy, to recommend Town Council approve the Zoning Text Amendment (ZTA) 2022-03 application from the Town of Cape Charles to remove proffers that were accepted and approved on November 13, 2008 as part of the “Keck Property Rezoning” and recorded in Northampton County Clerk of Courts as Instrument #090002549 and affecting the following tax map numbers: 90-19-B (2443 Old Cape Charles Road); 90-19-A (Old Cape Charles Road); 90-29-3 (2401 Old Cape Charles Road); 90-29-4 (2403 Old Cape Charles Road); 90-29-2 (2405 Old Cape Charles Road); and 90-29-1 (2407 Old Cape Charles Road) as presented. The motion was approved by unanimous vote.

NEW BUSINESS

There was no new business.

REPORT OF OFFICERS AND COMMITTEES

Paul Grossman informed the commission that he gave a presentation to the Housing Coalition about how useful he found the study.

STANDING STAFF REPORTS

Katie Nunez gave updates on the following: (i) Subdivision: Nothing to report. (ii) Board of Zoning Appeals: No applications filed for October meeting. (iii) Consultant Status Reports: (1) Commonwealth Preservation Group - Historic District Guidelines: The consultants would have entire month to incorporate changes. The final version would be delivered by November 14, 2022. December 6, 2022 Planning Commission and Town Council Joint Public Hearing, and on December 15, 2022 Town Council will take action on the Adoption of the Historic District Guidelines and the Zoning Text Amendment of Article VIII (Historic District Overlay & Map). (2) Summit Design and Engineering: Hard copies have been distributed and comments were being accepted.

ANNOUNCEMENTS

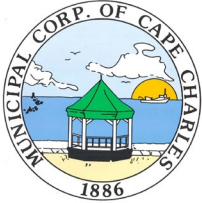
- Public Forum – open discussion with Consultant, Summit Engineering: Presentation on Draft 5-Year Comprehensive Plan – October 6, 2022, at 6:30 p.m. in the Civic Center

- Joint Meeting with Town Council and Planning Commission – October 27, 2022 at 6:30 p.m. in the Civic Center
- Joint Public Hearing with Town Council and Consultant, Summit Engineering and Regular Session – November 9, 2022 at 6:00 p.m. in the Civic Center on Adoption of 5-Year Comprehensive Plan Update
- Joint Public Meeting with Town Council and Regular Session – December 6, 2022, at 6:00 p.m. in the Civic Center on Zoning Text Amendment Article VIII – Historic District Overlay & Map

Motion made by Jim Holloway, seconded by Dennis McCoy, to adjourn the Planning Commission Public Hearings and Regular Meeting at 7:12 p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning Technician



PLANNING COMMISSION

Regular Meeting

Cape Charles Civic Center

November 9, 2022

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

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

CONSENT AGENDA:

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

PUBLIC HEARING COMMENTS:

There were no public hearings to be heard.

CITIZEN COMMENTS:

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

UNFINISHED BUSINESS

There was no new business.

NEW BUSINESS

- A. Request from Town Council to draft Zoning Text Amendments to Section 4.5 – Off-Street Parking and Loading Standards re: add golf cart parking spaces.*

Katie Nunez said this was suggested because of planning for the new Town Hall was ongoing and golf cart parking would be an option. Town Council would like Planning Commission to address golf cart parking.

A sub-committee would be created at a later date.

- B. Election of Officers.*

The election of officers would be postponed until the January 2023 meeting.

REPORT OF OFFICERS AND COMMITTEES

Bill Stramm summarized the housing subcommittee's process. Paul Grossman wanted commissioners to review the information and provide their thoughts.

STANDING STAFF REPORTS

Katie Nunez gave updates on the following: (i) Subdivision Agent: Preliminary Plats (1) Bayside Village Lots B-301 to B-358 and (2) Bayside Village Lots B-138 to B-146; (ii) Board of Zoning Appeals: No applications filed for the November meeting. and (iii) Consultant Status Reports: (1)

Commonwealth Preservation Group - Historic District Guidelines: Receive final version by November 14, 2022. (2) Summit Design and Engineering – Update to Comprehensive Plan: Public Hearings and Adoption scheduled for December 2022.

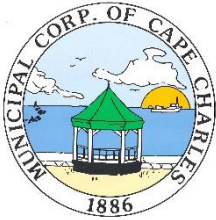
ANNOUNCEMENTS

- Joint Public Hearings with Town Council and Regular Meeting – December 6, 2022, at 6:00 p.m. in the Civic Center
 - Comprehensive Plan 5-Year Update
 - Zoning Text Amendment on Article VIII – Historic District Overlay
 - Zoning Map Amendment on Historic District Overlay

Motion made by Paul Grossman, seconded by Jim Holloway, to adjourn the Planning Commission Regular Meeting at 6:27 p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning Technician



DRAFT
TOWN COUNCIL & PLANNING COMMISSION
Joint Work Session
Cape Charles Civic Center
November 9, 2022
6:30 PM

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Work Session of the Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O’Brien. Also, in attendance were Mayor-elect Adam Charney, Councilman-elect Ken Butta, Town Manager John Hozey, Planner & Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, and Town Clerk Libby Hume. There were no members of the public in attendance.

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

The purpose of the joint work session was to continue the review and discussion of the draft Comprehensive Plan and the comments received, specifically the Future Land Use Map and Land Use Designations.

Katie Nunez stated that the new Future Land Use Map had been updated based on discussions at the October 27th joint work session. At that session, many in attendance felt that more designated land uses were needed, so “Residential” and “Mixed Use” were added. The Future Land Use Map was updated to show Residential areas in yellow and Mixed Use areas in orange hash marks. There had also been discussion about the Entrance Corridor along Route 184 coming into the Town which were shown in orange. (Please see attached.)

There was further discussion this evening regarding i) the area to be designated as Entrance Corridor; ii) a number of other parcels and their designations; iii) the Harbor District Industrial – Town Parcels where the wastewater treatment plant was located and the area proposed for the new municipal building and the Rosenwald School property; iv) existing commercially zoned perpendicular streets off of Mason Avenue – the first blocks of Harbor, Pine, Strawberry, Peach, Plum and Fig Streets. There was a general consensus to also include the first block of Nectarine Street; v) A number of area designations were changed when reviewing the Future Land Use Map dated November 9, 2022. Several corrections were also noted. (Please see attached staff report.)

Katie Nunez stated that she had conversations with several property owners in the downtown area regarding possible rezonings. i) There were three undeveloped lots and an adjacent building on the corner of Harbor and Mason that would be appropriate for mixed use. She planned to advance a proposal in the near future to rezone these parcels from Commercial-1 to Commercial-Residential. The property owner was supportive of rezoning; ii) The location of the former Peach Shave Ice building had been approved for commercial use as a home business by a prior town official. When the business changed to a coffee shop earlier this summer, it was no longer a home business since the business owner did not live on the property. This area of Peach Street was conducive for commercial use. She proposed that the area on the corner of Peach and Randolph and along Peach to the corner of Mason be rezoned for some level of commercial designation, probably Commercial-Residential. (Please see attached staff report.)

Council noted several properties along Jefferson Avenue which formerly had businesses such as a convenience store and laundromat, as well as the current location of Cake Charles.

Katie Nunez stated that the final draft of the Comprehensive Plan was expected to be received on November 18th. It would be provided to the Planning Commissioners and Council for review upon receipt. The plan could be advertised for the joint public hearing scheduled for December 5th, and she hoped that the Commissioners could achieve a recommendation to Council after the public hearing.

John Hozey added that if significant comments and concerns were received, the project calendar could be pushed out for further review of the plan. The goal was to do it right, not fast.

Councilman Follmer asked about the Historic District on the existing Land Use map. Katie Nunez responded that the existing Land Use map was incorrect and did not reflect the decision made at the October joint meeting. The Historic District actually encompassed Washington Avenue. She located information stating that the map was approved but had no copy of the map. The Historic District Review Board had been enforcing the Historic District map to Washington Avenue. The correct map was distributed at the October meeting. The only change would be that the Harbor Historic District was being moved onto this map. The map would be brought to Council for an official vote on December 15th.

Motion made by Commissioner Holloway, seconded by Commissioner McCoy, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

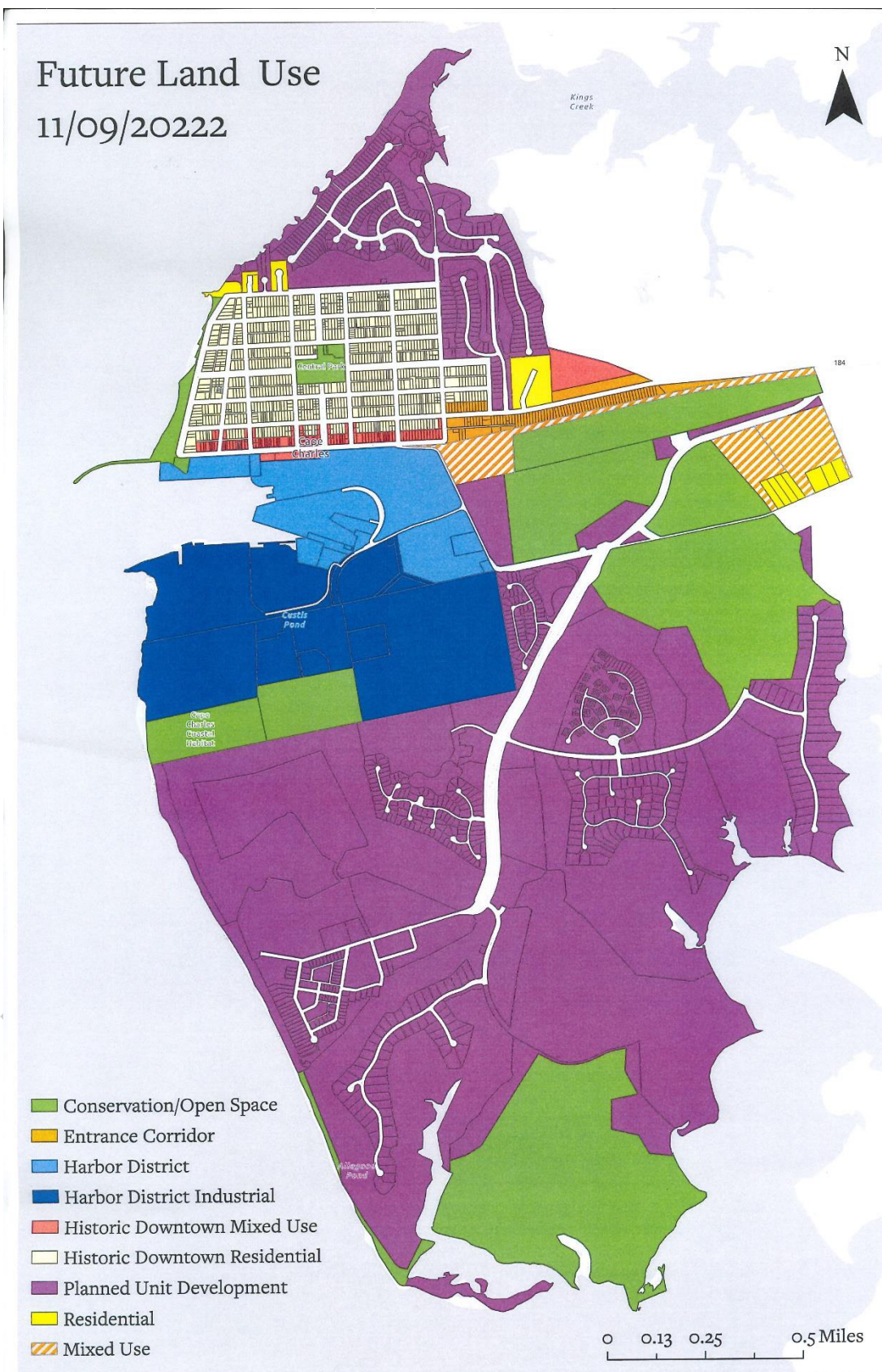
Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, to adjourn the Town Council Work Session. The motion was approved by unanimous vote.

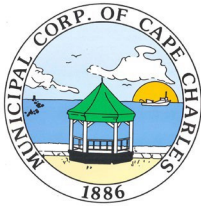
The meeting adjourned at 7:33 p.m.

Mayor William "Smitty" Dize

Chairman Bill Stramm

Town Clerk





PLANNING COMMISSION & TOWN COUNCIL
Joint Public Hearing
Cape Charles Civic Center
December 6, 2022
6:00 p.m.

At 6:07 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Kenneth Butta, Paul Grossman, Jim Holloway, Dennis McCoy, and Michael Strub. There was one vacancy on the Commission. Also, in attendance were Anne Darby, Michael Stapor, and Noah Foster from Summit Engineering & Design. Planning/Zoning Administrator Katie Nunez, and Planning Technician Tracy Outten. There were 11 members of the public in attendance and 6 viewers on Facebook.

Mayor William "Smitty" Dize, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Dize, present were Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O'Brien. Vice Mayor Bennett had a work conflict so was not in attendance. Also, in attendance were Mayor-elect Adam Charney, Councilman-elect Ken Butta, Town Manager John Hozey, and Town Clerk Libby Hume.

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

PUBLIC HEARING PUBLIC COMMENTS:

Chairman Stramm read the Notice of Public Hearings for each item, then opened the floor for comments.

- 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, Environmental 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 July 10, 2008, when the Zoning Map was last adopted, through July 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.

Ms. Anne Darby provided an overview of the update process to date

L. D. Davis, resident/property owner

Ms. Davis addressed the Planning Commission and Town Council regarding the proposed Future Land Use Designations for the corner lots on the south side of Randolph Avenue. (Please see attached.)

Bill Bridgeforth, resident/property owner

Mr. Bridgeforth stated that he had been in Cape Charles for nine years and applauded the Council and Planning Commission for the great job done with the Town over the years. He asked that

Randolph Avenue be kept as residential. He understood that the gentleman living across the street from him wanted to turn his property into commercial use. This would be easy to do if this proposal were passed, but he and the residents on Randolph Avenue would prefer Randolph to remain as residential. He was okay with Strawberry Street and Fig Street having some commercial properties but the south side of Randolph needed to remain residential.

Joe Fehrer, resident/property owner

Mr. Fehrer reiterated Mr. Bridgeforth's comments and thanked the Council and Commissioners for their time. Regarding the Future Land Use Map, he would also like to suggest that the corner lots of Randolph Avenue remain in their current zoning designations. He realized that there were some currently zoned commercial or commercial/residential properties which could remain, but please do not extend the commercial zoning on Randolph Avenue. If a property owner wished to change their zoning, there was a process in place. Please reconsider the land use designations for the corner lots fronting Randolph Avenue.

Nancy Perry, resident

Ms. Perry stated that she was a fairly new resident. She had lived and worked in Portsmouth for 20 years and had always wanted to move here. She expressed her agreement with the previous speakers by applauding all the work done by the Planning Commissioners and Town Council. The one exception was the desire to rezone the corner lots on Randolph Avenue as mixed use. Randolph Avenue was the gateway into the Town and once this change was made, there would be a ripple effect throughout town. She asked that this recommendation be tabled until further review could be done, and that the plan be approved without the rezoning of Randolph Avenue. She also commented that the way this information was placed in the Comprehensive Plan, she had to look closely at the map to see this recommendation. She wished it would have been more transparent.

Katie Nunez read three comments submitted in writing from the Historic District Civic League, Cynthia Woodmansee, and Robert Suppa. (Please see attached.)

Motion made by Commissioner Grossman, seconded by Commissioner Holloway, to close the public hearing for the Comprehensive Plan. The motion was approved by unanimous vote.

Motion made by Councilwoman Holloway, seconded by Councilman Buchholz, to close the public hearing for the Comprehensive Plan. The motion was approved by unanimous vote.

- 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.

Katie Nunez stated that through the process of researching this information, the official records were inadequate. We knew the Historic District Overlay Map was approved but there were not actual Town Council meeting minutes to verify the area. It had been submitted to the State and approved. This information was being included to re-affirm the area. The only change was to merge the two overlay maps for Historic and Harbor Areas into one, more useful map. The description of the boundaries was also being added as it was essential to ensure there would be no future confusion.

There were no public comments to be heard nor any comments submitted in writing prior to the hearing.

Motion made by Commissioner Grossman, seconded by Commissioner Strub, to close the public hearing for the Historic District Overlay Map and associated text amendments. The

motion was approved by unanimous vote.

Motion made by Councilwoman Holloway, seconded by Councilman Buchholz, to close the public hearing for the Historic District Overlay Map and associated text amendments. The motion was approved by unanimous vote.

Commissioner Stramm read the public hearing notices for items C. through K. for these items to be handled under one public hearing.

- 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 preapplication 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.

Katie Nunez thanked Chairman Stramm for reading the content of the proposed zoning text amendments relating to the historic district and proceeded as follows: i) These proposed text amendments along with the Historic District Design Guidelines would be going to Town Council for action at their December 15th meeting; ii) The proposed amendments were in making the language consistent with the language in the Guidelines; iii) She noted one correction in the notice for item I, where she inadvertently crossed out “may” instead of “shall.” The intent was to ease the requirement for a pre-application review; iv) The issue of vinyl siding had been a conflict for many years. It was being deleted in the Zoning Ordinance but did not mean that vinyl siding could not be considered. It could potentially be used as an alternative material and the alternative material process was outlined in the Historic District Design Guidelines; v) The updated historic inventory was received and included more accessory structures. The updated inventory would be added to the website to make it easier to determine whether a structure was a contributing or non-contributing structure.

There were no public comments to be heard nor any comments submitted in writing prior to the hearing.

Motion made by Commissioner Grossman, seconded by Commissioner Holloway, to close the public hearing for the zoning text amendments. The motion was approved by unanimous vote.

Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, to close the public hearing for the zoning text amendments. The motion was approved by unanimous vote.

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

The joint public hearing was adjourned at 6:51 p.m.

Planning Commission Chair

Mayor Dize

Town Clerk

**December 6, 2022 Planning Commission & Town Council Joint Public Hearing
Comments and Information Provided in Writing**

L. D. Davis, resident/property owner

Thank you, Council members and Planning Commissioners for this opportunity to comment.

I live at the corner of Randolph and Peach – I frequently refer to it as Hollywood and Vine as it is one of the busiest intersections in town. I am concerned about the potential change to corner properties on the south side of Randolph. Changing them from residential to a mix of residential and commercial becomes problematic.

The historic district would begin to lose its charm for guests and residents if these changes are made to one of its major thoroughfares. Adding the potential for additional commercial property use on the 2nd widest street in town is a recipe for disaster. Randolph cannot handle the parking needs from existing residences much less the addition of potential commercial establishments.

Please spend your valuable time working to solve the existing parking problems. Please vote “no” to the expansion of commercial properties from Mason to Randolph corners. Once the toothpaste is out of the tube you will never get it back in the tube again.

Historic District Civic League

Subject: Comment on the Cape Charles Comprehensive Plan

- i. The Cape Charles Historic District Civic League conducted a review of the Town of Cape Charles Comprehensive Plan at the monthly meeting on November 28, 2022.
- ii. The Civic League commends the professionalism that went into the preparation of the Comprehensive Plan.
- iii. The Civic League review identified the following incompatibility with the Entrance Corridor into the Historic District.
 - a. On page 64 of the Comprehensive Plan, under the Transportation chapter, there is a reference to the “Accomack-Norhampton Planning District Commission (A-NPDC) Regional Long Range Transportation Plan:”
 - i. One of the projects cited is to “perform a study to assess need and operations for a roundabout” at the intersection of VA 184 (Randolph Avenue) at Fig Street.
 - ii. A roundabout at this intersection seems to be incompatible with a Town Council resolution requesting VDOT to install marked crosswalks to enable those on foot or in wheelchairs a safe way to cross these streets to get to/from Rayfield’s Pharmacy.
 - iii. We recommend that the study be expelled, and that the scope of the study be expanded to study ways to accommodate crosswalk(s) while facilitating vehicular traffic throughout this intersection.

Cynthia Woodmansee, resident

Re: Updated Comprehensive Plan

Dear Ms. Nunez and Commissioners:

I have followed with interest, the process the town has undertaken to update the vision and governing documents, namely the Comprehensive Plan, Historic District Guidelines, and Zoning Text Amendments. I would like to thank the town’s staff and our elected officials who have taken part in this tedious and laborious process. This type of process is often a thankless task but, the upkeep of these documents is essential for communicating the town’s vision for the future while offering critical guidance for the growth and maintenance of our historically designated town. I particularly appreciate the systematic methodology that was used by various stakeholders to review, compare, and revise these documents. Thank you all who have been involved in this effort.

Within the Updated Comprehensive Plan, I have noted a revision to the Future Land Use Designations section which contemplates a “Historic District Mixed Use” designation for the properties located on the

blocks between Mason and Randolph Avenues. I am assuming these blocks were identified as areas that can serve as transitions from the largely commercial activity of Mason Avenue to predominately residential activity on Randolph Avenue. From my read of the draft Plan, this expanded "Historic District Mixed Use" corridor will include the properties on the south corners of Randolph Avenue.

I think identifying this corridor for mixed use is fine and follows acceptable urban/suburban planning standards but, I also think there should be some clarification around the properties in this corridor that face Randolph Avenue. Because the majority of Randolph Avenue is zoned residential and is to remain so, it could be potentially awkward to have "mixed use" properties on every corner of the south side of the avenue. Aesthetically, it could lead to a patchwork look that has a mixture of commercial and residential buildings and all the specifics that come with each type of property. Practically, it could lead to additional traffic, a greater need for parking, and the diminishment of currently available parking when business owners find the need for loading zones and handicap parking on Randolph Avenue. Additionally, Randolph Avenue is the natural extension of the entry corridor into Cape Charles and is regularly used by our first responders as the main point of ingress and egress to the town. Avoiding the spill over of commercial activity onto Randolph Avenue will help keep this thoroughfare as a clear path for emergency personnel.

It is this aspect of the Comprehensive Plan that may be in need of further address. I would respectfully ask the Planning Commission to consider excluding the properties that face Randolph Avenue from the "mixed use" corridor. In support of this idea, I believe there is a reasonable argument that the properties on Randolph, currently zoned residential, should remain so in order to protect the historically residential nature of the street. This minor alteration to the newly expanded "Historic District Mixed Use" corridor would not necessarily preclude a property owner from applying for an appropriate zoning exception but would clearly signal the desire of the town to retain the residential nature of Randolph Avenue.

I appreciate the opportunity to address the Planning Commission with my concerns and thank you for your work on these important matters.

Robert Suppa, resident

I live on the northeast corner of Peach and Randolph, probably the busiest intersection in the town. It's a major shortcut to Mason Avenue from Randolph it seems. Anytime I look south I can predict the following:

1. There will be a mass of vehicles parked in the middle of the street, some facing east, some facing west, both of which adds to the congested nature fo the street.
2. There will be vehicles and golf carts driving in the wrong direction between Randolph and Mason causing the intersection to become clogged usually when people are trying to walk across the street.
3. There will be delivery trucks of all sizes at all times of the day and evening further complicating the already chaotic scene.
4. Families with little children cross the street wondering if the vehicle approaching them, in a hurry to get to the 2 restaurants or the convenience store, will stop for them while they are in the middle the street. I have seen this happen many times and it still scares me.

That is just 4 examples of the problems on the border of the commercial zone and the residential zone.

Moving the commercial zone further north to include properties on the corners of Randolph Avenue is in my mind, an idea I do not support. Randolph Avenue, historically speaking, is a residential street and should remain that way.

Thank you.

TOWN OF CAPE CHARLES
Planning Commission
Public Hearings

The Cape Charles Planning Commission will hold public hearings on Tuesday, January 3, at 6:00 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following applications:

- A. A Zoning Text Amendment (ZTA) 2023-01 application from Lot 4 Holdings, LLC c/o Winmar Advisory to amend Article III to create a new zoning district called Bay Crossing Planned Unit Development and to amend any other sections of the Zoning Ordinances deemed appropriate to achieve the purposes described herein.
- B. A Zoning Map Amendment (ZMA) 2023-01 application from Lot 4 Holdings, LLC c/o Winmar Advisory to rezone Tax Map #90-19-A from Residential-R3 to the new zoning district called Bay Crossing Planned Unit Development District if so created.

These applications are available for public review on our website at www.capecharles.org, under Agendas & Minutes / Planning Commission. 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 Friday, December 16 2022

AD TO RUN: Friday, December 23, 2022 and Friday, December 30, 2022



PLANNING COMMISSION PUBLIC HEARING STAFF REPORT

Meeting Date: January 3, 2023

Item #:6A & 6B – ZTA-2023-01 and ZMA-2023-01

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

Date: December 28, 2022

APPLICANT: Town of Cape Charles and Lot 4 Holdings, LLC c/o Winmar Advisory & General Builders, LLC

SITE ADDRESS: Off Old Cape Charles Road and Cassatt Parkway

TAX MAP: 90-19-A

LOT SIZE: 11.75 acres

TYPE OF APPLICATION: Zoning Text Amendment (ZTA) and Zoning Map Amendment (ZMA) 2023-01

SPECIFIC REQUEST: Create new PUD Zoning District: Bay Crossing PUD and rezone Tax Map #90-19-A from R-3 to Bay Crossing PUD

ZONING ORDINANCE: Section 2.7

CURRENT ZONING: Residential (R-3)

PROPOSED ZONING: Bay Crossing PUD

DATE RECEIVED: December 12, 2022

DATE DEEMED COMPLETE: January 3, 2023

LEGAL DEADLINE: 100 days from 1st Receiving Application: April 13, 2023

NARRATIVE OF PROPOSAL

Since early spring 2022, the Town has been engaged in discussions with Lance Marine of Lot 4 Holdings, LLC c/o Winmar Advisory regarding a potential workforce housing development on 11.76 acres located between Old Cape Charles Road and Cassatt Parkway. The property is still under ownership by General Builders, LLC with the intent of purchase by Lot 4 Holdings, LLC if Town approved is gained regarding zoning and project conception.

As we discussed this possible project and learned about possible unit sizes of the housing units and types (micro-studios, 1 and 2 bedroom units) and the possible # of units per building (approximately 60), we looked hard at the current zoning district for Tax Map #90-19-A (total of 11.75 acres approximately) of Residential-3 and recognized that it had limitations that did not fully support the type of project Mr. Marine was envisioning. Enclosed is aerial map of the parcel between Cassatt Parkway and Old Cape Charles Road that I created to help start to track some of the larger issues that would need to be addressed for this parcel, such as water and sewer, which are being handled on a dual discussion path by the Town Manager and the Developer.

At that time, I began looking at the PUD Ordinance template in the Cape Charles Zoning Ordinance and felt that this would be the best vehicle for this type of project being proposed and discussed this with Mr. Marine and he also felt that this would provide the flexibility he was seeking both relative to density, house unit size and some other development requirements and have been working with the developer and his attorney on a draft PUD Zoning Ordinance targeted for workforce housing with the project name of "Bay Crossing".



Mr. Marine has submitted a draft conceptual plan for the site to show at least two uses occurring on the property as required by our PUD Template Ordinance, which is enclosed for your consideration as follows: the conceptual site plan for 5 acres (the minimum required for a PUD) and the remaining acreage 6.76 shown as the residual lot.

ITEM SPECIFICS:

You will see on the site plan, certain notations within the building layout - they equate to the following:

- S1 = Micro/Studio – size of approximately 360 sq. ft
- S2 – Micro Studio – size of approximately 365 sq. ft.
- A1 = 1 bedroom/1 Bath Unit of approximately 520 sq. ft.
- B1 = 2 bedroom/2 bath unit of approximately 700 sq. ft.
- B2 = 2 bedroom/2 bath unit of approximately 702 sq. ft.

The Zoning Text Amendment Application has been completed and submitted and includes the full Bay Crossing PUD Zoning Ordinance and a Zoning Map Amendment application has also been completed.

The Zoning Text Amendment is drafted to highlight the components of the ordinance that are different than what would be found in the R-3 Zoning District. It contains a statement of intent seeking to define workforce housing

through a percentage of the Area Median Income as obtained through the US Census which would then also seek to limit the rent to no greater than 30% of that income for housing related costs. I have included an Excel Spreadsheet (Attachment 5) to help illustrate this definition which we can discuss further. The text amendment is crafted to allow the high-density multi-family housing residential development and electric vehicle charging stations as uses allowed by right with all other uses allowed through a conditional use permit process, which requires public hearing and review by the Planning Commission and the Town Council. I have also included a list of those uses as seen in the other zoning districts just so that you don't have to search for that information (see Attachment 6). If there is no deviation from the Town's existing zoning ordinance, there is a clause at the end of the PUD ordinance that states that all other provisions of the CCZO shall apply to this PUD District unless stated herein. This is the same construct as the Bay Creek PUD.

REVIEW WITH RESPECT TO COMPREHENSIVE PLAN

The Cape Charles Comprehensive Plan, within its Housing Chapter (page 35), has stated as the primary intent is to "pursue land use, zoning and housing policies to meet and maintain the housing needs of all Cape Charles residents and support a strong local workforce, while preserving local character".

The Plan has identified the lack of affordable housing as a key factor contributing to a worker shortage both in the Town as well as in Northampton County (page 44) and the Town has adopted as one of its goals and objectives in the Comprehensive Plan to "Encourage development of affordable workforce housing" (page 45).

REVIEW WITH RESPECT TO ZONING ORDINANCE: ZONING DISTRICTS – INTENT

The Cape Charles Zoning Ordinance allows for the creation and consideration of a Planned Unit Development (PUD) and specifically includes a statement of intent in Section 3.12 which states:

"The intent of this district is to promote creative and imaginative development designs for residential and commercial uses by allowing greater flexibility than is possible under the restrictions of conventional zoning regulations. It is further intended to promote more efficient use of land while encouraging variety and convenience for the overall development and the development of recreational areas and open spaces within the project."

The proposed Bay Crossing PUD is presuming the basis of a R-3 Zoning District concept but within the confines and requirements of the PUD Template. The R-3 Zoning District has a statement of intent which states that:

"to provide for relatively high density, multi-family residential development. This district is designed to promote and encourage a suitable environment for family life and to restrict activities of a commercial nature to those which serve the needs of the surrounding residential neighborhood."

Staff believes the proposed Bay Crossing PUD addresses all of the requirements of the PUD Zoning District Template and staff is requesting a full review of the proposed Bay Crossing PUD by the Commission and to discuss any elements of said to ensure full understanding of the PUD as a proposed district and how it works in complement with the rest of the Town Zoning Ordinance. **Please note that when this application was presented to the Town Council at their meeting on December 15, 2022 it was noted that there should be a minimum contiguous area for a PUD district of 5 acre be included within the zoning text amendment and the applicant agreed to that correction. Due to both the holiday schedule and health issues of the zoning administrator, this correction has not**

been made to the document but will be done so as part of this consideration before the Planning Commission.

ANAYLSIS

Impacts to Adjacent Property

This property is current farmland and zoning R-3. To the east is a Town-owned lot of approximately 17.65 acres which is primarily undeveloped with the exception of hosting a component of the town well system on a portion of the adjacent property. To the south is 4 one-acre lots with the intention of building a 4-unit apartment building on each lot with one unit currently completed. To the west is a 27.36-acre parcel under conservation easement. To the north a new road (Cassatt Parkway) was constructed in 2016-2017 that runs alongside this property

The classification of this land to a high-density, multi-family housing development with a specific focus on workforce housing type is appropriate since the area is underdeveloped with excellent road access and the parcel is large enough to encourage a “traditional” development pattern with its own primary main road onto and throughout the property. In addition, the location is adjacent to the Town’s well/water system and adjacent to expansion of the sewer system in a reasonably costly manner. This location also provides ready access to the main road into the Town and is located 1.5 miles from getting of the Town limits and out to the main area of the County where a commercial grocery establishment is located.

STAFF RECOMMENDATION

Staff is requesting the Planning Commission to convene and hold the public hearings and consider all comments received and determine if there are additional issues raised that were not considered by staff which may need to be considered. Staff is recommending favorable consideration of the creation of a new zoning district, the Bay Crossing PUD, and to favorably consider rezoning Tax Map#90-19-A from R-3 to Bay Crossing PUD.

Staff is prepared to work with the Planning Commission on a motion regarding a recommendation on both ZTA and ZMA 2023-01 to develop a recommendation for the Town Council on the two applications.

Attachments:

Attachment 1 – ZTA Packet

Attachment 2 – ZMA Packet

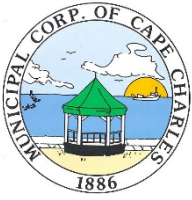
Attachment 3 – Owner Affidavit Form completed by Angelo Manuel of General Builders, LLC

Attachment 3 – Resolution #20221215A

Attachment 4 - Bay Crossing Concept Plan (6 Slides)

Attachment 5 – Chart re: Income to Rent

Attachment 6 – KHN List of Uses



Zoning Text Amendment Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x24

planningtech@capecharles.org

Revised 12/2022

Taxes

Violations

Fee

\$200

Decision

PART 1. APPLICATION NOTES

1. A pre-application conference with Planning staff is strongly recommended prior to submission of a zoning text amendment.
2. The Zoning Text Amendment application process typically takes about four (4) months.
3. A Zoning Text Application may be submitted by any Cape Charles property owner. It may only be advanced to either the Planning Commission or the Town Council for a public hearing following staff consultation with the Town Manager.
4. Either the Planning Commission or Town Council may submit an application for a zoning text amendment with the Town Manager, Zoning Administrator or Planning Director representing the application on behalf of the Town.
5. 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
6. The applicant will be required to make a presentation to fully explain the request and demonstrate its need. The presentation should show how the proposed change supports and maintains compliance with the goals and objectives of the Comprehensive Plan.
7. The final decision will be made by Town Council, which approves zoning text amendments at their legislative discretion.

PART 2: APPLICANT INFORMATION

Applicant Name: Lot 4 Holdings, LLC c/o Winmar Advisory

Cape Charles Address: N/A - Tax Map #: 90-19-A

Mailing Address: 2100 Reston Parkway, Suite 104, Reston, VA 20191

Email address: lance@winmaradvisory.com

Phone: 703.622.8156

If the applicant has property owned by an LLC, LP, or other form of corporation, list all landowners and their contact information.

Lance LJ Marine (same as above)

PART 3: Description of Request

Answer all questions in this section. Attach additional sheets as needed.

Submission Date:

Zoning Ordinance Sections Proposed to be Amended (Sec. # and Title):

Existing Text:

R3

Proposed Text:

Bay Crossing PUD (see attached)

PART 4: Written Narrative – Provide on a separate sheet(s)

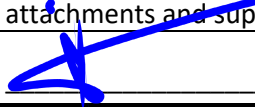
Provide a written narrative that, at a minimum, covers the following information:

- A) Relevant code section(s) to be amended and proposed changes to the Zoning Ordinance.
- B) Whether and the extent to which the proposed amendment is consistent with the comprehensive plan and any other applicable and adopted long range planning documents. Cite the document and page.
- C) Whether the proposed amendment is in conflict with any provision of the Zoning Ordinance and any other regulations contained in the City Code or other applicable regulations.
- D) Whether and the extent to which the proposed amendment addresses a demonstrated community need.
- E) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.
- F) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, floodplains, wetlands, and the natural functioning of the environment.

Whether to amend the text of this Ordinance is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment, the Town Council may consider any factor it deems applicable and consistent with the Code of Virginia, including but not limited to the Town's comprehensive plan, and the public health, safety, and general welfare.

PART 5: Applicant Certification

By signing this application below, I hereby attest to the truth and accuracy of all facts and information presented with this application and any attachments and supplemental information submitted with the application.

Applicant's signature: 

Date: 12/12/2022

PART 6: To Be Completed by P & Z Department Staff

Date Application Received in Office:	Application #: ZTA
Planning Commission	Town Council
Date referred:	Date received from Planning Commission:
Action deadline (100 days from receipt):	Action deadline (max. 365 days from referral to PC):
Public hearing date:	Public hearing date:
Decision:	Decision:



Owner Affidavit for Permission to Represent

Planning & Zoning Department
757-331-3259 x24

planningtech@capecharles.org

Revised 9/2022

Taxes	
Violations	
Fee	
Decision	

Use this form to give permission for a contractor, architect or other individual to represent the owner of a property in matters within the Town of Cape Charles.

Property Information

Subject Property Street Address: Residual Parcel, Tract A, Subdision Tract A, instrument no. 170000133

Subject Property Tax Map #: 9-10-A

Owner Information

Owner's name: General Builders LLC

Mailing address: 7707 Leafwood Drive Norfolk, VA 23518

Phone number: 757 289 9266 Email: angelo@parrproperties.com

I hereby give authority to the following representatives to act on my behalf on the following matter:

To apply for a zoning text amendement in order to obtain a zoning map amendment for a PUD district on the property

Representative Information

Name: Lot 4 Holdings, LLC Lance J. Marine

Mailing address: _____

Phone number: 703 622 8156 Email: lancejmarine@gmail.com

☒ to file documents on my behalf ☒ to represent me in meetings with Town officials

Representative Information

Name: _____

Mailing address: _____

Phone number: _____ Email: _____

☐ to file documents on my behalf ☒ ASM to represent me in meetings with Town officials

Signature of owner: [Signature] Date: 10/15/2022

State of Virginia, County of Nathant

The foregoing instrument was acknowledged before me this 15th day of December, 20 22, by Angelo S. Manuel (name of person acknowledged)

Signature of Notarial Officer: [Signature]

Notary Registration number: 211548

My commission expires: 11/30/2025



RESOLUTION OF INTENT 20221215A
ZONING ORDINANCE TEXT AMENDMENT & MAP AMENDMENT

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

WHEREAS, the Town, within its Comprehensive Plan Housing Chapter (page 35), has stated as the primary intent is to “pursue land use, zoning and housing policies to meet and maintain the housing needs of all Cape Charles residents and support a strong local workforce, while preserving local character”; and

WHEREAS, the Town’s Comprehensive Plan has identified the lack of affordable housing as a key factor contributing to a worker shortage both in the Town as well as in Northampton County (page 44); and

WHEREAS, the Town has adopted as one of its goals and objectives in the Comprehensive Plan to “Encourage development of affordable workforce housing” (page 45); and

WHEREAS, the Town is in receipt of a zoning text amendment to create a new zoning district, called Bay Crossing Planned Unit Development (Bay Crossing PUD) which includes an intent statement to create a zoning district to provide for low-to-moderate density residential development designed to serve the workforce and other housing needs of the Town and the County; and

WHEREAS, the Town is in receipt of a Zoning Map Amendment to rezone Tax Map #90-19-A from Residential-3 to the newly proposed Bay Crossing PUD District;

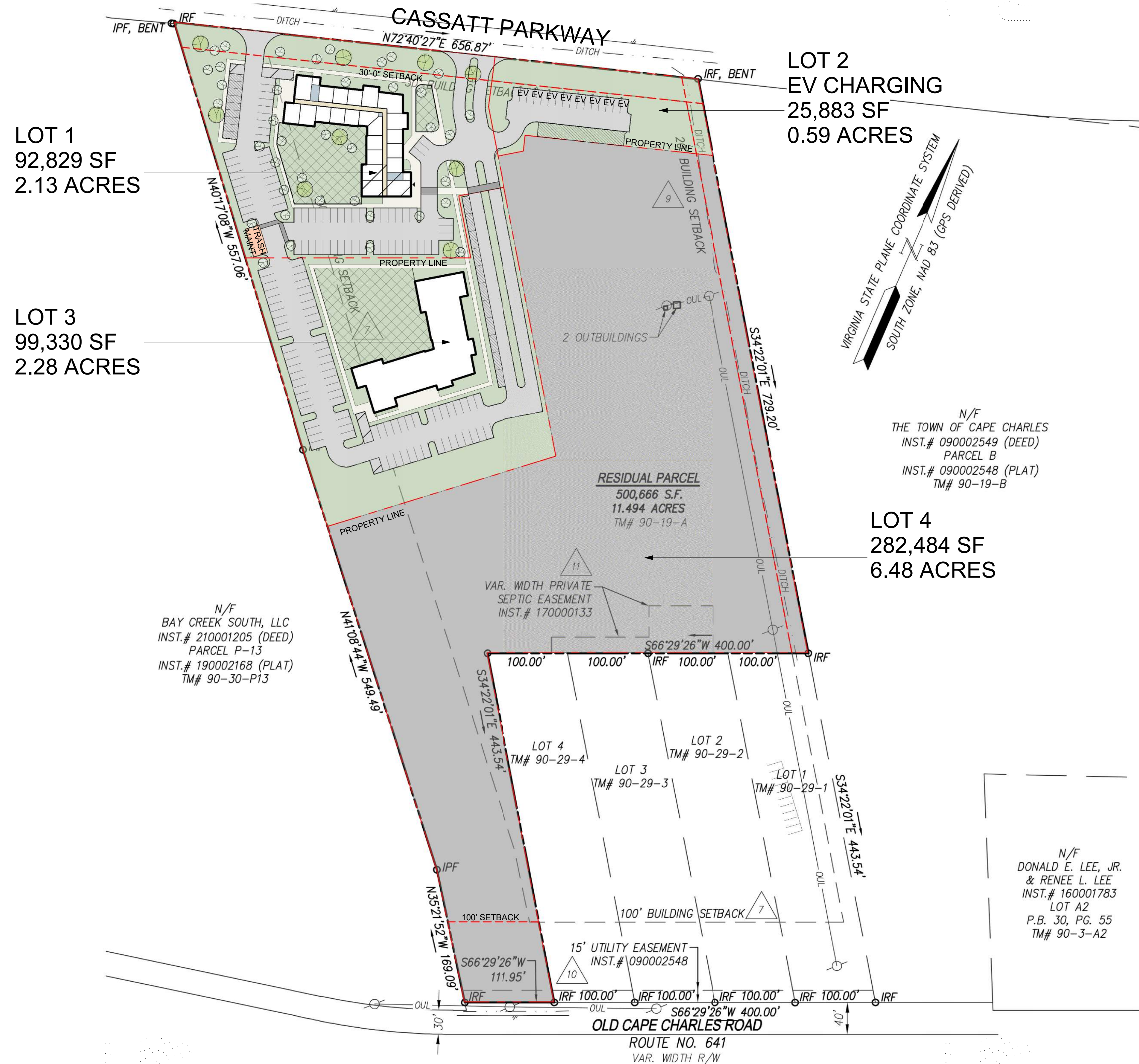
NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Ordinance Article III by referring the zoning text amendment and the zoning map amendment to the Planning Commission and to schedule a public hearing to consider the adding of a new zoning district called Bay Crossing Planned Unit Development District and to consider rezoning Tax Map #90-19-A from Residential-A3 to this new zoning district (Bay Crossing Planned Unit Development District, if so created) and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

Adopted by the Town Council of the Town of Cape Charles on December 15, 2022

By: _____
Mayor Dize

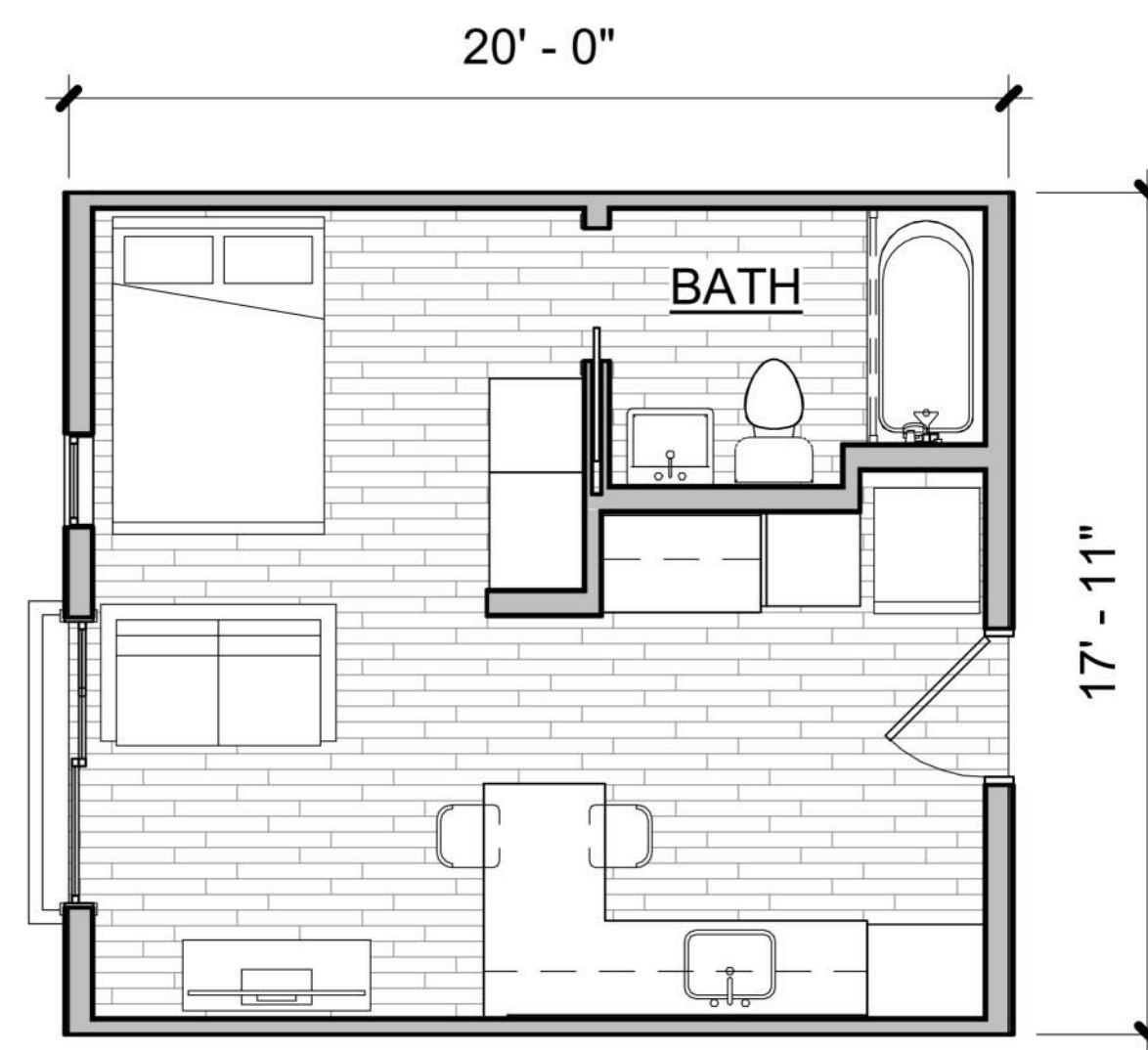
Attest:

Town Clerk

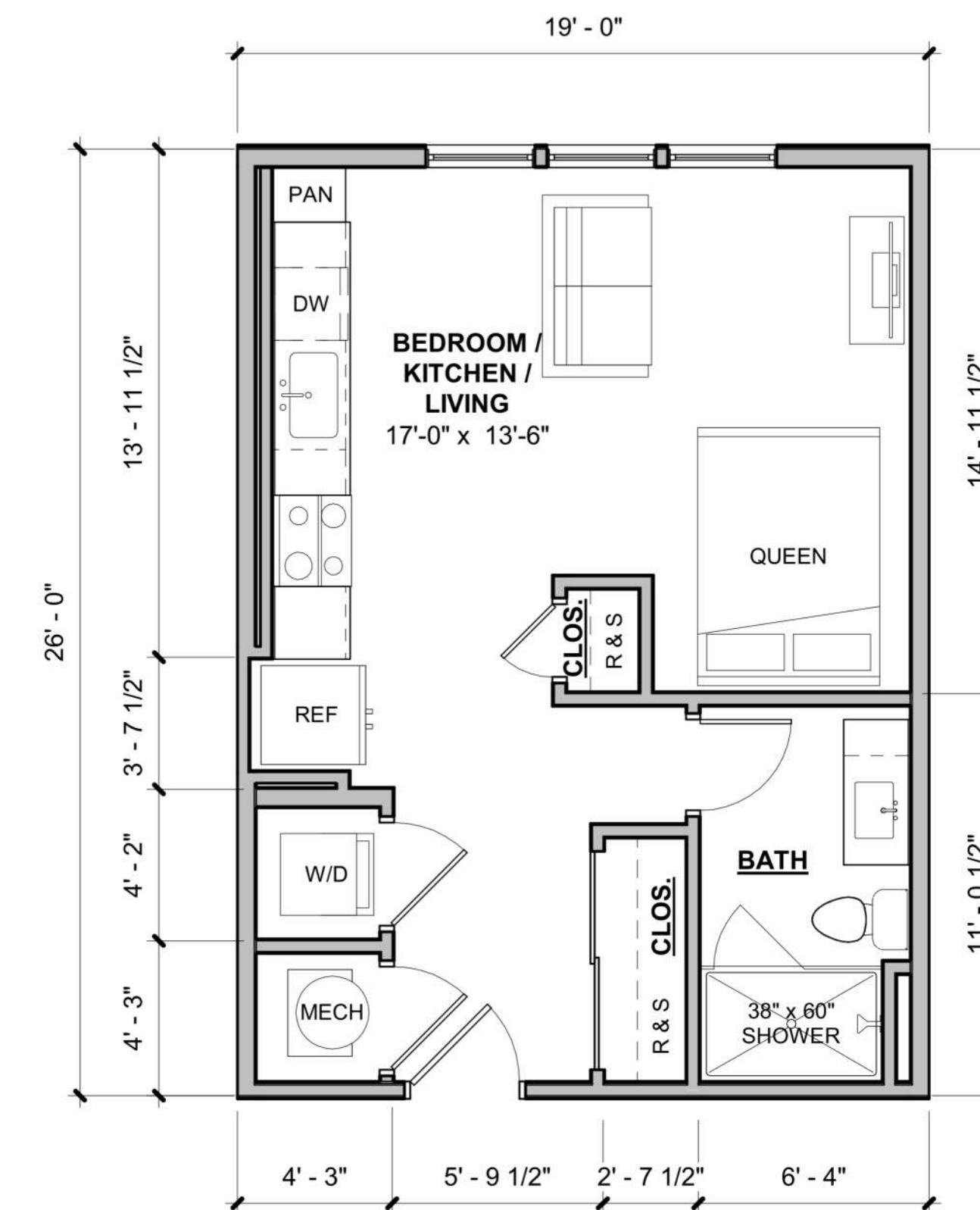


OVERALL SITE PLAN

BAY CROSSING
CAPE CHARLES
VIRGINIA
12.13.22



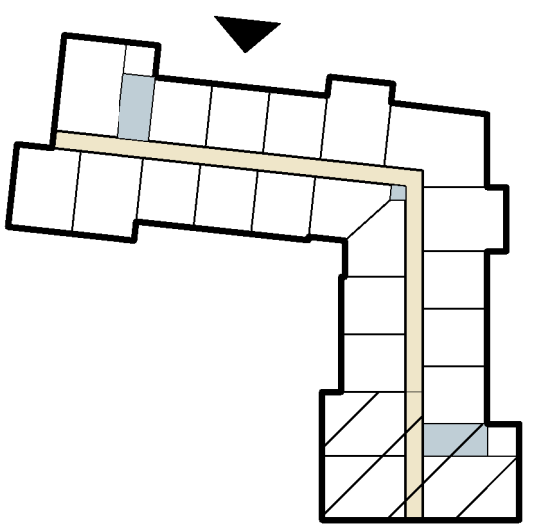
CONCEPTUAL UNIT PLAN - S1
 AREA : 360 SF
 SCALE : 1/4"=1'-0"

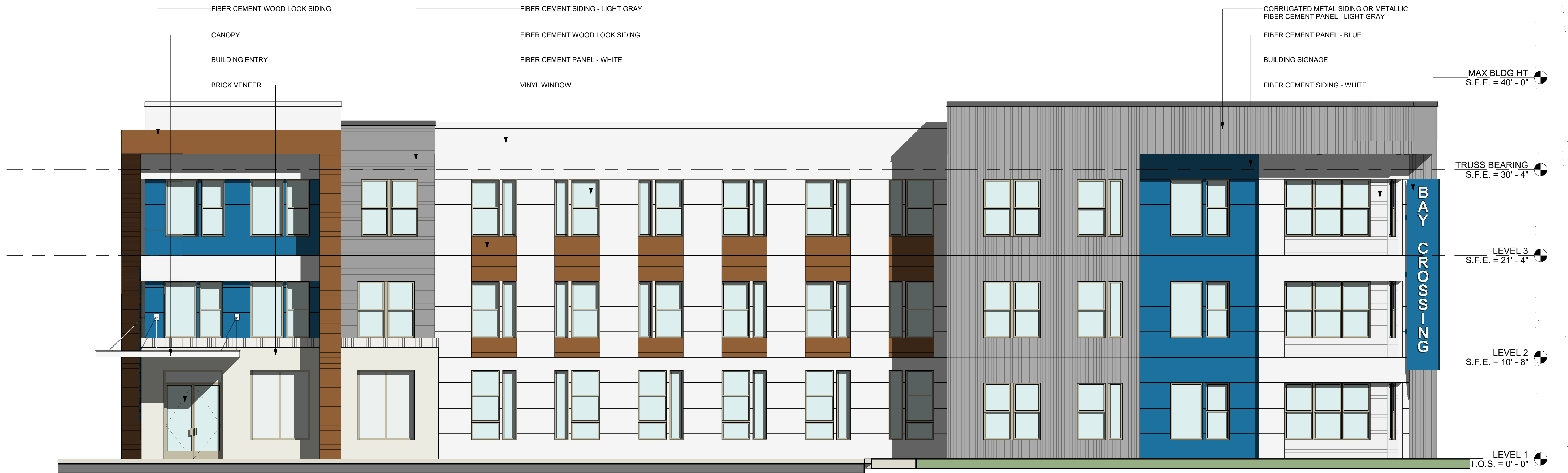


CONCEPTUAL UNIT PLAN - A1
 AREA : 520 SF
 SCALE : 1/4"=1'-0"

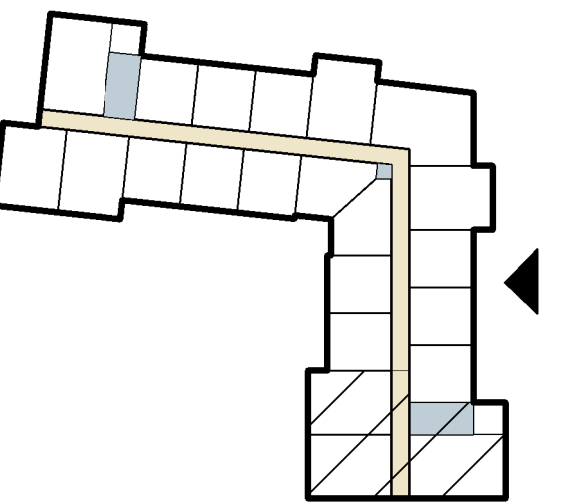


1 CONCEPTUAL BUILDING ELEVATION FACING NORTH
3/16" = 1'-0"





1 CONCEPTUAL BUILDING ELEVATION FACING EAST
3/16" = 1'-0"





Numbers Explanation of Workforce Housing Definition
Prepared by Katie Nunez on 12-09-2022

Workforce Housing Definition: Equal to or less than 150% of the Area Median Income (AMI) and no greater than 30% of income to be spent for housing costs (rent and utilities) .	AMI From US Census \$55,104	30% of Income for Housing Costs - Rent & Utilities (Annual)	30% of Income for Housing Costs - Rent & Utilities (Monthly)
Percentage of AMI			
80%	\$ 44,083.20	\$ 13,224.96	\$ 1,102.08
81%	\$ 44,634.24	\$ 13,390.27	\$ 1,115.86
82%	\$ 45,185.28	\$ 13,555.58	\$ 1,129.63
83%	\$ 45,736.32	\$ 13,720.90	\$ 1,143.41
84%	\$ 46,287.36	\$ 13,886.21	\$ 1,157.18
85%	\$ 46,838.40	\$ 14,051.52	\$ 1,170.96
86%	\$ 47,389.44	\$ 14,216.83	\$ 1,184.74
87%	\$ 47,940.48	\$ 14,382.14	\$ 1,198.51
88%	\$ 48,491.52	\$ 14,547.46	\$ 1,212.29
89%	\$ 49,042.56	\$ 14,712.77	\$ 1,226.06
90%	\$ 49,593.60	\$ 14,878.08	\$ 1,239.84
91%	\$ 50,144.64	\$ 15,043.39	\$ 1,253.62
92%	\$ 50,695.68	\$ 15,208.70	\$ 1,267.39
93%	\$ 51,246.72	\$ 15,374.02	\$ 1,281.17
94%	\$ 51,797.76	\$ 15,539.33	\$ 1,294.94
95%	\$ 52,348.80	\$ 15,704.64	\$ 1,308.72
96%	\$ 52,899.84	\$ 15,869.95	\$ 1,322.50
97%	\$ 53,450.88	\$ 16,035.26	\$ 1,336.27
98%	\$ 54,001.92	\$ 16,200.58	\$ 1,350.05
99%	\$ 54,552.96	\$ 16,365.89	\$ 1,363.82
100%	\$ 55,104.00	\$ 16,531.20	\$ 1,377.60
101%	\$ 55,655.04	\$ 16,696.51	\$ 1,391.38
102%	\$ 56,206.08	\$ 16,861.82	\$ 1,405.15
103%	\$ 56,757.12	\$ 17,027.14	\$ 1,418.93
104%	\$ 57,308.16	\$ 17,192.45	\$ 1,432.70
105%	\$ 57,859.20	\$ 17,357.76	\$ 1,446.48
106%	\$ 58,410.24	\$ 17,523.07	\$ 1,460.26
107%	\$ 58,961.28	\$ 17,688.38	\$ 1,474.03
108%	\$ 59,512.32	\$ 17,853.70	\$ 1,487.81
109%	\$ 60,063.36	\$ 18,019.01	\$ 1,501.58
110%	\$ 60,614.40	\$ 18,184.32	\$ 1,515.36
111%	\$ 61,165.44	\$ 18,349.63	\$ 1,529.14
112%	\$ 61,716.48	\$ 18,514.94	\$ 1,542.91
113%	\$ 62,267.52	\$ 18,680.26	\$ 1,556.69
114%	\$ 62,818.56	\$ 18,845.57	\$ 1,570.46
115%	\$ 63,369.60	\$ 19,010.88	\$ 1,584.24
116%	\$ 63,920.64	\$ 19,176.19	\$ 1,598.02
117%	\$ 64,471.68	\$ 19,341.50	\$ 1,611.79
118%	\$ 65,022.72	\$ 19,506.82	\$ 1,625.57
119%	\$ 65,573.76	\$ 19,672.13	\$ 1,639.34
120%	\$ 66,124.80	\$ 19,837.44	\$ 1,653.12
121%	\$ 66,675.84	\$ 20,002.75	\$ 1,666.90
122%	\$ 67,226.88	\$ 20,168.06	\$ 1,680.67
123%	\$ 67,777.92	\$ 20,333.38	\$ 1,694.45
124%	\$ 68,328.96	\$ 20,498.69	\$ 1,708.22
125%	\$ 68,880.00	\$ 20,664.00	\$ 1,722.00
126%	\$ 69,431.04	\$ 20,829.31	\$ 1,735.78
127%	\$ 69,982.08	\$ 20,994.62	\$ 1,749.55
128%	\$ 70,533.12	\$ 21,159.94	\$ 1,763.33
129%	\$ 71,084.16	\$ 21,325.25	\$ 1,777.10
130%	\$ 71,635.20	\$ 21,490.56	\$ 1,790.88
131%	\$ 72,186.24	\$ 21,655.87	\$ 1,804.66
132%	\$ 72,737.28	\$ 21,821.18	\$ 1,818.43
133%	\$ 73,288.32	\$ 21,986.50	\$ 1,832.21
134%	\$ 73,839.36	\$ 22,151.81	\$ 1,845.98
135%	\$ 74,390.40	\$ 22,317.12	\$ 1,859.76
136%	\$ 74,941.44	\$ 22,482.43	\$ 1,873.54
137%	\$ 75,492.48	\$ 22,647.74	\$ 1,887.31
138%	\$ 76,043.52	\$ 22,813.06	\$ 1,901.09
139%	\$ 76,594.56	\$ 22,978.37	\$ 1,914.86
140%	\$ 77,145.60	\$ 23,143.68	\$ 1,928.64
141%	\$ 77,696.64	\$ 23,308.99	\$ 1,942.42
142%	\$ 78,247.68	\$ 23,474.30	\$ 1,956.19
143%	\$ 78,798.72	\$ 23,639.62	\$ 1,969.97
144%	\$ 79,349.76	\$ 23,804.93	\$ 1,983.74
145%	\$ 79,900.80	\$ 23,970.24	\$ 1,997.52
146%	\$ 80,451.84	\$ 24,135.55	\$ 2,011.30
147%	\$ 81,002.88	\$ 24,300.86	\$ 2,025.07
148%	\$ 81,553.92	\$ 24,466.18	\$ 2,038.85
149%	\$ 82,104.96	\$ 24,631.49	\$ 2,052.62
150%	\$ 82,656.00	\$ 24,796.80	\$ 2,066.40

**A FULL LISTING OF ALL BY-RIGHT USES PULLED FROM THE R-3 Districts and
ALL CONDITIONAL USES PULLED FROM THE R-3, C-1, C-2, and C-3 DISTRICTS**

Prepared by Katie Nunez on December 1, 2022

BY RIGHT USES

R-3 Zoning District

Permitted Uses

1. Townhouse dwellings
2. Multi-family dwellings
3. Retention areas; streets
4. Utility installations
5. Accessory Dwelling units by right in compliance with the requirements of Article 4.2(J) **Revised and Added on 10-20-2022**
6. **Electric Vehicle Charging Station(2) – New Addition proposed by Lance Marine**

Accessory Uses

1. Swimming pools with or without pool houses
2. Private garages
3. Tennis courts
4. Parking
5. Docks or piers
6. Recreational facilities
7. Gazebos
8. Residents' community centers

CONDITIONAL USES

From the R-3 District

1. Elementary, middle, or high schools or institutions of higher education, not to include trade or business schools, provided that the lot is five acres or more in size and no structure or parking area is located within 100 feet of any property line, and that such use shall be placed facing only on a collector street and accessory uses are limited.
2. Churches, synagogues, or similar places of worship provided that the lot is at least three acres in size, that no structure or parking area is located within 100 feet of any property line, and that such use shall be placed facing only on a collector street and accessory uses are limited.

3. Equestrian facilities provided that the lot is at least ten acres and no structure or parking facility is located within 100 feet of any property line.
4. Childcare facilities provided that such use is conducted within a church, synagogue, or similar place of worship or elementary, middle, high school, or institution of higher education.
5. Home occupations
 - a. The home occupation shall be a secondary use of the dwelling and such use shall not exceed more than fifty percent of the total floor area of the dwelling and on-site business activities shall be conducted wholly within the building.
 - b. The dwelling shall maintain its residential appearance.
 - c. Display of a sign is permitted in accordance with the sign regulations of this ordinance for home occupations.
 - d. There shall be no outdoor display of goods or outside storage of equipment or materials used in such home occupations.
 - e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference which would be a public nuisance.

From the C-1 District

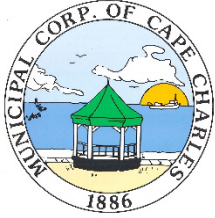
1. Art or antique shops
2. Auditoriums, theaters, and assembly halls
3. Automobile repair and small engine repair
4. Automobile service stations
5. Bakeries, confectionaries, delicatessens, and catering services
6. Barber shops and beauty parlors
7. Bicycle and moped sales and rentals
8. Blueprinting 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).

From the C-2 District

1. Nursing/retirement home



PLANNING COMMISSION STAFF REPORT

Meeting Date: January 3, 2023

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

Date: ~~November 3, 2022~~ December 28, 2022

REGULAR SESSION: Off-Street Parking and Loading Regulations

At the Planning Commission meeting on November 9, 2022, this matter was presented to the Commission and it was agreed that a subcommittee would be formed to study the Off-Street Parking Regulations with a specific focus on golf cart parking with an initial primary focus on municipal facilities. However, it was decided to delay the appointment of such a sub-committee until the Town Council had made all year-end appointments to the Planning Commission.

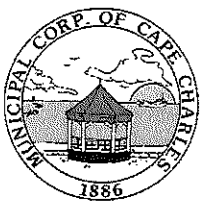
Therefore, I am seeking 2 appointees from the membership of the Planning Commission to this sub-committee and to select a time to commence work on this matter.

BACKGROUND:

At the October 20, 2022 Town Council meeting, a Resolution of Intent 20221020 was passed requesting the Planning Commission to take up a review of Cape Charles Zoning Ordinance Section 4.5 regarding Off-Street Parking and Loading Standards to add considerations for the parking of golf carts in the table of parking standards as well as to examine Section 4.5.C to include language for dual use facilities.

Please find enclosed the staff report and a copy of the Resolution of Intent as well as a full copy of CCZO Section 4.5 for your review.

I would recommend that create a subcommittee of the Planning Commission to examine the Parking Regulations and develop proposed amendments to our regulations and to bring back such amendments to the full Planning Commission within the next 3 months.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Resolution of Intent to Consider Zoning Text Amendments to Section 4.5 – Off-Street Parking and Loading Standards		AGENDA DATE October 20, 2022
	SUBJECT/PROPOSAL/REQUEST: Consideration of referral to Planning Commission		ITEM NUMBER: 8C
	ATTACHMENTS: Resolution of Intent 20201020		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

Both the Town zoning ordinance and Virginia Code 15.2-2286 (A) (7) requires a resolution of intent from the governing body to initiate any change to a zoning ordinance or zoning map.

ITEM SPECIFICS:

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

During the September 15, 2022 work session discussion, Council and staff discussed the parking requirements and felt that since Cape Charles is a golf cart community, consideration for golf cart parking spaces was needed. It was also recommended that Section 4.5.C. related to shared parking include language for dual use facilities. This would benefit potential future development.

RECOMMENDATION:

Staff recommends adoption of Resolution of Intent 20221020 Zoning Ordinance Text Amendment to Section 4.5 – Off-Street Parking and Loading Standards by roll call vote.

SB, TH - vote
to adopt Resolution
of Intent.
AYE (A11).

RESOLUTION OF INTENT 20221020
ZONING ORDINANCE TEXT AMENDMENT TO
SECTION 4.5 OFF-STREET PARKING AND LOADING STANDARDS

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

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

WHEREAS, Cape Charles Zoning Ordinance § 4.5 Off-Street Parking and Loading Standards may require amendment to add considerations for the parking of golf carts in the table of parking standards, and § 4.5.C related to shared parking for dual use facilities.

NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Ordinance § 4.5 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

Adopted by the Town Council of the Town of Cape Charles on October 20, 2022.

By: _____
Mayor Dize

Attest:

Town Clerk

ARTICLE IV

General Regulations Applicable to All Districts

Section 4.5 Off-Street Parking and Loading Standards. [updated 2/6/2020]

A. General requirements.

1. It is the intent of this zoning ordinance that all buildings, structures, and uses of land shall provide off-street vehicular and bicycle parking in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so oriented that they are readily useable for such purposes.
2. Each use of land and each building or structure hereafter constructed or established shall provide off-street parking and loading according to the standards set forth herein. When a change is proposed to a building that is nonconforming as to parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition.
3. No addition, renovation, or change of use to an existing building shall be constructed or established which reduces the number of spaces, area, or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein.
4. The parking lot shall not be modified, enlarged, relocated, or expanded in a manner that violates any portion of this zoning ordinance.
5. No non-single-family detached residential parking area may be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicles or equipment, unless such use is permitted by the zoning district in which the area is located. Any repairs deemed an emergency by the Zoning Administrator is exempt from this requirement.
6. Inoperable vehicles may not be parked in required parking spaces or in any side or front yard and shall be completely screened from view of all surrounding public streets.

B. Minimum number of parking spaces required.

1. The following are the parking space requirements by permitted use:
 - a. For any use not listed, the Zoning Administrator shall determine the proper requirements by classifying the proposed use among the uses specified herein as to assure equal treatment. In making any such determination, the Zoning Administrator shall follow the principles set forth in the statement of purpose for the zoning ordinance in Article I.
 - b. New infill structures or change of use projects on the first floor of structures in Commercial District C-1 and shall be exempt from complying with the requirements of this Section. New uses or changes of use units

above the first floor shall be required to conform to the parking requirements set forth herein.

2. Maximum number of parking spaces.

a. The total number of permitted parking spaces shall not exceed 110 percent of the minimum number of off-street parking spaces required by type of permitted use, except when the excess spaces are contained in a parking structure.

b. Any parking not included within a parking structure that is between 100 and 110 percent of the minimum number of off-street parking spaces required by type of permitted use shall be "grasscrete" or "grasspave" or other pervious paving systems as approved by the Zoning Administrator.

3. The following table states the minimum number of off-street parking spaces required by use. Any uses not listed would be required to provide the minimum number of parking spaces required by the parent category. When a determination of the number of parking spaces required by this table results in a requirement of a fraction of a space, any fraction shall be counted as one parking space.

Minimum Parking Space Requirements Table

Land Use	Minimum Parking Space Requirements
a. Residential	
1. Single-family residences	2 spaces per dwelling unit in all districts other than R-1, otherwise none
2. Multifamily residences	1 space per one-bedroom dwelling unit, otherwise two spaces per dwelling unit
3. Mixed-use developments	1.5 spaces per dwelling unit; 1 space per dwelling unit for age-restricted; plus 1 additional space per 200 square feet of commercial gross floor area
4. Home occupations	No additional spaces required
5. Accessory dwelling units	1 space per bedroom
6. Child and personal care uses	1 space per 2 employees
7. Institutional residence or care or confinement facilities	1 space per 2 beds
8. Rooming houses, boarding houses	1 space per bedroom
9. Tourist homes, bed and breakfasts, other temporary residences renting by the day or week	1 space per rentable bedroom plus 2 spaces if owner/landlord lives on premises
10. Temporary mobile homes approved in the event of an emergency, construction, or repair	2 spaces per temporary mobile home
b. Sales and Rental of Living Space and Goods	

1. Sales and rental of goods, merchandise or equipment, non-motor vehicle related	1 space per 300 square feet of gross floor area
2. Wholesale sales, with or without outdoor display or storage of goods	1 space per 300 square feet of gross floor area devoted to sales or display, plus one space per 2,000 square feet of gross storage area
3. Hotels, motels and similar businesses or institutions providing overnight accommodations	1 space per unit plus 1 space per 5 units for visitors
4. Extended-stay motels/hotels	1 space per unit plus 1 space per 5 units for visitors
c. Restaurants	
1. Restaurants	1 space per 100 square feet of gross floor area
2. Event center	1 space per 3 seats
d. Motor vehicle-related sales and service operations and modifications	
1. Motor vehicle-related sales and service operations and modifications	Not including outdoor car display areas for dealerships, 1 space per 200 square feet of gross floor area
e. Office, Clerical, Repair, Research and Personal	
1. Services – Office, clerical, repair, research, and personal, not primarily related to the sale of goods and merchandise	1 space per 300 square feet of gross floor area
f. Offices	
1. Services – office, clerical, repair, research, and personal, not primarily related to the sale of goods and merchandise	1 space per 300 square feet of gross floor area
g. Recreation, amusement, and entertainment	
1. Baseball batting range	20 spaces
2. Bowling alleys	5 spaces per alley
3. Golf driving range and/or miniature golf	20 spaces
4. Health clubs and other physical fitness establishments	1 space per 300 square feet
5. Park, playground, community center, swimming pool and other recreational facilities as a principal use	1 space per 2000 square feet of surface area of parks, playgrounds, and/or swimming pools; plus 2 spaces per tennis court; plus 1 space per 500 square feet of recreational facility
6. Theaters (indoors)	1 space per 3 seats
7. Performing arts center	1 space per 3 seats
8. Subdivision recreation area	1 space per 200 square feet of surface area of swimming pools, plus 2 spaces per tennis court,

	plus 1 space per 500 square feet of clubhouse, offices, meeting rooms, or other similar enclosed buildings
h. Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, or equipment	
1. Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, or equipment	1 space per 2,000 square feet of gross office, plant, and/or storage
2. Innovator space	1 parking space per 500 square feet
i. Storage and parking	
1. Storage and parking	1 space per 2,000 square feet of gross storage area
j. Services and enterprises related to animals	
Services and enterprises related to animals	1 space per 250 square feet of gross floor area
k. Funeral related services (human and animal related)	
1. Funeral related services (human and animal related)	1 space per 3 seats
l. Educational, cultural, religious, philanthropic, social, or fraternal uses	
1. Public and private schools offering general education courses (including associated grounds and athletic and other facilities)	2 spaces per classroom for K - 8th grade, plus 1 space per teacher or staff member for grades above 8th
2. Trade or vocational schools	10 spaces per classroom
3. College, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	10 spaces per classroom
4. Assembly halls, including union halls, conference halls, civic halls and activities of similar nature	1 space for every 3 people allowed to occupy the building, as set by the maximum occupancy limit
5. Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)	1 space per 300 square feet of gross floor area
6. Place of worship and places of assembly	1 space for every 3 people allowed to occupy the building, as set by the maximum occupancy limit
7. Social, fraternal clubs or lodges, union halls, and similar uses	4 spaces per 1,000 square feet of gross floor area
8. Clubs and lodges catering exclusively to members and their guests	4 spaces per 1,000 square feet of gross floor area
m. Miscellaneous public and semi-public facilities	
1. Miscellaneous public and semi-public	None

facilities	
n. Agricultural, forestry, mining, and quarrying operations	
1. Agricultural, forestry, mining, and quarrying operations	1 space per employee
o. Temporary structures and special events used in connection with the construction of a permanent building or for some non-recurring purpose	
1. Temporary structures and special events used in connection with the construction of a permanent building or for some non-recurring purpose	Regulated on a case-by-case basis

C. Shared parking.

1. Reduction of parking requirements through a shared parking arrangement may be granted by the Zoning Administrator through written request from an applicant and provision of one of the options provided in subsection C.2.
2. Options for a reduction of parking through a shared parking arrangement:
 - a. Option one: For properties sharing parking spaces under this provision, cross-easements shall be filed establishing access to the shared parking spaces in perpetuity and documentation of filing provided to the Town.
 - b. Option two: The minimum number of parking spaces where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, Institute of Transportation Engineers Shared Parking Guidelines, or other approved procedures with approval by the Zoning Administrator.
 1. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the Urban Land Institute or Institute of Transportation Engineers reports. If shared parking rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates.
 2. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation. If possible, these surveys should consider the seasonal peak period for the combination of land uses involved.
 3. Said study must receive Zoning Administrator review and approval. The study shall document that the arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access.
3. Shared parking agreements shall be fully executed and submitted to the Zoning Administrator for review prior to receiving a Certificate of Occupancy.
4. In no case shall the Zoning Administrator approve a reduction of parking through a shared parking arrangement of greater than 25 percent for any use.
5. Any subsequent change in land uses within the participating developments shall require proof that adequate parking will be available. Prior to any change in use, the owner must apply to the Zoning Administrator for an evaluation and

confirmation of the change. If the Zoning Administrator finds that the parking reduction is no longer justified, the Zoning Administrator shall notify the owner to construct the number of parking spaces necessary to meet the difference in the required parking between the proposed and previous uses.

6. A formal parking study may be waived by the Zoning Administrator for small developments where there is established experience with the land use mix and its impact is expected to be minimal.

D. Bicycle parking.

1. Development of new primary buildings in all R-3, CR, C-1, C-2, C-3, H, GBI, M-1, M-2, and OSD districts, other than single-family residential, shall provide bicycle parking spaces at a ratio of at least one bicycle parking space for every 20 automobile parking spaces.
2. No primary building, other than single-family residential, shall have fewer than three bicycle parking spaces nor be required to exceed a maximum of 20 spaces. If three or more bicycle parking spaces are located within 100' of the primary entrance of the proposed development on the same street frontage, they are exempt from this requirement.
3. Bicycle parking spaces shall be located within 20 feet of the front entrance of the primary structure, or as approved by the Zoning Administrator. Bicycle parking spaces shall not interfere with pedestrian access along sidewalks or walkways.
4. Bicycle parking shall provide an inverted U steel frame or decorative rack approved by the Zoning Administrator. The rack shall be anchored to a concrete pad.

E. Golf cart parking.

1. Golf cart parking spaces are permitted in all off-street surface parking lots and parking structures.
2. Each golf cart parking space shall be six feet wide and at least 11 feet deep.
3. Golf cart parking spaces shall be identified by paving markings and by appropriate signage. Signage shall not count against the maximum aggregate sign area permitted on a lot.
4. Permeable pavers shall be used for golf cart parking spaces as approved by the Zoning Administrator.
5. Wheel bumpers shall be placed at the head of all golf cart parking spaces that do not abut a curb. Wheel bumpers shall be made of concrete, a minimum of four feet long, five inches high, and six inches wide and securely fastened to the pavement by steel re-bars or steel anchors.

F. Electric vehicle charging stations.

1. Electric vehicle charging stations are permitted in all off-street surface parking lots and parking structures.
2. Spaces for electric charging shall be identified by paving markings and by appropriate signage. Signage shall not count against the maximum aggregate sign area permitted on a lot.

3. Spaces reserved for electric vehicle charging stations may be counted as part of the minimum required parking spaces but shall not be counted toward the maximum.
4. Any new building with over 20,000 square feet of gross floor area space shall equip at least one required parking space on its property with an electric vehicle charging station prior to receiving a Certificate of Occupancy.
5. The owner of the property shall be responsible for the installation, maintenance, and operation of electric vehicle charging stations. The owner of the property may determine if a fee is associated with the electric vehicle charging station.
6. Electric vehicle charging stations shall be installed per U.S. Green Building Council (USGBC) standards.

G. Parking in non-single-family zoning districts.

1. *Parking spaces.*
 - a. Off-street surface parking lots shall not be located between the principal building and the street except where otherwise permitted below.
 1. Lots within CR, C-1, C-2, C-3, H, GBI, M-1, and M-2 districts with a lot area of less than 13,000 square feet shall be permitted to have automobile parking located within the front yard only when the following regulations are met:
 - a. Front yard parking shall be limited in area to a maximum of 50 percent of the area of the front yard.
 - b. When permitted, automobile parking is only permitted in front yards when located on the permitted access driveway on a paved surface.
 - c. *Required dimensions for each parking space.* Each automobile parking space shall be not less than nine feet wide and 18 feet deep. Adequate interior driveways shall connect each parking space with a public right-of-way, and each space shall have an overhead clearance of at least 6.5 feet.
 - d. Shall have access to a public street.
 - e. Shall be graded and paved, including access drive(s), and be curbed when needed for effective drainage control, and meet the following requirements:
 1. A minimum depth of six inches of number 21A aggregate base and a minimum of 1.5 inches of asphalt; or
 2. Six inches of concrete on appropriate base; or
 3. Four inches of brick or porous paving block on four inches of number 21A aggregate base.
 4. Permeable pavers may be used for any parking area, alley, or other low traffic driveway as approved by the Zoning Administrator.
 - f. Shall have spaces marked with painted lines, curbstones, or other similar devices, and areas shall be properly maintained in all respects.

Landscaping shall be kept healthy and well maintained, surfaces shall be free of potholes, and lines marking spaces shall be distinct and clear.

- g. Shall be drained so as to prevent damage to abutting properties or public streets and where possible shall be drained towards infiltration swales located in the five-foot, head-to-head landscape strips required between vehicles in Section 4.5.J.1.d.
- h. Shall have adequate lighting if the facilities are to be used at night, provided such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties. Light poles used in parking lots with 100 parking spaces or less may not exceed 20 feet in height. Light poles used in parking lots with more than 100 parking spaces may not exceed 35 feet in height. All lighting is to be compliant with Dark Sky lighting standards.
- i. Shall be designed to conform to the geometric design standards of the Institute of Traffic Engineers (ITE) when not expressly required in this section.
- j. Wheel bumpers shall be placed at the head of all parking spaces that do not abut a curb and any spaces that abut a sidewalk. Wheel bumpers shall be made of concrete, a minimum of six feet long, five inches high, and six inches wide and securely fastened to the pavement by steel re-bars or steel anchors. Individual wheel bumpers shall be placed a minimum of 24 inches from the end of each required parking space.
- k. Shall be required to provide handicapped spaces in accordance with the provisions of the Americans with Disabilities Act. All handicapped spaces shall be identified by appropriate restrictive signing and markings.
- l. *Pedestrian circulation.*
 - 1. Parking areas shall be designed to facilitate safe and convenient use by pedestrians.
 - 2. Parking areas with more than 50 cars shall provide safe pathways from aisles of parking to the nearest building entrance and to adjacent streets. Such pathways shall be at least five feet wide and consist of raised pathways constructed of pavers or other contrasting material.

H. Compact parking spaces.

- 1. Developments where 30 or more parking spaces are provided shall be required to provide compact parking spaces, as follows:
 - a. A minimum of five spaces, or ten percent of the total number of parking spaces, whichever is greater, shall be set aside for compact cars.
 - b. A maximum of 25 percent of the total required parking spaces may be set aside for compact cars, up to a maximum of 50 spaces, whichever is less.
 - c. Compact parking spaces shall be identified by pavement markings and/or by appropriate signage.
 - d. Parking spaces for compact cars shall not be less than eight feet wide and 16 feet deep.



Municipal Corp. of Cape Charles

**PLANNING COMMISSION
2023 ANNUAL WORK PLAN**

Prepared by Katie H. Nunez, Planning/Zoning Administrator

I am suggesting that the Planning Commission adopt a 2023 Annual Work Plan to work in concert with the Town Council Annual Strategic Plan to ensure we have a calendar that is feasible and assignments to the membership that are workable for all parties. We may need to consider possibly looking at very focused and limited subcommittees that are mission and calendar specific that could involve some citizen involvement but this needs to be done in consultation with Town Council and the Town Manager.

Here is a list of items that I believe we may wish to include as part of our Annual Plan and offer them for discussion with the group as a whole. This is a very extensive list and not everything will be tackled in the first year but this allows us to keeping a running list of items and keep pulling them forward as we make progress on them.

1. Zoning Ordinance Review and Revisions – done in consultation with our consultant, Summit Design & Engineering: an initial list has been provided to our consultant and they are working on providing feedback on this initial list (see enclosed spreadsheet) and is developing a list for our consideration and review. The consultant is waiting on the work of the Housing Subcommittee and its proposed recommended zoning changes before they weigh in on any housing zoning changes.

We may need some discussion on crafting criteria/zoning language re: electric vehicle charging stations; marijuana pursuant to changes in Virginia law within a zoning consideration; Chesapeake Bay Preservation Act changes in regulations; short-term rentals

2. Updating Harbor Master Plan with Design Guidelines
3. Comprehensive Plan: may wish to review and flush out the Future Land Use Map designations contained in the Comprehensive Plan
4. Public Art – craft a policy/zoning ordinance for Town Council consideration
5. Sidewalk Usage – craft policy and illustrative documents for Town Council consideration that makes it clear ownership of the sidewalks, commercial use of the space and responsibility for any furniture/lighting/signage and maintenance of space.
6. Golf Cart Parking within our Parking Regulations
7. Update Tree Ordinance and its associated documents of inventory and responsibility

8. Alleys: this is a recurring item that arises in the department and needs some focused energy and research regarding public vs. private alleys and ensuring maintenance and responsibility and to collect and make available this information in a clear and easy way to the public at large and establish clear policy what, if any, type of land development can occur on identified alleys.
9. Beach/Dune Policy development – this is fully in concert with the Wetlands/Coastal Sand Dune Board as well as Town Council.
10. Boat Parking Regulations.
11. Accawmacke Plantation Planned Unit Development – review and revise and send to public hearing in 2023.
12. Railroad Property – master/conceptual planning.

\\192.168.0.188\Boards-Commission\Planning Commission\2023 Calender Year\01-03-2023\ITEM 9C - PC Annual Work Plan\LIST OF ZONING AMENDMENTS AS OF 2022-12-02

	A	B	C	D	E
1	<u>ARTICLE</u>	<u>SECTION</u>	<u>TITLE</u>	<u>ISSUES from Town Staff (Katie Nunez, Tracy Outten and Ken Butta as Zoning Compliance Officer)</u>	<u>COMMENTS</u>
2	II - GENERAL PROVISIONS	2.3.3(b)	DETERMINATION OF DISTRICT BOUNDARIES	In the last line, add "with" between such boundary shall be construed as moving " with " the actual shoreline.	
3	II - GENERAL PROVISIONS	2.4.2	PERMITS	Include the requirement that a demolition permit requires zoning clearance and zoning clearance is required fro any proposed use, structure, alteration or enlargement whether a building permit is required.	
4	II - GENERAL PROVISIONS	2.4.3	VIOLATION AND PENALTY	Needs to revised to add the maximum civil penalties allowed by Code of Virginia	
5	II - GENERAL PROVISIONS	2.5.4	CHANGE OF USE	Will need to look at this section if duplexes are re-inserted in the Residential zoning districts by-right	
6	II - GENERAL PROVISIONS	2.6.7	EXPIRATION OF VARIANCES	Don't believe this is in compliance with Code of Virginia Section 15.2-2309 (7)	
7	III - DISTRICT REGULATIONS	3.2 (F) (2)	SINGLE FAMILY RESIDENTIAL DISTRICT R-1: Area Regulations	The second sentence "Specific dwelling unit square footage relative to the square footage of any lot or contiguous assemblage of lots under common ownership", etc. : this is not a common provisions in a zoning ordinance and there have been problems when a structure has been built over lot lines that would normally be vacated to create a single building lot. Should discuss and consider removing this.	
8	III - DISTRICT REGULATIONS		COMMERCIAL DISTRICTS	Should add Electric Charging Stations as a Use, possibly either by-right or through conditional use permit - establish criteria for an EV Charging Station In Article IV, Section 4.5 (F), there are requirements to compel inclusion of Evs thru the parking requirements? Is that appropriate?	
9	IV - GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS	4.0	HOME-BASED OCCUPATION	Strangely composed as questions. This should be rewritten as requirements/standards. Include any limitations or standards relative to signage on the house, lot, etc.	

**\\192.168.0.188\Boards-Commission\Planning Commission\2023 Calender Year\01-03-2023\ITEM 9C - PC Annual Work Plan\LIST OF ZONING
AMENDMENTS AS OF 2022-12-02**

	A	B	C	D	E
1	<u>ARTICLE</u>	<u>SECTION</u>	<u>TITLE</u>	<u>ISSUES from Town Staff (Katie Nunez, Tracy Outten and Ken Butta as Zoning Compliance Officer)</u>	<u>COMMENTS</u>
10	IV - GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS	4.1	SIGN REGULATIONS	Confusing to have some definitions here but also state that these definitions are to be used for these terms that are used elsewhere in the ordinance and there is a whole section in Article II called "Definitions". This whole section is challenging to administer and difficult for the public to understand. Need to understand what are we trying to achieve about signs for the community. Need to simplify. At a minimum, need to know actual max sq. footage of a size; need definition of temporary sign; need to understand how to classify and length of time to allow for vacation rental signs vs. real estate for sale or long-term lease. Make it clear that zoning clearance is required and maybe Historic District Review is needed. What is a Real Estate Sign (see page 14)?	
11	IV - GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS	4.1 (E) (9)	SIGN REGULATIONS: Exempt Signs	This section says the requirements are contained in Section H.2.f but there is no such section - need to create the requirements for political signs.	
12	IV - GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS	4.1 (H)(2) (c) (3)	SIGN REGULATIONS: Specific Sign Requirements, Temporary Signs/Special Promotion, Event and Grand Opening Signs	Missing the various Mixed Use Commercial Zoning Districts.	

**\\192.168.0.188\Boards-Commission\Planning Commission\2023 Calender Year\01-03-2023\ITEM 9C - PC Annual Work Plan\LIST OF ZONING
AMENDMENTS AS OF 2022-12-02**

	A	B	C	D	E
1	<u>ARTICLE</u>	<u>SECTION</u>	<u>TITLE</u>	<u>ISSUES from Town Staff (Katie Nunez, Tracy Outten and Ken Butta as Zoning Compliance Officer)</u>	<u>COMMENTS</u>
13	IV - GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS	4.1 (H) (2) (e) (1)	SIGN REGULATIONS: Specific Sign Requirements, Temporary Signs/Other Temporary Signs	Should read "single residential lots " and not " slot "	
14	IV - GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS	4.2 (F)	EXCEPTIONS TO THE REGULATIONS: Projections Allowed in Required Setbacks	What would be the type of structures that are 16 in height or less that would qualify under this? Are we good with that?	
15	IV - GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS	4.3 (D)	CONDITIONAL USE PERMITS	Criteria for what is considered "action" for the permit to be active and in legal should be reviewed and should also be consistent language with Article 8 (Certificates of Appropriateness) Time frame to act upon is one - year - should consider changing this to 6 months. In the uses under the general zoning districts, why are pools a CUP?	
16	IV - GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS	4.4 (D) (1)	LANDSCAPING AND SCREENING REGULATIONS: Multi-family Developments and Mobile-Home Parks	Screening must be required, not "may be required"	
17	IV - GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS	4.4 (E)	LANDSCAPING AND SCREENING REGULATIONS: Exterior Lighting	Need to expand to create standards, definitions, etc re: "Foot candle", "Dark Sky standards", etc.	

**\\192.168.0.188\Boards-Commission\Planning Commission\2023 Calender Year\01-03-2023\ITEM 9C - PC Annual Work Plan\LIST OF ZONING
AMENDMENTS AS OF 2022-12-02**

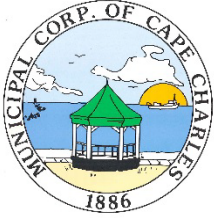
	A	B	C	D	E
1	<u>ARTICLE</u>	<u>SECTION</u>	<u>TITLE</u>	<u>ISSUES from Town Staff (Katie Nunez, Tracy Outten and Ken Butta as Zoning Compliance Officer)</u>	<u>COMMENTS</u>
18	IV - GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS	4.5 (A) & (B)	Off-Street Parking and Loading Standards	Whole Thing needs to be looked at and possibly revised - need input from consultant Need to also factor into "Golf Cart Parking" and possible substitution into the required standards that would lessen the spaces for a traditional vehicle - Town Code has language about golf cart parking - should that be in only Town Code or should it be placed in zoning ordinance? Section (E) below in Seciton 4.5 provides basics on size, etc. - this should be merged with the parking section in (A) and (B) of Section 4.5	
19	IV - GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS	4.5 (C)	Shared Parking	This needs to be revised and beefed up - there is no discussion about distance or location of the shared parking to the business or orignial property location; length of time for the shared parking agreement; sample agreement document for a Shared Parking Agreement would be useful.	
20	IV - GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS	4.5 (M)	Dumpsters	Need to review and confirm that this is workable and what Town wants.	

\\192.168.0.188\Boards-Commission\Planning Commission\2023 Calender Year\01-03-2023\ITEM 9C - PC Annual Work Plan\LIST OF ZONING AMENDMENTS AS OF 2022-12-02

	A	B	C	D	E
1	<u>ARTICLE</u>	<u>SECTION</u>	<u>TITLE</u>	<u>ISSUES from Town Staff (Katie Nunez, Tracy Outten and Ken Butta as Zoning Compliance Officer)</u>	<u>COMMENTS</u>
21	IV - GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS	4.7	Swimming Pool Regulations	There has been a recent change in the Building Code that now requires either fencing around the pool or an electric pool cover and the zoning ordinance as currently written does not require fences but indicates compliance with Building Code requirements. I will be recommending in tandem with our Building Official that we amend Section 4.7 to require fencing around pools as a zoning stipulation. Relative to the Historic District Guidelines, I do not believe that pools need to be added to Chapter 8 of the Guidelines as long as fencing becomes a zoning requirement around pools then pools would only be allowed in the side and rear yards and with fencing would be wholly screened from public view and thus not applicable to HDRB Review. However, if this zoning amendment does not occur, then the Town will need to revise the Guidelines.	
22					
23	NEW			Need to inform PC and TC about the new state laws re: Marijuana and figure out what Town wants to do re: zoning	
24					
25	STILL TO DO			KHN has not reviewed the following yet and is seeking Consultant review of these sections re: compliance with state law and any other comments they wish to propose to potentially improve our adminstration of these matters: Article VI Flood Plain Ordinance Article VII Chesapeake Bay Preservation Ordinance Appendix A Subdivision Ordinance Appendix B Site Plan Ordinance Appendix C Coastal Primary Sand Dune Ordinance Appendix D Erosion and Sediment Control Ordinance Appendix E Wetlands Ordinance Appendix F Tree Conservation and Preservation Ordinance	
26					

\\192.168.0.188\Boards-Commission\Planning Commission\2023 Calender Year\01-03-2023\ITEM 9C - PC Annual Work Plan\LIST OF ZONING
AMENDMENTS AS OF 2022-12-02

	A	B	C	D	E
1	<u>ARTICLE</u>	<u>SECTION</u>	<u>TITLE</u>	<u>ISSUES from Town Staff (Katie Nunez, Tracy Outten and Ken Butta as Zoning Compliance Officer)</u>	<u>COMMENTS</u>
27	Separate Document Submission due by KHN on 12/5/2022 re: work of the Housing Subcommittee which is full markup of definitions, uses for all zoning districtis and any other relevant sections concerning housing that were noted in the Berkeley Group Study re: Barriers to Housing in the Zoning Ordinance.				



PLANNING COMMISSION STAFF REPORT

Meeting Date: January 3, 2023

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

Date: December 28, 2022

REGULAR SESSION: Housing Subcommittee Report

The Housing Subcommittee has continued to meet since our last report to you in November 2022. We have made it through a substantial chunk of the Berkeley Group's report "Overcoming Land Use Ordinance Barriers to Housing Development". The full report has been provided to you as a hard copy document but you can also access it again on the Town website under Government Tab, select Planning Commission, then select Housing Subcommittee or the direct link is: [NorthamptonCounty-BerkleyGroupReportOvercomingLandUseOrdinanceBarrierstoHousingDevelopment1701023048092722PM.pdf \(capecharles.org\)](https://www.capecharles.org/NorthamptonCounty-BerkleyGroupReportOvercomingLandUseOrdinanceBarrierstoHousingDevelopment1701023048092722PM.pdf),

We have provided updated tables listing each item so that we can discuss and determine if we think that zoning text amendment should be considered by the full Planning Commission.

The subcommittee has substantially completed work on Factors 1 through 6 and providing you these charts so that we can schedule a full work session of the Planning Commission to start reviewing this work product and determine if a consensus is reached on each item that we should propose a zoning text amendment on the items raised for your consideration.

Once the Commission has been able to go through all of the charts from the sub-committee, then we will then forward that full list to our consultant, Summit Design and Engineering, for their review and input, as we work toward assembling a full zoning text amendment proposal for the Town's consideration in the spring 2023.

BACKGROUND from the November 2022 update

At the September 6, 2022 Planning Commission meeting, the Housing Subcommittee of the Planning Commission, which is comprised of Commissioner Stramm, Commissioner Grossman and Planning & Zoning Administrator Nunez, provided an update on the work of the subcommittee since they began meeting weekly since August 2, 2022 to review, discuss and develop possible revisions to the Cape Charles Zoning Ordinance in response to the analysis contained in the Berkeley Group report entitled "Overcoming Land Use Ordinance Barriers to Housing Development" which was commissioned by Northampton County and included a review of the zoning for the County and all of its incorporated towns.

One of the working documents that was developed by the subcommittee is an Excel Document that provides in a list format all of the uses allowed (either by right or through Conditional Use Permit) and then provides a definition for said use, if one is provided in the ordinance, and then lists whether that use is allowed or not across all of the zoning districts. In addition, a further column was included that

categorize the use as either a business or structure. The most recent version of this Excel document is being provided again.

Within that Excel document, there is a second tab which is a spreadsheet for the Accawmacke Plantation Planned Unit Development (PUD) Ordinance and the first tab is the one for the rest of the Town area governed directly by the Cape Charles Zoning Ordinance.

Our committee's focus is on housing and so some of the cells have been highlighted in yellow and that is only to make it easier to find the uses dealing with housing.

Since the zoning ordinance is set up to consider all uses by district, sometimes it is helpful and useful to flip the picture and understand the uses and where they would be allowed throughout Town, including any requiring additional legislative approvals and if the definitions are appropriate and clear to the general user of the zoning ordinance.

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

Factor 6: Development Approval Process

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
1	Finding: Legislative development approvals add time and costs to development proposals - Cape Charles permit a considerable number of options for higher density residential uses by-right in residential zoning districts. - Ordinances for Cape Charles requires approval of Special (or Conditional) Use Permits for cluster development. - Legislative rezoning approvals are also required in Cape Charles for PUD districts. - Cape Charles' Harbor District requires development plan approval by an appointed architectural review committee with subsequent approval by the Council.	P. 42		No action required.	
2	Finding: Subdivision ordinance standards need to be consistent with the Code of Virginia requirements. - Cape Charles subdivision references the correct Code of Virginia. (15.2-2240 et seq.) s. Cape Charles' Subdivision Ordinance allows optional submittal of a preliminary plat regardless of the number of lots within the subdivision.	P. 42		Work in progress: Consultant is currently contracted to review ordinances for state code compliance.	

3	Finding: Permitting administrative reviews of plats and plans can expedite approvals for diverse housing options. Cape Charles allows for administrative review of subdivision plats and site plans.	P. 43	Zoning Ordinance Appendix A: Subdivisions Section 3.1 The agent appointed by the governing body is hereby delegated to administer this ordinance. In so doing, the agent shall be considered the agent of the governing body, and approval or disapproval by the agent shall constitute approval or disapproval as though it were given by the governing body. The agent may also consult with the Planning Commission on matters contained herein.	No action required.	
4	Finding: Clear, Code of Virginia compliant standards for timeliness of reviews and the length of validity for approved plats/plans enable developers to have surety of process and reasonable allowances for site construction - Northampton County and Town's ordinances all include standards for timing of reviews and periods of validity for plats and plans. The localities' ordinances include approval times ranging between 45 to 90 days - Northampton County provides validity for 5 years for subdivision plats and site plans; Cape Charles – 6 months for plats and 5 years for plans	P. 43	See Appendix A below for details.	Recommendation: Need to 1. review the adequacy of timelines associated with state-agency review, and 2. review the recording of plats and plans to determine state code compliance. Work in progress: Consultant is currently contracted to review ordinances for state code compliance.	
5	Finding: Ease of access to ordinances, Comprehensive Plans, and zoning maps assists developers, community stakeholders, officials, and staff. It would be beneficial to a locality's development process and	P. 43-44	Ordinances, comprehensive plan and zoning maps can be found on the Town's website.	Work in progress: zoning ordinances will be moved to Municode where Town Code currently resides.	

	engagement of developers, community stakeholders, officials, and staff for regulations to be available online in a searchable format, such as is available with the Municode platform. Localities should also consider providing a webbased Geographical Information System (GIS), so parcel-level zoning and future land use map information is readily available.			Work in progress: GIS mapping is currently being constructed on a platform that will be available to the public.	
6	Recommendation: Amend ordinances to ensure plat and plan review processes and ordinances comply with the Code of Virginia.	P.44		Work in progress: Consultant is currently contracted to review ordinances for state code compliance.	
7	Recommendation: Consider adoption of a Unified Development Code.	P.44		No actions required. Consultant will be reviewing to determine if anything else is needed.	
8	Recommendation: Evaluate plat and plan review processes to streamline processes and reduce review times where possible.	P. 44	Process time reviewed requirements and deemed acceptable.	Note that staffing can be an issue, and if ZA feels that state code mandated timelines are being impacted, notification is to be made to Town Manager.	
9	Recommendation: Consider adoption of development standards and/or new zoning districts that could reduce the need for public hearings and actions by Planning Commission or governing body	P. 44	The number of CUPs being brought to the PC/TC cycle is minimal now that the ADU by-rights has been adopted.	No action required.	
10	Recommendation: Provide online access to ordinances, Comprehensive Plans, and zoning maps	P. 44	Ordinances, comprehensive plan and zoning maps can be found on the Town's website.	See item 5.	

Appendix A

State Requirements (15.2-2259 et seq)	Cape Charles Requirements
Subdivision Plats/Plans acted on by locality within 60 days after submittal	Section 6.5 Procedure The agent or his appointed representative shall discuss the preliminary plat with the sub-divider in order to determine whether or not his preliminary plat generally conforms to the requirements of the subdivision ordinance and of the zoning ordinance. The sub-divider shall then be advised in writing within 60 days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made, an estimate of the cost of construction of improvements, and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat
If state agency approval is required, plat/plan must be acted on within 35 days after receipt of all state-agency approvals (who must act within 45 days after receiving the plat/plan) and within 90 days after the plat was officially submitted.	Section 5.4.1.7 Street Construction Section 5.4.5 Storm Drainage Facilities Highway engineer reviews may be required. However, no time table established. Section 5.4.4 Sewage Facilities Note that should the Town sell utilities, this external review will be required and time table established. Section 6.4 Items to Accompany Preliminary Plat Statement by Health Official Statement by highway engineer Statement from the Town regarding sewerage External timelines not established.
Site plans and preliminary subdivision plats remain valid for 5 years, unless locality grants extension. An approval final plat that has been recorded is valid for 5 years and for 6 months if the final plat has not been recorded.	Section 4 Procedure for Making and Recording Plats There are no time limits stated.



Municipal Corp. of Cape Charles

**JANUARY 2023
MONTHLY REPORT**

Katie H. Nunez, Planning/Zoning Administrator

A. Subdivision Agent:

No subdivision applications filed.

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.]

1. Public hearing on Tuesday, January 10, 2023 @ 10:00 a.m. on an application from Dave Padavana for a variance of 4 ft 4 inches from the rear yard setback at 112 Churchill Downs (Tax Map #90-6-7) pursuant to the CCZO, Appendix Accawmacke Plantation Planned Unit Development Ordinance (PUD), Article 4.2 (E) (2) for a single-family dwelling with purpose for the addition of an open porch addition; property is zoned PUD R-2 District.

- C. **ANNUAL REPORTS:** I am still working on the annual reports for Planning Commission as well as the Board of Zoning Appeals, Wetlands Board, Historic District Review Board and Harbor Area Review Board and will have them available for distribution on January 3, 2022/