



PLANNING COMMISSION & TOWN COUNCIL

Joint Work Session
Cape Charles Civic Center
September 28, 2023
6:00 PM

At 6:00 p.m. Councilman Andy Buchholz, having established a quorum, called to order the Work Session of the Town Council. In addition to Councilman Buchholz, present were Councilmen Follmer and Grossman, and Councilwoman Holloway. Mayor Charney, Vice-Mayor Bennett and Councilman Butta were not in attendance.

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

Staff in attendance were Town Manager John Hozey, Director of Planning and Zoning Administrator Katie Nunez, Planning Administrative Assistant Maureen Tamares-Meditz. There were no members of the public in attendance.

APPROVAL OF AGENDA

Councilman Buchholz approved the agenda format as presented by unanimous consent.

ORDER OF BUSINESS

- A. *Continue with the review of all Proposed Zoning Amendments. Starting at Article III, Page 23(corrected page 39) Section 3.7 Commercial District C-2.*

Director of Planning and Zoning Administrator Katie Nunez began by saying that since revamping had been done with the document she created a tracking of all proposed zoning changes, so she wanted to start the review on this page. She mentioned that this document was far from perfect as the page numbers or numbering on the sections and even the formatting might be wrong, but this will eventually be cleaned up as the changes get accepted and we have the final product.

Discussion about the tracking of all proposed changes was as follows:

Title Page

- Changed as section get adopted.

Zoning Map

- Elimination of the RE District was recommended, with a total of four (4) parcels, Keck Wells property and 3 Residential Properties that should be moved to R3 District.
- A Zoning Map change in the future was mentioned by Ms. Nunez related to 2 parcels owned by the state (DCR) south of the harbor and said that the Council may want to consider before the final Zoning ordinance was adopted.

Article II

§2.3 – Districts Generally

- The list of zoning districts needed to mirror all the districts referenced in Article 3 – Zoning Districts. If RE was coming out this section would be amended.
- Councilman Grossman asked about GBI-H1 that was being used right now. Ms. Nunez replied that those were two separate distinct zoning districts and once adopted it would be reflected on both Section 2 and 3.
- Ms. Nunez suggested adding Accomack Plantation PUD to the list of districts and adding a Section in Article 3; or appear in multiple spots that reference it to the Appendix on the

document. Mr. Hozey agreed and stated that some of the new residents or other people do not know about this.

§2.4.2 – Permits

- Item B – add a new item (Item 3) Ms. Nunez stated that this new section was added - to require “as built” elevation drawings upon completion of project and prior to issuance of a Certificate of Occupancy. She said that this was added because the Department had some problems wherein people have deviated from the approved site plans to what was actually being built on the property. She further noted that Vice-Mayor Bennet mentioned from the prior meeting that additional language needs to be added to this, so she has worked on it and proposed that “as built” comes in, they have to be measured on the site plan and detailed deviation between the two documents. If the deviation is substantial enough, the document will go over to the Board of Zoning Appeals (BZA) for review and determine if a variance can be granted so it was aligned with the zoning ordinance or they might have to change some things (ie., rebuild, move, elevate, etc.)
- Some additional language would be added in this section particularly “as built” so people would have more understanding of what this means.

§2.5 – Non-Conforming Uses

- §2.5.4 Ms. Nunez confirmed that this section was to be deleted as requested from the last meeting.
- §2.5.5 *“The use of non-conforming buildings or structures which become vacant after adoption of this ordinance may also be occupied by a use for which the building or structure was designed or intended provided that it is occupied within a period of two years after becoming vacant”*. Chairman Stramm recommended that this paragraph from the whole section be deleted as well.
- §§2.5.6 -50 and 2.6 Ms. Nunez proposed these sections to be deleted. All agreed.

§2.6 - Board of Zoning Appeals

- §2.6.2 Powers and Duties of the Board and Zoning Appeals (sub-paragraph C)
 - Item 3 – delete existing criteria for variance and replace with the criteria from the Code of VA today. (Update requirements pursuant to Code of Virginia 15.2309).
- §2.6.7 *This section has been added*. Ms. Nunez proposed to add a timeframe of 30 months for performance of the variance; otherwise it becomes null and void. Councilman/Commissioner Grossman asked if the variance was put in place what happens. Ms. Nunez replied that applicants should be acting on it. Mr. Hozey asked what the definition was of “acting on”. Ms. Nunez replied “as long as they are actively progressing on building through a building permit until it was built and they get a Certificate of Occupancy. It was also discussed that a period of 30 months was given instead of 12 or 6 months because some projects were larger and they go to different agencies and it took longer to get approved.

§2.9 - Definitions.

- This whole section has been moved to Appendix A. Commissioner Holloway asked about Bed & Breakfast definition that can be found on §3.2 (sub-paragraph D) Item 1a, page 19 which reads: *“The owner and family must occupy the residence*. The owner and his/her appointed agent are responsible for supervising guests”. After some discussion, Mr. Hozey suggested that it should be changed to: *“The owner, family, and/or manager must occupy the residence*. The owner and his/her appointed agent are responsible for supervising guests”. All agreed.

Article III

§ 3.1 - Residential Estate District R-E

- Ms. Nunez recommended that this whole section be deleted as part of the Zoning Map. Councilman Grosman asked if the Zoning Map would change once this is processed. Ms. Nunez confirmed yes. All agreed to delete this whole section.

§3.2 - Residential District R-1

- Conditional Uses (sub-paragraph B)
 - Item 1a : *"The owner and family must occupy the residence.* The owner and his/her appointed agent are responsible for supervising guests". After some discussion, Mr. Hozey suggested that it should be changed to: *"The owner, family, and/or manager must occupy the residence.* The owner and his/her appointed agent are responsible for supervising guests". All agreed.
- Area and Height Regulations (sub-paragraph E)
 - Ms. Nunez mentioned that the biggest change in this section is the addition of the table, to make the criteria easier to follow.
 - Commissioner Holloway pointed out that on the table Minimum Lot Size is 600 SF. Ms. Nunez noted that it should be 5,600 SF.
 - Councilman/Commissioner Grossman commented regarding the table that says, "See Prevailing Standard below" and this term can be seen on other tables, so he asked if this should be in the definition section as well. Ms. Nunez stated that this comes up all the time, so it is important that this shows up in this section. After some discussion. Mr. Hozey suggested that the term "Prevailing Standard" should be added in the Definition section. All agreed. Chairman Stramm suggested that "neighboring overlay" should also be added to the Definition. All agreed.
- Other Regulations (sub-paragraph F)
 - Item 1 Subdivision of residential lots is not permitted Add: *if it does not conform to the legal lot size.* Councilman/Commissioner Grossman suggested to add: *as long as it does not go below 5,600 SF.* All agreed.

§3.3 - Residential Mixed District R-2

- Area and Height Regulations (sub-paragraph G)
 - Ms. Nunez said that this table for the Patio will be deleted. There was some discussion about Patio. Ms. Nunez said she will bring her Planning book to the next meeting so they can see diagrams of differences of each, to get an idea of how it looks like.
 - Ms. Nunez also asked if the Board wanted to specify a Maximum Dwelling Unit Size for this §R-2. All agreed it should remain as *None Specified.*
 - Councilman Strub asked about Condominium buildings. Ms. Nunez replied that we a different dimension for condominium units has been specified. There was some discussion about condominiums. Mr. Hozey suggested that Ms. Nunez bring back a proposal to add Condo Unit with dimensional charts on the table and bring it back to the Board.

§3.4 - Residential Multi-Family District R-3

- Permitted Uses (sub-paragraph B)
 - Item 1 delete: *Single-family dwellings.* Commissioner Stramm mentioned that this was suggested last meeting.
 - Item 8 delete: *manufactured home dwellings,* as referred from last meetings' minutes.
- Accessory Uses
 - (sub-paragraph C) Item 5 delete: *including those listed in Article 3.1(C).* As suggested by Councilman/Commissioner Grossman.

- Conditional Uses
 - (sub-paragraph D) Only 2 items will remain:
 - Item 1 Churches and places of worship.
 - Item 2 Childcare/adult daycare facilities and nursing homes.
- Lot, Yard, Height, Coverage and Density Requirements
 - (sub-paragraph E) Single Family Dwelling Development - delete this table
 - (sub-paragraph E) Multi-Family Project Development table: Ms. Nunez said she will double check and confirm the table for townhouses.
 - Ms. Nunez said that dimensional information will be added to Duplex dwellings & condos
 - Commissioner Grossman said that under the Maximum Lot Coverage change: 45% to 60% as Planning Commission Recommendation.

§3.5 Commercial Residential CR

- Permitted Uses (sub-paragraph B)
 - Item 2 Duplex Dwellings add: *off street parking*
 - Item 8 delete: *short-term rentals*
 - Item 16 Personal services. Commissioner Ashworth noted this should be changed to: *professional services* as per last meetings agreement. All agreed.
- Accessory Uses
 - (sub-paragraph C) Item 5 delete: *including those listed in Article 3.1(C)*.
- Lot, Yard, Height, Coverage and Density Requirements
 - (sub-paragraph E) add: *Duplex* on the table.

§3.6 Commercial District C-1

- Accessory Uses
 - (sub-paragraph C) Item 2 *Temporary licensed such as festivals, outdoor displays, gatherings, performances and open-air food markets*. It was discussed that this item is more of a temporary use and should be deleted. All agreed to delete this item.
- Conditional Uses
 - (sub-paragraph D) Item 2 Charging stations for three or more Electric Vehicles. delete: *three or more*
- Lot, Yard, Height, Coverage and Density Requirements
 - Table Column 1 Line 2 Front Setback delete: *(minimum unless otherwise stated)* replace with: *(prevailing)*
- Additional Requirements (sub-paragraph A)
 - Item 1 Architectural Treatment. On the sentence, any adjoining agricultural or residential district, delete: *agricultural*.
 - Item 2 Director of Planning, it was suggested to fix the designation title throughout so it will be consistent.

§3.7 Commercial District C-2

- Conditional Uses
 - (sub-paragraph D) Item 2 Charging stations for three or more Electric Vehicles. delete: *three or more*
 - (sub-paragraph E). Development/Redevelopment Standards, Other Requirements and Accessory Uses. *Update to reflect on Section 4.14*

- (sub-paragraph F). Sign Design shall relate to the architectural character of the building and, if ground mounted, shall be landscaped. *Should update internal reference to Section 4.1*

§3.8 Commercial District C-3

- Accessory Uses. change: C-2 to C-3
- Conditional Uses
 - (sub-paragraph D) Item 2 Charging stations for three or more Electric Vehicles. delete: *three or more*
- Lot, Yard, Height, Coverage and Density Requirements
 - On the table: Side Yard (ft) 5 and 10 delete: *and 10*

§3.9 Harbor District

- Mainstreet Mixed-Use Area
 - (sub paragraph B) Item 1.h Historic Area Review Board and the Harbor Area Review Board delete: *and the Harbor Area Review Board*. Discussion was made and all agreed to remove this.
- Conditional Uses (sub-paragraph E)
 - Item 4 add: *Single Family dwellings* (to replicate C-1). Commissioner Stramm pointed this out and after much discussion it was agreed to add single family dwellings.
 - Item 5 delete: *short-term rentals*
 - The dwelling must meet all of the requirements of Section 3.9.D.6 update to: *3.9.D.4*
- Lot and Height Requirements (sub-paragraph F)
 - Item 1 (a, b & c) will be added to the table above it.
 - Item 2 Ms. Nunez mentioned that she highlighted the area and mentioned that the intention for this is to bring on a consultant to assist with the Harbor area as a whole and that the whole area will be picked up as part of that.
 - Item 2.b(ii) delete: *Conceptual Master Plan*. After some discussion Commissioner Stramm suggested to delete Conceptual Master Plan. All agreed.
 - Mr. Hozey said that there is a plan in place for Harbor Master planning that may happen around Spring or Summer next year.
- Mainstreet Mixed-Use Area. (sub-paragraph O) delete this area because it is already listed on sub-paragraph B.

§3.10 General Business / Light Industrial GBI

- Councilman/Commissioner Grossman suggested to delete this Section. All agreed that this section will be deleted and somehow incorporated with a General Industrial Zoning that has a listing of both Light & Heavy Industrial.

§3.11 Industrial District M-1

- It was agreed that this Section will kept for now.

§3.13 Industrial District M-2

- Statement of Intent. There was a recommendation to combine §§ 3.11 & 3.13 to be both Industrial District. Ms. Nunez said that she will make a proposal to do Light Industrial & Heavy Industrial.
- Permitted Uses
 - (sub-paragraph B) Item 11 add back in: *concrete plant*. Councilman/Commissioner Grossman suggested to add this back in. All agreed.

§ 3.12 Planned Unit Developments (PUD)

- Permitted Uses
 - (sub-paragraph B) Item 5 will be formatted differently.
 - (sub-paragraph E) Item 3 add Accomack PUD. Discussion about adding this as an Appendix Ms. Nunez said that adding it might take up around 90 pages. Mr. Hozey suggested to add: *Accomack PUD as another Section with the see Appendix attached to it.* All agreed.
- Design Guidelines
 - (sub-paragraph G) Item 2.a There shall be no gated communities or gated road allowed in PUD districts. Streets shall travel east-west and north-south to the greatest extent possible, and there shall be no cul de sacs or dead ends. Ms. Nunez relayed that Vice-Mayor Bennet has asked “*why no gated community?*”. Stramm, when this was done, they were thinking of the Harbor and wanted a street similar to the Historic District. Commissioner Smith said that this makes sense.
 - Ms. Nunez suggested to add: “*it could be considered under a Conditional Use Permit (CUP) for cul de sac only.*” Councilman Follmer asked if CUP will also apply to “no gated”. Ms. Nunez replied it will only apply for cul de sac.
 - There was a discussion regarding Sidewalks. It was agreed to add to the requirement: *Sidewalk installation must happen with all new residential building permit where there is a gap.*

The evening’s review stopped at the end of §3.12 Planned Unit Development (PUD).

Mr. Hozey asked Ms. Nunez to have a recommendation for Section 3.14 Light Industrial for the next meeting. He also talked about the process and timeline for both the Town Council and Planning Commission with regards to the Short-Term Rental, Sign Ordinance and the Zoning Ordinance.

Joint Work session for the Short-term Rental is temporarily set to November 2, 2023. Joint Work Session for the Zoning Ordinance will be dependent upon the majority’s availability for the month of October.

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

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

The joint work session was adjourned at 8:13 p.m.

Councilman Andy Buchholz

Chairman Bill Stramm

Planning & Zoning Administrative Assistant