

Planning Commission

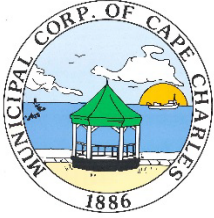
Work Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

January 30, 2023

3:00 – 5:00 P.M.

1. Call to Order
 - a. Roll call and establish a quorum
2. Consent Agenda
 - a. Approval of agenda format
3. Order of Business
 - a. Discussion of Housing Subcommittee work and reach consensus on possible zoning ordinance changes relative to housing
4. Adjourn



PLANNING COMMISSION STAFF REPORT

Meeting Date: January 24, 2023

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

Date: January 30, 2023

WORK SESSION: Housing Subcommittee Work Product Review

The Housing Subcommittee has completed its review work of the entire Berkeley Group Report “TO DO” Items which were split up into FACTORS. Color coding has been utilized and a legend provided as part of each FACTOR Document - the goal is for the Planning Commission to now fully review each FACTOR and discuss the recommendation from the subcommittee and determine if the Commission agrees with the recommendation or not for each item of the spreadsheets for each FACTOR. IN addition, there is an enclosed spreadsheet that lists all of the uses alphabetically by district and also all of the definitions from the Zoning Ordinance as they relate to Housing; said spreadsheet will also need to be reviewed and discussed regarding any possible recommendations from the Housing Subcommittee.

The goal is to reach a consensus position of the Planning Commission on all of the spreadsheets provided and forward this work product to our Zoning Consultant, Summit Engineers, to be incorporated into the larger review work that they are doing on the full zoning ordinance for possible zoning amendments.

The full Berkeley Report is also available 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).

BACKGROUND

At the January 3, 2023 meeting, another update was provided indicating that the majority of the work has been completed and there will be one final meeting of the subcommittee to wrap up its initial review and recommendations from the Berkeley Group’s report.

At the November 9, 2022 meeting, another update was provided indicating that work has been completed on Factors 1 through 4.

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.

Factor 1: Diversity of Housing Stock

Prepared by Paul Grossman (1/11/23)

Color Legend: Green signifies PC review of actions/recommendations

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

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. Accawmacke Plantation PUD does not address ADUs.	No changes recommended. Action Taken: Planning Commission/ Town Council currently revised ADU ordinance and removed conditional use permit requirement (i.e., allow by-right). WIP: Prior ZA allowed ADUs in Acc. PUD. As of July 2021, current ZA does not allow for ADUs in PUD. Preserve Comm. is currently working on PUD update that will require PC/TC review and approval.	Pro: Ordinance has sufficient requirements to allow review and approval by ZA. Reduces process time by eliminating public hearings and PC and TC engagement.

Item	Study Recommendation/ Comment	Study Reference Location	Town’s Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
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. Owner-occupancy can be a requirement as a performance standard for these uses.	P.17	Cape Charles’ ordinance uses Tourist Home (a single-family dwelling containing sleeping and/or breakfast accommodations as an <u>accessory use to the principal use</u>), <u>although</u> transient occupancy is defined within the town’s tax code. Currently there are no restrictions re the number of SRTs in the town. Town Code, Article IV – Transient Occupancy Tax. <i>Transient</i> means any person(s) who, for any period of not more than 30 consecutive days, either at his own expense or at the expense of another, lodges or obtains lodging at any hotel, motel tourist home, or other facility. Town Code, Article I – In General. Section 18-5 – Rental certificates of occupancy are required. Acc. PUD contains definition of Guest Room: a bedroom for one or more guests paying compensation for temporary lodging. (Page 6-3). The only use of Guest Room was found in definition of HOTEL.	Action Taken: The PC/TC work session for updating the town’s comp plan has added a strategy for addressing STR impacts on existing housing stock in order to protect the quality of life for year-round residents. Comp Plan approved Dec 2022. Recommendation: Substitute Short-term Rental for Tourist Home.	Pro: beneficial to update terminology to more current use.

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
3	Finding: Impacts of Tourist/Transient Housing and Alternative Structures on Housing Alternate structures for housing, such as tiny houses and yurts, are not specifically identified as permitted uses within the community. It is unclear whether any other code interpretation would allow this use. Studies debate the benefits of tiny homes or alternative structures as affordable housing options. Some localities require approval of conditional use permits.	P. 17	The minimum dwelling unit size is 960 SF excluding garages, porches, patios, etc. in R-1 and CR districts. In R-2 and R-3, each single-family dwelling and single-family patio dwelling shall have a minimum habitable area of 1,000 square feet. Each dwelling unit in the duplex shall have a minimum habitable area of 850 square feet. {Article III] Acc PUD: R-1. No minimum. R-2, Each single-family dwelling and single-family patio dwelling shall have a minimum habitable area of 1,000 square feet. Each duplex shall have a minimum habitable area of 850 square feet. R-3, 1000 SF min.	Recommendations: 1. In R-1 district, primarily historic, do not lower below 960 SF and allow for duplexes with stipulations (especially parking) 2. In R-3 district, change to % of lot size in lieu of SF minimum and allow for duplexes. 3. In CR district, convert to % of lot size on non-conforming lots (< 5600 SF) and allow for duplexes. Keep conforming lots at 960 sq.ft. minimum as currently written.	
	Note that 1977 zoning ordinance did not permit multiplexes (e.g., duplexes) and considered those existing as non-conforming.				
	Section 2.5.5 re Occupancy of Vacant Non-Conforming Buildings or Structures was revised (2004) to include 'Existing duplexes, specifically designed as such, are exempt from the four-year vacancy stipulation.'				
4	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	Currently Cape Charles provides by-right and conditional uses by district (i.e., not in table form). (Article III and Acc PUD)	Recommendation: Adopt table format for permitted (by-right) and conditional uses.	Pro: Ease of use by ZA and potential applicants in quickly determining where a particular use can be used within a district and whether it is permitted or conditional.
5	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	Incentives include Density bonus Expedited processing Fee waivers Parking reduction Tax abatement Direct subsidy	Action item: 1. Review options for incentivizing diverse range of housing options. Examples, density, height. Recommendation 1. Change uses as shown in attached table.	Pro: Update for permitting and conditional uses would bring it to more current terms. Allowing ZA more discretion would minimize processing time.

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
6	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		See item 4.	
7	"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.] A manufactured home is NOT a modular home. "Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. (§ 58.1-602. (Effective October 1, 2022)) Recommendation 4: Evaluate manufactured home parks and subdivisions as affordable housing options.	P.18	MANUFACTURED HOUSING means factory built, single-family structures that meet national standards. Section 2.9 Definitions R-E District allows for manufactured homes 19 or more feet in width on permanent foundation on lots > 1500 SF and min roof pitch 8:12. Section 3.1 Cape Charles zoning map does <u>not</u> reflect an R-E district.	Action Taken: Need to address manufactured housing. The PC/TC work session on the update to the comp plan included a strategy: In accordance with the Code of Virginia Sec 15.2-2223.5, ensure that manufactured homes remain a source of affordable housing. Comp Plan approved Dec 2022. Cape Charles currently defines Manufactured Homes as a special one-family dwelling with certain conditions. Therefore, a manufactured Home meeting all the zoning requirements contained within districts for single-family houses, they are permitted. "DWELLING, MOBILE HOME or MANUFACTURED HOME means a special form of 'one-family dwellings' with the following characteristics....." We do recommend that a Manufactured Home is placed on a permanent foundation. See Factor 3 table for review of definitions.	

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
8	§ 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.	P.18	Cape Charles' zoning ordinances do not address 'temporary family health care structures'.	WIP: Comp Plan consultant will be conducting a review of ordinances to determine mismatches between state code and current ordinances. Recommendation: This item should be inserted into Article IV and made applicable to all residential districts.	
	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.				

Factor 2: Permitted Housing Densities

Paul Grossman (1/11/23)

Color Legend: Green color signifies PC review of actions/recommendations

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

Item	Study Recommendation/ Comment/Finding	Study Reference Location	Town’s Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
1	Finding: Higher densities and smaller lot sizes in appropriate areas would be more supportive of diverse housing options. - Cape Charles allows options for small single-family lots as low as 5,600 square feet and townhomes on lots of 1,500 square feet. <u>These lot sizes are supportive of diverse housing options</u> at densities that create a walkable, livable community. The minimum lot size for multifamily is 3 acres, which could be reduced to increase opportunity for multifamily. - Across all communities, the multi-family densities are fairly low and could be increased where utility availability allows. Options for density bonuses or density waivers/exceptions through a rezoning or special (or conditional) use permit could also be considered to support local housing needs	P. 19/20	Article III Lot Sizes R-E – minimum 1 acre R-1 – minimum 5,600 SF R-2 – Single-Family – minimum 6,000 SF Patio – min 6,000 SF Duplex – min 10,000 SF Zero Lot Line – min 6,000 R-3 – Min 3 acre lots with - Townhouse – min 1500 SF in size, max 8 units per row and - Multi-Fam – min 1500 SF in size.	No action required since lot sizes are supportive of diverse housing options.	
2	Finding: Available infrastructure affects higher density housing options. Developments in Cape Charles that can be served by centralized or public utilities will be more likely to realize development at densities that will accommodate middle to higher density housing options.	P. 20	Cape Charles is served by town water and sewer.	No action required.	

Item	Study Recommendation/ Comment/Finding	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
3	Finding: Northampton County is the only locality to offer a density bonus option for affordable housing. Out of the ordinances evaluated, Northampton County's ordinance is the only ordinance that begins to offer density considerations for development of affordable housing units. While not a mandate, utilizing the Code of Virginia § 15.2-2305.1 (Affordable housing dwelling unit ordinances) would be a valuable method of encouraging affordable housing in areas where utilities can support the density bonus. Such program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant voluntarily electing to provide such affordable housing.....Any local ordinance may authorize the governing body to (i) establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market conditions, (ii) establish jurisdiction-wide affordable housing dwelling unit qualifying income guidelines, and (iii) offer incentives other than density increases, such as reductions or waivers of permit, development, and infrastructure fees, as the governing body deems appropriate to encourage the provision of affordable housing.	P. 20	Cape Charles does not offer a density bonus option for affordable housing.	No action required because Cape Charles has already maximized land usage at this time.	
4	Finding: Cluster developments offer flexibility to traditional lot development to create housing diversity. Town of Cape Charles includes options to increase density and reduce minimum lot sizes for cluster-style developments that preserve open space.	P. 20	Cannot validate study statements.	No action required because Cape Charles can achieve same objectives via use of PUD.	

Item	Study Recommendation/ Comment/Finding	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
5	Finding: Several localities require zoning approval to achieve density necessary for “missing middle” and affordable housing • Cape Charles offers options for higher density (which vary in intensity from middle to higher density) by-right, • Cape Charles offers options for higher density for developments meeting standards such as open space preservation in certain districts for cluster developments. • PUDs are identified as a means to allow a mix of uses and increased or bonus densities. PUDs are optional in Cape Charles.	P. 20/21	Cannot validate Cannot validate Validated	No action required because Cape Charles can achieve same objectives via use of PUD.	
6	Recommendation 1: Ensure densities and lot sizes recommended for growth areas foster housing variety and options for affordable housing. Consider amendments to Comprehensive Plans and ordinances to allow for densities necessary for a diverse and affordable housing supply.	P. 29	See Item 1 finding above.		
7	Recommendation 2: Consider options to provide infrastructure necessary for increased densities. Policy discussions and cooperation should occur between the County and Towns to discuss and implement the provision of public utilities in areas of the County around Town edges, where appropriate.	P. 29	Town of Cape Charles is currently served by town utilities.	Potential – extension outside the Town boundaries may be a possibility if town utility assets are sold.	
8	Recommendation 3: Consider adoption/amendment of inclusionary zoning regulations. Density bonuses encourage the production of affordable housing units. The Code of Virginia § 15.2-2305.1 allows localities to adopt zoning regulations for inclusive zoning and bonus densities for developments that incorporate affordable units	P. 29	See Item 3 finding above.		

Item	Study Recommendation/ Comment/Finding	Study Reference Location	Town’s Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
9	Recommendation 4: Consider adoption/amendment of standards that allow cluster developments. Regulations to allow for cluster developments should be clear with respect to standards such as for permitted density bonuses, lot sizes, and long-term open space maintenance. Residential cluster development in new housing developments is a means of permanently protecting open space and environmental resources, usually with conservation easements, while still allowing landowners to develop their property. Houses are built closer together on part on the land rather than spread evenly on large lots over the whole development. Northampton County definition: CLUSTER DEVELOPMENT; CLUSTER SUBDIVISION. An arrangement of residential structures or adjoining residential lots in groupings that would not be generally permitted under applicable ordinance requirements but are allowed under the concept of reducing lot size requirements to allow for the provision of additional open space within the development.	P. 29	CC zoning does not address cluster development.	No action required. A developer has the ability to create a PUD. A PUD district allows for the maximum impervious surface coverage not exceed 80 percent of the total gross area of development. No more than 33 percent of wetlands present in PUD districts may be used when calculating total gross area of development (Section 3.12.E) From the CC Subdivision ordinance (Appendix A), where the size of the subdivision warrants, the sub-divider shall dedicate to the Town of Cape Charles such reasonable amount of land for parking lots, parks, and playgrounds as determined necessary to protect the safety (fire and traffic hazards considered) and the general public welfare of the area.	

Item	Study Recommendation/ Comment/Finding	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
10	Recommendation 5: Consider adoption/amendment of standards that allow for Planned Unit Developments (PUD).	P. 29	Cape Charles currently allows for a PUD (Ordinance Section 3.12). Allowed as permitted in R-1, R-2, R-3, CR, C-1. C-2, C-3 and Harbor Districts. PUD districts shall provide a mix of a minimum of two of the following; residential units, commercial offices, retail, hotel or civic use. Minimum 5 acres.	No action required.	
11	Recommendation 6: Analyze purpose and intent statements of zoning districts. Zoning districts intent statements, such as with Cheriton which identifies the desire for affordable and workforce housing, should clearly reflect a locality's intent for the area included in the district.	P. 29	Confirmed the attached table below correctly reflected current district purpose and intent statements as currently written in Article III.	Harbor – note that reference to Harbor Master Plan and Design Guidelines are now considered 'archived' since they are circa 2006. Comp Plan approved Dec 2022 contains a strategy to develop new harbor master plan and associated design guidelines.	
12	Recommendation 7: Consider ordinance amendments to allow higher density options by right. All localities should consider allowing higher density development by right with appropriate design standards to reduce the need for each development to seek subsequent zoning approvals to accommodate the housing variety desired within the community.	P. 29	Cape Charles does not offer higher density options by right.	No action required.	

Districts Permitting Residential Use	District Intent Summary	Permitted Densities and/or Minimum Lot Areas
Harbor	Encourage a vibrant working waterfront area that is a strong economic benefit with compatible new industry and employment uses, strong public recreational value with public gathering places and access to the water; a place for people to conduct business and to live, meet, relax, encounter nature and learn of the working maritime and rail history; encourage public access to water's edge in a pedestrian environment Intent to implement CC Harbor Area Conceptual Master Plan and Design Guidelines.	Lot area - 11,200 sq. ft.

Residential Estate	Provide relatively low-density housing in a rural type setting; Streets may be private in nature but are not expected to handle heavy traffic as they serve primarily homes in the local neighborhood.	Lot area - 1 ac
Single Family Residential (R-1)	Provide quiet, medium density single family residential development plus provide open areas where similar residential development is likely to occur; stabilize and protect the essential characteristics of the district; encourage suitable environment for family life where there are children and restrict more intense commercial uses. Restrict all activities of a commercial nature. Characteristics of the neighborhood include both permanent as well as seasonal residents.	Lot area - 5,600 sq. ft.
Residential Mixed (R-2)	Provide medium density residential with a mixture of single family and multi-family housing; encourage a suitable environment for family life and restrict commercial activities to those that serve the needs of the neighborhood itself	Lot area - 6,000 sq. ft. for single-family, patio and zero lot lines. Lot area – 10,000 sq. ft. for duplexes.
Residential Multi-family (R-3)	Provide for relatively high-density multi-family residential development; encourage a suitable environment for family life and restrict commercial activities to those that serve the needs of the surrounding residential neighborhood.	Project area for multi-family and townhomes – min. 3 ac. Lot area for townhomes and multi-family -- 1,500 sq. ft per dwelling
Commercial Residential (CR)	Recognize the unique juxtaposition of existing residential structures within the central business district and future needs of commercial districts; promote continued residential character while allowing introduction of commercial uses	Lot area - 5,600 sq. ft.
Commercial (C-1)	Preserve and enhance the mixed-use urban nature of Cape Charles' commercial district; to encourage location of regional and local businesses and professional activities; facilitate development of buildings in keeping with its National Historic District character and to protect against destruction of or undesirable encroachment on these areas	Lot area - 5,600 sq. ft.
Commercial (C-2)	Preserve existing commercial areas which are less densely developed than those in the C-1 District; encourage compatible commercial uses and density. Area generally developed with larger lots and larger individual buildings.	Lot area – 9.000 sq. ft.
Commercial (C-3)	Provide for development of the existing linear commercial area along Route 184; encourage uses to serve the community; and to encourage quality construction and design as this serves as an entrance corridor to Cape Charles.	Lot Area – None
General Business/ Light Industrial (GBI)	Provide a district for business, office, light industrial and specific public purpose and to encourage formation and continuance of a quiet, compatible, and uncontested environment for business, professional and light industrial firms; discourage any uses capable of adversely affected the specialized commercial and housing character of the Town	Lot area – None

General Business/Light Industrial H-1 (GBI H-1)	The GBI H-1 District is a planned mixed industrial and employment park with a comprehensive development plan. The purpose of the district is to: 1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County 2. Create family-wage employment and training opportunities for local residents 3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment, and culture 4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers 5. Incorporate comprehensive, cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development in all aspects of design and development of the project.	Lot area – 15,000 sq. ft.
Industrial (M-1)	Permit certain industries which will not detract from the residential desirability and will not be permitted to locate in any area adjacent to a residential area; standards designed to protect and foster adjacent desirability while permitting industry to locate near a labor supply and near existing available transportation.	Lot area -15,000 sq.ft.
Industrial (M-2)	The intent of this zoning district is to provide for mixed industrial and employment land uses in the community. The specific objectives of the M-2 District are to: 1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County 2. Create family-wage employment and training opportunities for local residents. 3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment, and culture 4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers 5. Encourage cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically-based industrial development	Lot area – 15,000 sq ft
Planned Unit Development (PUD)	Promote creative and imaginative development designs for residential and commercial uses by allowing greater flexibility than is possible under the restrictions of conventional zoning regulations; promote more efficient land use while encouraging variety and convenience for the overall development; development of recreational areas and open spaces within the project.	Minimum area 5 acres.
Open Space District	To provide opportunities for recreational activities, a network of recreational paths, preserve natural resources and create buffer zones within the town	Lot area - none

Factor 3: Regulation Consistency/Clarity

Paul Grossman (1/11/23)

Color Legend: Green signifies PC review of actions/recommendations

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

Item	Study Recommendation/ Comment/Finding	Study Reference Location	Town’s Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
1	Finding: Most of the ordinances lack definitions for affordable and workforce housing. Only Northampton County and Cape Charles ordinances include definitions related to affordable housing terms. The Cape Charles Ordinance defines low-income housing as “Housing that is economically feasible for families whose income level is categorized as low within the standards promulgated by the U.S. Department of Housing and Urban Development or the appropriate housing agency.” Definition varies somewhat from the definition of affordable housing in the Code of Virginia § 15.2-2201 which reads, “housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than thirty percent of his gross income for gross housing costs, including utilities.” Defining both affordable housing and workforce housing are important for the intelligible administration, application, review, and permitting of these types of housing developments.	P. 30	Refer to Appendix A below		
2	Finding: The ordinances contain inconsistent and obsolete terms and language. For Cape Charles: • Clarity is needed between definitions of manufactured housing and manufactured home dwelling; manufactured housing as permitted may be a modular home. Modular homes are typically clarified as different from manufactured housing and treated the same as a traditional single-family dwelling.	P. 30/ 31	Refer to Appendix A below		

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	• Clarity is needed between definitions for duplex and multi-family, which both include with two (2) dwelling units. • Clarity is needed in definition of family relative to “common housekeeping management plan, intentionally structured relationship providing organization and stability” to ease understanding and enforcement. • Clarity is needed in definition of continuing care retirement facility relative to specific components of the definition to ensure ease of understanding and enforceability.				
3	Recommendation 1 - Consider adopting consistent housing definitions across localities, especially for affordable housing	P. 33		Not considered a priority for such a coordination effort and therefore no action at this time taken.	
4	Recommendation 2 - Amend ordinances for housing definitions. Modernize definitions and add new definitions for terms not defined. These amendments should also remove obsolete and inconsistent definitions.	P. 33		Refer to Appendix A below	
5	Recommendation 3 - Implement ordinance amendments to comply with the Code of Virginia. Ensure terminology is compliant with Code of Virginia requirements and that definitions are not overly exclusionary.	P. 33		WIP: Consultant for comp plan update will be reviewing zoning ordinances against state code.	
6	Recommendation 4 - Evaluate definitions of other development terms. Examine definitions of other development terms such as setbacks, yards, lot areas, lot widths, and frontages to ensure consistency and clarity in how area calculations or measurements are determined.	P. 33	Refer to Appendix B below		
7	Recommendation 5 - Consider adoption of a unified development ordinance. A unified development ordinance, including both zoning and subdivision regulations in one document.	P. 33	CC already has zoning ordinance with Subdivision (App A of Zoning Ordinance)	No action required	

Definitions

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Term	Current Cape Charles	Examples/Source	Examples/ Source	Recommendation
		Northampton County 154.2.108 AFFORDABLE HOUSING. Housing for individuals and families earning less than 120% of the area median income, as determined by the U.S. Department of Housing and Urban Development <i>[VERY LOW INCOME.</i> Individual or family earning 50% or less of the current area median income; <i>LOW INCOME.</i> Individual or family earning 50% to 80% of the current area median income; <i>MIDDLE INCOME.</i> Individual or family earning 80% to 120% of the current area median income;		

Term	Current Cape Charles	Examples/Source	Examples/ Source	Recommendation
Area Median Income	Term not currently used in Definitions. 2022 HUD AMI (median <u>family</u> income for four-person household) – Northampton County, VA = \$ 66,400 [HUD used 2015-2019 5 year ACS as input with inflation factor] Note, HUD also defines and calculates different levels of AMI for geographic areas across the country by household size. 2021 - \$60,100 2020 - \$58,000 2019 - \$56,000 Cape Charles, VA 2020 ACS Survey 5-year estimates (median <u>household</u> income) = \$55,104 2021 ACS Survey 5-year estimates will be released 12/8/22.	Area median income is defined as the midpoint of a specific area’s income distribution and is calculated on an annual basis by the Department of Housing and Urban Development. HUD refers to the figure as MFI, or median family income, based on a four-person household. (www.hud.loan)		Recommend AREA MEDIAN INCOME is defined as the midpoint of the specific area of Northampton County’s income distribution for a family of four and is calculated on an annual basis by the Department of Housing and Urban Development as median family income (MFI). <i>[Note that HUD AMI is calculated on Eastern Shore on a county level only and forms the bases for VH loans]</i> <i>Need to verify</i>
Household	Term is only used within Article II, Definitions. HOUSEHOLD means a family living together in a single-family dwelling unit with common use of all living and eating areas and facilities for the preparation and serving of food within the dwelling unit. However, the term is also included in; DENSITY means the total number of families, individuals, dwelling units, households, or housing structures per unit of land.	HOUSEHOLD: All the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household. (HUD.gov, Definitions)		HOUSEHOLD (Family) means all the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.

Term	Current Cape Charles	Examples/Source	Examples/ Source	Recommendation
	DWELLING UNIT means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. RETAIL SALES mean an establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Households not used elsewhere.			
Family	FAMILY means a group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. Term used in relation to dwellings, e.g., single-family, multi-family, family care homes definitions and in household definition. B&B – owner and family must occupy... Environment for family life..... Create a family wage..... Temporary Family Health Care Structures... App D Erosion and SC, ‘Single-family residence’ means a noncommercial dwelling that is occupied exclusively by one family. Child care Center means any facility, other than a family home, Family term being proposed for ADU criteria as in ‘family and guests’.	FAMILY: All persons living in the same household who are related by birth, marriage or adoption. (HUD.gov, definitions)	James City County 24-2, Definitions <i>Family</i>. One or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a family. A family is, exclusive of household servants: (1) An individual; (2) Two or more persons related by blood, marriage, adoption or guardianship; (3) A number of persons, not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, marriage, adoption or guardianship; or (4) Not, more than two unrelated persons living and cooking together along with two or more persons related	Delete and couple with Household.

Term	Current Cape Charles	Examples/Source	Examples/ Source	Recommendation
			by blood, marriage, adoption or guardianship, as a single housekeeping unit.	
Manufactured Home	Article II, Definitions MANUFACTURED HOUSING means factory built, single-family structures that meet national standards. DWELLING, MOBILE HOME or MANUFACTURED HOME means a special form of ‘one-family dwellings’ with the following characteristics: 1. designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities, with plumbing and electrical connections provided for attachments to outside systems 2. designed to be transported after fabrication on its own wheels 3. arriving complete at the site where it is to be occupied, usually including major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations, location and provision of support on site, connection with utilities and the like 4. intended to be used other than as a component in a structure two or more stories in height.	MANUFACTURED HOME: A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width, or 40 body feet or more in length, or which when erected onsite 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 in the structure. This term includes all structures that meet the above requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to 24 CFR 3282.13 and complies with the construction and safety standards set forth in this 24 CFR 3280. The term does not include any self-propelled recreational vehicle. Calculations used to determine the number of square feet in a structure will include the total of square feet for each transportable section comprising the completed structure and will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected onsite. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. Nothing in this definition	“Manufactured Home” refers to a class of homes built after June 15th , 1976 whose design, construction, and installation is regulated by the Federal Manufactured Home Construction and Safety Standards. Prior to 1976, these types of homes were colloquially known as “Mobile Homes” given their ease of transportability, but the National Manufactured Housing Construction and Safety Standards Act of 1974 established and codified their construction standards. Unlike the prescriptive nature of state regulations and building codes, the Manufactured Home Construction and Safety Standards are performance based and provide standards for design and construction, strength and transportability, fire resistance, and energy efficiency. The Department of Housing and Urban Development (HUD) oversees the design and factory construction of manufactured homes through third-party agencies (VA DHCD)	Manufactured Home is terminology only used in R-E district that additionally requires it at 19 ft or more in width. However, VA Code deems this as a ‘single-family’ residence. Eliminate definition for MANUFACTURED HOUSING. Change definition as follows; DWELLING, MOBILE HOME or MANUFACTURED HOME or MOBILE HOME means a special form of ‘one-family dwellings’ with the following characteristics: A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width, or 40 body feet or more in length, or which when erected onsite 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 in the structure, and designed and constructed to National Manufactured Housing Construction and Safety Standards Act of 1974. This term includes all structures that meet the

Term	Current Cape Charles	Examples/Source	Examples/ Source	Recommendation
		should be interpreted to mean that a manufactured home necessarily meets the requirements of HUD's Minimum Property Standards (HUD Handbook 4900.1) or that it is automatically eligible for financing under 12 U.S.C. 1709(b). <i>(HUD.gov, Definitions)</i>		above requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to 24 CFR 3282.13 and complies with the construction and safety standards set forth in this 24 CFR 3280. The term does not include any self-propelled recreational vehicle. Calculations used to determine the number of square feet in a structure will include the total of square feet for each transportable section comprising the completed structure and will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected onsite. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.
Modular Building		"Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site	"Industrialized Building" is defined in the Virginia Industrialized Building Safety Regulations to mean a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. These types of homes have a rich and vibrant	MODULAR BUILDING, OR HOME OR INDUSTRIALIZED BUILDING is defined in the Virginia Industrialized Building Safety Regulations to means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported

Term	Current Cape Charles	Examples/Source	Examples/ Source	Recommendation
		of final assembly. For purposes of this chapter, "modular building" does not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the "Modular building" means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (§ 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, "modular building" does not include a mobile office as defined in § 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.). (42 U.S.C. § 5401 et seq.). (VA Code 58.1-602, Definitions)	history, dating back to the early 1900's when Sears, Roebuck, & Co. popularized their kit homes. Unlike Manufactured Homes, the design, installation, and construction of Industrialized Homes are regulated by the Uniform Statewide Building Code. (VA DHCD)	to the point of use for installation or erection, with or without other specified components, to comprise a finished building. These types of homes have a rich and vibrant history, dating back to the early 1900's when Sears, Roebuck, & Co. popularized their kit homes. Unlike Manufactured Homes, the design, installation, and construction of modular or Industrialized homes are regulated by the Uniform Statewide Building Code.
Dwelling, Mobile Home	DWELLING, MOBILE HOME or MANUFACTURED HOME means a special form of 'one-family dwellings' with the following characteristics: 1. designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities, with plumbing and electrical connections provided for attachments to outside systems 2. designed to be transported after fabrication on its own wheels 3. arriving			Mobile Home is not specifically used in Art III but would fall under 'single family dwelling' and is addressed in Article IV under Landscaping for Multi-Family Developments and Mobile Home Parks. (Section 4.4.E) and Temporary mobile homes approved in the event of an emergency,

Term	Current Cape Charles	Examples/Source	Examples/ Source	Recommendation
	complete at the site where it is to be occupied, usually including major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations, location and provision of support on site, connection with utilities and the like 4. intended to be used other than as a component in a structure two or more stories in height.			construction, or repair (under Parking, 4.5.B). Recommendation Change mobile home references to manufactured home.
Workforce Housing	Term not provided in Definitions	Virginia Beach: Workforce Housing (WFH) – Housing that is generally affordable to households with working members who live or will be living in the City of Virginia Beach. For home ownership, it is housing that is priced to be affordable to households with annual incomes between 80% and 120% of AMI. For rentals, it is housing that is priced to be affordable to households with annual incomes between 60% and 90% of AMI or, where the building contains an elevator, between 60% and 100% AMI. Northampton County: WORKFORCE. Households whose primary source of income is from W-2 wages and whose income ranges between the weekly income available from a minimum-wage salary and the weekly income available from the current "average wage" salary as defined for Northampton County by the U.S. Bureau of Labor Statistics.	Wikipedia: Workforce housing is commonly targeted at "essential workers" in a community e.g., i.e. police officers, firemen, teachers, nurses, medical personnel, service workers. Some communities define "essential" more broadly to include service workers, as in the case of resort communities where one finds high real estate costs and a high number of low-paying service jobs essential to the local economy. Workforce housing is may be targeted more generally at certain income levels regardless of type of employment, with definitions ranging from 50% to 120% of Area Median Income (AMI).	Workforce housing means housing commonly targeted at "essential workers" in a community e.g., police officers, firemen, teachers, nurses, medical personnel, service workers. Some communities define "essential" more broadly to include service workers, as in the case of resort communities where one finds high real estate costs and a high number of low-paying service jobs essential to the local economy. Workforce housing is may be targeted more generally at certain income levels from 5080% to 120% of Area Median Income (AMI) regardless of type of employment, with definitions ranging from 50% to 120% of Area Median Income (AMI).
Dwelling, Duplex	Definitions, Article II DWELLING, DUPLEX shall mean a building designed as a single structure, containing two separate dwelling units, has direct access to the outside, and each of which is designed or arranged to be	Note that 1977 zoning ordinance did not permit multiplexes (e.g., duplexes) and considered those existing as non-conforming.		DWELLING, DUPLEX shall mean a building designed as a single structure, containing two separate dwelling units joined side-by-side, has direct access to the outside, and each of which is

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	occupied by two families living independently of each other.	Section 2.5.5 re Occupancy of Vacant Non-Conforming Buildings or Structures was revised (2004) to include ‘Existing duplexes, specifically designed as such, are exempt from the four-year vacancy stipulation.”		designed or arranged to be occupied by two families living independently of each other.
Dwelling, Multi-family	DWELLING, MULTI-FAMILY shall mean a building designed for and containing two or more dwelling units.			DWELLING, MULTI-FAMILY shall mean a building designed for and containing two three or more dwelling units.
CONTINUING CARE RETIREMENT COMMUNITY	Article II Definitions CONTINUING CARE RETIREMENT COMMUNITY is an age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee in excess of one year of monthly fees.	A continuing care retirement community (CCRC) , sometimes known as a life plan community , is a type of retirement community in the U.S. where a continuum of aging care needs—from independent living, assisted living, and skilled nursing care—can all be met within the community. <i>(Wikipedia)</i>		<u>Recommendation</u> Change definitions as follows; CONTINUING CARE RETIREMENT COMMUNITY , sometimes known as a life plan community , is a type of retirement community where a continuum of aging care needs from independent living, assisted living, and skilled nursing care can all be met within the community.

Appendix B

setbacks, yards, lot areas, lot widths, and frontages to ensure consistency and clarity in how area calculations or measurements are determined.

	Definition, Article II	
Setbacks	SETBACK is the minimum distance allowable between a building or structure and any lot line.	OK
Average Setback	AVERAGE SETBACK shall be the mean setback from a street right-of-way of buildings on both sides of a lot. Used in C-1 and C-2.	OK
Yards	YARD is an open space that lies between the principal building or buildings and the nearest lot. YARD, FRONT means a space extending the full width of the lot between any building and the front lot line and measured perpendicularly to the building at the closest point to the front lot line. YARD, REAR means a space extending across the full width of the lot between the principal building and the rear of the lot and measured perpendicularly to the building to the closest point of the rear lot line. YARD, SIDE means a space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicularly from the side lot line to the closest point of the principal building.	OK
Buffer Yard	BUFFER YARD means an area or areas located within districts or land use classifications which extend along adjacent property lines abutting other districts Used in M-2, GBI H-1; describes req'ts when adjoining other districts	OK
Lot areas/ Lot widths	LOT AREA means the total area within the lot lines of a lot, excluding any street right-of-ways. LOT, CORNER means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees. LOT COVERAGE is that portion of the lot that is covered by buildings. LOT DEPTH means the average distance measured from the front of the lot line to the rear of the lot line. LOT, FLAG means a lot not meeting minimum frontage requirements and where access to the public road is by narrow private right-of-way or driveway. LOT FRONTAGE means the length of the front lot line measured at the street right-of-way line. LOT LINE means a line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space LOT LINE, FRONT is the lot line separating a lot from the street right-of-way. LOT LINE, REAR is the lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. LOT OF RECORD means a lot that exists as shown or described on a plat or deed in the records of the local registry of deeds. LOT WIDTH is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.	OK

Frontages	FRONTAGE is the width in linear feet of each lot where it abuts the right-of-way of any public or private street.	Ok
Plot	PLOT means a single-family parcel of land or a parcel of land that can be identified and referenced to a recorded plat or map.	Ok
Property	PROPERTY means a lot, parcel, or tract of land together with the building and structures located thereon	Ok
Residence	RESIDENCE means a home or abode or place where an individual is actually living at a specific point or time.	RESIDENCE means a home or abode or place where an individual is actually living at a specific point in time. OK
Residential Property	RESIDENTIAL PROPERTY shall mean all property used for single-family detached, single-family attached, or multifamily residences, or mixed-use development that contains one or more dwelling units.	OK
Basement	BASEMENT means that portion of a building that is partly or completely below grade. A basement is a level within a building that has its floor surface below the adjoining ground level. Often due to grading conditions, a basement will also be considered as a story above grade, thereby contributing to the building height.	BASEMENT means that portion of a building that is partly or completely below grade. A basement is a level within a building that has its floor surface below the adjoining ground level. Often due to grading conditions, a basement will also be considered as a story above grade, thereby contributing to the building height. A basement shall be counted as a story if over 50 percent of its height is above finished grade.
Crawl Space	CRAWL SPACE is a space between the ceiling of one story and floor of the next story, which usually contains pipes, ducts, wiring and lighting fixtures, and permits access but is too low for standing.	CRAWL SPACE is an under floor space that is not a basement which usually contains pipes, ducts, wiring and lighting fixtures, and permits access but is too low for standing.
Attic	ATTIC shall be considered a part of a building that is immediately below and wholly or partly within the roof framing.	ATTIC is space between ceiling framing of the top story and the underside of the roof. <i>(from UBC)</i>
Story	STORY is that portion of a building included between the surface of any floor and the surface of the floor above it, then the space between the floor and the ceiling above it, and including those basements used for principal use.	STORY means that portion of a building included between the surface of any floor and the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it. A basement shall be counted as a story if over 50 percent of its height is above finished grade.
Story, Half		STORY, HALF, HABITABLE ATTIC, means a finished or unfinished area, not considered a full story, complying with all of the following requirements: • The occupiable floor area is at least 70 square feet. • The occupiable floor area has a ceiling height of not less than 7 feet. For rooms with sloped ceilings, ceiling height

		shall not be less than 5 feet and not less than 50 percent of the required floor area shall have a ceiling height of not less than 7 feet. A shower or tub equipped with a shower head shall have a ceiling height in accordance with the Virginia Residential Building Code. • The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below. • Total occupiable space shall not exceed 50 percent of the greatest story floor area.
Story Above Grade	STORY ABOVE GRADE is any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plan where the finished surface of the floor above the basement is: 1. More than 6 feet above grade plane; or 2. More than 6 feet above the finished ground level for more than 50% of the total building perimeter; or 3. More than 12 feet above the finished ground level at any point. Term used in Section 4.2 re accessory bldgs. and in current definition of basement 9. Where the main structure possesses no more than one story above grade, no accessory structure shall be higher than the main structure. 10. Where the main structure possesses more than one story above grade, no accessory structure shall be higher than two-thirds the height of the main structure or twenty-four feet (24'), whichever is lesser	Delete term. The definition of 'story' is deemed sufficient coupled with 'above grade' in accessory building criteria.
Floor Area	FLOOR AREA shall mean the gross horizontal areas of a building, including mezzanines and lofts, exclusive of garages, parking structures, basements, open balconies and porches, and equipment and service areas, measured from the exterior face of the exterior walls of a building.	OK
Grade		Grade (Adjacent Ground Level), generally flat horizontal surfaces, is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building or structure and the property line. When ground level slopes, the reference plane shall be established by the average of elevations at the four corners of the lot and two additional highest points on the lot (i.e., the average of six points).
Gross Floor Area	GROSS FLOOR AREA (GFA) shall mean the total covered floor area inside the building envelope, including exterior walls, and excluding the roof. Used in defining uses retail establishments ≤ 2500 SF of gross floor area Used in parking req'ts for mixed-use developments, etc, e.g. 1 space 300 SF gross floor area Used in parking req'ts for off-street loading	Ask the consultants looking at parking requirements as to whether this definition is needed.

Density	DENSITY means the total number of families, individuals, dwelling units, households, or housing structures per unit of land.	OK
Building	BUILDING means any structure having a roof supported by walls which is solidly enclosed, including any area which is solidly enclosed with glass or any other rigid material which will not allow for the passage of air.	OK
Building, accessory	BUILDING, ACCESSORY means a subordinate and separate building located upon the same lot occupied by the main structure or where a main structure was previously located. Accessory buildings shall not be used as dwelling units, unless a conditional use permit is issued for an accessory dwelling.	OK
Building Footprint	BUILDING FOOTPRINT is the land area on which a proposed building is located.	OK
Building, Height of	BUILDING, HEIGHT OF means the vertical distance measured from the finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between eaves and the ridge level for gable, hip, and gambrel roofs. Note: Mechanical equipment, chimneys, air conditioning units, elevator penthouses, church spires and steeples, water towers, and similar appurtenances are exempted from height restrictions. However, these exclusive items may not exceed the height limit by more than fifteen feet. Height regulations shall be measured from the front elevation of the said building.	BUILDING, HEIGHT OF means the vertical distance measured from the finished grade to the top of the highest roof beams on a flat or shed roof, to the top of a parapet, the deck level on a mansard roof, and the average distance between eaves and the ridge level for gable, hip, and gambrel roofs. Note: Mechanical equipment, chimneys, air conditioning units, elevator penthouses, church spires and steeples, water towers, and similar appurtenances are exempted from height restrictions. However, these exclusive items may not exceed the height limit by more than fifteen feet. Height regulations shall be measured from the front elevation of the said building.
Building, Main	BUILDING, MAIN means the principal structure or the principal building on a lot or the building or the principal building housing the principal use on a lot.	OK
Building, Parcel	BUILDING, PARCEL means a fraction of a tract of land containing one or more building lots. Parcel used but not building parcel other than definition	delete
Apartment House	APARTMENT HOUSE means a building used or intended to be used as the residence of three or more families living independently of each other	APARTMENT BUILDING means a building used or intended to be used as the residence of three or more households/families living independently of each other
Apartment Unit	APARTMENT UNIT is considered one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.	OK
Bed and Breakfast	BED AND BREAKFAST or TOURIST HOME means a single-family dwelling containing sleeping and/or breakfast accommodations as an accessory use to the principal use. Such lodging shall have room accommodations for transient persons and wherein a charge is normally paid for such accommodations. Tourist Home included in parking table (with B&B) Included in CUP in R-1, Harbor District (with B&B)	BED AND BREAKFAST or TOURIST HOME means a single-family dwelling containing sleeping and/or breakfast accommodations as an accessory use to the principal use. Such lodging shall have room accommodations for transient persons and wherein a charge is normally paid for such accommodations. Owner or manager is a permanent dweller residing on site.

		Delete TOURIST HOME.
Boarding House	BOARDING HOUSE or ROOMING HOUSE means a dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal and financial services may be offered as well. Rooming houses, boarding houses included in parking table. Boarding house used in definition of guest room.	Delete
Motel/Hotel	EXTENDED-STAY MOTEL/HOTEL shall mean any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes for guests and contain kitchen facilities for food preparation, including but not limited to, such facilities as refrigerators, stoves, and ovens. May also be known as "apartment hotels."	Delete definition since Motel/Hotel defined separately.
Hotel	HOTEL is a building in which lodging or boarding and lodging facilities are provided for transient guests, and offered to the public for compensation and in which ingress and egress to and from all rooms are through an inside lobby or office supervised by a person in charge at all hours.	OK
Motel	MOTEL is one or more buildings in which lodging or board and lodging are provided for transient guests for compensation. Ingress and egress to and from all rooms are made primarily directly from an exterior walkaway rather than from an inside lobby.	MOTEL is one or more buildings in which lodging or board and lodging are provided for transient guests for compensation and supervised by a person in charge at all hours. Ingress and egress to and from all rooms are made primarily directly from an exterior walkaway rather than from an inside lobby.
Inn	INN means a commercial facility for the housing and feeding of transients. Term not used beyond definition.	Delete
Lodging House	LODGING HOUSE means a facility in which rental sleeping accommodations are provided and in which meals may also be provided as part of the fee. Term not used beyond definition	Delete
Guest House	GUEST HOUSE means living quarters on the same premises with the main building for use by temporary guest(s) of the occupant of the premises, such quarters having no separate utility meters and not rented or otherwise as a separate building. Term not used beyond definition.	Delete
Guest Room	GUEST ROOM shall mean an accommodation combining living, sleeping, sanitary, and storage facilities within a hotel, motel, boarding house or extended stay (extended stay includes kitchen facilities). Term not used beyond definition and included in def of extended-Stay motel/Hotel.	Delete

Trailer	TRAILER means a structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying materials, goods, or objects or as a temporary office. Term included under Signs, e.g., signs placed on vehicle or trailer parker.... Term included under Section 4.2.B, Trailer Parking Tractor trailer, semi-trailer	Ok
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Factor 4: Development Standards

Paul Grossman (1/11/23)

Color Legend: Green signifies PC review of actions/recommendations			Review of ‘Overcoming Land Use Ordinance Barriers to Housing Development’ Report (May 27,2022)		
Item	Study Recommendation/ Comment	Study Reference Location	Town’s Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
1	Finding: Basic development standards can unintentionally limit diversity. These standards maintain consistent residential character but if too stringent, they may limit a broader set of dwelling configurations that could accommodate greater housing diversity.	P.34		No action required.	
2	Finding: Varying lot areas supports housing variety. Sufficient lot sizes can offer greater diversity in housing types.	P.34	Article III <u>Lot Sizes</u> RE – min one acre R-1 – min 5600 SF but addresses nonconforming lots R-2 – SF – 6000 SF min Patio – 6000 SF min Duplex – 10,000 SF min Zero lot line – 6000 SF min R-3 – Townhouse – 1500 SF/dwelling unit Multi-family – 1500 SF/dwelling unit	Variety of lot sizes available. No action required.	
3	Finding: Low maximum lot coverage may limit housing diversity. • Typical lot coverage is 30-40% (single family) • Higher maximum lot coverages are typical for higher density unit types, such as duplexes, townhomes and multifamily.	P.34	<u>R-1 District</u> 960 (1 story)/5600 = 17% 4500 (2 story)/5600= 40% Add’l criteria for contiguous lots. Detached accessory use buildings not to be included in calculation. <u>R-2 District</u> No more than 50 percent of the lot may be covered by the principal building <u>and</u> accessory buildings. <u>R-3 District</u>		

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
			Townhouse Building coverage. No more than 60 percent of the lot may be covered by the structures. Multi-family Building coverage: No more than 45 percent of the lot may be covered by the structure.	Recommendation: For multifamily buildings, change coverage limit to no more that 60 percent of the lot.	
4	Finding: Flexibility in setbacks supports diverse housing products. - Standards within Cape Charles's Residential Multi-Family (R-3) District offer reduced setbacks to accommodate a variety of uses, including zero-lot line, townhomes, and patio homes. - Most setbacks in other ordinances are standardized across all zoning districts, even those where slightly higher density uses are permitted.	P.34	Article III, Section 3.4, Residential Multi-Family District R-3.	No action required.	
5	Finding: Reduced parking requirements can increase a property's development potential. - Across the board, the ordinances required 2 parking spaces per dwelling unit. - Each town ordinance discusses the ability for shared parking between uses, which is a best practice that offers flexibility and land efficiency, especially in mixed use areas.	P.35	Article IV, Section 4.5 Off-Street Parking The ability for Shared parking provided in Section 4.5.C. Section 4.5.B Parking Single-family residences - 2 spaces per dwelling unit in all districts other than R-1, otherwise none. <i>[Note town streets in R-1 district supports on-street parking for 2 cars per dwelling unit.]</i>		

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
			Multifamily residences - 1 space per one-bedroom dwelling unit, otherwise two spaces per dwelling unit 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 Accessory dwelling units - 1 space per bedroom	Recommendation: Change to one space per ADU.	
6	Finding: While permitted building heights can ensure compatibility between new and existing development, standards may limit diversity and potential unit yield. Limiting height to two stories may limit the viability of multi-family development and reduce the overall number of units produced.	P.35	Article III RE – 40’ R-1 – 40’/ 2 ½ stories R-2 - 40’ R-3 – 40’ CR – 40’ Harbor – Mixed use 40’ and 40’ to ≤55’ elsewhere with conditions PUD – per underlying district	The average height of 1, 2, and 3 story houses are respectively 10, 20, and 30 feet. A good rule of thumb when calculating the height of a house is to allocate approximately 10 feet per floor plus the height of the roof (10 – 12 ft). No action required.	
7	Finding: Minimum house sizes limit housing diversity and middle housing opportunity. Cape Charles ordinance includes minimum and maximum house sizes in its residential districts and building design standards.	P.35	Article III <u>R-1 District</u> Lot <5600 SF, Min 960 and Max 2400 SF. Non-conforming lots smaller than 5,600 square feet in the R-1 District the	Max 2400 (2 story) SF house/assumed 2800 SF lot = 43% coverage	

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
	Minimum building sizes may limit development of diverse housing options.		total footprint area of all accessory building lot coverage shall not exceed 10%. Lot 5601 – 8400 SF, Min 960 and Max 3000 SF. Lot >8400 SF, Min 960 and Max 4500 SF. (Lot or Contiguous assemblage of lots.) <u>R-2 District</u> Minimum habitable areas for single family and patio homes are 1000 SF and each dwelling unit in the duplex shall have a min of 850 SF per unit. No more than 50% of the lot may be covered by the principal building and accessory buildings. <u>R-3 District</u> Townhouse Building coverage. No more than 60 percent of the lot may be covered by the structures. Multi-family Building coverage. No more than 45 percent of the lot may be covered by the structure.	3000 (1 story) SF max house size/5601 SF <u>min</u> lot = 54% coverage 4500 (1 story) SF house size/8400 SF <u>min</u> lot size = 54% coverage No more than 50% of the lot may be covered by the principal building and accessory buildings. Building coverage. No more than 60 percent of the lot may be covered by the structures. Recommendation: Change multi-family to no more than 60 percent of the lot may be covered by the structure.	
8	Finding: Ordinance provisions requiring specific identification or standards for rental units are exclusionary. Virginia Code specifies the condominiums must be treated the same under zoning, subdivision, site	P.35	Article II Ordinance Section 2.8, Condominiums and Cooperatives acknowledges the Virginia Code requirements.	No action required.	

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
	plan and other land use ordinances as would physically identical projects or developments under a different form of ownership.				
	Recommendation 1. Amend ordinance to offer development standards specific to meet the community's desired housing variety. Eliminate one size fits all in lot coverage, widths and areas, setbacks, and parking requirements.	P.35	See item 2 above.		
	Recommendation 2. Reduce setbacks between single family and higher density housing. Address physical form in lieu of large physical separation/setbacks.	P.35	See item 4 above.		
	Recommendation 3. Increase lot coverage maximum standards to permit mixed residential uses.	P.35	See item 3 above		
	Recommendation 4. Consider reductions in the required number of parking spaces to increase developable area of lots.	P.35	See item 5 above		
	Recommendation 5. Allow for increase building heights in appropriate areas. Increase allowable heights in appropriate areas such as areas where existing infrastructure is in place to support higher density residential uses but will not negatively affect scenic views.	P.35	See item 6 above		
	Recommendation 6. Remove constraints to housing diversity that may come from Min and Max dwelling sizes.	P.35	See item 7 above		
	Recommendation 7. Amend ordinances to remove language that is unclear and exclusionary to diverse and affordable housing.	P.35		No action required.	

Factor 5: Standards for Livable Communities

Paul Grossman (1/11/23)

Color Legend: Green signifies PC review of actions/recommendations.

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

Item	Study Recommendation/ Comment	Study Reference Location	Town’s Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
1	Finding: Clear design standards for elements of livable communities result in quality, livable developments	P.37	See appendix A below	No further action required.	
2	Finding: The ordinances require pedestrian connectivity/sidewalks for walkability	P.37	The town code states the following: Sec 62-4 – Construction and maintenance of sidewalks generally. (a)The town council may require and compel the owner of property within the town to construct or maintain sidewalks abutting on the property of such owner along existing streets.	Recommendation: Sidewalk requirements during new home construction in R-1 District needs to be a specific requirement and brought into zoning ordinance.	It is the desire for the town to have homeowners include sidewalks when building new residences in R-1 district to contribute to a walkable community.
3	Finding: Useable open space and recreational amenities are important to improving the quality of life aspect of communities. In Cape Charles’ Harbor District, the ordinance requires minimum open space areas of 25% to be dedicated to plazas, esplanades, landscaping, walkways, and pedestrian oriented public recreational areas along the waterfront.	P.37		No further action required.	
4	Finding: Parking lot design standards can help improve safety and livability These design standards range from mentioning the need for crosswalks and landscaping in site plan requirements in Belle Haven’s ordinance to specific design standards for the provision of	P.38	Parking standards are provided in Article III, Section 4.5 (updated 2/6/20). Re parking lots, Section 4.5.J, Landscaping in parking lots	No further action required.	

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
	safe pedestrian accessibility, lighting and landscaping in Northampton County's, Cape Charles' , Cheriton's, and Nassawadox's ordinances.		provides criteria. Lot lighting is captured under Section 4.5.G.1.h.		
5	Finding: Manufactured home parks and subdivisions can be designed as quality communities. Unlike the county's manufactured home park floating district, manufactured home parks are not found in the Town's ordinances since manufactured home park is not listed as a permitted use.	P.38	Cape Charles does not have any ordinance provisions for manufactured home parks or subdivision. R-E District does allow for a permitted uses on a manufactured home	No action required. Cape Charles does not intend on creating manufactured home parks or subdivisions.	
6	Finding: Planned and mixed-use zoning districts create livable communities Northampton County and the Towns of Cape Charles and Nassawadox allow PUDs with zoning approval to establish the PUD areas.	P.38	Article III, Section 3.12, Planned Unit Developments (PUD)	No further action required.	
7	Recommendation 1. Adopt ordinance standards that incorporate livable community design standards	P.40	See appendix A below	No further action required.	
8	Recommendation 2. Ensure codes include sidewalk and pedestrian connectivity requirements.	P.40	See item 2 above.		
9	Recommendation 3. Plan for improvements to infrastructure for walkable communities. Identify gaps in pedestrian and bikeway infrastructure.	P.40	Cape Charles has identified capital projects for sidewalk additions and community trail. In addition, the desire for sidewalks is captured in the 2022 Comprehensive Plan, Bicycle and Pedestrian Infrastructure, P. 60.	No further action required. Community Trail and sidewalks are captured in the Town's Capital Improvement Program.	
10	Recommendation 4. Plan for improvements to infrastructure to ensure recreational amenities meet community's needs. Evaluate existing parks and recreational facilities to identify gaps in the community's current system	P.40	Cape Charles, through its recent comprehensive plan update (Dec 2022) provides for open space design and recreational facilities (e.g., rails-to-trails walking/biking). The RR acreage will be a future	Action required only when RR property is developed.	

Item	Study Recommendation/ Comment	Study Reference Location	Town’s Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
			development that will require assurance that ordinance requirements for open space and recreational facilities.		
11	Recommendation 5. Adopt standards for livable manufactured home parks and subdivisions	P.40	See item 5.	See item 5.	
12	Recommendation 6. Adopt and/or amend standards for Planned Unit Development (PUD) Districts and mixed-use districts that incorporate design standards for livable communities	P.40	Article III, Section 3.12, Planned Unit Developments (PUD), Paragraph J contains Design Guidelines.	No action required.	

Appendix A

	Sidewalks	Useable Open Space	Dev Amenities	Landscaping	Parking Design	Notes
Cape Charles	√	√	√	√	√	Includes specific development standards for these elements of livable communities including requiring development amenities and specific landscaping standards for tree retention & perimeter planting; could be strengthened across districts not only for PUD and cluster; includes flexibility in parking standards for cooperative parking; consider reduction in numbers of parking spaces for walkable communities; expansion of design standards for various development types such as townhomes vs. multi-family or zero-lot line developments

Factor 6: Development Approval Process

Paul Grossman (1/11/23)

Color legend: Green signifies PC review of actions/recommendations.

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

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	No action required.	

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
			may also consult with the Planning Commission on matters contained herein.		
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 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.	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. 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.

Factor 7: Maintenance of Existing Housing

Paul Grossman (1/11/23)

Color Legend: Green signifies PC review of actions/recommendations.

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

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
1	Finding: Ordinances should consider flexibility for maintenance and reconstruction of non-conforming single-family dwellings. - Ordinances for Northampton County and the Towns of Cape Charles, Cheriton and Nassawadox all specifically exempt single family dwellings from the requirements limiting the amount of reconstruction or alterations permitted to maintain, repair, or replace them if they are non-conforming to current standards - The County and Towns should allow remodel, repair, and expansion of non-conforming single-family homes, provided it does not further increase the non-conformity.	P.45	Article III, Section 3.2 provides for non-conforming lots in R-1 district. The only limitation is footprint percentages for all accessory structures (10%) and setbacks. There are no limitations imposed for reconstruction or alterations.	No further action required.	
2	Finding: Non-conforming manufactured homes must be permitted to be replaced by-right. Manufactured homes are not specifically addressed within the localities' non-conformity provisions. The Code of Virginia § 15.2-2307.H permits the replacement of non-conforming manufactured homes with another comparable manufactured home that meets the current HUD manufactured housing code. This provision should be specifically addressed within the localities' zoning ordinances.	P.45		WIP: Consultant will be reviewing ordinances against state code.	
3	Finding: Additions to non-conforming dwellings for accessibility is important for seniors aging in place. The Code of Virginia § 15.2-2283 provides for reasonable modifications in accordance with the Americans with Disabilities Act of 1990 and the Virginia Uniform Statewide Building Code (13VAC5-63-432.5. Chapter 4) requires	P.45	Currently, building code trumps zoning ordinance as reviewed by Planning and Code Official.	Action: Zoning ordinance needs to be updated to codify.	

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
	accessibility to existing structures be provided and/or maintained. All of the localities' ordinances should ensure that additions for accessibility such as ramps or lifts are excluded from standards which would prohibit them as additions				
4	Recommendation: Amend ordinances to ensure compliance with state codes regulating non-conforming uses.	P.46	See item 2.		
5	Recommendation: Amend ordinances to allow accommodations for accessibility	P.46	See item 3.		
6	Recommendation: Consider comprehensive plan and ordinance amendments outside of zoning to support preservation of existing housing stock. - Local Rehabilitation Tax Abatement Programs - Housing Rehab Toolkit for Property Owners. - Revitalization Grants & Loans.	P,46		Town Council would need to address at a policy level. Planning staff should call this out in staff report when this material is presented.	
7	Recommendation: Consider adopting ordinances to address unsafe, substandard housing - Spot Blight Abatement, which allows the locality to take action against blighted properties. Staff must follow the procedures outlined in the Code of Virginia § 36-49.1:1. - Virginia Maintenance Code - These ordinances, when properly enforced, can rectify dilapidation, or prevent properties from becoming dilapidated.	P, 46,47	Article III, Section 3.6, C-1 District identifies Code Official actions re demolition-by-neglect actions to be taken for unsafe structures. Article VIII, Historic District, Section 8.22, Maintenance and Repair Required covers code official jurisdiction for unsafe structures. Town Code, Article III, Section 18 deals with unsafe buildings and structures. Town Code, Article III, Section 18-10, Town adopted by reference the Virginia Statewide Building Code (USBC), including all related codes incorporated therein by reference	No further action required.	

Factor 8: Location of Housing Growth

Paul Grossman (1/11/23)

Color Legend: Green signifies PC review of actions/recommendations.

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

Item	Study Recommendation/ Comment	Study Reference Location	Town’s Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
1	Finding: Comprehensive Plans guide a locality’s growth, including housing locations and diversity, and the provision of affordable housing options. The Code of Virginia in § 15.2-2223.D. also requires a Comprehensive Plan to include the designation of areas and implementation of measures for the construction, rehabilitation, and maintenance of affordable housing sufficient to meet the current and future needs of residents of all levels of income in a locality. For Cape Charles: • The Comprehensive Plan identifies Residential Community areas and Mixed-Use areas to support housing development. • Recommendations within these areas suggest the Town should: - o Promote compatible infill development and renovation within established neighborhoods. - o Promote accessory dwelling units to add diversity of housing types, while maintaining the neighborhood character and providing affordable housing options. - o Emphasize the preservation of the Town’s historic housing stock. - o Encourage the principle of incorporating mixed land uses by allowing residential and retail/commercial uses within the same building, promoting residential uses within close proximity to commercial/retail centers, and supporting live/work units in certain areas. • The Plan recognizes that the Town needs to be concerned with planning for quality affordable housing as its economy grows from new development. The Plan notes that it is necessary to reduce the	P. 48,49	Comprehensive Plan recently updated December 2022.	WIP: Consultant currently reviewing comprehensive plan against zoning ordinances.	

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
	percent of cost burdened households since this will help encourage people to live in stable neighborhoods in Town. The last revision of the Town's Comprehensive Plan in 2016 was considered a 'minor' update to the 2009 Plan. A current update to the Plan is underway and will incorporate land use recommendations after consideration of the Town's development trends which reportedly have resulted in substantial changes since 2009 and 2016				
2	Finding: A locality's zoning should align with the Comprehensive Plan goals for housing diversity and affordability For Cape Charles: Existing zoning aligns with the Town's goal to accommodate additional housing opportunities at varying density levels. With the Town's new Comprehensive Plan amendment, revisions to the zoning map should be made to follow the updated Plan's recommendations.	P.50	Comprehensive Plan recently updated December 2022.	WIP: Consultant currently reviewing comprehensive plan against zoning ordinances.	
3	Recommendation: Participate in cooperative discussions for the provision of public utilities.	P.52	Not applicable to Cape Charles	No action	
4	Recommendation: Incentivize development of housing variety in growth areas Offer regulatory incentives for developments within desired growth areas. These incentives vary and may be found in modified development standards such as parking reductions, density bonuses, and alternative standards for lots, landscaping, and other requirements.	P.52	As stated in previous Factors reviewed, Cape Charles offers a variety of housing within the town.	Action: Parking is an issue in the historic district and will be reviewed at a strategic level as identified in Town Council priorities. Incentivizing the relaxation of parking requirements to allow of increased housing variety may not be achievable.	
5	Recommendation: Adopt inclusionary zoning regulations allowed by the Code of Virginia in targeted growth areas Localities should adopt inclusionary zoning regulations that mirror the state's inclusive zoning and bonus densities for development's that incorporate percentages of affordable units (Code of Virginia § 15.2-2305.1) in target areas where increased density can be accommodated by utilities.	P.52		WIP: Consultant will be reviewing zoning ordinances against state code requirements.	

Item	Study Recommendation/ Comment	Study Reference Location	Town's Substantiation/Reference Location	Planning Commission Recommendations/ Actions and rationale	Recommendation Pros and Cons
6	Recommendation: Ensure recommendations of Comprehensive Plans support densities to foster development of higher density affordable housing options Consideration should be given to incorporating language to accommodate higher density to offer housing diversity and affordable housing options in growth areas.	P.52	Article III, Section 3.9 Harbor District, allows for FAR of 1.75 by-rights and up to 2.0 with CUP in the Main Street Use Area. Article III, Section 3.12, Planned Unit Development allows for flexibility in housing diversity.	No further action required.	
7	Recommendation: Rezone properties to designate areas for desired housing Local governments can proactively rezone areas to permit preferred residential types as a step to obtaining the desired housing diversity and affordable housing units	P.52	The Comprehensive Plan was updated in Dec 2022 and contains an updated future land use map.	No further action required.	
8	Recommendation: Support Comprehensive Plan policies and rezoning that allow for adaptive re-use of existing buildings for affordable housing options Analyze existing vacant buildings for the potential for conversion into affordable housing options. Grants and resources could then be pursued to support these types of projects.	P.52	The Planning staff currently assists in directing developers to various sources of grants in addition to the opportunities afforded through the various zones the town has (e.g., Opportunity Zone, Tourism Zone, etc). The Main Street organization has a listing of buildings and second story use, and have been discussing with owners what can be done with their buildings.	Recommendation: Town staff and Main Street invite owners of under-developed buildings to a work session to discuss further opportunities afforded to them.	

Factor 1, Item 4 and 6
Recommendations for Changes to Uses

Uses	Structure vs Business	Section 2.9 Definition (unless otherwise specified)	R-1	R-2	R-3	R-E	CR	C-1	C-2	C-3	Harbor	PUD	OSD	GBI	GBI H1	M-1	M-2
Legend P = permitted, by-right C = Conditional Use Permit required Color Red signifies changes proposed																	
Accessory building*	S	BUILDING, ACCESSORY means a subordinate and separate building located upon the same lot occupied by the main structure or where a main structure was previously located. Accessory buildings shall not be used as dwelling units, unless a conditional use permit is issued for an accessory dwelling.	P	P	P	P	P					P	P			P	
Dwelling, Accessory (ADU)*	S	DWELLING, ACCESSORY is a dwelling unit which is an accessory use to a single-family dwelling or commercial use in the Commercial – Residential District.	C to P Done	C to P Done		C to P Done	C to P Done										
Dwelling, condominiums, conversion	S	DWELLING, CONDOMINIUM shall mean a single, separately owned dwelling unit in a multi-unit development or structure, with jointly owned and shared areas and facilities.	P	P	P	P	P	P	P	P	P	P		P		P	
Dwelling, condominiums, new Eliminate need to go through BZA with SLP	S	DWELLING, CONDOMINIUM shall mean a single, separately owned dwelling unit in a multi-unit development or structure, with jointly owned and shared areas and facilities.	C to P	C to P	C to P	P	C to P	C to P	P	P	C to P	P		P		P	
Dwelling, cooperatives, conversion	S	Real estate owned by an association, each of the members of which is entitled, by virtue of his ownership interest in the association, to exclusive possession of a unit. (See Code of Virginia Section 55-424 et. seq.)	P	P	P	P	P	P	P	P	P	P		P		P	
Dwelling, cooperatives, new Eliminate need to go through BZA with SUP	S	Real estate owned by an association, each of the members of which is entitled, by virtue of his ownership interest in the association, to exclusive possession of a unit. (See Code of Virginia Section 55-424 et. seq.)	C to P	C to P	C to P	P	C to P	C to P	P	P	C to P	P		P		P	
Dwellings, Duplex	S	DWELLING, DUPLEX shall mean a building designed as a single structure, containing two separate dwelling units, has direct access to the outside, and each of which is designed or arranged to be occupied by two families living independently of each other.	P	P	P		P				No to Harbor since residential thru PUD process	P		P		P	
Dwellings, Group Homes (15.2-2291)	S	GROUP HOME is a residential facility, licensed by the Department of Behavioral Health and Developmental Services, in which no more than eight individuals with mental illness, mental retardation, or developmental disabilities reside, with one or more residential counselors or other staff persons. For the purposes of this ordinance, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in § 54.1-3401 of the Code of Virginia.	P	P	P		P					P		P		P	

Factor 1, Item 4 and 6
Recommendations for Changes to Uses

Uses	Structure vs Business	Section 2.9 Definition (unless otherwise specified)	R-1	R-2	R-3	R-E	CR	C-1	C-2	C-3	Harbor	PUD	OSD	GBI	GBI H1	M-1	M-2
Legend P = permitted, by-right C = Conditional Use Permit required Color Red signifies changes proposed																	
Dwellings, Manufactured home	S	DWELLING, MOBILE HOME or MANUFACTURED HOME means a special form of one-family dwellings with the following characteristics: 1. designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities, with plumbing and electrical connections provided for attachments to outside systems 2. designed to be transported after fabrication on its own wheels 3. arriving complete at the site where it is to be occupied, usually including major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations, location and provision of support on site, connection with utilities and the like 4. intended to be used other than as a component in a structure two or more stories in height. MANUFACTURED HOUSING means factory built, single-family structures that meet national standards.	P	P	P	P	P										
Dwellings, Multi-family	S	DWELLING, MULTI-FAMILY shall mean a building designed for and containing two or more dwelling units.			P			C	C	P	C	P/C		P		P	
Dwellings, Residential units below or above minimum or maximum SF	S		C									C					
Dwellings, Single-family	S	DWELLING, SINGLE FAMILY DETACHED shall mean a single-family dwelling that is located on an individual lot of record.	P	P		P	P	€	€	P	€	P		P		P	
Dwellings, Townhouse	S	DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE) shall mean a dwelling unit which is located on an individual lot of record and which is attached to another dwelling unit or any adjoining lot by a common wall.		P	P		P					P		P		P	