



# Planning Commission Regular Meeting

January 06, 2026 at 6:00 PM

Cape Charles Civic Center - 500 Tazewell Avenue

## Agenda

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### 1. Call to Order

- A. Roll Call
- B. Establish a Quorum

### 2. Invocation and Pledge of Allegiance

### 3. Consent Agenda

- A. Approval of Agenda Format
- B. Approval of Minutes

### 4. Public Hearings

A. Conditional Use Permit Application (CUP) 2026-01: from the Cape Charles Rosenwald School Restoration Initiative for the review of a comprehensive sign plan as part of a conditional use permit application in the commercial district (C-1), per Cape Charles Zoning Ordinance Section 5.3 (F)

B. Comprehensive Plan Amendment 2026-01: Application from the Town of Cape Charles to amend page 41, *Accessory Dwelling Units*, by removing language that prohibits ADUs from being rented for less than 30 days, and;

Zoning Text Amendment (ZTA) 2026-01: Application from the Town of Cape Charles to amend Article IV Section 4.1 (J) (2) (a) and Section 4.14 to incorporate new language to allow Accessory Dwelling Units (ADUs) to be rented as a Short-Term Rental

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

### 6. Unfinished Business

### 7. New Business

A. Conditional Use Permit Application (CUP) 2026-01: from the Cape Charles Rosenwald School Restoration Initiative for the review of a comprehensive sign plan as part of a conditional use permit application in the commercial district (C-1), per Cape Charles Zoning Ordinance Section 5.3 (F)

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C. Adoption of 2026 Planning Commission Meeting Calendar

D. Review of Planning Commission By-Laws

**8. Report of Officers and Committees**

**9. Standing Staff Reports**

**10. Announcements - Next Meetings**

A. Next Meeting - Tuesday, February 3rd, 2026 @ 6:00 pm

**11. Adjournment**



## Planning Commission Staff Report

**Agenda Title:** Cape Charles Rosenwald School Restoration Initiative – CUP Application

**Agenda Date:** January 6<sup>th</sup>, 2026

**Prepared by:** Jack Steinmayer, Zoning Compliance Officer

**Reviewed By:** Katie Nunez, Director of Planning/ Zoning Administrator

**Date:** December 17<sup>th</sup>, 2025

**Type of Application:** Conditional Use Permit Application

**Applicant:** Cape Charles Rosenwald School Restoration Initiative

**Site Address** 1500 Old Cape Charles Road

**Tax Map:** 83A3-A-14D

**Zoning:** Commercial-1 (C-1)

**Proposal:** Allow for a 59 sq. ft. freestanding sign at a height of greater than 10 ft. to be placed at the entrance of the Impact Center.

### Legal Deadline Requirements

**Date Application Received:** December 11<sup>th</sup>, 2025

**Date Application Deemed Complete:** December 11<sup>th</sup>, 2025

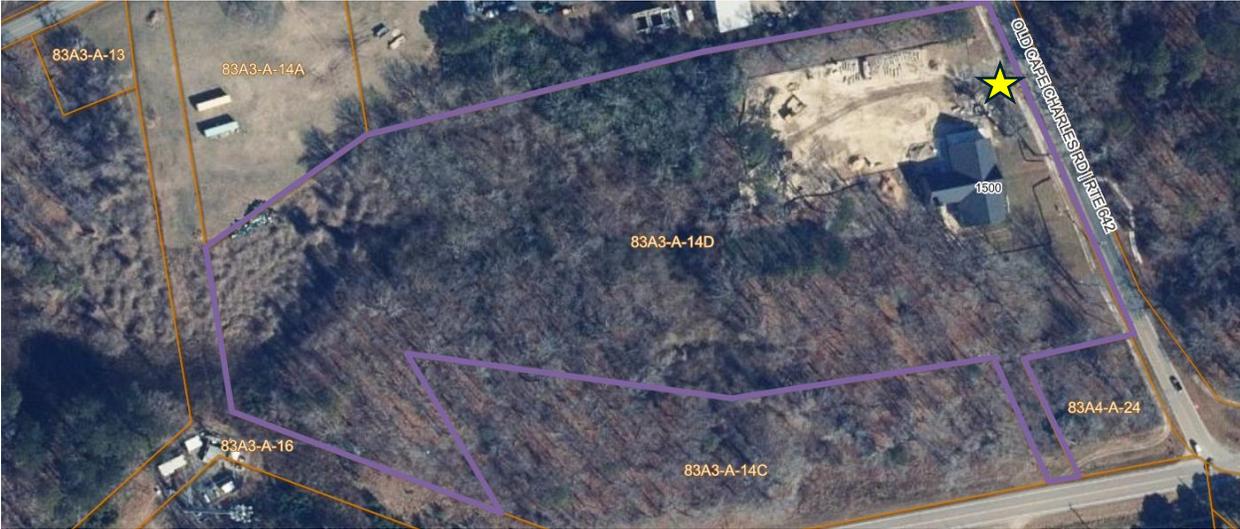
### For Planning Commission:

**For Town Council (Directory, not Mandatory)** Can act upon receipt of recommendation from Planning Commission; if PC fails to provide recommendation within the prescribed deadlines, it is deemed a favorable recommendation by the PC. Town Council max time frame is 12 months from when referred to the Planning Commission:

**Narrative of Proposal:**

The applicant (Cape Charles Rosenwald School Restoration Initiative) is seeking to obtain a Conditional Use Permit (CUP) for a comprehensive sign plan to allow for a freestanding sign of 59 sq. ft. at a height of greater than 10 ft. to be placed at the entrance of the Impact Center along Old Cape Charles Road.

**Aerial of Property:**



**Zoning Ordinance Requirements:**

The Cape Charles Zoning Ordinance Section 5.3 (F) states:  
*Special Exceptions. Comprehensive sign plans may be approved as part of a conditional use permit in commercial, heavy, and light industrial, and harbor districts, and as part of a subdivision approval for three (3) lots or greater in all zoning districts. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. The height of signs shall not be modified above the height permitted in the Zoning Ordinance.*

**This is a new ordinance that has been revamped to comply with Federal Law. Moving forward, any sign plan that deviates from the listed requirements laid out in Section 5.11.1 through 5.11.3 needs to be presented through a Conditional Use Permit Application.**

The Cape Charles Zoning Ordinance Section 4.2 (B) states:  
*Conditional Use Permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this ordinance in the specific districts provided by the Town Council, upon recommendation by the Planning Commission, shall find that after a duly advertised public hearing, the use will not:*

- 1. Adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood.*

2. *Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.*
3. *Conflict with the purpose of the comprehensive plan of the Town of Cape Charles.*

In granting any Conditional Use Permit, the Town Council shall designate such conditions as it determines to carry out the intent of this ordinance.

Additionally, approval of a conditional use permit shall be valid for only the specific use it covers in the specific location designated for one year after approval by the Town Council and the completion of the additional permit process as requested in the application. The applicant shall apply or have applied for all additional permits as provided to the Planning Commission and as required by the Zoning Administrator within one (1) month of the approval by the Town Council. If the applicant fails to apply for any such permit within this period, the Conditional Use Permit shall be effective as of this date, thirty (30) days after Town Council approval, unless Town Council allows for additional time for such application or applications. If not acted upon within one (1) year, the Conditional Use Permit shall become null and void, unless an extension of the time is approved by the Town Council for good cause shown before the expiration of the Conditional Use Permit.

**Staff Analysis:**

This is the first time that a business in the Commercial-1 (C-1) District has requested a sign that exceeds the maximum allowable sq. ft. of 24 for a permanent on-site freestanding sign. After further review, the application presented to the Planning Commission by the Cape Charles Rosenwald School Restoration Initiative for the approval of a comprehensive sign plan to allow for a 59 sq. ft. freestanding sign at a height of greater than 10 ft. to be placed at the entrance of the Impact Center has demonstrated consistency and adherence to the requirements laid out in *Article V Section 5.3 (F)*.

**Recommendation to the Planning Commission:**

I am recommending that the Planning Commission recommend to the Town Council to approve the application for a Conditional Use Permit for the installation of a 59 sq. ft. at the entrance of the Impact Center, for all the reasons contained herein.

Depending upon comments received and heard during the public hearing, there may be additional factors that the Planning Commission should consider when developing its motion.

**Attachments:**

Attachment 1 – Conditional Use Permit Application (2026-01)

Attachment 2 – *Article V: Signs* of the Cape Charles Zoning Ordinance

Revised 011/2025	
Taxes	
Violations	—
Fee	exempt
Decision	



# Application for Zoning Clearance

Planning & Zoning Department  
 412 Tazewell Avenue  
 Cape Charles, VA 23310  
 757-331-3259 x31  
[planningtech@capecharles.org](mailto:planningtech@capecharles.org)

Fee \$150 unless a residential building permit

Budget Code: MISPL 100-3100-1070

Budget Code for VIOLATIONS: PERMZ 100-3100-1370

PART 1. APPLICATION NOTES			
Use this form to request zoning clearance for all new construction, alteration of existing structures, additions, or demolitions within the Town of Cape Charles * <i>The applicant is responsible for confirming and obtaining all necessary building permits after approvals.</i>			
In addition to the information required in this application, all items from this checklist must be submitted before it can be evaluated.			
<input checked="" type="checkbox"/> Photos of existing area <input checked="" type="checkbox"/> Site Plan <input type="checkbox"/> Owner Affidavit			
Owner/Applicant signature:			Date: 12/11/2025
PART 2: PROPERTY INFORMATION			
Property Address: 1500 Old Cape Charles Rd			Tax Map #: 083A3-A-14D
<b>Zoning District if not located in Bay Creek:</b>			
<input type="checkbox"/> R-1	<input type="checkbox"/> R-2	<input type="checkbox"/> R-3	<input type="checkbox"/> CR
<input type="checkbox"/> M-2	<input type="checkbox"/> HARB-C	<input type="checkbox"/> HARB-LI	<input checked="" type="checkbox"/> C-1
			<input type="checkbox"/> C-2 <input type="checkbox"/> C-3
<b>Zoning District if located in Bay Creek:</b> <input type="checkbox"/> Located on Bay Creek property, but not in a current subdivision			
Subdivision Name	Zoning Designation	Subdivision Name	Zoning Designation
<input type="checkbox"/> Bayside Village	PUD Village	<input type="checkbox"/> Muirfield Village	PUD Village
<input type="checkbox"/> Bay Vista	PUD R-3	<input type="checkbox"/> New Quarter	PUD R-2
<input type="checkbox"/> Fairways	PUD R-3	<input type="checkbox"/> Plantation Pointe	PUD R-1
<input type="checkbox"/> Heron Pointe	PUD R-2	<input type="checkbox"/> The Colony	PUD R-3
<input type="checkbox"/> Kings Bay	PUD R-2	<input type="checkbox"/> The Hollies	PUD R-2
<input type="checkbox"/> Marina Resort	PUD R-2	<input type="checkbox"/> The Signature	PUD R-2
<input type="checkbox"/> Marina Village East	PUD R-2	<input type="checkbox"/> The Villas at Magnolia Park	PUD Village

PART 3: PROPERTY OWNER INFORMATION	
Name and/or Company: <b>Cape Charles Rosenwald School Restoration Initiative</b>	
Mailing Address: <b>P.O. Box 294, Cape Charles, VA 23310</b>	
Phone Number: <b>(757) 636-8667</b>	
Email: <b>emcmath@ccimpactcenter.org</b>	
PART 4: APPLICANT INFORMATION	
<input checked="" type="checkbox"/> Check here if the applicant is the owner. (If applicant is not the property owner, an Owner's Permission Affidavit must be attached.)	
Name and/or Company:	
Mailing Address:	
Phone Number:	Email:
PART 5: PROJECT INFORMATION – DESCRIBE PROPOSED WORK IN DETAIL	
Install a permanent, free-standing building sign for The Impact Center, featuring our logo, our tag line, our address, as well as a letter board to advertise our community programming.	
PART 6: ADDITIONAL INFORMATION	
Category of work	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial
Type of work	<input type="checkbox"/> New (landscape plan needed) <input type="checkbox"/> Renovations <input type="checkbox"/> Repairs
(Check all that apply)	<input type="checkbox"/> Demolition ___ Full ___ Partial ___ ft <sup>2</sup>
	<input type="checkbox"/> Addition <input type="checkbox"/> Accessory structure ___ ft <sup>2</sup>
	<input type="checkbox"/> Fence <input type="checkbox"/> Pool (requires a CUP)
	<input type="checkbox"/> Roof <input type="checkbox"/> Solar Panels
	<input type="checkbox"/> Elevator
	<input checked="" type="checkbox"/> Other (specify) <b>Free-standing building sign</b>
Are trees going to be removed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, please complete a Tree Permit Application.	
Applicant's signature: <u>Elise McMath</u>	Date: <u>12/11/2025</u>
Zoning Administrator's signature: _____	Date: _____



# Sign Permit Application

Planning & Zoning Department  
 412 Tazewell Avenue  
 Cape Charles, VA 23310  
 757-331-3259 x32

[planningadmin@capecharles.org](mailto:planningadmin@capecharles.org)

Revised	Section 4, Item A.
Taxes	
Violations	—
Fee	exempt
Decision	

<b>Permit #</b>		Budget Code: SIGNP-100-3100-1570
<b>PART 1: APPLICATION NOTES</b>		
<p>Use this form to request permission to display or erect any sign. No sign can be placed in, or overhang in, the public right-of-way, nor shall they be attached to any utility pole, light standard, or street tree. Additional requirements can be found in CCZO Article V.</p> <ul style="list-style-type: none"> <li>No application shall be granted unless taxes on the real estate in question are paid in full as of the date of the application.</li> <li>No application shall be granted if there is an outstanding zoning violation on the real estate in question.</li> <li><b>If the applicant is not the owner, an Owner Affidavit must be submitted.</b></li> </ul>		
<b>PART 2: PROPERTY INFORMATION</b>		
Property Address: 1500 Old Cape Charles Rd		
Contractor: Andy Bucholz		
Address: 22156 S Bayside Rd. Cape Charles, VA 23310		
Email: <a href="mailto:andy@easternshoresigns.com">andy@easternshoresigns.com</a>		Phone #: 757-331-4432
<b>PART 3: PROPERTY OWNER INFORMATION</b>		
Property Owner/Tenant: Cape Charles Rosenwald School Restoration Initiative		
Business Address: P.O. Box 294, Cape Charles, VA 23310		
Email Address: <a href="mailto:emcmath@ccimpactcenter.org">emcmath@ccimpactcenter.org</a>		Phone#: (757) 636-8667
<p><i>If the tenant is not the property owner, an Owner Affidavit for Permission to Represent must be completed and submitted with this request.</i></p>		
<b>PART 4: PROJECT INFORMATION</b>		
Estimated Cost: \$5,000		Sign: Material: vinyl composite
Advertisement (description):		

**PART 5: PROJECT INFORMATION**

Section 4, Item A.

Location of Signs	# Signs Permitted Please refer to the CCZO Section listed.	Sign Type Proposed	Sign Dimension and Area
<input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> CR <input checked="" type="checkbox"/> C-1 <input type="checkbox"/> C-2 <input type="checkbox"/> C-3 <input type="checkbox"/> HARB-C <input type="checkbox"/> HARB-LI <input type="checkbox"/> M-2	Section 5.11.1 Section 5.11.2 Section 5.11.2 Section 5.11.3	<input type="checkbox"/> Flags <input checked="" type="checkbox"/> Freestanding <input type="checkbox"/> Wall Signs* <input type="checkbox"/> Temporary Moveable Signs <input type="checkbox"/> Other: _____ _____ Number of Signs	<div style="text-align: right; margin-bottom: 5px;"><b>59 sq ft</b></div> 10 ft height 8 ft width <del>00</del> sq ft _____ ft height _____ ft width _____ sq ft Multiply number of signs x height x width to get area
Front Footage of Lot _____ sq ft Front Footage of Building _____ sq ft		*How is the sign affixed to the building? N/A	

Attached proposed rendering and an outline of the proposed sign using dashed lines to indicate distances to other buildings and all property lines. Include the exact sign type from Sections 5.11.1, 5.11.2, or 5.11.3.

site plan, size rendering, and design rendering  
ATTACHED

Applicant's signature: Elise McMath

Date: 12/11/2025

Zoning Administrator's signature: \_\_\_\_\_

Date: \_\_\_\_\_

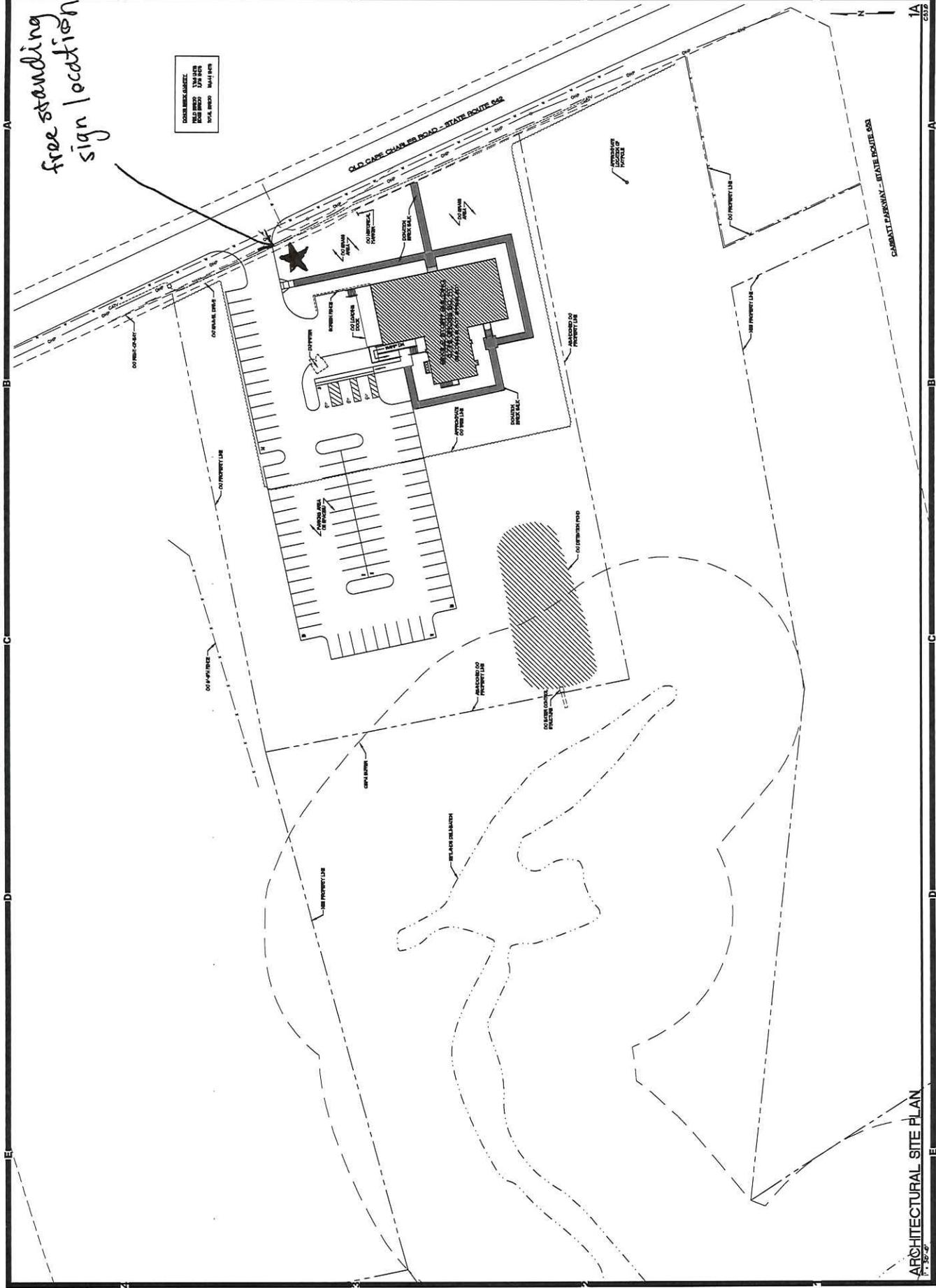


# ARCHITECTURAL SITE PLAN

Cape Charles Rosenwald School Restoration Initiative  
1200 Old Cape Charles Road, Cape Charles, VA 23310

**THE PATINA GROUP**  
5127 Dorn Hill Court  
Chen Allen, Va. 23059  
804-385-2283

Section 4, Item A.

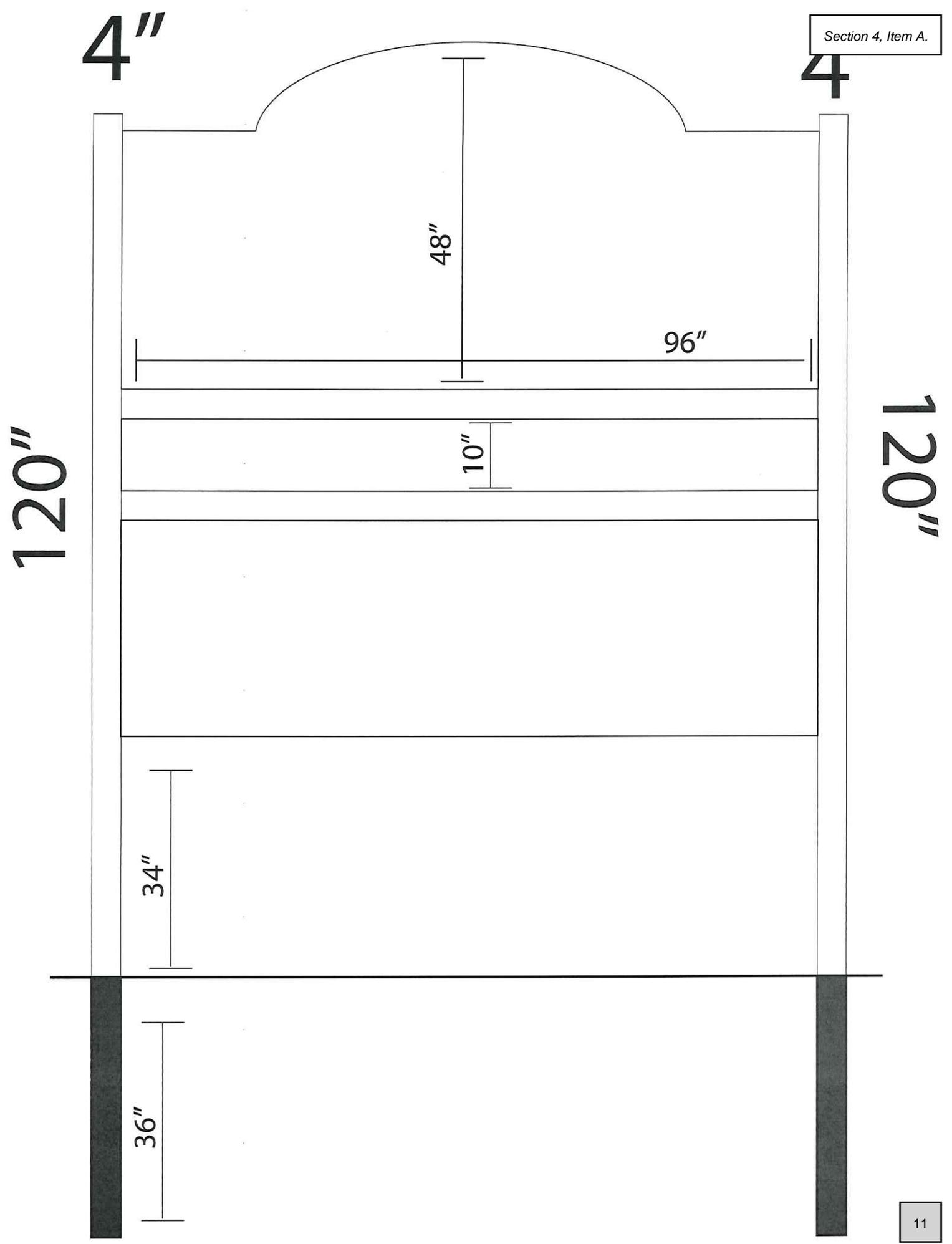


*free standing  
sign location*

OWNER'S REPRESENTATIVE:  
NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_  
TOTAL SHEETS: 144 OF 144

A	1
A	2
A	3
A	4
A	5
A	6

ARCHITECTURAL SITE PLAN  
1-13-2012







# Conditional Use Permit Application

Planning & Zoning Department  
 412 Tazewell Avenue  
 Cape Charles, VA 23310  
 757-331-3259 x31  
[planningtech@capecharles.org](mailto:planningtech@capecharles.org)

Revised 11/2025	
Taxes	
Violations	—
Fee	exempt
Decision	

Budget Code: LANDF 100-3100-1050

## PART 1: APPLICATION NOTES

Certain land uses, by nature, can have a potentially unfavorable impact on or be incompatible with other uses of land within a given zoning district. These uses may be permitted within designated districts under controls, limitations, and regulations of a conditional use permit.  
 The Town Council has the responsibility to evaluate the impact and the compatibility of each use and to stipulate conditions and restrictions to assure the proposed use is compatible with the neighborhood in which it is located. The Council can deny the use as not being in accordance with the adopted comprehensive plan or as being incompatible with the surrounding neighborhood.

In addition to the information required in this application, all items from this checklist must be submitted before it can be evaluated.

- Zoning Clearance Application       Site Plan/Survey showing existing conditions and proposed changes

Owner signature: *Elise McMath*      Date: 12/11/25

## PART 2: PROPERTY INFORMATION

Property Address: 1500 Old Cape Charles Rd.

Tax Map #: 083A3-A-14D      Zoning District: C-1

Current use:      Proposed use:

## PART 3: PROPERTY OWNER INFORMATION

Name and/or Company: Cape Charles Rosenwald School Restoration Initiative

Mailing Address: P.O. Box 294, Cape Charles, VA 23310

Phone Number: 7576368667      Email: [emcmath@ccimpactcenter.org](mailto:emcmath@ccimpactcenter.org)

If owner is not the applicant, an Owner's Permission Affidavit must be attached.

## PART 4: APPLICANT INFORMATION

Name and/or Company:

Mailing Address:

Phone Number:      Email:

**PART 5: PROJECT INFORMATION**

A. Neighborhood

1. What are the current uses and characteristics of the neighborhood? Commercial use

2. How would this proposed use fit in with the neighborhood? Although the C-1 zoning district generally limits signs to 24 sq. ft., that standard is intended for dense, pedestrian-oriented areas like Mason Avenue. Our site, by contrast, is low-density, rural, and auto-oriented, with only one other nearby facility that screened from view. The proposed 59 sq. ft. sign is scaled to this setting, ensuring drivers can safely identify and access the center and educational center without disrupting the natural, low-profile character of the neighborhood. Its size and placement are compatible with the surroundings and support the functional needs of a public-serving facility in this context.

3. Describe the effects that any noise or odor from the proposed use might have on the neighborhood. this got cut off... see comp. sign plan attachment  
N/A

B. In the Commercial and Harbor Districts, a conditional use permit is required for residential use above 1<sup>st</sup> floor commercial use.

Number of residential floors \_\_\_\_\_ Number of residential units per floor \_\_\_\_\_  
Number of parking spaces on premises \_\_\_\_\_ Number of parking spaces on street \_\_\_\_\_ deeded off-site \_\_\_\_\_  
Amenities provided \_\_\_\_\_

C. Description of Use

Days of Operation Permanent sign Number of full-time staff? \_\_\_\_\_ Part-time? \_\_\_\_\_  
Hours of Operation \_\_\_\_\_ If foodservice, will there be alcohol sales on premises? \_\_\_\_\_  
Hours of Delivery \_\_\_\_\_

D. Site plan must also include Primary and any accessory structures (size & setbacks), Trash location, screening, fencing, lighting, utilities, landscaping, and parking if required.

I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed.

Applicant's signature: Glise Melman

Date: 12/11/2025

Zoning Administrator's signature: \_\_\_\_\_

Date: \_\_\_\_\_



The Historic Cape Charles Elementary  
A Washington-Rosenwald School

## COMPREHENSIVE SIGN PLAN

December 11, 2025

Prepared by Elise McMath

*Elise McMath*

Although the C-1 zoning district generally limits signs to **24 sq. ft.**, that standard is well suited for dense, pedestrian-oriented commercial areas like Mason Avenue. Our site, by contrast, is **low-density, rural, and auto-oriented**, with only one other nearby facility that is screened from view. The proposed **59 sq. ft. sign** is scaled to this setting, ensuring drivers can safely identify and access the community and educational center without disrupting the natural, low-profile character of the neighborhood. Its size and placement are compatible with the surroundings and support the functional needs of a public-serving facility in this context.

We propose a **single, double-sided building identification and informational sign** located near the main entrance to the parking lot, approximately **22 feet from the center of Old Cape Charles Road** (~18 feet from the edge). The sign is oriented perpendicular to the roadway, with identical content on each face. The sign will measure **10 feet tall by 8 feet wide**, with a total surface area of **59 square feet per side**, and will be free-standing on **10-foot posts** set into the ground. The sign will be constructed of **vinyl composite materials** for durability and low maintenance.

The sign will display the organization's **logo, tagline, 911 address**, and a **letterboard for rotating messages** advertising events, programming, and other community information. Message changes will occur approximately **every two to four weeks**, depending on the organization's calendar. No permanent illumination is planned; if lighting is added in the future, it would likely be **solar-powered and limited to operational hours**, minimizing impact on the surrounding area. **Installation** will be performed by Eastern Shore Signs, and ongoing **maintenance and upkeep** will be managed by the facility's staff.

This single sign is designed to **identify the building, provide public information, and guide visitors safely**, while remaining compatible with the rural character of the site and historic character of the Town of Cape Charles. Its **size, placement, materials, and manner of installation** are all consistent with the operational and aesthetic needs of the facility and the surrounding neighborhood.

## **Article V – Signs**

### **Section 5.1: General Provisions**

#### **A. Purpose and Intent; Interpretation**

1. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height, condition, and other physical characteristics, but, not the content, of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, and size of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.
2. Signs not expressly permitted as being by right or by conditional sign permit under this article, by specific requirements in another portion of this Ordinance or otherwise expressly allowed by the Town Council or Board of Zoning Appeals are forbidden.
3. These regulations are intended to regulate signs that are not distracting to motorists and are constructed and maintained in a structurally sound and attractive condition.
4. These regulations distinguish between portions of the Town designed for primarily vehicular access and portions of the Town designed for primarily pedestrian access.
5. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

**Section 5.2: Definitions.**

**ADVERTISING** means any words, symbol, color or design used to call attention to a commercial product, service, or activity.

**ANIMATED SIGN** means a sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a “moving sign.”

**AIR-INFLATED SIGN** means a sign that is inflated through electric or generated controlled air. Examples: tube man or googly man

**BUILDING FRONTAGE** means the exterior length of the main wall of a building which physically encloses usable interior space, and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height of ten feet (10') above grade.

**BUSINESS SIGN** means a sign which directs attention to a product, service or commercial activity available on the premises.

**CHANGEABLE COPY SIGN** means a sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

**COMPREHENSIVE SIGN PLAN** means a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.

**FLASHING SIGN** means a sign that includes lights that flash, blink, or turn on and off intermittently.

**HEIGHT** means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

1. Existing grade prior to construction; or
2. The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

**ILLEGAL SIGN** means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

**ILLUMINATED SIGN** means a sign that is backlit, internally lit, or indirectly lit, but does not include a neon sign.

**NEON SIGN** means a sign containing exposed tubes filled with light-emitting gas.

**NON-CONFORMING SIGN.** Any sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the effective date of this Article of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

**OFF-PREMISES SIGN** means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site.

**PUBLIC SIGN** means any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

**ROOF SIGN** means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

**SIGN.** Any structure, display, device or other object or thing, visible from any public street or right-of-way, any area open to use by the general public, or any navigable body of water, including, but not limited to, any word, letter, series of words or letters, painting, mural, logo, insignia, emblem, service mark or other graphic or pictorial representation, that:

1. identifies or advertises, or directs or attracts attention to, any product, merchandise, service, business or establishment,
2. suggests the identity or nature of any business or establishment,
3. invites or proposes a commercial transaction, or
4. communicates a message of a noncommercial nature. The term does not include holiday signs, architectural elements incorporated into the style or function of a building, numerals signifying a property address, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

**SIGN FACE** means the portion of a sign structure bearing the message.

**SIGN STRUCTURE** means any structure bearing a sign face.

**SIGN** means any sign intended to be displayed for a limited period and neither permanently installed in the ground or permanently affixed to a building or structure permanently installed in the ground.

**VEHICLE OR TRAILER SIGN** means any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without

limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

**Section 5.3: Permit Required**

- A. *In general.* A sign permit is required prior to the display and erection of any sign except as provided in Section 4 (Permit not required) as well as in Sections 11 through 14 (Sign Regulations by Use and Zoning District).
- B. *Application for permit.*
1. An application for a sign permit shall be filed with the Planning & Zoning Department on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances.
  2. The Town Zoning Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within five (5) business days after receipt. If the application is rejected, the Town Zoning Administrator shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of the zoning ordinance, building code, or other applicable law, regulations or ordinance.
- C. *Permit fee.* A non-refundable fee as set forth in the uncodified fee schedule adopted by the Town Council shall accompany all sign permit applications.
- D. *Duration and revocation of permit.* If a sign is not installed within six (6) months following the issuance of a sign, the permit shall be void. The Town may revoke a sign permit under any of the following circumstances:
1. The Town determines that information in the application was materially false or misleading;
  2. The sign as installed does not conform to the sign permit application; or
  3. The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- E. *Overlay district regulations.* All sign reviews as required pursuant to Article VIII (Historic District Overlay ordinance) require approval of the Historic District Review Board (HDRB) except when a sign permit is not required as provided in Section 4.

- F. *Special exceptions.* Comprehensive sign plans may be approved as part of a conditional use permit in commercial, heavy and light industrial, and harbor districts and as part of a subdivision approval for three (3) lots or greater in all zoning districts. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

#### **Section 5.4: Permit Not Required**

- A. Signs that do not require a permit are depicted in Sections 11 through 14 (Sign Regulations by Use and Zoning District). In addition, a sign permit is not required for:
1. Signs erected by a governmental body or required by law. The Town, or through its designated agents, oversee or participate in Town Seasonal Events where temporary, moveable signage is allowed to promote these Town sponsored seasonal events, festivals or other marketing campaigns up to thirty (30) days prior to the event and must be removed seven (7) days after the conclusion of the event.
  2. The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with Section 9 (E).
  3. Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface related to parking and traffic.

#### **Section 5.5: Prohibited Signs**

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

- A. General prohibitions.
1. Signs that violate any law of the Commonwealth relating to outdoor advertising.
  2. Signs attached to natural vegetation on public lands
  3. Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized town official as a nuisance.
  4. Vehicle or trailer signs, except such signs parked at their associated place of business and otherwise in compliance with this article and applicable law.
  5. Any sign displayed without complying with all applicable regulations of this Article.
- B. Prohibitions based on materials.
1. Signs painted directly on any building that is a contributing structure in the Historic District Overlay, except where expressly permitted by this Article.

2. Animated signs
  3. Air-inflated sign
  4. Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.
  5. Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
  6. Signs that emit sound.
  7. Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit unless permitted within this article.
  8. Strings of flags visible from, and within fifty feet (50') of, any public right-of-way.
- C. Prohibitions based on location.
1. Signs erected on public land other than those approved by an authorized Town official in writing, required by law without such approval, or permitted under the [Code of Virginia § 24.2-310 E](#). Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.
  2. Signs on the roof surface or extending above the roofline of a building or its parapet wall.
  3. Neon signs, except in windows unless permitted in this article.
  4. Off-premises signs, unless specifically permitted by this article.

### ***Section 5.6: Measurements of sign area***

- A. Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the provisions in Section 6 (C) below.
- B. In instances where there are multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.
- C. *Sign area.*
1. Sign area is calculated under the following principles:
    - a. With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or

overlapping rectangles that enclose the sign face.

- b. The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than forty-five degrees (45°).

### **Section 5.7: Maintenance and Removal**

- A. All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code and Appendix H of the Virginia Construction Code.
- B. All signs and components thereof shall be maintained in good repair and in a safe, neat, and clean condition.
- C. The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating shall, within sixty (60) days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.
- D. *Sign condition, safety hazard, and nuisance abatement.*
  1. Any sign which becomes a safety hazard, or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within thirty (30) days of written notice to the owner and permit holder.
  2. Any sign which constitutes a nuisance may be abated by the Town under the requirements of the Code of Virginia § [15.2-900](#), [15.2-906](#), and/or [15.2-1115](#).
  3. The Code Official may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in the [Town Code Chapter 8, Article III](#).

### **Section 5.8: General requirements**

- A. *Illumination.* All permitted signs may be backlit, internally lit, or indirectly lit, unless such lighting is specifically prohibited in this Article.
  1. In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. However, signs shall be indirectly

illuminated or have shielded direct lighting, unless otherwise prohibited within this Article. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.

2. Internal illumination shall be limited to the illumination standards for parking lot lighting in Section 4.5. No sign shall be permitted to have an illumination spread of more than .05-foot candle (.05 fc) at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA) and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward.

#### ***Section 5.9: Nonconforming signs***

- A. Signs lawfully existing on the effective date of this Article or prior ordinances, which do not conform to the provisions of this Article and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. If notice from the zoning administrator is issued, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.
- B. No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- C. Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- D. No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this Article.
- E. A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty percent of (50%) its area may be restored within two years (2 yrs) after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty percent (50%), it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this Article.
- F. A nonconforming sign which is changed to becoming conforming or is replaced by

a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this Article.

- G. A nonconforming sign structure shall be subject to the removal provisions of Section 2.5. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or (2 yrs) more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen (15) days written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

***Section 5.10: Non-commercial Signs***

- A. Wherever this article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height, construction, and other requirements of this article.

**Section 5.11.1: Residential District signs**

Except as otherwise prohibited in this Article, the following signs are permitted as an accessory to residential uses in residential districts. Moving signs and electronic message signs are prohibited on residential properties in all residential districts.

Type	Flags Notes: (3)	Temporary Notes: (1) (2) (6)	Permanent Notes: (1) (4)
Permit Required	No	No	Yes
Size (Each/Total)	<24 ft/max 3 (Only one flagpole)	<12 sf/max 1 per building unit  <16 sf/max 1 for multi – development site	Max 2 minor signs per building unit ≤ 3 sf each
			Historic markers exempted
			Sign other than minor signs ≤ 10 sf max 1; Freestanding for multi-family sites (apartment buildings) ≤ 32 sf/ max 1
Illumination	U.S Flage Code For other flags (see Section 8)	None	None
Setback	Not in public right-of-way nor 5 ft from service drive, travel lane, or adjacent street	Not within 5 ft of property boundaries or a public right-of-way	Not within 5 ft of property boundaries or a public right-of-way
Maximum Height	25 ft (flagpole)	4 ft	4 ft for freestanding
Location	Allowed within the front, rear and side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting street	Freestanding, portable, wall or window	Freestanding, wall or window sign
Duration	Unlimited	≤ 45 days per calendar year period, per building unit	Unlimited

- (1) Commercial signs are limited to existing legal non-conforming uses and permitted or conditional uses in that residential district.
- (2) Duration extensions may be granted *by Zoning Administrator* for finite activities expected to exceed standard duration, not to exceed ninety (90) days total.
- (3) Flag Code, [U.S. Code Title 36, Chapter 10, Section 174](#)
- (4) Minor sign means a wall or window sign not exceeding three square feet (3 SF) in area and not exceeding four feet (4') in height if freestanding and not illuminated.
- (5) Art is not considered a sign.
- (6) With all other requirements met, the number of temporary signs is unrestricted during the forty-five (45) day period immediately preceding a General Election.

**Section 5.11.2: Commercial District signs & Harbor District signs**

Generally. Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial districts.

Type	Flags	Freestanding (Including Monument)	Wall Signs	Temporary Moveable Signs (e.g., A-Frame, Banner, Chalkboard, Feather, Off-Premises, Portable, Window)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
<p><b>Definitions</b></p>	<p><b>FLAG</b> means a piece of cloth or similar material, typically oblong or square, attachable by one (1) edge to a pole or rope and used as a symbol or decoration; this includes pennants.</p> <p><b>POLE SIGN</b> means a sign that is mounted on one (1) or more freestanding poles.</p>	<p><b>FREESTANDING SIGN</b> means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.</p> <p><b>GROUND MOUNTED SIGNS</b> means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.</p> <p><b>MONUMENT SIGN</b> means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.</p> <p><b>OFF-PREMISES SIGN</b> means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs people to any location not on site.</p>	<p><b>WALL SIGN</b> means any sign attached to a wall or painted on or against a flat vertical surface of a structure; including glass.</p>	<p><b>A-FRAME SIGN</b> means a two-faced sign with supports that are connected at the top and separated at the base, forming an “A” shape not more than four feet (4’) height. These are also referred to as “sandwich board” signs. They are included in the term “portable sign.”</p> <p><b>BANNER</b> means a sign of flexible material affixed to a framework or flat surface.</p> <p><b>CHALKBOARD SIGN</b> means a single-faced, framed slate or chalkboard that can be written on with chalk or similar markers.</p> <p><b>FEATHER SIGN</b> means a lightweight, portable sign mounted along one (1) edge on a single, vertical, flexible pole the physical structure of which may resemble a sail, bow, or teardrop.</p> <p><b>OFF-PREMISES SIGN</b> means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs people to any location not on site.</p> <p><b>PORTABLE SIGN</b> means any temporary sign not affixed to a building.</p>	<p><b>AWNING SIGN</b> means a sign placed directly on the surface of an awning.</p> <p><b>CANOPY SIGN</b> means a sign attached to a canopy.</p> <p><b>DIRECTORY SIGN</b> (also identified as Multi-Tenant Sign): A sign which identifies tenants in a multi-tenant building or complex and which is located in the development for which it is advertising. Said sign will list the tenants or occupants of a building or group of buildings and may also indicate their respective professions or business activities.</p> <p><b>ENTRANCE CANOPY</b> means a fixed or stationary canopy or hood constructed to provide protection at the entrance of a building, either supported entirely from a building, or supported partly from a building or from posts.</p> <p><b>HANGING SIGN</b> means a sign supported by the extended arm of a single post or from a commercial establishment (parallel to the building façade).</p> <p><b>MARQUEE SIGN</b> means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering.</p>

Type	Flags	Freestanding (Including Monument)	Wall Signs	Temporary Moveable Signs (e.g., A-Frame, Banner, Chalkboard, Feather, Off-Premises, Portable, Window)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)
	-	-	-	<p><b>WINDOW SIGN</b> means any sign visible outside the window and attached to or within eighteen inches (18”) in front of or behind the surface of a window or door, including etched or painted sign on a window or glass structure.</p>	<p><b>PROJECTING SIGN</b> means a sign that is wholly or partly dependent on the building for support and that projects more than twelve inches (12”) from such building.</p>
<b>Permit Required</b>	Yes for flagpole only	Yes	Yes	No	Yes
<b>Size/Number (Each/Total)</b>	24 sf/max 3 (only 1 flagpole)	Permanent On-Site: 24 sf/1. Permanent Off-Site: Up to 3 signs, each not to exceed 18 sf and 7 ft in height located on commercial property with owner permission. No more than 1 permitted sign displayed per lot.	<p><u>Wall Sign:</u> 12 sf per 5 lineal ft of building frontage</p> <p><u>Wall Sign:</u> &lt; 8 sf per 5 lineal ft of building side wall</p>	≤ 16 sf/max 3	Directory – Limited to 1 sign per ingress/egress onto a primary road access Projecting signs perpendicular to building frontage ≤ 10 sf Hanging Sign parallel to building frontage ≤ 5 sf per 5 lineal ft Awning Signs ≤ 12 sf Entrance canopy sign < 12 sf
<b>Illumination</b>	U.S. Flag Code (See Note 1) Other Flags – See Section 8 requirements	If illuminated, see Section 8 requirements	If illuminated, see Section 8 requirements	Not to be illuminated	If illuminated, see Section 8 requirements
<b>Setback</b>	Not in the public right-of-way nor 5 ft from service drive, travel lane, or adjacent street.	All freestanding signs shall be set back from any street right-of-way at least half the height of the sign and 5 ft from service drive, travel lane, or adjacent street.	NA	Not in the public right-of-way nor 5 ft from service drive, travel lane, or adjacent street. Not to impede pedestrian traffic on the sidewalk.	NA

<b>Type</b>	<b>Flags</b>	<b>Freestanding (Including Monument)</b>	<b>Wall Signs</b>	<b>Temporary Moveable Signs (e.g., A-Frame, Banner, Chalkboard, Feather, Off-Premise, Portable, Window)</b>	<b>Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Canopy)</b>
<b>Maximum Height</b>	25 ft – Flagpole	10 ft	NA	10 ft	NA
<b>Location</b>	Allowed within the front, rear and side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets.	-	Building Wall	<p>If located on another property, property owner concurrence needed.</p> <p>No more than 1 sign shall be displayed per lot.</p> <p>Signs cannot impede public right-of-way.</p> <p>Window signs are permitted only on the first floor of a building unless the business is only on the floor where the window sign is displayed</p>	<p>Signs cannot impede public right-of-way.</p> <p>Directory or Multi-Tenant Signs: Limited to 1 monument sign per ingress/egress onto a primary road access.</p>
<b>Duration</b>	Unlimited	Unlimited	Unlimited	45 Days	Unlimited

(1) [U.S. Code Title 36, Chapter 10, Section 174](#)

**Section 5.11.3 Heavy and Light Industrial District signs**

Except as provided otherwise in this Article, the following signs are permitted as accessory uses in industrial districts.

Type	Flags	Freestanding (Including Monument)	Wall Signs	Temporary Moveable Signs (e.g., A-Frame, Banner, Chalkboard, Feather, Off-Premises, Portable, Window)	Other (e.g., Canopy, Projecting, Awning, Marquee, Directory)
<b>Definitions</b>	<p><b>FLAG</b> means a piece of cloth or similar material, typically oblong or square attachable by one (1) edge to a pole or rope and used as a symbol or decoration; this includes pennants.</p> <p><b>POLE SIGN</b> means a sign that is mounted on one (1) or more freestanding poles.</p>	<p><b>FREESTANDING SIGN</b> means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.</p> <p><b>GROUND MOUNTED SIGNS</b> means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.</p> <p><b>MONUMENT SIGN</b> means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.</p> <p><b>OFF-PREMISES SIGN</b> means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs people to any location not on site.</p>	<p><b>WALL SIGN</b> means any sign attached to a wall or painted on or against a flat vertical surface of a structure; including glass.</p>	<p><b>A-FRAME SIGN</b> means a two-faced sign with supports that are connect at the tope and separated at the base, forming an “A” shape not more than four feet heigh. These are also referred to as “sandwich board” signs. They are included in the term “portable sign.”</p> <p><b>BANNER</b> means a sign of flexible material affixed to a framework or flat surface.</p> <p><b>CHALKBOARD SIGN</b> means a single-faced, framed slate or chalkboard that can be written on with chalk or similar markers.</p> <p><b>FEATHER SIGN</b> means a lightweight, portable sign mounted along one (1) edge on a single vertical, flexible pole the physical structure of which may resemble a sail, bow, or teardrop.</p> <p><b>OFF-PREMISES SIGN</b> means a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs people to any location not on site.</p> <p><b>PORTABLE SIGN</b> means any temporary sign not affixed to a building.</p> <p><b>WINDOW SIGN</b> means any sign visible outside the window and attached to or within eighteen inches (18”) in front of or behind the surface of a window or door, including etched or painted sign on a window or glass window as part of a door structure.</p>	<p><b>AWNING SIGN</b> means a sign placed directly on the surface of an awning.</p> <p><b>CANOPY SIGN</b> means a sign attached to a canopy.</p> <p><b>DIRECTORY SIGN</b> (also identified as Multi-Tenant Sign): A sign which identifies tenants in a multi-tenant building or complex and which is located in the development for which it is advertising. Said sign will list the tenants or occupants of a building or group of buildings and may also indicate their respective professions or business activities.</p> <p><b>MARQUEE SIGN</b> means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.</p> <p><b>PROJECTING SIGN</b> means a sign that is wholly or partly dependent on the building for support and that projects more than twelve inches (12”) from such building.</p>
<b>Permit Required</b>	No	Yes	Wall Sign: Yes	No	Yes

<b>Type</b>	<b>Flags</b>	<b>Freestanding (Including Monument)</b>	<b>Wall Signs</b>	<b>Temporary Moveable Signs (e.g., A-Frame, Banner, Chalkboard, Feather, Off-Premises, Portable)</b>	<b>Other (e.g., Canopy, Projecting, Awning, Marquee, Directory, Window)</b>
<b>Size/ Number (Each/Total)</b>	24 sf/max 3 (Only 1 flagpole)	Permanent On-Site: 40 sf/1 Permanent Off-Site: Up to 3 signs, each not to exceed 18 sf and 7 ft in height located on commercial property with owner permission. No more than 1 permitted sign displayed per lot.	Front Wall: 12 sf per 5 lineal ft of building frontage Side Wall: 8 sf per 5 lineal ft	16 sf/max 3	Directory – Limited to 1 sign per ingress/egress onto a primary road. Projecting signs perpendicular to building frontage ≤ 10 sf Hanging sign parallel to building frontage ≤ 5 sf./5 lineal ft Awning signs ≤ 12 sf Entrance Canopy Sign by ZA <12 sf
<b>Illumination</b>	U.S. Flag Code (see Note 1) Other Flags – See Section 8 requirements	If illuminated, see Section 8 requirements	If illuminated, Section 8 requirements	Not to be illuminated	If illuminated, Section 8 requirements
<b>Setback</b>	Not in public right-of-way nor 5 ft from service drive, travel lane, or adjacent street	All freestanding signs shall be set back from any street right-of-way at least half the height of the sign and 5 ft from service drive, travel lane, or adjacent street.	NA	Not in public right-of-way nor 5 ft. from service drive, travel lane, or adjacent street. Not to impede pedestrian traffic on the sidewalk.	NA
<b>Maximum Height</b>	25 ft – Flagpole	10 ft.	NA	10 ft	NA
<b>Location</b>	Allowed within the front, rear, and side setbacks provided that such structure shall not create a visual obstruction or hindrance to traffic on abutting streets	-	Building wall	If located on another property, property owner concurrence needed. No more than 1 sign shall be displayed per lot. Signs cannot impede public right-of-way. Window signs are permitted only on the first floor of the building unless the business is on the floor where the window sign is displayed.	Signs cannot impede the public right-of-way
<b>Duration</b>	Unlimited	Unlimited	Unlimited	45 Days	Unlimited

(1) [U.S. Code Title 36, Chapter 10, Section 174](#)

**Comprehensive Plan  
Amendment and  
Zoning Text Amendment –  
Staff Report**



# Planning Commission Staff Report

**Agenda Title:** **Comprehensive Plan Amendment and Zoning Text Amendment**

**Agenda Date:** January 6<sup>th</sup>, 2026

**Prepared by:** Jack Steinmayer, Zoning Compliance Officer

**Reviewed By:** Katie Nunez, Director of Planning/Zoning Administrator

**Date:** December 18<sup>th</sup>, 2025

**Type of Application:** Comprehensive Plan Amendment and Zoning Text Amendment

**Applicant:** Town of Cape Charles

**Site Address** NA

**Tax Map:** NA

**Zoning:** NA

**Proposal:** Amend page 41 of the Comprehensive Plan, *Accessory Dwelling Units*, by removing language that prohibits ADUs from being rented for less than 30 days, and amend Article IV Section 4.1 (J) (2) (a) and Section 4.14 of the Zoning Ordinance to incorporate new language to allow Accessory Dwelling Units (ADUs) to be rented as a Short-Term Rental

## Legal Deadline Requirements

**Date Application Received:** December 18<sup>th</sup>, 2025

**Date Application Deemed Complete:** December 18<sup>th</sup>, 2025

**For Planning Commission:**

**For Town Council (Directory, not Mandatory)** Can act upon receipt of recommendation from Planning Commission; if PC fails to provide recommendation within the prescribed deadlines, it is deemed a favorable recommendation by the PC. Town Council max time frame is 12 months from when referred to the Planning Commission:

**Background:**

At the October 7<sup>th</sup>, 2025, Planning Commission Regular Meeting, the Planning Commission reviewed the proposed changes to both the Comprehensive Plan and the Cape Charles Zoning Ordinance that staff had prepared in regard to a Zoning Text Amendment presented by the Cape Charles Historic Civic League which Town Council agreed to advance for consideration. Said language changes would allow the use of Accessory Dwelling Units (ADUs) as Short-Term Rentals (STRs). Below are the changes that the Planning Commission had agreed upon.

**Comprehensive Plan Change:*****Housing – Accessory Dwelling Units (pg.41)***

*The Town of Cape Charles adopted ordinances in February 2019 that permitted accessory dwelling units under certain conditions, with adequate safeguards to protect the character of the existing residential neighborhood. This strategy is intended to develop new, moderate-cost rental housing while preserving the large, older homes and allowing more flexibility for elderly homeowners to stay in their homes. Among the conditions of approval for accessory apartments is that the accessory dwelling unit be “clearly subordinate to” the main unit. This is achieved by requiring that the unit be less than a specified percentage of the original house’s square footage. ~~In addition, these units cannot be rented for less than 30 days.~~*

**Zoning Ordinance Changes:*****CCZO Section 4.1 (J) (2) (a)***

*Length of Stay –An Accessory Dwelling may either be rented as a short-term rental or long-term rental; by ~~An Accessory Dwelling Unit may not be rented as a short-term rental. An Accessory Dwelling Unit may be occupied by any person for no less than 30 consecutive calendar days,~~ either paying a fee for such occupancy at his/her own expense or at the expense of another ~~thirty (30) day rental or greater.~~ Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles, the owner of the subject lot of record upon which the Accessory Dwelling Unit sits shall provide occupancy documentation and/or information as requested in writing. *If an Accessory Dwelling Unit is going to be rented for less than thirty (30) days (Short-Term Rental), the Owner must comply with Section 4.14 of the Cape Charles Zoning Ordinance.**

**Proposed Language to add in Section 4.14 (STRs) of the Cape Charles Zoning Ordinance**

*When applying for a Short-Term Rental, property owners who have an Accessory Dwelling on their property understand that only the primary dwelling or accessory dwelling will be used as an STR for that calendar year.*

**Staff Analysis:**

After further consideration and review of the proposed changes to both the Comprehensive Plan and the Zoning Ordinance, staff would recommend that additional time be given to explore other avenues to encourage long-term rental use of Accessory Dwelling Units.

However, at the September 22<sup>nd</sup>, 2025, Planning Commission Work Session, staff indicated their opposition to allowing ADUs to be used as STRs, as they were originally approved to increase the number of smaller units available for long-term rental at a lower cost, based on their size. By amending the Comprehensive Plan and Zoning Ordinance to allow all ADUs to be utilized as STRs, the town would be reducing its already small supply of long-term rentals for those who need them.

Nevertheless, staff brought the proposed changes from the Planning Commission to the Town Council on October 16, 2025. After discussion, the Town Council passed Resolution of Intent #20251016 to move both the Comprehensive Plan Text Amendment and Zoning Text Amendment to a public hearing.

**Planning Commission Motion for Consideration:**

Town staff is prepared to assist in the preparation of any proposed motion by the Planning Commission following the public hearing and discussion.

**Attachments:**

1. Resolution of Intent #20251016
2. Comprehensive Plan – pg. 41
3. Town of Cape Charles Zoning Ordinance Section 4.1 (J) (2) (a)
4. Town of Cape Charles Zoning Ordinance Section 4.14
5. Town of Cape Charles Zoning Text Amendment Application

**Comprehensive Plan  
Amendment and  
Zoning Text Amendment –  
Legal Ad**

**Town of Cape Charles  
Planning Commission – Public Hearing**

The Cape Charles Planning Commission will hold a public hearing on Tuesday, January 6<sup>th</sup>, 2025, at 6:00 pm, in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following request:

- A. Conditional Use Permit Application (CUP) 2026-01: from the Cape Charles Rosenwald School Restoration Initiative for the review of a comprehensive sign plan as part of a conditional use permit application in the commercial district (C-1), per Cape Charles Zoning Ordinance Section 5.3 (F).
- B. Comprehensive Plan Amendment 2026-01: Application from the Town of Cape Charles to amend page 41, *Accessory Dwelling Units* by removing language that prohibits ADUs being rented for less than 30 days, and
- C. Zoning Text Amendment (ZTA) 2026-01: Application from the Town of Cape Charles to amend Article IV Section 4.1 (J) (2) (a) and Section 4.14 to incorporate new language to allow Accessory Dwelling Units (ADUs) to be rented as a Short-Term Rental.

These applications, along with the completed Zoning Text Amendment, are available for public review on our website at [www.capecharles.org](http://www.capecharles.org), under Agendas and Minutes > Upcoming Meetings. Please contact the Zoning Administrator, Katie Nunez, at (757)-331-2036, or by email at [planner@capecharles.org](mailto:planner@capecharles.org) if you have any questions or need additional information. Anyone interested in attending and requiring special assistance should contact the Town at least 48 hours before the hearing.

***Ad Placed: Eastern Shore Post – Friday, December 19<sup>th</sup>, 2025***

***Ad to Run: Friday, December 26<sup>th</sup>, 2025 and Friday, January 2<sup>nd</sup>, 2026***

**Comprehensive Plan  
Amendment and  
Zoning Text Amendment –  
Application**



# Zoning Text Amendment Application

Planning & Zoning Department  
 412 Tazewell Avenue  
 Cape Charles, VA 23310  
 757-331-3259 x30

[planner@capecharles.org](mailto:planner@capecharles.org)

Budge Code: MISPL 100-3100-1070

Revised 11/2025	
Taxes	
Violations	
Fee	
Decision	

## PART 1. APPLICATION NOTES

1. A pre-application conference with Planning staff is strongly recommended prior to submission of a zoning text amendment.
2. The Zoning Text Amendment application process typically takes about four (4) months.
3. A Zoning Text Application may be submitted by any Cape Charles property owner. It may only be advanced to either the Planning Commission or the Town Council for a public hearing following staff consultation with the Town Manager.
4. Either the Planning Commission or Town Council may submit an application for a zoning text amendment with the Town Manager, Zoning Administrator or Planning Director representing the application on behalf of the Town.
5. The application will need to receive an affirmative vote of the Cape Charles Town Council or Cape Charles Planning Commission to step in as the applicant and to set a calendar advancing the application to public hearing in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204
6. The applicant will be required to make a presentation to fully explain the request and demonstrate its need. The presentation should show how the proposed change supports and maintains compliance with the goals and objectives of the Comprehensive Plan.
7. The final decision will be made by Town Council, which approves zoning text amendments at their legislative discretion.

## PART 2: APPLICANT INFORMATION

Applicant Name: **Town of Cape Charles**

Cape Charles Address: **412 Tazewell Avenue**

Mailing Address: **412 Tazewell Avenue, Cape Charles, VA 23310**

Email address: **planner@capecharles.org**

Phone: **757-331-2036**

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

## PART 3: Description of Request

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

Submission Date:

Zoning Ordinance Sections Proposed to be Amended (Sec. # and Title): **4.1 (J) (2) (a) & 4.14**

Existing Text: **An Accessory Dwelling Unit may not be rented as a short-term rental. An Accessory Dwelling Unit may be occupied by any person for no less than 30 consecutive calendar days, either paying a fee for such occupancy at his/her own expense or at the expense of another thirty (30) day rental or greater. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles, the owner of the subject lot of record upon which the Accessory Dwelling Unit sits shall provide occupancy documentation and/or information as requested in writing.**

Proposed Text: **An Accessory Dwelling may either be rented as a short-term rental or long-term rental;**

by either paying a fee for such occupancy at his/her own expense or at the expense of another Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles, the owner of the subject lot of record upon which the Accessory Dwelling Unit sits shall provide occupancy documentation and/or information as requested in writing. If an Accessory Dwelling Unit is going to be rented for less than thirty (30) days (Short-Term Rental), the Owner must comply with Section 4.14 of the Cape Charles Zoning Ordinance.

When applying for a Short-Term Rental, property owners who have an Accessory Dwelling on their property understand that only the primary dwelling or accessory dwelling will be used as an STR for that calendar year.

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

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

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

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

**PART 5: Applicant Certification**

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

Applicant’s signature: *Wm J. III* Date: 12/19/2025  
 Zoning Administrator’s Signature: *Kate H. Ng* Date: 12/19/2025

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

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



# Town of Cape Charles Comprehensive Plan

Adopted December 15, 2022



**Acknowledgments**

**Mayor**

William "Smitty" Dize

**Town Council**

Steve Bennett, Vice Mayor  
Andy Buchholz  
Andrew Follmer  
Paul Grossman  
Tammy Holloway  
Ellen O'Brien

**Planning Commission**

Bill Stramm, Chairman  
Dennis McCoy, Vice Chairman  
Kenneth Butta  
Paul Grossman  
Jim Holloway  
Michael Strub

**Town Staff**

John Hozey, Town Manager  
Katie Nunez, Planning and Zoning Administrator

**Planning Consultant**

Summit Design and Engineering

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Municipal Corp. of Cape Charles

Resolution 20221215B
Adoption of the Town of Cape Charles Comprehensive Plan Update

The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the "Town"), hereby certifies that:

- 1. A meeting of the Council of the Town (the "Council") was duly called and held on December 15, 2022 (the "Meeting").
2. Attached hereto is a true, correct and complete copy of Resolution 20221215B (the "Resolution") of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

Table with columns: Member Name, Present, Absent, Yes, Voting No, Abstaining. Lists members like William Dize, Steve Bennett, Andy Buchholz, etc.

- 4. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 15th day of December 2022.

Libby Hume
Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

WHEREAS, the Code of Virginia, Title 15.2, Chapter 22, Section 15.2-2223 requires the Town of Cape Charles to prepare and recommend a Comprehensive Plan Update for the physical development of its territory, and Section 15.2 mandates that at least once every five years the Comprehensive Plan is reviewed by the local Planning Commission; and

WHEREAS, the Cape Charles Planning Commission reviewed the existing Comprehensive Plan and determined it advisable to update that plan; and

WHEREAS, in October 2021, the Town issued a request for proposals for consulting services to assist with the review, update, and publishing of the Town's Comprehensive Plan update in accordance with Code of Virginia §15.2-2230; and

WHEREAS, after review of the proposals, the Cape Charles Town Council approved awarding the contract to Summit Design and Engineering Services ("Summit"); and

WHEREAS, the Planning Commission, staff and the comprehensive plan review group have worked diligently with Summit regarding the proposed updates; and

WHEREAS, a Public Forum was held on October 6, 2022, with public comments accepted until October 24, 2022. A joint work session of the Planning Commission, Town Council and Summit was held on October 27, 2022 to discuss comments received and appropriate changes were incorporated into the final draft of the Town of Cape Charles Comprehensive Plan dated November 23, 2022; and

WHEREAS, the Cape Charles Planning Commission and Town Council held a joint public hearing on December 6, 2022. Following the joint public hearing, the Planning Commission discussed the comments received and recommended approval of the Town of Cape Charles Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Cape Charles, Virginia adopts the November 23, 2022 Comprehensive Plan for the Town of Cape Charles.

\*\*\*\*\*

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

By: [Signature]
Mayor

ATTEST:

[Signature]
Town Clerk

## Plan Highlights

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

The Comprehensive Plan is used as guidance by Town Council, the Planning Commission, and Town staff in reviewing and making recommendations on development applications, as well as in identifying growth and funding opportunities. Town residents and future developers can use the plan to understand the future toward which Cape Charles is striving. Adhering to the plan and taking steps to implement it is the best way to ensure that Cape Charles continues to develop in a manner that is orderly, attractive, and benefits all its residents.

The Vision Statement found on page 18 describes the overarching goal of the Plan, and the document makes recommendations in the following categories:

- Housing
- Economy
- Transportation
- Community Facilities and Services
- Environment
- Land Use

The Plan describes the current state of each of these topics in the Town and makes specific recommendations about how to improve each topic area. Arguably the most important element of the Plan is the Future Land Use map and accompanying Future Land Use categories, which will be used to make future changes to the Town's Zoning Map.

Planning Commission, Town Council, and Town staff spent many hours over three years crafting the recommendations in the plan, which were influenced by input from Town residents. It adheres to current planning best practices and is reflective of current economic and environmental realities.

Sand on the fishing pier.

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Foggy morning in Cape Charles.

# Introduction

- What is a Comprehensive Plan?
- Organization of the Plan
- How is a Comprehensive Plan Used?
- Legal Authority
- Relationship to Other Plans
- Town Government
- Process for Plan Development and Adoption
- Cape Charles History
- Regional Setting

# Introduction

## What is a Comprehensive Plan?

The Comprehensive Plan is a long-range planning document that is designed to guide the future growth and development of Cape Charles over the next twenty or more years. It is the local government’s guide to future community, physical, and economic development. All Towns, Cities, and Counties in Virginia are required by Section 15.2-2223 of the Code of Virginia to adopt a Comprehensive Plan. Section 15.2-2230 of the Code of Virginia requires localities to review its Comprehensive Plan on a five-year basis to ensure that it remains a relevant and usable vision for the community and is reflective of current conditions. This document should be relied upon by Town staff, as well as elected and appointed leaders, as they weigh the merits of land development applications, construct the Town’s annual budget, and make many other decisions for the future of the Town. It is important to note that the Comprehensive Plan is a vision for what the citizens and leadership of Cape Charles want the Town to be in the future. While the Comprehensive Plan sets planning policy for our community, land use and development are regulated through the Town’s zoning and subdivision ordinances. The Comprehensive Plan guides amendments to these ordinances and should be used to make decisions on land use applications, such as conditional use permits and rezonings. The plan will serve as a guide for Town leaders and property owners as they make many land use, fiscal, and other decisions over the coming years. The primary goal of this plan is to protect and improve the Town by providing for the public health, safety, convenience, and welfare of its residents.



Cape Charles mural on Mason Avenue by @EmilyAsAnArtist

## Organization of the Plan

The Comprehensive Plan is organized into chapters that summarize all aspects of land use in the Town. Following this introduction, the “Community Analysis” chapter highlights demographic characteristics. The next chapters are the Plan Topics. Each of these chapters includes a discussion of background and analysis, identification of issues, and a statement of goals and objectives. The Land Use chapter presents the central theme of the report, the Future Land Use Plan, which designates how and where growth should occur. The other sections include discussions of Housing, Economy, Transportation, Community Facilities and Services, and Environment. The final chapter of the plan explains the relationship with the Town’s annual strategic plan that is utilized to implement the plan’s goals and objectives.

## How is a Comprehensive Plan Used?

Town staff, the Planning Commission, and the Town Council use the Plan for recommendations on legislative land use applications. The Plan also lists planned infrastructure and public facility improvements. The community can read the Town’s vision and give public comments on legislative land use applications. The Plan outlines the Town’s goals and expectations of new development for developers. This guidance helps streamline expectations, feedback, and negotiations.

## Legal Authority

Chapter 22, Article 3: §15.2-2223 through §15.2-2232 outlines the legal authority and requirement that all localities prepare, recommend, and adopt a Comprehensive Plan. The Comprehensive Plan “shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants, including the elderly and persons with disabilities.”

## Relationship to Other Plans

The Comprehensive Plan works in conjunction with other Cape Charles plans and ordinances, some of these include the Community Strategic Plan, Zoning and Subdivision Ordinance and the Capital Asset Management Plan (CAMP). The Zoning and Subdivision Ordinances are two sections of the Cape Charles town code that are direct regulations for the location, form, and character of private development. The Comprehensive Plan gives guidance and ultimately should influence updates to these ordinances to ensure that the goals in the Plan get implemented in a timely manner. This allows the Town Council or the Planning Commission to review a project for compliance with regulatory standards and meets the vision embodied by the Comprehensive Plan. Capital Improvement Plans (like the CAMP) are fiscal management tools used to plan for the location, timing, and financing of a community’s capital improvements over time. Capital Improvements are major, non-recurring physical infrastructure or equipment that requires funding. The Comprehensive Plan can help guide the CAMP and make sure the Town’s vision and priorities are aligned. Cape Charles is part of the regional Accomack-Northampton Planning District Commission, features roads maintained by the Virginia Department of Transportation, and other agencies that plan in relation to the Town. This Plan should be utilized in ensuring Cape Charles vision is aligned with any plan that may affect the locality. There are also many plans and further studies mentioned within this Comprehensive Plan and these will need to be undertaken and aligned with the Plan to ensure its implementation and achieve its goals.

Additionally, the Town of Cape Charles prepares an annual Strategic Plan that will be updated more frequently and assist the Town in achieving implementation of the goals and objectives of the Comprehensive Plan. For more information on the relationship between the Comprehensive Plan and the Strategic Plan please refer to the Implementation section.

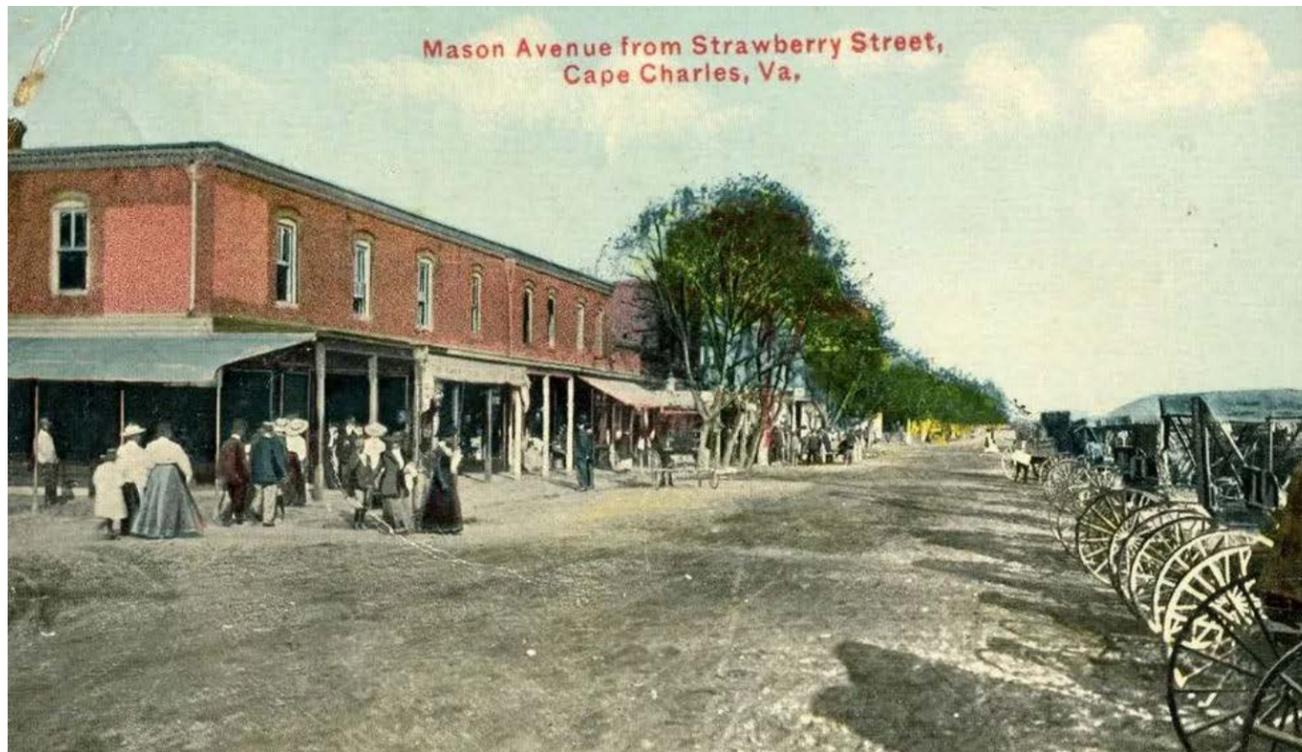
The CAMP can be found at <https://www.capecharles.org/pview.aspx?id=37927&catid=605>, and the Strategic Plan can be found at <https://www.capecharles.org/pview.aspx?id=37936&catid=605>.

### Town Government

Cape Charles is governed by a six-member Town Council, as well as a Mayor who serves as the presiding officer at Council meetings. Each of these representatives is elected to a four-year term. Day-to-day operation of the Town and the supervision of Town employees is carried out by a Town Manager, serving at the direction of the Council.

### Process for Plan Development and Adoption

The update of the 2016 Comprehensive Plan began in 2019. Since the 2016 Comprehensive Plan was considered a ‘minor’ update to the 2009 Comprehensive Plan, the Planning Commission also used the 2009 Comprehensive Plan with its detailed appendices. This current plan update is based on review of development trends in the Town which have prompted substantial changes to the 2009 and 2016 Comprehensive Plans.



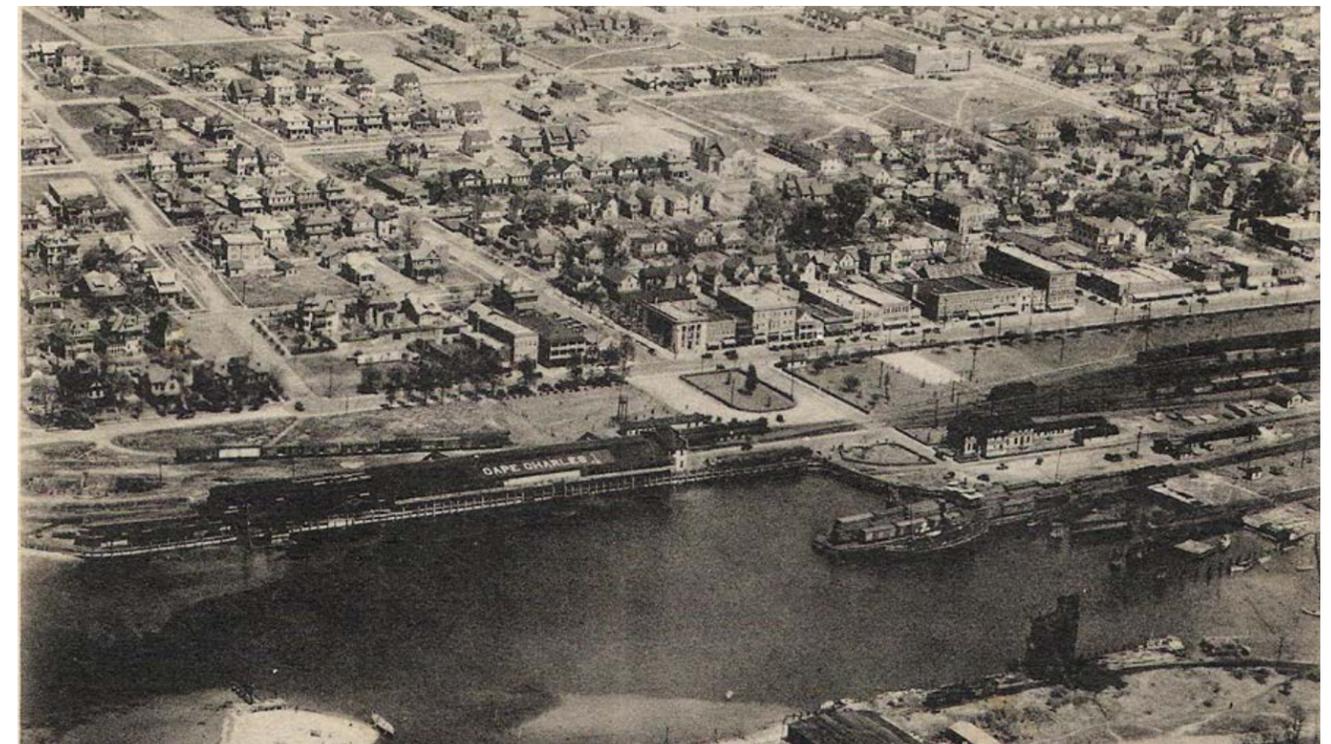
View along Mason Avenue from the year 1900.

### Cape Charles History

Cape Charles was laid out in 1883-1884 at the southern terminus of the New York, Philadelphia, and Norfolk Railroad. The town owes its existence to its harbor, which, following dredging, enabled the railroad company to transport loaded cars by barge across the Chesapeake Bay to Norfolk. The town developed quickly and became the largest community on Virginia’s Eastern Shore at the turn of the century. Its buildings were constructed on a twenty-seven block grid dominated by a central park from which four landscaped streets extended. The remarkably intact architectural fabric ranges from small vernacular workers’ housing of the 1880s to early 20th century architect designed commercial, residential, and municipal buildings. The opening of the Chesapeake Bay Bridge-Tunnel occurred in 1964. During this time the Town began to see growth and development generally stagnate.

While significant new development has occurred in recent years, Cape Charles has one of the best collections of historic buildings of any community on the Eastern Shore. The Town strives to preserve this rich architectural heritage. An architectural survey that identified historic properties in the Town led to the listing of the Cape Charles National Register Historic District in 1989.

In 1992, the Town annexed 2,191 acres of land from Northampton County. The annexed land’s proximity to the Chesapeake Bay and other nearby amenities made the area a prime location for a new residential community. Two large tracts of land, consisting of 1,750 acres surrounding the original Town, are currently being developed. Two upscale golf courses designed by Arnold Palmer and Jack Nicklaus have also been constructed, as well as a marina and commercial areas.



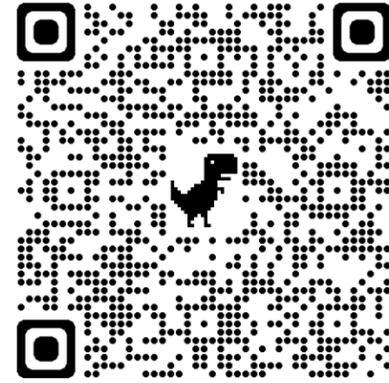
1925 Aerial image of Cape Charles.

### Regional Setting

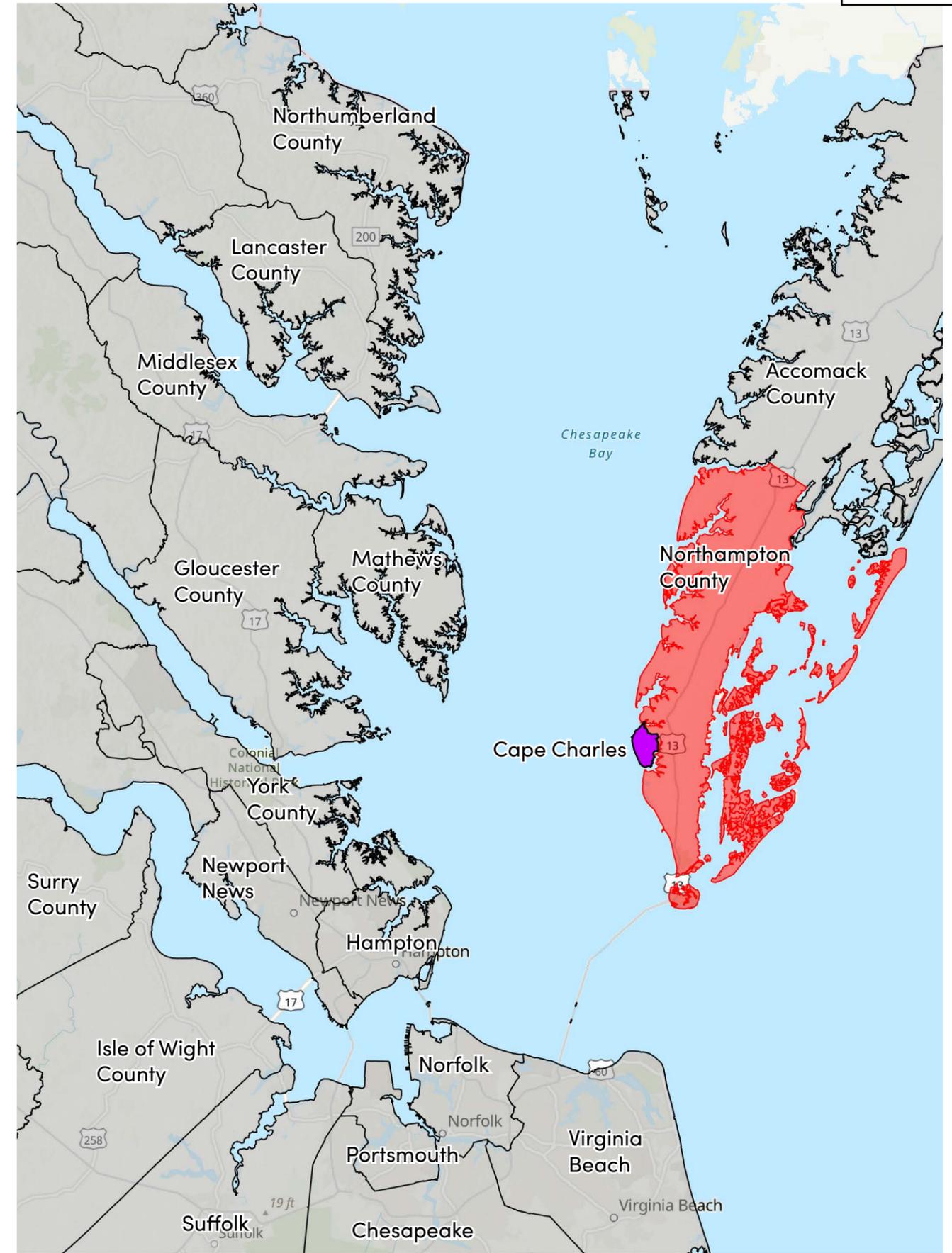
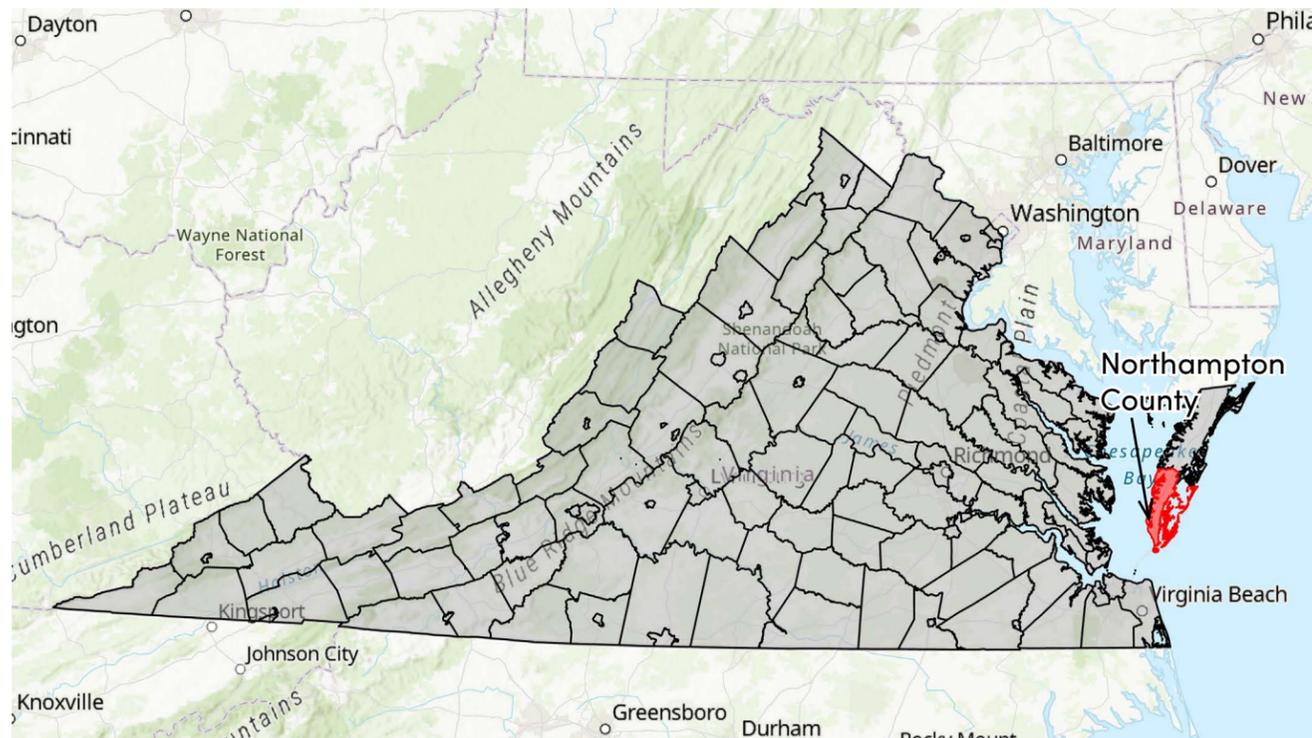
The Town of Cape Charles is located in Northampton County on Virginia’s Eastern Shore. The Town is situated on a small peninsula, bordered by the Chesapeake Bay to the west, King’s Creek to the north and Old Plantation Creek to the southeast. With a land area of 2,817 acres and a population of approximately 1,178 residents, Cape Charles is the largest of Northampton’s five incorporated towns in terms of both land size and population. Since its inception in 1886, Cape Charles has evolved into a dynamic town capable of meeting the needs of a diverse array of residents, visitors, and businesses.

Cape Charles is located within Northampton County. Northampton has its own Comprehensive Plan that guides development in the County and details the relationship with the region’s towns.

The Northampton County Comprehensive Plan can be accessed at the following government website or by scanning the QR code to the right:



[co.northampton.va.us/government/departments\\_elected\\_offices/planning\\_permitting\\_enforcement/planning/comp\\_plan](https://co.northampton.va.us/government/departments_elected_offices/planning_permitting_enforcement/planning/comp_plan)



“Preserve our historical, natural, and cultural resources, while fostering a sense of community that enhances well-being and prosperity, now and for generations to come.”

## Vision

Sand on the beach.

### What is a vision statement?

The vision statement is a key piece of the comprehensive plan, derived from the community’s values, that sets the tone and direction of the plan, identifying high level aspirations for the Town to achieve. This should be a clear statement that speaks to multiple areas addressed through public input, backed by community consensus.

The community values and vision statement were developed for the Town of Cape Charles Community Strategic Plan adopted in 2021. That Strategic Plan was developed as a prelude to and to inform the development of this Comprehensive Plan. Going forward, the Community Strategic Plan will add specificity to goals and objectives of this Comprehensive Plan.

**Our values:** Friendliness, Sense of Community, Heritage-Traditional, Diversity-Tolerance-Respect, Determination, Hope-Optimism, Adaptability, Environmental Stewardship

### Our vision:

“Preserve our historical, natural, and cultural resources, while fostering a sense of community that enhances well-being and prosperity, now and for generations to come.”

### Why these words?

These sentences encapsulate the community’s future vision of Cape Charles that builds on the town’s reputation as a vibrant, community-centered place.

Residents have emphasized the importance of not only maintaining, but improving upon the amenities that define the character of Cape Charles. Well-maintained, visually attractive historic, natural, and cultural resources that support the local economy will continue to be the backbone of the town. It is critical that present actions are oriented toward providing the same, if not better, quality of life for future generations.



# Community Analysis

- Population
- Age Distribution
- Families
- Racial Composition
- Educational Attainment
- Income
- Poverty

Sign on the corner of Strawberry St. and Mason Ave.

# Demographics

## Population

The growth rate of full-time residents in Northampton County has been declining, although this has slowed, while the population of Cape Charles has grown slightly in recent years after past decline. The most recent census estimate states that Cape Charles' full-time population is now 1,178. Though not measured by the U.S. Census Bureau, the Town has also observed a major increase in part-time residents. Population projections for the Town are not available from major sources of population projections, such as the U.S. Census Bureau, that calculate population projections only for cities, counties and states. However, several estimates of growth rates can be used to examine future changes in population. Considering the increase on average using the past five years, one can project using various assumptions as to what the population may look like through 2035 should this recent growth trend continue. Using American Community Survey (ACS) Census data, the town population increased during the last four years at an average of 82 full-time residents each year to Cape Charles. The chart below depicts population projections assuming 25, 50 and 75 new residents per year. Using the scenario assumptions, the Town of Cape Charles could potentially have a full-time residential population of between 1,578 – 2,303 by 2035. Although this growth projection might not ultimately be accurate, this information is important for potential impacts to town services and facilities to meet projected demand from full-time citizens, second homeowners, and visitors. The increase in secondary home rentals and tourism in Cape Charles can also be two to three times the normal full-time residential population during the warmer season.

Population			
	2000 Census	2010 Census	2020 Census
Cape Charles	1,121	1,009	1,178
Northampton County	13,093	12,389	12,282
Percentage Change in Population			
		2000 - 2010	2010 - 2020
Cape Charles		-9.9%	+16.7%
Northampton County		-5.4%	-0.9%

Figure 1: Population & Percent Change in Population

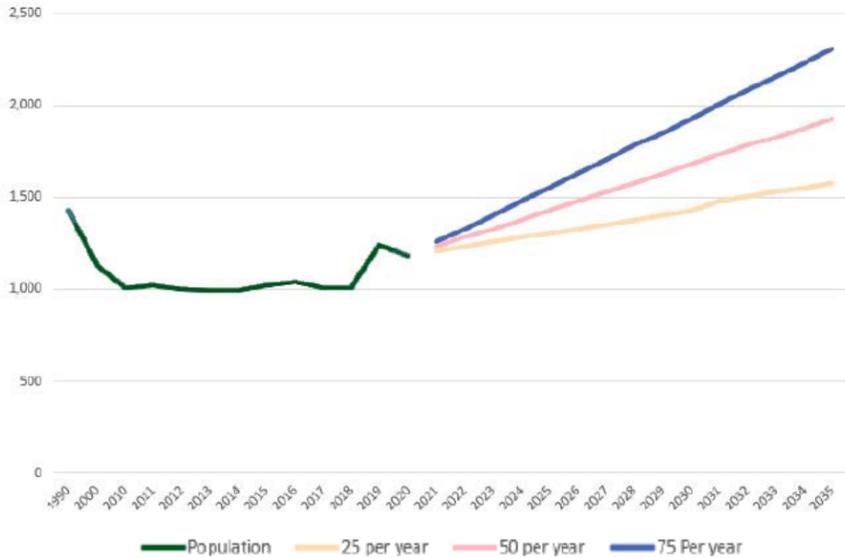


Figure 2: Population Projection

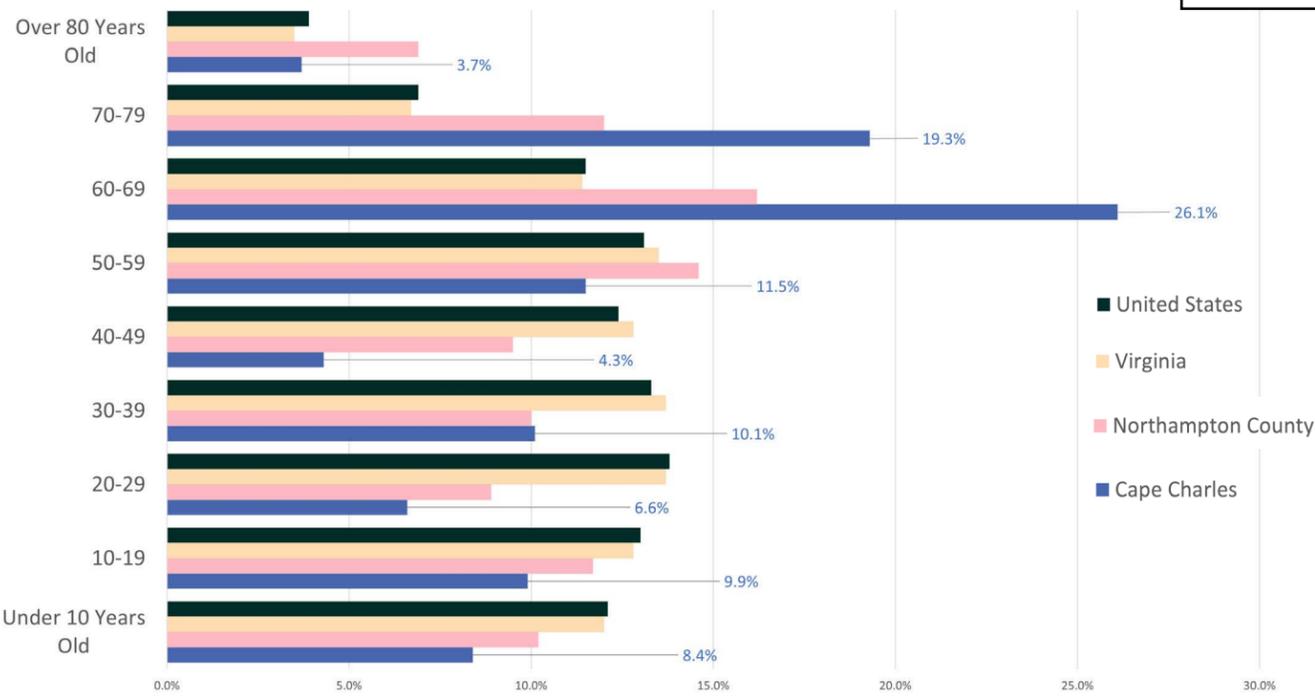


Figure 3: Population by Age

## Age Distribution

The age distribution in both Cape Charles and Northampton County are significantly different than the age distribution of Virginia and the national population. As shown in Figure 3 above, Cape Charles and Northampton County have a high percentage of their populations over 50 years old when compared to Virginia and the United States. Over 60% of the population in Cape Charles is 50 or older, while only 30% of Virginia's population is 50 or older, representing a substantial difference in character. Conversely, a higher percentage of Virginia is young and of working age. Roughly 17% of the population in both Cape Charles and Northampton County are each in the 20-39 age cohort as compared to 26% of Virginia's population in this cohort.

Disparities in age are further illustrated by median ages. According to the U.S. Census Bureau, the Median ages in Cape Charles, Northampton, and Virginia are 59.5, 49.8, and 38.4, respectively. The median age in Cape Charles, while higher than that of Northampton County, is approximately 20 years more than the median age at the state level. During the 2010's, the 55 and older age cohort in Cape Charles increased in size (+9.3%) as the younger age (0-54) cohorts decreased in size by the same percentage (-9.4%). This is partially due to the older retirees moving to the area to take advantage of the Town's amenities. The town needs to attract younger generations in order to provide a complete social structure that can sustain itself into the future.

	Cape Charles 2010	Cape Charles 2020	Cape Charles Percent Change 2010-2020	Northampton County 2020	Virginia 2020
Generation Z (0-19)	17.9%	18.3%	+0.4%	21.9%	24.8%
Millennials (20-34)	14.7%	12.3%	-2.4%	14.3%	20.6%
Generation X (35-54)	19.8%	12.4%	-7.4%	19.9%	26.3%
Baby Boomers (55-74)	35.8%	48.5%	+12.7%	32.5%	22.2%
Silent Generation (74+)	11.8%	8.4%	-3.4%	11.4%	6.2%
Median Age (Years)	53.5	59.5		49.8	38.5

Figure 4: Population by Generation

**Families**

The number of families living in Cape Charles has grown in recent years according to the U.S. American Community Survey 5-year Estimate data. The Bureau defines a family as “a group of two or more people who reside together and who are related by birth, marriage, or adoption.” The number of families in Cape Charles has increased by 41.5% over the past six years. The average family size has remained relatively steady around 2.5 from 2015 to 2020. The number of families with children under 18 has ranged between 60 and 77 from the ACS survey years 2015 to 2020 without depicting a trend. As stated under Age Distribution above, the town needs to attract younger families.

	2015	2016	2017	2018	2019	2020
<b>Total Families</b>	217	253	292	309	319	307
Married-Couple Family	166	191	214	238	230	234
Male Householder, no spouse/partner, family	25	28	19	55	34	21
Female householder, no spouse/partner, family	26	34	59	46	55	52
<b>Average Family Size</b>	2.59	2.46	2.55	2.56	2.55	2.63

Figure 5: Families

**Racial Composition**

The racial composition of Cape Charles did not change significantly during the 1990’s. Census data from 2000 indicates that approximately 43% of the population is black or African American. This however has changed significantly as the white population has increased. The 2010 Census data indicates that this number decreased to 31.1% while the 2020 ACS survey data depicts 16%, with the white population increasing accordingly. This is a considerable shift over the past two decades. While the black and African American population may have been decreasing, a larger percentage of new residents moving into Cape Charles are white. One of the potential factors for this change is the significant increase in housing purchase prices and renovation costs leading to a decrease in lower income earning individuals or families that can afford to live in Cape Charles while also attracting a larger influx of affluent white retirees. Figure 6 provides the racial composition change over the past decades.

	1980	1990	2000	2010	2020
White	67%	54.4%	53.8%	60.4%	77.6%
Black or African American	32%	45%	42.9%	31.1%	16%
Other	1%	0.6%	3.4%	8.5%	6.4%

Figure 6: Population by Race

**Educational Attainment**

The population of Cape Charles features higher educational attainment in comparison to the surrounding County. 50.1% of the population 25 and older in Cape Charles have achieved a bachelor’s degree or higher as compared to 39.5% in Virginia and 26.1% in Northampton County (2020 ACS).

**Income**

Cape Charles’ median household income of \$55,104 for full-time residents is higher than Northampton County (\$50,819). The figure below depicts income distribution within 658 households in Cape Charles. Although the median income level within Cape Charles can be considered high, around 23% of those households in Cape Charles have incomes below \$24,999.

VV

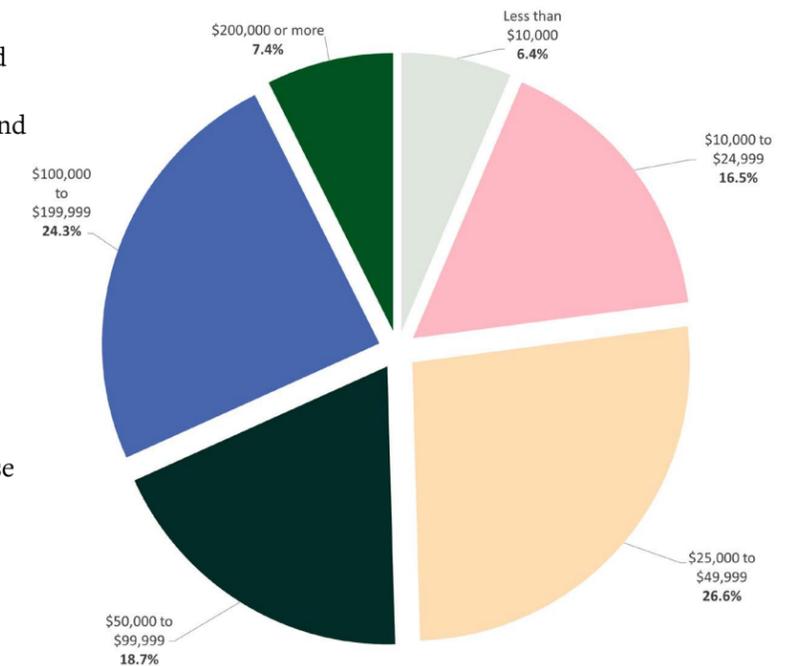


Figure 7: Family Income

**Poverty**

The Census Bureau uses a set of income thresholds that vary by family size and composition to determine who classifies as impoverished. If a family’s total income is less than the family’s threshold, then that family and every individual in it is considered to be living in poverty. 16% of the population for whom poverty status is determined in Cape Charles live below the poverty line, a number that is the same as Northampton County at 16.5% and higher than the state average of 10%. (2020 ACS 5-year Estimate). By further dissecting the 16% population in Cape Charles considered to be living in poverty status and assessing the age of these individuals, Figure 8 shows that over 40% of this population in poverty is under 18 years of age.

Accomack County and Northampton County have comparable overall poverty rates, around 6% higher than the rest of Virginia. Poverty is a complex and persistent problem that requires coordinated efforts across the Eastern Shore to improve housing, jobs, education, health care, and transportation options. The Town of Cape Charles does provide assistance in the form of real estate tax credits to qualified persons who are elderly or who are physically disabled (Town Code Section 66-118). Applicants must meet certain income (e.g., maximum combined income, if married, cannot exceed \$50,000) and health status substantiations.

Population Total Estimate	1227*
Population below Poverty Level	196
Percentage of Population below poverty level	16%
<b>Poverty by Age in Cape Charles</b>	
Under 18 years	44.4%
18 to 64 years	40.3%
65 years and over	15.3%

Figure 8: % of Population in Poverty

\*Population estimate varies slightly between 2020 ACS and 2020 Census



Sunset over the fishing pier.

# Public Input

- Kick Off Workshop
- Stakeholder Survey
- Regional Housing Workshop Summary
- 2022 Regroup
- Comments on Draft Comprehensive Plan
- Public Hearing, Recommendation, and Vote
- Goals and Objectives Setting

# Public Input

## Kick Off Workshop

The Town held the Comprehensive Plan Kick-off Workshop on July 25. This was the first opportunity for residents to help form the update process and give feedback to local government officials about the future of Cape Charles. The public was given a presentation about the focus of the Comprehensive Plan update process, project goals, and citizen/stakeholder expectations. Input from the Kick-off Workshop will be used help to shape the planning process and ultimately the new Comprehensive Plan. The questions and summary of the various tables responses are shown below.

A. What is the best way to engage Cape Charles citizens and stakeholders (e.g. more workshops, online survey, stakeholder meetings, small group forums, etc.)?

Table 1	Table 2	Table 3	Table 4	Table 5
Coffee-shop meetings, Surveys, varied times, Suggestion box	Facebook, phone call, local paper, e-mail listserv	Online survey, incentivize feedback, local news	Town Hall, local news, utility bills, seasonal visitors, meetings	Raffle with local businesses, community boards, churches

B. Who are the critical players (stakeholders) who need to be engaged in the process?

Table 1	Table 2	Table 3	Table 4	Table 5
Community groups, business owners, workforce, Coast Guard, EMS	Residents, tourism, Northampton Co., Federal agencies, underserved pop.	Watermen, churches, residents, various boards and groups, Town staff	Full time and seasonal residents, businesses	ANPDC, VDOT, public school system, nonprofits

C. If the Comprehensive Plan Process includes a community opinion survey, what topics or questions should be included?

Table 1	Table 2	Table 3	Table 4	Table 5
Vision? Services? Concerns? Changes? Missing?	Traffic congestion, beach safety, healthcare, housing	SWOT, Sidewalks, restrooms, open space, utilities, noise, housing, Airbnb	Public facilities, attracting visitors, infrastructure, traffic, housing	Engagement, transportation, tourism, Mixed Use

D. List the top three issues you would like to see the Comprehensive Plan address.

Table 1	Table 2	Table 3	Table 4	Table 5
Healthy living, green space, plan for railroad land, non-tourism growth	Year round sustainability, controlled growth	Parking garage, historic preservation, Public works, workforce housing	Workforce housing, street cleaning, small town charm	Golf cart paths, resiliency, healthcare, amenities

E. What major projects should be included in the plan?

Table 1	Table 2	Table 3	Table 4	Table 5
Community space, public works staffing, parking strategy	Improved water quality, infrastructure	Parking garage, public transit, sidewalks, hook & ladder	Good internet, economic & enviro. resiliency	Golf cart paths, rec. center, parking garage

## Stakeholder Survey

A broad survey was conducted in 2019 and received 211 responses. Common concerns and desires expressed were as follows (not provided in any type of priori

- Preserve “family centered” beach town
- Preserve and enhance beach
- Preserve historic district
- Preserve Central Park
- Preserve open spaces
- Preserve and enhance deep-water harbor
- Preserve retail center
- Need for economic diversity
- Provide town walkability, sidewalks
- Need for public facilities/restrooms
- Enhance activities for youth
- Improve water quality
- Encourage affordable workforce housing
- Development of town recycling
- Development of golf cart pathways
- Need for enforcement for golf carts and traffic
- Explore ways for access to medical centers
- Ensure new water/wastewater is paid by developer
- Explore development of community center

## Regional Housing Workshop Summary

Northampton County hosted an Eastern Shore Regional Housing workshop on January 29, 2020, with over 50 people in attendance. A summary of the feedback received at that workshop is below.

What type of housing development is most needed on the Shore?

- Strong desire for rental apartments, small single-family dwellings, duplexes, town homes and condos

What are the top three housing issues impacting the Eastern Shore?

- Lack of housing available for rent
- Lack of housing that is affordable

Identify the top-most significant barriers to developing more affordable housing on the Eastern Shore.

- Cape Charles Zoning Ordinance
- Cost of housing/rental within this beach community
- High cost to refurbish older homes
- Lack of qualified workforce to build homes and apartments
- Lack of full-time, year-round jobs
- Lack of educated population relative to affordable housing

## 2022 Regroup

After disruptions caused by the COVID-19 pandemic, the Town resumed work on the Comprehensive Plan with the help of a planning consultant in 2022. A Draft Comprehensive Plan was provided for review in September 2022. A public input forum was held in October 2022, and citizens were encouraged to submit comments on the plan. Public input opportunities were advertised in the Cape Charles Gazette, which is distributed throughout town and available on the Town website.

**Comments on Draft Comprehensive Plan**

After receiving about 280 comments on the Draft Comprehensive Plan from Town staff, members of Town boards, and the general public, Planning Commission and Town Council held two joint work sessions to review feedback and determine how to best address feedback in the final draft. The Planning Director provided additional opportunities to discuss the Draft Comprehensive Plan and the Future Land Use Map after the formal commenting period had ended.

**Public Hearing, Recommendation, and Vote**

Planning Commission and Town Council held a joint public hearing on December 6, 2022 to provide an opportunity for any additional comments on the final draft of the Comprehensive Plan. At the public hearing, there were 4 speakers and 3 letters read into the record which were primarily in support of the document with the exception that each speaker did not support extending commercial zoning or designating the future land use map with commercial activity for any of the corner/intersection lots for Randolph Avenue since this road is seen as the full entry-way corridor into the Town directly to the beachfront and it should not be impacted or cluttered with commercial traffic and activity.

Planning Commission outlined several minor changes to be made to the Plan in response to public comment, including changing several parcels on the south side of Randolph Avenue to Residential on the Future Land Use Map. Planning Commission voted unanimously to recommend that Town Council adopt the Comprehensive Plan with these minor changes. Town Council convened on December 15, 2022 and adopted the Comprehensive Plan.

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# Goals & Objectives

Aerial view of the Town.

## Goals and Objectives Setting

The Cape Charles Comprehensive Plan is intended to capture a broad community vision of a future Cape Charles.

Written statements that describe future expectations are necessary to describe that vision. These statements are intended to be easily understood and generally accepted among the residents and business interests in the Town. Goals and objectives are found in the subsequent chapters for each functional area of the Plan, e.g., land use, transportation, community facilities, etc. Some goals and objectives developed in the 2016 Comprehensive Plan process were retained. Goals are long-range, generalized statements that represent the ultimate desires of the Town. The situations and conditions called for in the goals would normally be achieved only through a sustained series of actions over a considerable period of time.

The goal statements in this Plan are sufficiently broad to remain valid as people’s values change over time. As these values change, the interpretation of the goals will change also. When this happens, the goals will remain in effect, but new goals and objectives may be developed. Goals and objectives comprise a proposed series of broad policies that are more immediate and specific in nature than are the goals. Objectives are intended to be intermediate steps that are taken toward achieving the goals. For each goal, several objectives can be provided.

The topic areas covered include:

- Housing
- Economy
- Transportation
- Community Facilities & Services
- Environment
- Land Use and Future Land Use

Public engagement has continued as part of the process; to include development of a routinely updated Community Strategic Plan, whose goals and objectives should dovetail well with the core areas above and help create a plan that builds on the Town’s unified vision. Each topic has a “goal statement” that describes what the Town should strive for in each area. The objectives and strategies are specific ways the Town should work to achieve each goal.

Implementation will be achieved through the annual Community Strategic Plan, whose shorter-term, more granular objectives, informed by the Comprehensive Plan, will set the Town’s annual priorities and workflow.



View down Randolph Ave. from the gazebo.

# Housing

“Pursue land use, zoning, and housing policies to meet and maintain the housing needs of all Cape Charles residents and support a strong local workforce, while preserving local character.”

- Overview
- Housing Inventory
- Housing Projections
- Accessory Dwelling Units
- Tenure
- Age of Housing
- Housing Conditions
- Housing Value
- Housing Market Conditions
- Rentals
- Historic Resources
- Affordable Housing
- Workforce Housing Units
- Housing Objectives and Strategies

# Housing

## Overview

The housing stock in Cape Charles is clustered in three main areas. The traditional residential area is located in the Town's Historic District. Two other major clusters of housing are present in the north and south tracts of Bay Creek, where construction of several residential subdivisions continue. Housing in the Historic District of Cape Charles consists of approximately 750 dwelling units, many of which are single-family houses built between 1885 and 1920. The houses range from small bungalows to larger homes and are grouped into neighborhoods which blend together but maintain distinctive character. There are many excellent examples of Victorian, Colonial Revival, Craftsman, and Neoclassical styles of homes in the Historic District. The oldest houses, dating from the 1880s to the early 1900s are found in the center and eastern sections of the Historic District. The Town's Historic District Review Board reviews all construction in the Historic District to ensure construction of new buildings and alterations to existing buildings do not adversely affect the historic character of the area. The Town was originally laid out in a grid of 40 foot wide by 140 foot long lots with houses spaced close together. A limited number of vacant lots exist in the Historic District.



A house in the Historic District.

In more recent years, significant residential construction has occurred in Bay Creek. The development's north and south tracts span approximately 1,750 acres and will continue to bring a large number of new housing units to the area. Although the actual number of homes constructed will be driven by market forces, the Annexation Agreement of 1992 allows up to 3,000 dwelling units to be built in Bay Creek. Bay Creek has ten distinct neighborhood villages, including condominiums, townhouses, and single-family homes. Most of the homes already built in Bay Creek, a gated-community, are marketed towards high income households, retirees, and seasonal homeowners.



Home under construction in Bay Creek.

Single-family homes represent most of the housing market in the Town of Cape Charles. The town's housing stock has undergone major changes in a short period of time. Numerous single-family homes in the Historic District have been renovated and that trend continues. New residential construction has also taken place in the Bay Creek golf and marina resort communities. The town has a large percentage of homes that are used as second homes, some of which are used as short-term rental units due to the high influx of tourists during the summer season.

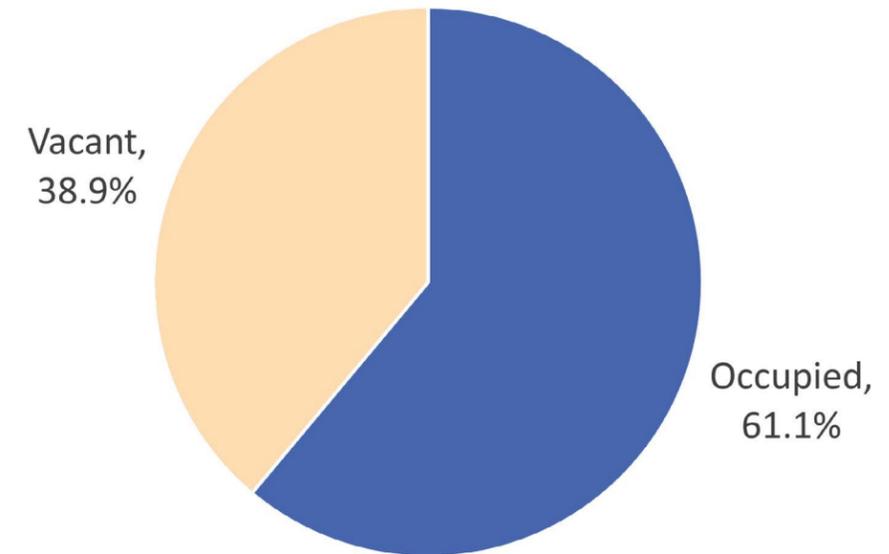


Figure 9: Housing Unit Occupied vs. Vacancies

The U.S. Census categorizes 'vacant' to include houses for sale, houses for rent, seasonal/recreational and other. Based on the 2010 census, at least 30% of the entire housing stock was seasonal/recreational. It is expected that this percentage number would be equal, if not higher, at the present.

Despite the positive changes in the town's housing stock, some residents face major housing issues. Although rising property values have benefited many homeowners, increased rents and housing prices create difficulties for low and moderate income households. If current trend continues as expected, availability of quality housing will continue to decrease. An analysis of the town's census data shows that 41% of town households are cost burdened (i.e., households that pay more than 30% of their income for all of their housing expenses including utilities). For example, a household that had a \$30,000 income would be cost burdened if it paid more than an average of \$750 per month on their rent or mortgage, property taxes, property insurance, utilities and housing maintenance costs. The town needs to be concerned with planning for quality affordable housing as its economy grows. It is necessary to reduce the percentage of cost burdened households, one way of which is providing more affordable housing stock, since this will help

encourage people to live in stable neighborhoods in town instead of moving out into the unincorporated areas of the county. This in turn will help keep the town economically viable throughout the year.

As described in the Community Analysis chapter, with the baby boomer (age 55-74) population increasing 35.8% to 48.5% of the total permanent population from 2010 - 2020, the Gen X (ages 35-54) decreasing from 19.8% to 12.4% and Millennials (ages 18-34) decreasing from 14.7% to 12.3%, the town's mix is moving towards an age disparity. Coupled with lower income buyers not able to compete for the housing within increasingly expensive neighborhoods in Cape Charles, they are then forced to move to affordable neighborhoods elsewhere that they can afford. The increased housing costs within the town make it difficult to attract younger families. Cape Charles has a need for a greater diversity of housing types to improve affordability as well as support a stable and resilient community into the future.

### Housing Inventory

Housing patterns in Cape Charles are typical of small towns that developed around railroad lines in the early twentieth century. Most of the Town’s older housing stock in the Historic District is located near the downtown commercial areas, which are centered along the previous railroad lines and harbor terminus. The inclusion of the Bay Creek golf and marina communities offer newer housing stock.

Nearly 78% of occupied homes in Cape Charles are single family units (66% single family detached, 11.4% attached). With the completion of new construction and rehabilitated buildings on Mason Avenue, more attached condominium units have been entering the housing stock.

2010 Census			2020 American Community Survey	
Total Units	787	-	1,077	-
1-unit, detached	612	77.8%	715	66.4%
1-unit, attached	35	4.4%	123	11.4%
2 units	24	3%	52	4.8%
3 or 4 units	32	4.1%	19	1.8%
5 to 9 units	29	3.7%	121	11.2%
10 to 19 units	25	3.2%	35	3.2%
20 or more units	16	2%	12	1.1%
Mobile home	14	1.8%	0	0%

Figure 10: Housing Inventory

### Housing Projections

A rough housing projection was developed to determine the impact on housing for continued growth. Population projections typically are constructed around full-time residents and prepared for larger localities than Cape Charles. Given Cape Charles’ smaller population numbers and the mixture of permanent residents and seasonal/ recreational occupants, forecasting housing needs contains many assumptions. Assuming an annual population projection increase of 1.7% (using 2010 to 2020 population growth numbers), an additional 200 full-time residents could live in the Town of Cape Charles by 2030. Given the current average household size of 2, another 100 dwelling units would be required to house this full-time population increase. However, one must also account for additional seasonal housing or the conversion of current housing stock into seasonal units. Using a ratio of one ‘vacant’ house to every two full-time residential homes would result in a total of 160 additional units projected for 2030. (Per U.S. Census terminology, ‘vacant’ homes are primarily seasonal/ recreational in the case of Cape Charles.)

Although the Town of Cape Charles is enclosed on three sides by water, the Town would still have capacity to accommodate these additional homes within areas such as the remaining lots in the historic district, properties within the Bay Creek communities, future developable town owned property along Old Cape Charles Road (former Keck property, 18 acres), approximately 20 acres of developer’s property along Old Cape Charles Road, and the potential development of the railroad property (approximately 40 acres) between the historic district and the harbor.

### Accessory Dwelling Units

The Town of Cape Charles adopted ordinances in February 2019 that permitted accessory dwelling units under certain conditions with adequate safeguards to protect the character of the existing residential neighborhoods. This strategy is intended to develop new, moderate cost rental housing while preserving large, older homes and allow more flexibility for elderly homeowners to stay in their homes. Among the conditions of approval for accessory apartments is that the accessory dwelling unit be “clearly subordinate to” the main unit. This is achieved by requiring that the unit be less than a specified percentage of the square footage of the original house. **In addition, these units cannot be rented for less than 30-day length of stays in order to foster longer term residencies (as opposed to summer tourist related weekly rentals).** The number of permits issued to build accessory dwelling units from February 2019 through April 2022 totals sixteen that demonstrates an interest in residents to provide additional in-fill housing units within the town.

Cape Charles amended the Zoning Ordinance in October 2022 to include more specific definitions and language in the regulations regarding Accessory Dwelling Units.

### Tenure

61% of the housing stock in Cape Charles is either full time owner-occupied (32%) or long-term renter-occupied (29.1%). A housing unit is owner-occupied if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. According to the 2020 American Community Survey, there were approximately 658 full-time occupied housing units in Cape Charles. The higher full-time rental-occupancy number is due to the rental units of Sea Breeze, Myrtle Landing, and Cape Charles Lofts, approximately 138 units total. This is in addition to other downtown loft apartments, and single-family home full-time rentals. However, there are an additional 419 housing units that are classified as ‘vacant’ units per census statistics, those either offered for rent, rented or sold but not yet occupied, and those for seasonal, recreational or occasional use. Cape Charles has a high number of units within the seasonal, recreational or occasional use category because of the desirability of the town as a tourism destination and short-term get-away. As shown in the decennial census and ACS survey numbers, seasonal and short-term rentals have increased in numbers.

	1990		2000		2010		2020	
Owner Occupied - Full-time	299	43.4%	253	34.3%	247	25.8%	345	32%
Renter Occupied - Full-time	268	38.9%	281	38.1%	269	28.1%	313	29.1%
Vacant	122	17.7%	204	27.6%	442	46.1%	419	38.9%
a. For rent	31	4.5%	22	3%	50	5.2%	-	-
b. For sale	11	1.6%	9	1.2%	40	4.2%	-	-
c. Seasonal	7	1%	82	11.1%	290	30.3%	-	-
d. Other	73	10.6%	91	12.3%	62	6.5%	-	-
Total	689	-	738	-	958	-	1,077	-

Figure 11: Housing Occupancy by Tenure

### Age of Housing

Cape Charles has a mixture of older and new housing. Given the town’s history as a turn-of-the century railroad town, many homes in the Historic District were built before 1939. The decade between 2000 and 2010 saw a tremendous amount of growth as the Bay Creek properties developed. In fact, one-third of all housing in Cape Charles was constructed since the Year 2000.

In addition to renovation of older homes within the Historic District, new housing unit construction has continued at a healthy pace. In the year 2019, permits were issued for new residential construction as follows:

- 22 new single-family residential (10 in historic district and 12 in Bay Creek)
- 8 new residential units over commercial property on Mason Avenue
- 4 new residential units in multi-family building
- 4 new apartments on Randolph Avenue

In the year 2020, 25 permits were issued for new residential construction, and in the year 2021, 60 permits were issued for new residential construction.

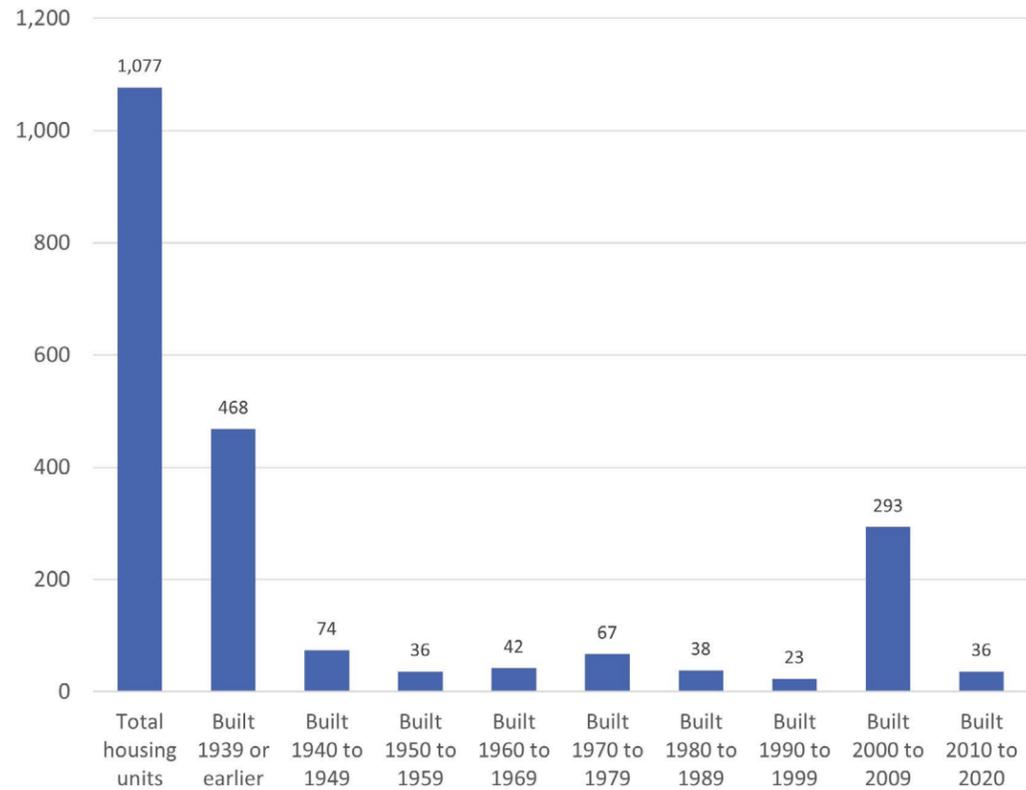


Figure 12: Year Structure Built

### Housing Conditions

The need to improve housing conditions in parts of Cape Charles has been a major issue in past decades and continues today to a much lesser degree. Dilapidated, abandoned, and substandard housing is of concern to all citizens. Issues in the past had included problems with sagging roofs, missing siding, hazardous entryways, missing windows, deteriorating appearance, and unkempt yards and outbuildings. In 1995, the Town was awarded Community Development Block Grant funding for rehabilitation of 30 substandard houses located in the northeast area of the historic district. The rehabilitation project, known as the Northeast Neighborhood Comprehensive Community Development Project, helped many of the Town’s residents improve their housing conditions. Building permit information indicates that a significant amount of renovation

work for existing homes in the Historic District has occurred since the early 2000’s. To help improve housing conditions, the Town also adopted an ordinance to enforce the repair or clearance of dilapidated structures. All existing buildings and structures must be properly maintained to protect the occupants from health and safety hazards that might arise from improper maintenance or use of the building. As noted in the Cape Charles Historic District National Register, between surveys conducted in 1987 and 2017, over 50 homes listed in the original register were demolished. Some have since been replaced. From 2016 through 2019, eight permits were issued to demolish additional residential homes and structures such as accessory buildings and warehouse within the historic district. In 2021 there were no demolition permits issued.



House Renovation in Cape Charles Historic District, Google Streetview

### Housing Value

The Town of Cape Charles has the highest owner-occupied median housing unit value in the entire region at \$366,200 (2020). 20% of all owner-occupied housing is valued about half a million dollars or more. Only 10% is valued below \$200,000.

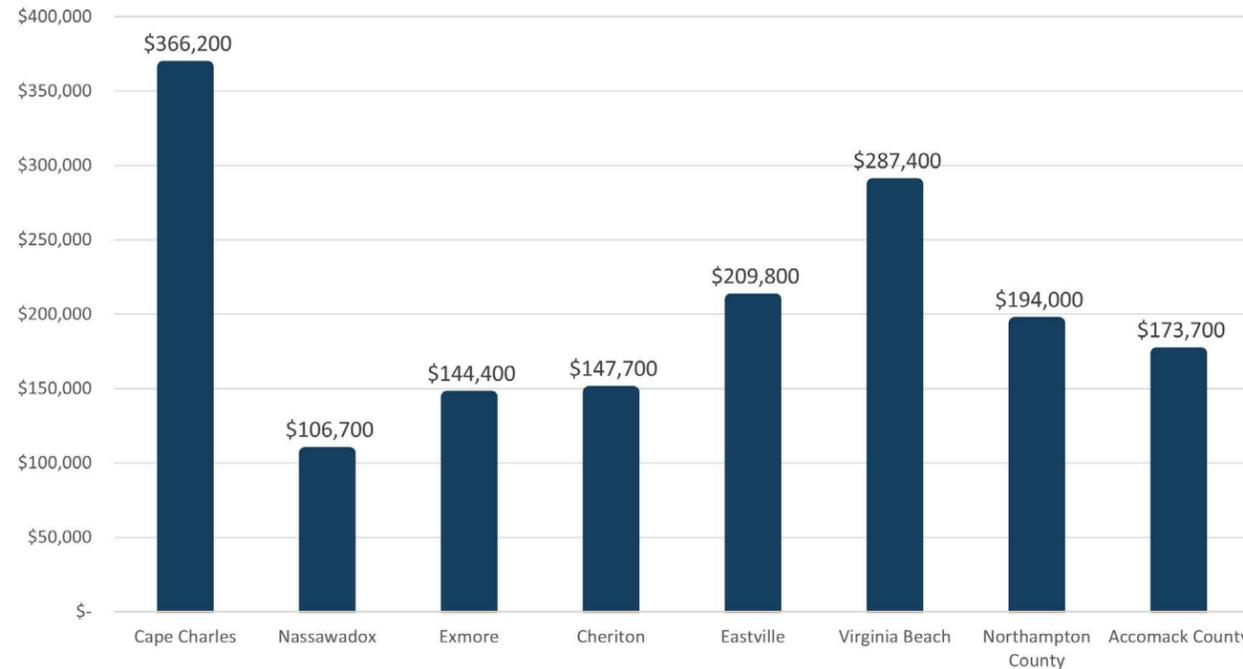


Figure 13: Regional Comparison of Median Value of Owner Occupied Units



Figure 14: Price of Owner-Occupied Units

### Housing Market Conditions

Median list prices in Cape Charles have been steadily increasing over the past six years, from \$274,408 in 2013 to \$362,670 in 2021 (through October).

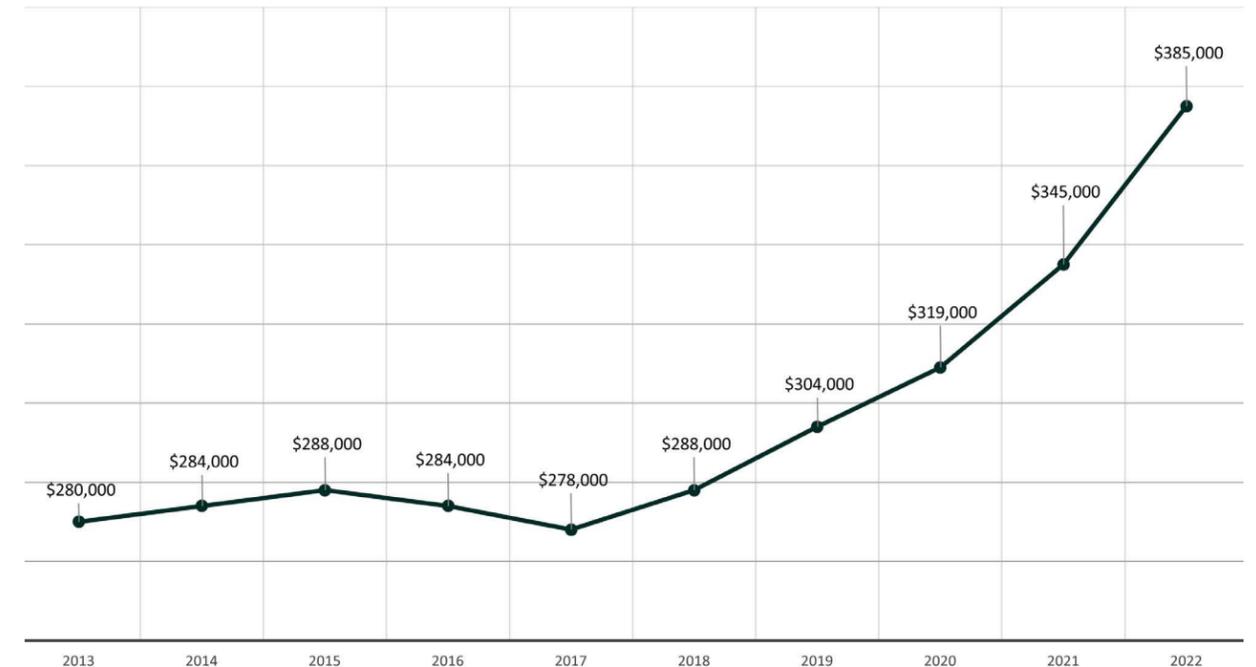


Figure 15: Annual Median Listing Value

### Rentals

The median estimated market rate rent across Cape Charles in 2020 is \$630 monthly. This includes all types of housing available for rent (multi-family, single family residences, condos and co-ops). (2020 American Community Survey) Two of the main reasons for introducing accessory dwelling units into Cape Charles were to increase the number of smaller units available for long-term rental and a lower rental cost based on these units being smaller in size (typically studios or one bedrooms).

Those housing units that are categorized as seasonal or recreational and available on a short-term basis can drive rental prices much higher as a result of the current high demand for short-term rentals during the summer tourist season. As of August 2022, the town has 250 registered short-term rentals.

### Historic Resources

The Code of Virginia provides local governments with a number of tools that support the preservation of historic sites and structures. Included among them are the ability to designate historic districts and the authority to adopt local ordinances that govern the treatment of historic resources. The Town of Cape Charles is a Certified Local Government and has a designated historic district overseen by a historic district review board. The homes designated as 'historic' are currently listed on the National Register of Historic Places.

## Affordable Housing

As a visitor destination with a large amount of second homeowners, the dynamics of the housing market in Cape Charles are impacting the overall affordability of housing. Increased housing prices throughout Cape Charles have exacerbated an already existing lack of affordable housing. Cape Charles does have two income-based apartment complexes within the town:

Washington Ave, Seabreeze Apartments - 28 units, family living; and

Randolph Ave, Myrtle Landing apartments – 93 units, senior living.

Housing costs can still be a burden for some households, including an increasing proportion of older adults. In 2020, nearly 16% of Cape Charles’ population was estimated to be below the poverty line. The income-based apartment complexes noted above contribute in this high percentage number. Low-income households must pay a large portion of their income for housing. Generally, households are advised to spend less than 30% of their total income on housing costs (mortgages or rent plus utilities). However, 28.2% of full-time renter payers in Cape Charles spend greater than 30% of their income on housing. Homeowners in town can also be affected by high housing costs resulting in 28.9% of homeowners with mortgages and 18.6% of homeowners without mortgages also spending greater than 30% of their income on housing. (2020 ACS) When people with higher income start purchasing and renovating buildings in an area, one concern is gentrification. Although this increases the economic value of a neighborhood, the negative effect is the displacement of lower income residents due to the increased cost of rent, higher cost of housing, or increased property tax values. Lower income buyers thus cannot compete for the housing within gentrifying neighborhoods and are then forced to seek other neighborhoods that they can afford, which may be far outside the community. In many instances, the cultural value of the displaced residents’ neighborhood could end up disappearing if the low to-moderate income buyers are not given opportunities to stay where they currently reside. With Cape Charles having the highest owner-occupied median housing value in the region, the town has a need for a greater variety of housing types that are affordable. A diversity of housing

types, including small and attached units, is one way to provide greater housing options. Affordable housing remains a national issue, all of the regions towns must work in collaboration with Northampton County to address this challenge.

## Workforce Housing Units

In recent years, rising housing prices have made it impossible for much of the workforce to live within the town’s boundaries. This is a group of workers defined as earning between 80% and 120% of the Area Median Income (\$55,104 for Cape Charles). Cost burdened households are defined as those paying more than 30% of one’s income on all housing expenses, such as rent, utilities, or maintenance. Studies and surveys conducted by Cape Charles’ Main Street organization indicate that there is a shortage of workers to support the needs of downtown merchants. Lack of affordable housing is a contributing factor in this shortage. This problem is also occurring at the broader Northampton County level, as well as much of the United States. Developing a greater diversity of housing types, including small and attached units, is one way to provide greater housing options.

Area Median Income (AMI)	80% of AMI	120% of AMI
\$55,104	\$44,083.20	\$66,124.80

## Housing Objectives and Strategies

1. Pursue character appropriate additional supply and diversity of housing, including smaller single-family homes, duplexes, town homes, and condos to increase the availability of affordable housing.
  - a. Review the Zoning Ordinance to identify barriers to the development of mixed-income housing, as well as housing diversity that is naturally more affordable by assessing the findings in the report ‘Overcoming Land Use Ordinance Barriers to Housing Development in Northampton County including Town of Cape Charles’ (published May 27, 2022). This would include a review of opportunities to decrease parking minimums and/or setbacks in certain zoning districts to increase the amount of developable land on each parcel.
  - b. Review the findings and recommendations from Eastern Shore of Virginia Regional Housing Study (published March 2022) to inform future land use and housing policy.
2. Encourage development of affordable workforce housing.
  - a. Engage local businesses about the housing needs of their employees and distribute said information to County and Regional/State Housing officials.
3. Subject to staff resources, participate in housing financing programs.
  - a. Consider participating in programming, loan, and grant initiatives that support affordable housing, such as Tax-Exempt Bond Financing, the Housing Choice Voucher Program, and the Low-Income Housing Tax Credit Program.
  - b. Disseminate housing assistance information focused on available financing for housing rehabilitation (e.g. Livable Home Tax Credits through DHCD, Rehabilitation Tax Credits through USDA); provide and promote these programs with targeted marketing materials on the Town website and in the offices of the Planning & Zoning and Building Departments.
4. In accordance with the Code of Virginia Sec 15.2-2223.5, Cape Charles shall incorporate into its comprehensive plan strategies to promote manufactured housing as a source of affordable housing. Such strategies may include (i) the preservation of existing manufactured housing communities, (ii) the creation of new manufactured home communities, and (iii) the creation of new manufactured home subdivisions.
5. Address the impacts of short-term rentals (STR) on the existing housing stock. (See also Economy Strategy 1.a)
  - a. Develop and maintain a Town inventory of short-term rental units in collaboration with local real estate/property management groups. Identify whether rentals are located within the Historic District or Bay Creek Planned Unit Development area.
  - b. Coordinate with stakeholders to identify how and when short-term rental units are used.
  - c. Encourage long-term rental conversions through legislation or regulation.



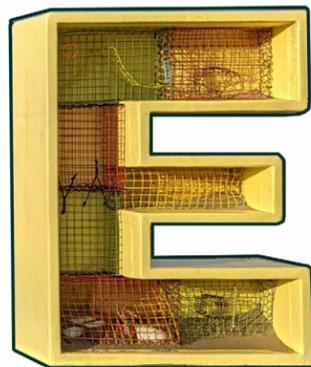
Recently developed mixed use building on Strawberry St Plaza.

# Economy

“Promote a lively economy built around accommodations, food service, health care, social services, education services, retail trade, recreation, public administration, manufacturing, fisheries/maritime activities, and transportation.”

- Overview
- Labor Force Participation Rate
- Unemployment Rate
- Median Household Income
- Employment by Industry
- Major Employers
- Town Revenue
- Economy Objectives and Strategies

# Economy



Cape Charles Beach "Love" Sign

## Overview

Cape Charles is home to a lively economy built around accommodations, food service, health care, social services, education services, retail trade, public administration, manufacturing, fisheries/maritime activities, and transportation (2018 Cape Charles Market Study). The Cape Charles economy is evolving to support growth in other sectors, especially tourism and related sectors, as maritime businesses decline nationwide. Having navigated the worst of the COVID-19 pandemic, the Town continues to encourage the growth of existing businesses, as well as the creation of new businesses, in diverse markets. The Town is pursuing strategies to support businesses of different sizes and structures, ranging from small shops opened by residents to corporations. As shown in the Community Analysis section of this plan, there is an increasing number of retirees in Cape Charles, which influences the census data metrics. As the Town is becoming a desirable place to vacation, own a second home, or retire, its reliance on seasonal influxes of people is influencing what stores and restaurants are available, as well as when they are open. One area the Town seeks to improve in is maintaining a "year round" economy that serves the community's needs while also attracting visitors.

## Labor Force Participation Rate

The Labor Force Participation Rate (LFPR) is the percentage of all people of working age who are either working or actively seeking work (Employed + Unemployed). The American Community Survey estimates the Town's LFPR at 48.7% for 2020. This is lower than the United States average of 63.4%.

In January 2020, COVID caused a decline in the reported rates across the country due to economic uncertainty. Rates have since started to climb back towards pre-pandemic levels. The chart below shows labor force participation rate by % of that age cohort's population in Town. These rates incorporate the 16 to 19 years and those 65 and older, which bring down the average participation rate.

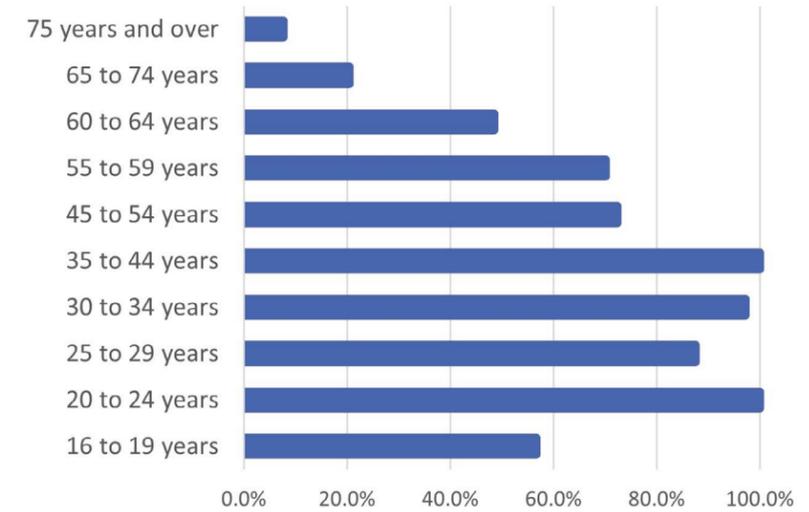


Figure 16: Labor Force Participation Rate

## Unemployment Rate

The Unemployment Rate in 2020 was estimated to be 8.7%. This number fluctuated as a result of the COVID-19 pandemic, which began to cause greater impacts after 2020.

## Median Household Income

Cape Charles has a slightly higher median household income than its surrounding Northampton County and nearby Exmore and Accomack County, however, the region is much lower than the median household income of rest of the state, at \$76,398.

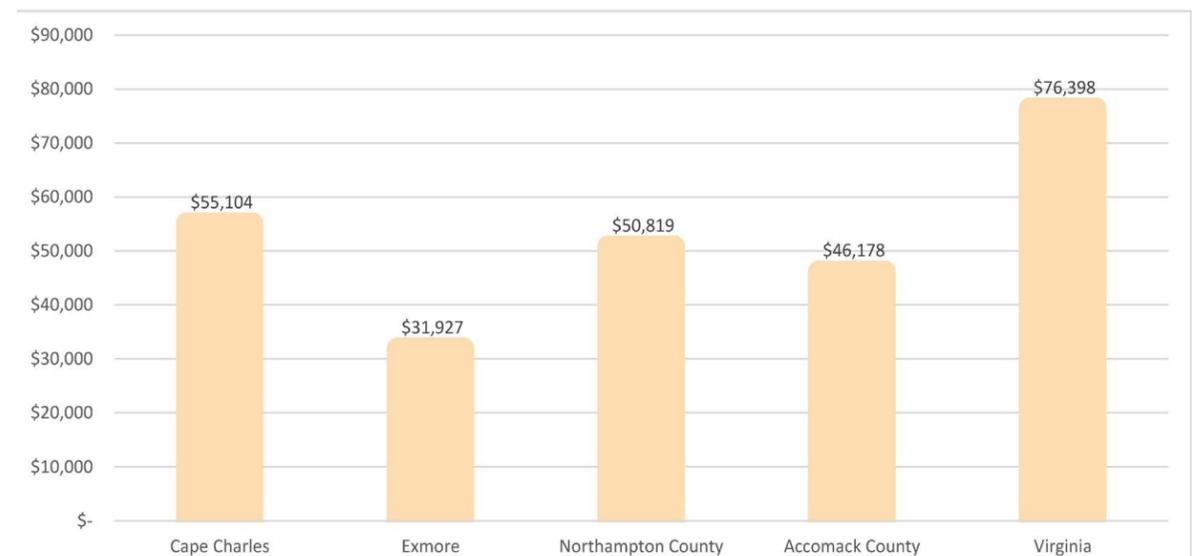


Figure 17: Median Household income

### Employment by Industry

The largest sectors of employment are Arts, Entertainment, and recreation, and accommodation and food services with Educational services, and health care and social assistance being the second largest. There is some diversity in the Town’s economy, but ideally the town would be more economically resilient if there were more larger employers. One issue that can be tied to the Town’s reliance on arts, entertainment, and food services, is the slowing of retail activity during the Eastern Shore off-season.

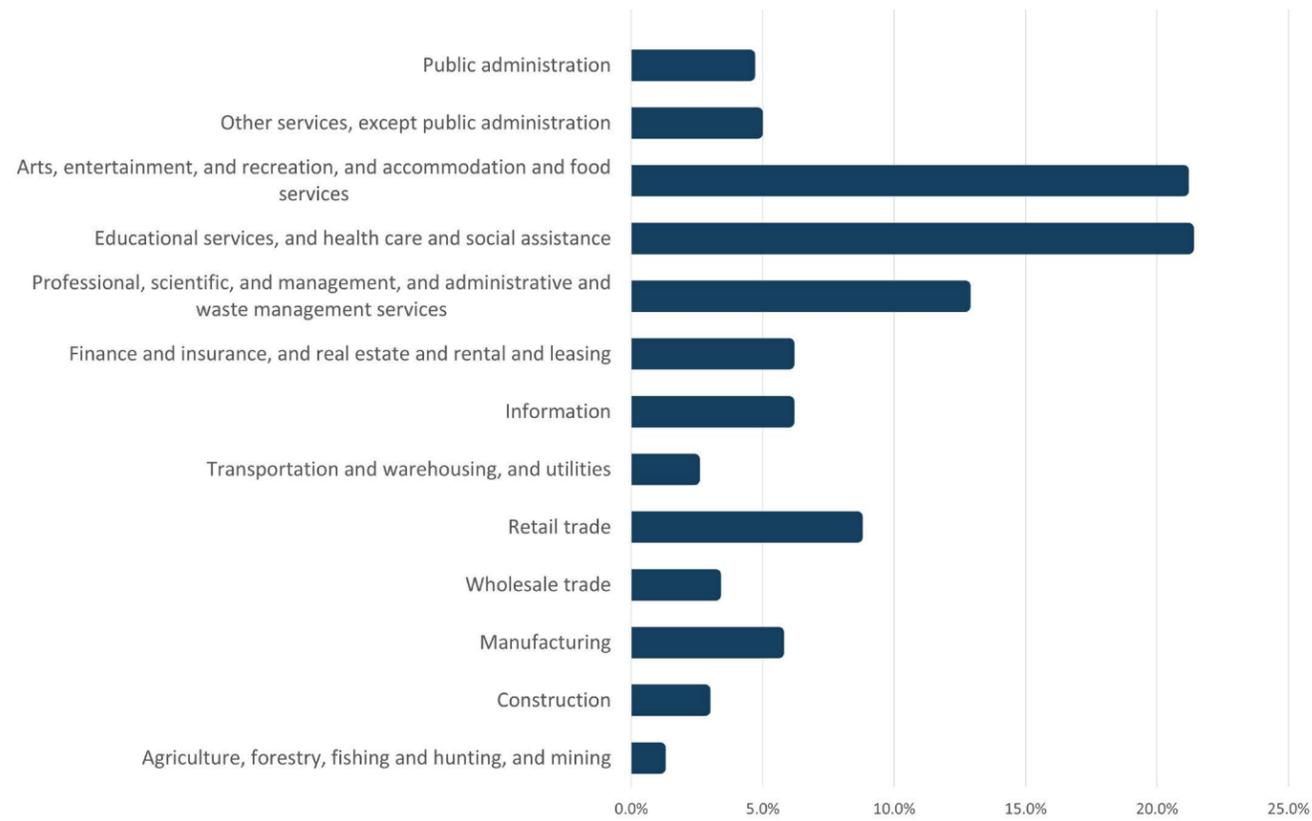


Figure 18: Employment by Industry

### Major Employers

Coastal Precast Systems, located in the central portion of the Town located by the harbor, and employs 95 people. In total, 100 employees work in Bay Creek. The majority of Bay Creek employees (74) work for Troon, which manages the golf course and club. The remaining 26 employees work for the developer of Bay Creek - Preserve Communities. The Town of Cape Charles employees 41 people in total. Other noteworthy employers are restaurants pubs, such as Kelly’s Gingernut Pub and AJ’s Bar & Grill, as well as hospitality providers, such as Hotel Cape Charles. The top employers in Cape Charles illustrate the diversity of the economy that provides for residents andvisitors alike.

Business Name	Full-Time Employees	Part-Time Employees	Seasonal Employees
Coastal Precast Systems	91	4	0
Bay Creek - Troon	41	33	0
Town of Cape Charles	35	6	0
Bay Creek - Preserve Communities	21	5	0
Kelly’s Gingernut Pub	3	18	7
AJ’s Bar & Grill	6	10	0
Hotel Cape Charles	2	0	9

Figure 19: Employers

### Town Revenue

The image below shows major revenue for the Town during calendar years 2014 through 2021, less real property tax and personal property tax. Revenue increased 157% over the 8-year period (not adjusted for inflation), with a significant increase between 2020 and 2021 after the first wave of the COVID-19 pandemic. Tax rate changes have occurred over the years for the Town’s various taxes, this has impacted the overall revenue numbers throughout the years and should be considered when reviewing total revenue.

Calendar year revenue	2014	2015	2016	2017	2018	2019	2020	2021
Meals Tax	\$255,833	\$306,347	\$331,808	\$377,645	\$473,212	\$500,009	\$406,575	\$622,771
Business License Tax	\$94,217	\$103,998	\$103,351	\$110,340	\$121,211	\$142,398	\$146,080	\$193,262
Transient Occupancy Tax	\$60,994	\$91,367	\$92,942	\$102,378	\$152,218	\$165,459	\$181,865	\$341,335
Local Sales Tax	\$48,577	\$41,130	\$44,262	\$45,344	\$47,846	\$52,441	\$56,672	\$82,511
Short-Term Rentals	\$5,743	\$5,203	\$3,575	\$5,439	\$2,111	\$4,465	\$11,519	\$15,980
Harbor Dockage	\$196,741	\$247,030	\$180,001	\$205,329	\$229,917	\$249,169	\$295,370	\$446,427
<b>Total</b>	<b>\$662,105</b>	<b>\$795,074</b>	<b>\$755,939</b>	<b>\$846,475</b>	<b>\$1,026,515</b>	<b>\$1,113,942</b>	<b>\$1,098,082</b>	<b>\$1,702,285</b>

Figure 20: Town Revenues

## Economy Objectives and Strategies

1. Seek a healthy balance between year-round residents, tourists, and second homeowners in Cape Charles.
  - a. Develop short-term rental (STR) regulations to help protect the quality of life for year-round residents.
  - b. Collaborate with Eastern Shore of Virginia Tourism (ESVA), Cape Charles Main Street, and others to promote Cape Charles as a destination.
  - c. Work with other Eastern Shore localities to develop shared strategies for tourist attraction.
  - d. Strengthen and promote available broadband service to increase viability of Cape Charles as a destination for telecommuters and increase broadband hotspot offerings at areas including the Cape Charles Beach, Central Park, and the harbor area.
  - e. Develop and promote events, such as those in outdoor recreation, to attract tourists.
2. Attract families with children to Cape Charles.
  - a. Support Northampton County administration and School Board efforts to strengthen local schools.
  - b. Pursue the construction of new playgrounds and recreational facilities, to include facilities for adolescent and teenaged children.
  - c. Collaborate with local organizations to increase the amount of youth programming.
  - d. Provide opportunities for organizations and community members to plan and host events on town facilities, the public right-of-way, etc.
  - e. Promote the development of year-round, family-supporting jobs.
3. Provide opportunities for households to strengthen their economic wellbeing.
  - a. Collaborate with local and regional partners to develop workforce development programs with connections to local industries.
  - b. Partner with colleges and universities, in collaboration with the Northampton County Board of Supervisors, the School Board, and the Eastern Shore Community College, to develop educational opportunities for residents.
  - c. Partner with public/private entities to promote workforce housing development.
4. Promote and expand businesses in a business-friendly environment.
  - a. Promote a healthy balance of light industrial and commercial activity around the harbor.
  - b. Engage professional planning and economic consultants to develop concept plans for the Harbor area and railroad property, as well as associated design guidelines for the Harbor area that complement the Historic District.
  - c. Develop public/private collaboration efforts to guide business development, help remove obstacles, and improve access to workforce resources.
5. Promote diverse economic benefits for the Harbor area.
  - a. Integrate the area with existing bike and pedestrian networks.
  - b. Promote best management practices for stormwater management and flood protection.
  - c. Provide high-quality public spaces and active street frontages.
6. Preserve and expand the local manufacturing base to ensure diverse employment opportunities.
  - a. Collaborate with existing companies to explore opportunities for community events and/or projects that raise the profile of company benefits to the community.
7. Promote traditional water-based economic activities.
  - a. Engage with local watermen to explore ways the Town can support their businesses.
  - b. Engage with waterfront property owners around the harbor to explore ways the Town can support their businesses.
  - c. Study potential municipal barriers to entrepreneurial efforts in or around the harbor area (e.g. local seafood market).
8. Coordinate with Cape Charles Main Street for studying “chains of activity” in Cape Charles to identify any gaps in combinations of how someone can spend their day.
  - a. Study these chains during all seasons of the year.
  - b. Identify strategies to enhance local economy during winter season.
  - c. Attract businesses to fill gaps in chains of activity.
9. Identify placemaking opportunities to test temporary events, installations, or other features that attract people to the area and encourage them to spend longer periods of time, particularly during the off-season, to promote Cape Charles as a vibrant community. Placemaking involves the intentional implementation of art, public space furniture, or event programming in a space to encourage the public to interact and spend time in the space. Encouraging greater activity increases sense of “place” and can make better use of previously inactive spaces.
10. Update the Accawmacke Plantation Planned Unit Development (PUD) Ordinance that governs the Bay Creek Development to be consistent with the goals and objectives of the Comprehensive Plan.



Golf carts and cars parked along Strawberry St.

# Transportation

“Create a transportation network that allows residents and visitors to access town amenities by various modes of transportation that support the historic character of Cape Charles.”

- Overview
- Parking
- Public Transit
- Alleys
- Bicycle and Pedestrian Infrastructure
- Golf Carts
- Proposed Multi-Use Path
- Commuting
- Regional Long Range Plan
- Compliance with Virginia Department of Transportation Plans
- Transportation Objectives and Strategies

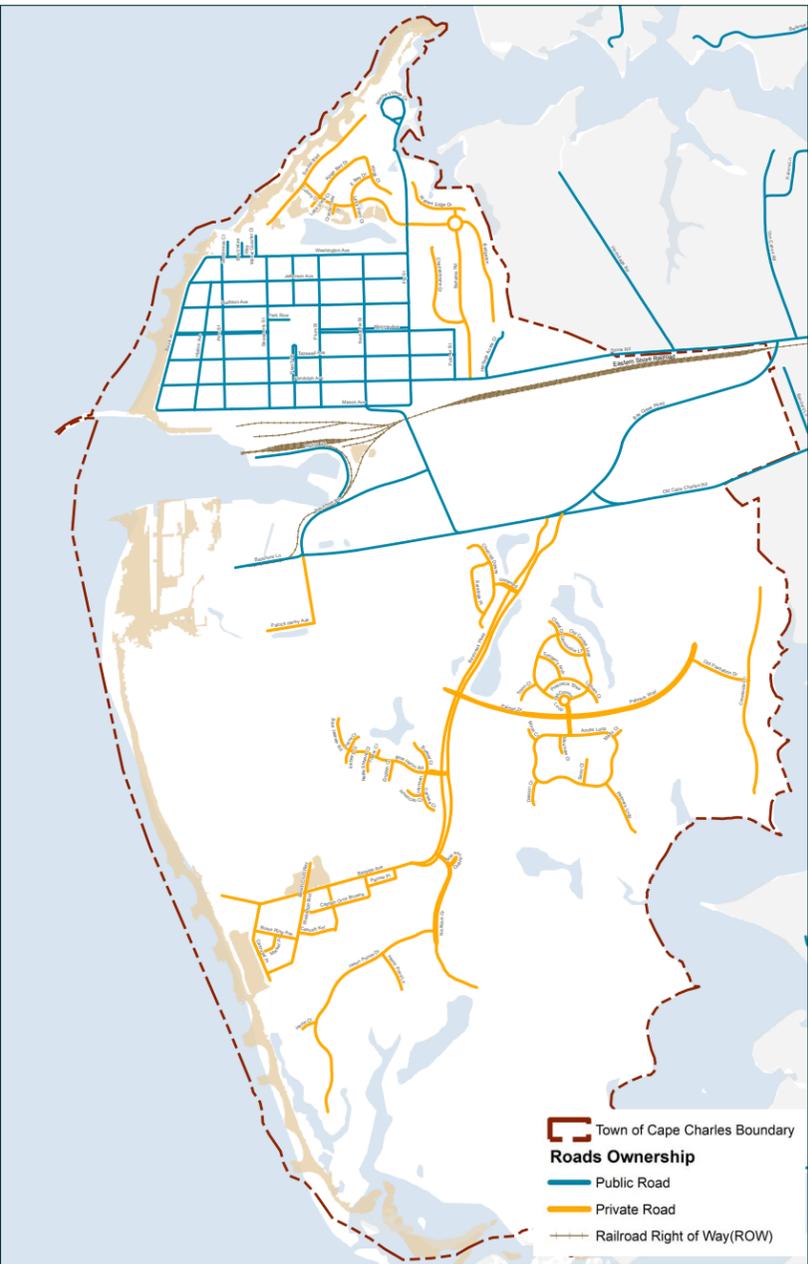
# Transportation

## Overview

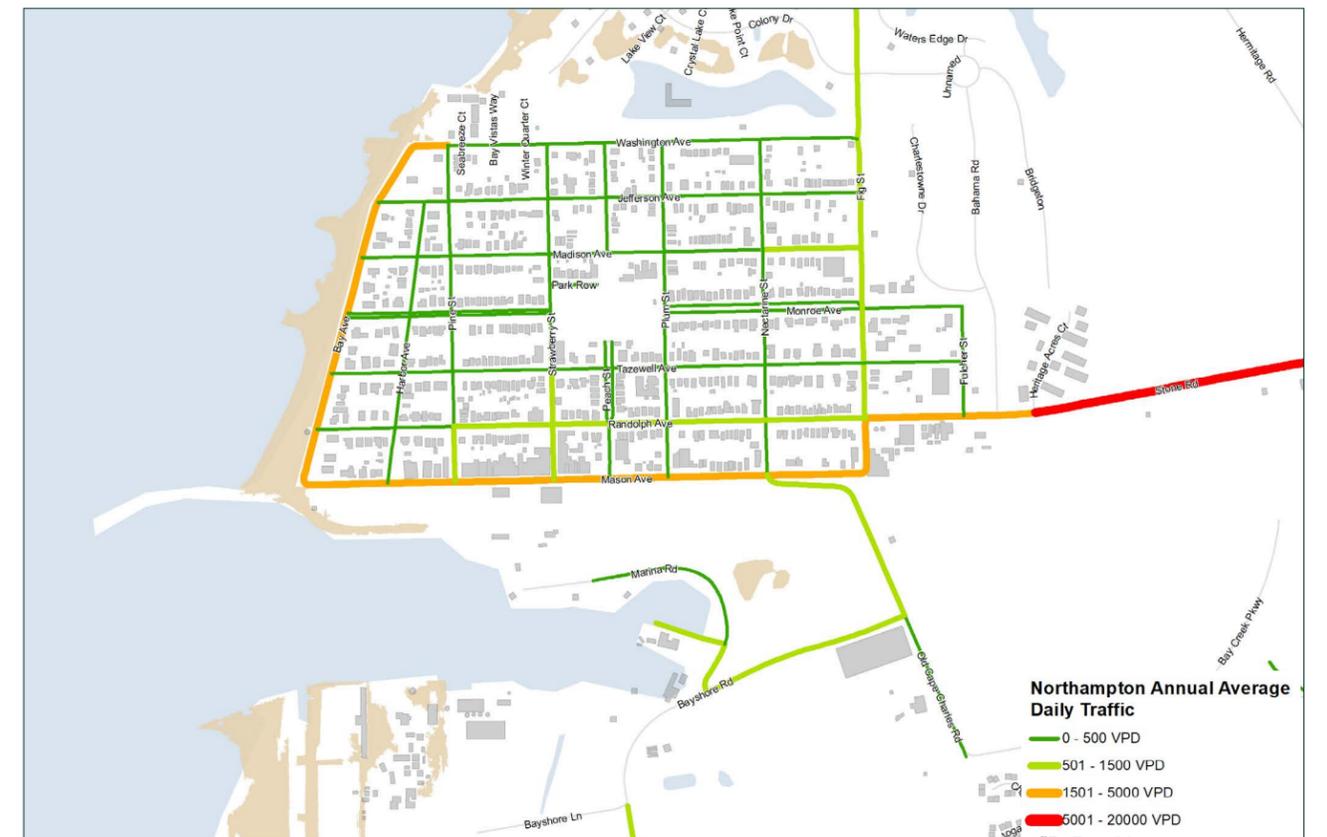
Transportation is a major factor affecting the growth and development of the community. Residents and businesses depend upon an area's transportation network for the safe, reliable movement of vehicles, goods, and people. The predominant form of transportation in Cape Charles is the street system, which consists of arterial roads, collector roads, and local roads. Route 13 is the Principal Arterial road on the Eastern Shore of Virginia. Route 184 leading into Cape Charles is a Minor Arterial road. Route 642 to Mason Avenue, Mason Avenue to Bay Avenue, and Bay Avenue are Major Collector roads. All other roads in Cape Charles are local roads. Route 184 connects Cape Charles to Route 13 and serves as the main arterial road of the Town. Route 184 intersects the Town's historic street grid at Fig Street. The Town's primary commercial road is Mason Avenue, which serves as the Town's "Main Street."

The Town's transportation plans and policies encourage and can to a large extent guide the type and direction of development. While road systems offer an effective way to move people and goods across various geographical areas, they also have other effects. Roadways have a significant impact on land use and development, economic conditions, and the overall quality of life in a community. Public services such as police, fire and emergency rescue also rely on the safe and adequate provision of roadways. Furthermore, the course of a roadway often determines the paths for public utility lines, including water, sanitary sewer, storm sewer, electrical power, and communications. Facilities for rail, water, pedestrian, and other modes of transportation must also be taken into account. These factors make transportation planning crucial to many aspects of a community.

The public roads in Cape Charles are owned and maintained by Virginia Department of Transportation (VDOT). VDOT measures the volume of traffic on its roads periodically. Overall, a significant increase in traffic was seen in the residential areas of the Town's Historic District. It is likely that a significant portion of the increase is due to seasonal variations in traffic patterns.



Map 1: Road Ownership



Map 2: Annual Average Daily Traffic

### Parking

The availability and location of public parking will be a concern as downtown traffic increases. As more commercial space opens, there could be a shortage of public parking spaces for the downtown area, and the circulation of cars searching for parking could cause disruptions. Special events and seasonal traffic also create a need for additional parking at certain times. The town leases property on the south side of Mason Avenue, which currently has 63 diagonal parking spaces. To alleviate parking concerns within the Historic District, the town requested that the Virginia General Assembly grant street parking delegation to the town from VDOT. The Virginia General Assembly approved the town's request. The town must decide on policy for on-street parking for oversized vehicles. Additionally, a study of parking spaces in the Historic District was performed in 1999 by the Cape Charles Police Department. The study concluded that there were a total of 4,715 spaces were available. Parking near Mason Avenue is of particular concern to many citizens. The current breakdown of the available parking by street is shown in Figure 21. This is based off of current individual street lengths taking into account intersections and parking on both sides of the street. This does not include either of the parking lots within the Town. There are additional parking spaces not counted in the 1999 study located behind the Strawberry Street plaza leased by the Town.

Area/Street (Both Sides)	# of Spaces (approx)
Historic District (total)	4975
Mason Ave.	473
Randolph Ave.	457
Tazewell Ave.	441
Monroe Ave.	338
Madison Ave.	425
Jefferson Ave.	409
Washington Ave.	400
Bay Ave.	288
Harbor Ave.	233
Pine St.	265
Strawberry St.	267
Peach St.	197
Plum St.	262
Nectarine St.	260

Figure 21: Parking Inventory (from 1999 Cape Charles Police Dept. Study)

### Public Transit

STAR Transit, a public transportation program of the Accomack-Northampton Transportation District Commission, provides daily bus service along Route 13. STAR Transit offers multiple routes with fixed stops in Cape Charles, and also allows riders to request stops anywhere along designated routes. The buses are equipped with bicycle racks, which allow riders to travel to and from bus stops by bicycle. This service is of particular value to Town residents who do not have access to a private vehicle or want to reduce their carbon footprint. In addition, specialized transportation services are offered by local nonprofit organizations, including the Eastern Shore Area Agency on Aging and the Eastern Shore Community Services Board.



Star Transit Bus, Star Transit Website

### Alleys

A substantial number of alleyways exist in the Town's Historic District. Approximately half of these alleys are used for garbage collection. Alleys also provide critical access for public safety vehicles. Where possible, alleys need to be continuous through the block to provide adequate accessibility. Currently, some of the alleys in the Historic District are in need of repair. The Town is responsible for the maintenance of all public alleyways. There is a need to clearly define ownership of all alleys to ensure the appropriate parties are aware of their maintenance responsibilities.



Map 3: Existing Parking



Map 4: Alleyways

### Bicycle and Pedestrian Infrastructure

Sidewalks exist in the downtown area for pedestrian traffic. The sidewalks within the Historic District are owned by VDOT and are located within the public right of way. While sidewalks exist in a large portion of the Historic District, many of the Town’s sidewalks are in a state of disrepair. Additionally, sidewalks are missing in some areas, particularly in the northern section of the Historic District. A VDOT Sidewalk Study conducted in 2017 found that the majority of the Historic District’s sidewalks were functional. See Map 7, updated from the 2017 VDOT Sidewalk Study.

A Sidewalk Committee met in 2019-2020 to study the completion, repair, and maintenance all the sidewalks in the historic district. Their recommendations were presented to the Town Council in March of 2020. The Sidewalk Committee’s recommendation was that a budget line item be added starting as soon as possible and continue for an additional three years to complete new and repair existing sidewalks throughout Town.

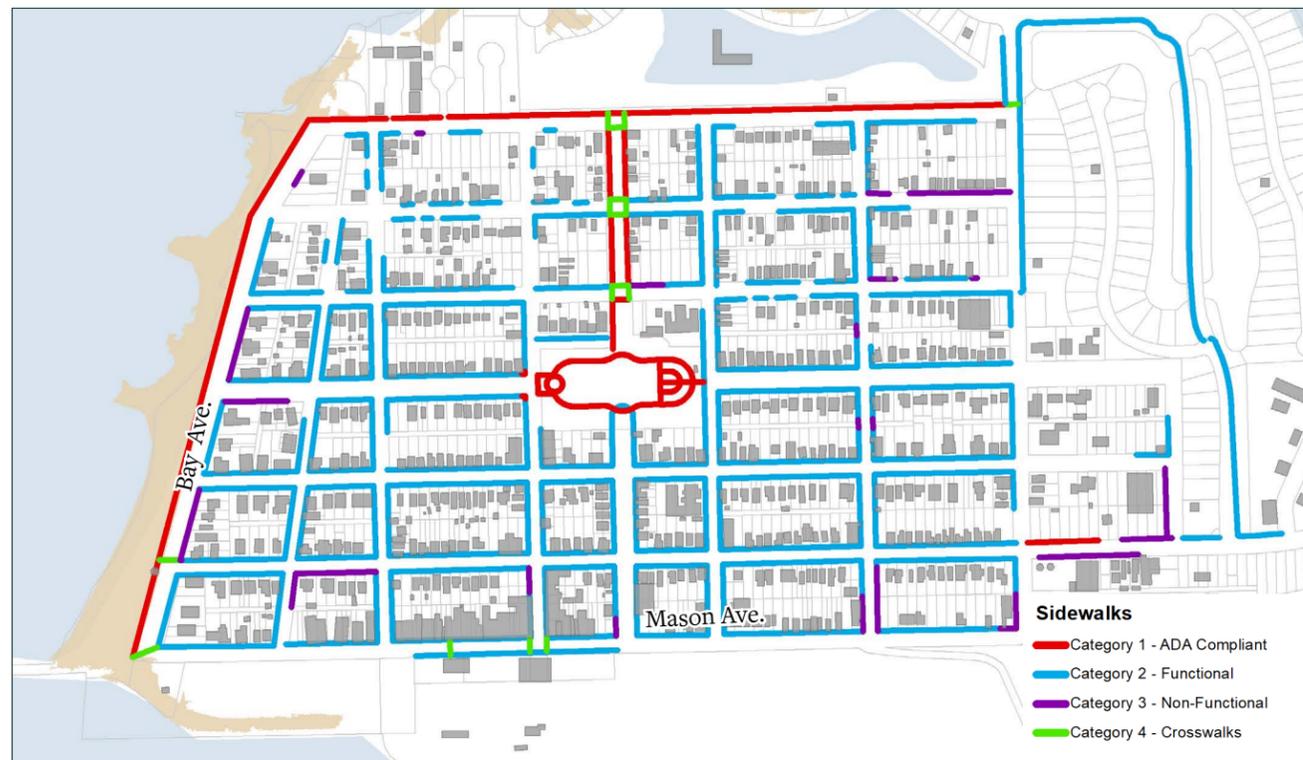
A sidewalk trip hazard contract was awarded in October 2021 and was completed in November 2021. This contract addressed trip hazards of 0.50 inches or greater located in the 3.8 miles of VDOT maintained sidewalks within Cape Charles. VDOT started replacing broken sidewalk segments in the Historic District in November 2022.

The Town lacks bike paths and other multi-use paths. With the expected increase in visitors and residential population, it is important to consider alternative means of transportation, including walking, golf carts, and bicycling. The 2035 A-NPDC Long Range Transportation Plan recommends creating a system of bike routes and multi-use paths to accommodate the Town’s current and future transportation needs. There is a distinct need for a multi-use path connecting Mason Avenue to the harbor, so that access from downtown to the harbor is convenient and safe. The downtown area is separated from the harbor by the old railroad yard, and pedestrian access between the harbor area and Mason Avenue is currently accomplished through a marked path. A series of private multi-use paths exist in the southern tract of Bay Creek.

Pedestrian and bike infrastructure is a key component of the Town’s mobility network that promotes healthy, active living, supports tourism, and is a fundamental mode of transportation for those without access to an automobile. In October 2018, Town Council approved participation with the Accomack-Northampton Planning District Commission (A- NPDC) and Northampton County in applying for funding to construct Phase IV of the Southern Tip Bike & Hike Trail. Phases I & II are completed and run about five miles from the Eastern Shore of Virginia National Wildlife Refuge Visitors Center to Capeville Drive. Phase III is under design and will terminate near the US 13/SR 184 intersection. Phase IV would bring the trail into Town along the railroad right-of-way on the south side of SR 184, for a total of about 12.5 miles. It would connect to a planned future phase of the Cape Charles Community Trail. A Memorandum of Agreement was executed, and A-NPDC applied for funding under the VDOT Highway Safety Improvement Program (HSIP). A grant of \$2.5 million had been received in 2022 to construct the Phase IV trail connecting Cape Charles to a Rt. 13 terminus.



Multi-Use Path.



Map 5: Sidewalks

### Golf Carts

One increasingly popular means of getting around Cape Charles is the golf cart. Virginia localities can designate roads as available for use by golf carts, however they must apply for a land use permit to the Virginia Department of Transportation to ensure the decision to designate the road is not overturned as a result of golf carts impeding the safe and efficient flow of motor vehicle traffic. The locality must consider many factors such as the connectivity, character, volume, and posted speed limit of the road, which is not to exceed 25 miles per hour. Golf carts frequently use multi-use paths to reach the downtown. An increase in golf cart usage has also been observed in the Historic District. The Town issues licenses for golf carts, and allows them to operate on streets where the speed limit is twenty-five miles per hour. At slower speeds and the ability to park more spatially efficient, encouraging the further use of golf carts alongside biking and walking is one way the Town can reduce congestion and improve traffic safety.



Golf Carts parked in Cape Charles downtown.

### Proposed Multi-Use Trail

Cape Charles is in the process of creating a multi-use trail with the goal of providing better multi modal transportation facilities and to connect different areas of Town, including the Historic District, the harbor area and the Bay Creek development. Phase 1 (Central Park) and Phase 2 (north Peach Street and Washington Avenue) have been completed. The Town Council has decided to implement a reduced scope Phase 3, encompassing the block of Peach Street between Randolph and Mason Avenues and the connection to the south side of Mason Avenue. Map 6 shows the proposed route of the multi-use trail.



The multi-use path runs through the park.



Map 6: Proposed Multi-Use Trail

### Commuting

The majority of employed residents of the Town work within the Town's borders, showing a good relationship between living and working locally. 18% are reported to work from home, with 8.7% carpooling, 5.4% walking, and 65.7% driving alone. There is the opportunity for the Town to increase the amount pedestrians and bicyclist commuters among the 55% of respondents who both live and work in Cape Charles.

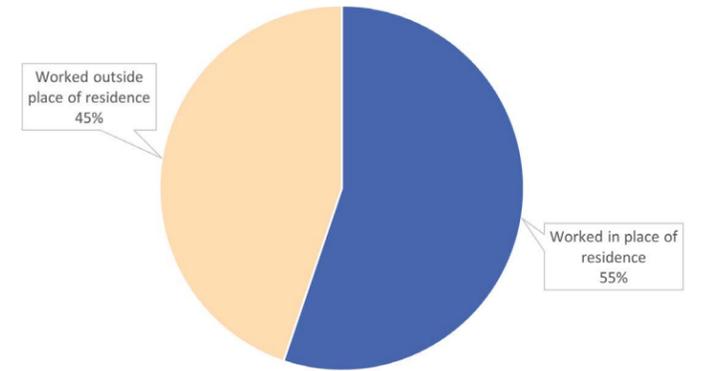


Figure 22: Place of Work

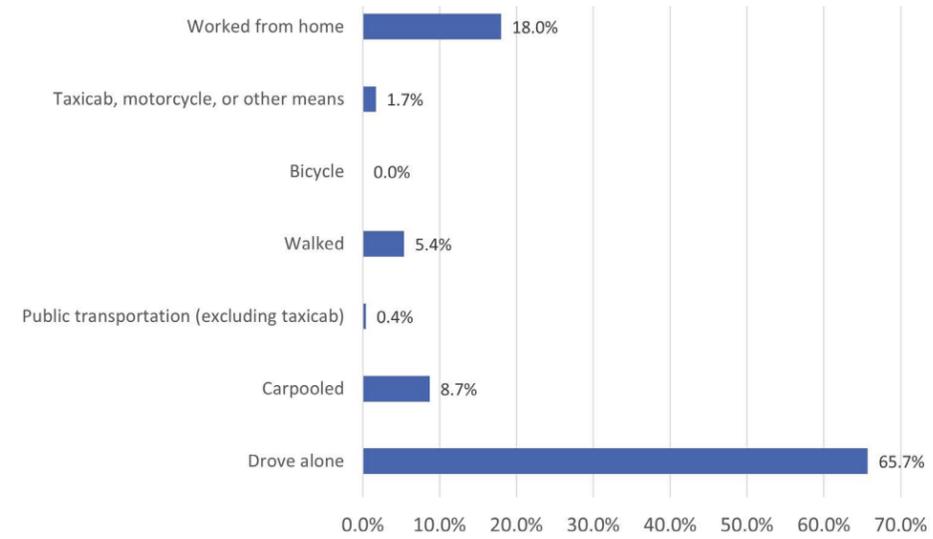


Figure 23: Means of Commuting to Work



Parked cars in the Cape Charles downtown.

### Regional Long Range Plan

In 2011, Accomack-Northampton Planning District Commission (A-NPDC) developed the A- NPDC 2035 Regional Long Range Transportation Plan in cooperation with VDOT, Accomack County, Northampton County, and the local governments of the Eastern Shore. This Regional Long Range Transportation Plan is one piece of the VDOT’s VTrans 2035, the Commonwealth’s multimodal long-range plan and a more detailed subset report known as the 2035 Surface Transportation Plan. The transportation system within the rural areas for each region was evaluated, and a range of transportation improvements – roadway, rail, transit, air, bicycle, and pedestrian – are recommended that can best satisfy existing and future needs. There are four recommended projects in or relevant to Cape Charles:

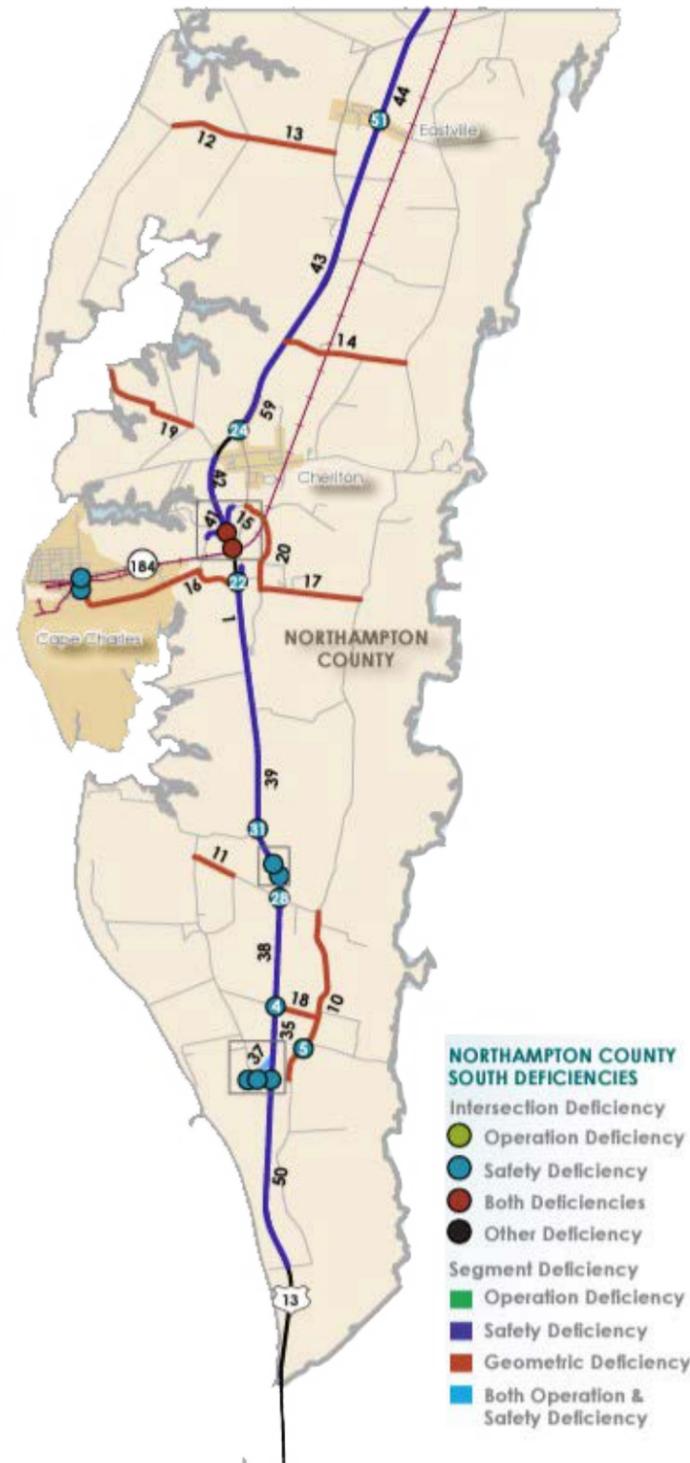
- US 13/VA 184/US 13 BUS: Mid-Term replace with new half-cloverleaf design interchange with acceleration and deceleration and turn lanes as appropriate and construct elevated structures over railway tracks and VA 184.
- VA 184 (Randolph Avenue) at Fig Street: Town Council should petition A-NPDC to reconsider a study to assess need and operations for roundabout. (Cape Charles)
- VA 642 (Old Cape Charles Rd.) from VA 1108 to US 13: Long-term reconstruct road to address geometric deficiencies (including full-width lanes and shoulders).

The Annexation Agreement of 1992 provides for the construction of an extension to Route 1108 and the closure of Route 642 (Old Cape Charles Road) at the intersection of Route 642 and Route 667 (Bender’s Lane). The project was completed by VDOT in 2018.

Cassatt Parkway was constructed to connect Route 184 (Stone Road) with Old Cape Charles Road at its intersection with Bay Creek Parkway.



Cassatt Parkway, Northampton County



Map 7. Rural Long Range Transportation Plan Projects

### Compliance with Virginia Department of Transportation Plans

In accordance with Chapter 22, Article 3, Section 15.2-2223 B. 1., this Plan includes a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and extended transportation facilities and that support the planned development of Cape Charles. This plan is also aligned and compliant with the Virginia Department of Transportation’s Six-Year Improvement Program and has been submitted for the department’s review. This comprehensive plan is intended to work in concert with regional and statewide goals, beginning with including planned and programmed projects. This Plan will also help to advance the goals and guiding principles of Virginia’s Transportation Plan, or VTrans by promoting multimodal transportation.

There are currently no identified VDOT projects within Cape Charles borders. However, VTrans has identified two nodes of mid-term transportation needs to increase vehicular access to economic development sites on the south side of the Cape Charles harbor.

## Transportation Objectives and Strategies

1. Reduce traffic congestion by reducing local vehicle miles traveled (VMT) by automobile.

Coordinate with Land Use objectives and strategies.

- a. Plan and implement comfortable, accessible, and convenient multimodal transportation options.
  - b. Prioritize increasing the number of people walking and bicycling in town.
  - c. Inventory bicycle parking available within the town to ensure that all areas of the town have good access to bicycle parking.
  - d. Utilize “ad campaign” style communications about the benefits of prioritizing walking and bicycling in town.
  - e. Promote golf cart use in appropriate areas.
2. In cooperation with the Virginia Department of Transportation (VDOT), strive to enhance walkability and complete the sidewalk network, especially in the Historic District.
    - a. Provide sidewalks on all urban streets with clear paths (unobstructed by trees, bushes, street lights, etc.) that are at least 5’ wide.
    - b. Clearly mark pedestrian crossings.
    - c. Use minimal curb radii and/or curb extensions to minimize crossing distances for pedestrians.
    - d. Ensure ADA compliance on all sidewalks.
    - e. Explore the implementation of mirrors at all alleyways to increase visibility for pedestrians.
    - f. Clarify and adopt Town policy regarding sidewalks, ensuring the responsible party to implement them is defined.
  3. Implement new policies and strategies for maintaining safety around golf cart operation.
    - a. Clarify municipal code regarding golf cart operation, ensure that signs are posted with the ordinance notifying golf cart operators that they must use the street and follow other rules of the road.

4. Increase the availability of parking while maintaining character.
  - a. Review benefits of providing clearly marked parking spaces on Bay Avenue.
  - b. Expand the existing parking facility south of the Mason Ave corridor to mitigate the impacts of parking on walkability in the area.
  - c. Study parking and create a strategic parking plan to recommend any infrastructure or policy changes.
5. Identify ownership and alignment of all of the alleys and access easements in town to ensure accuracy and that maintenance is performed by rightful owner.
  - a. Create plan to clearly identify ownership of all alleys and inform owners of their maintenance responsibilities.
  - b. Determine if existing alignments are correct.
  - c. Determine if additional alleys are needed, or if existing alleys need to be moved, especially behind commercial buildings, and develop a plan to enhance access.
6. Collaborate with the Accomack-Northampton Transportation District Commission to promote accessible and affordable public transit in Cape Charles and throughout the region.
  - a. Collaborate with STAR Transit to pursue convenient, safe, and frequent bus service to key commercial, residential, and recreational destinations.
7. Complete the construction of the multi-use path connecting the Historic District, the harbor area, and the Bay Creek development.
  - a. Make future improvements to the path, including resting areas and bicycle/golf cart parking.
8. Integrate the Harbor area with existing bike, golf cart, and pedestrian networks.
9. Support the Rails to Trails project connecting Cape Charles to the Route 13 multi-use path.



Forest and wetlands near Kings Creek Marina.

# Environment

“Use policy and infrastructure to maintain and improve ecological resources and sustain an economy that relies on their wellbeing.”

- Overview
- Climate
- Topography
- The Resilience Adaptation Feasibility Tool (RAFT)
- Soils
- Surface Water
- Ground Water
- Drinking Water
- Wastewater
- Storm Water
- Wetlands
- Habitat
- Waterfront Access
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- Recycling
- Tree Canopy Coverage
- Environment Objectives and Strategies

# Environment

## Overview

Cape Charles has an inextricable link to its environment, particularly as a community on the water. With careful planning, the Town will protect its natural resources for future generations.

## Climate

The climate of Cape Charles can be described as temperate, with warm, humid summers and chilly, but not very cold winters. July is the warmest month, and has an average daily high temperature of around 85 degrees Fahrenheit. Winters are relatively mild, with January being the coldest month. The average daily high temperature in January is 47 degrees, and the average daily low temperature is 32 degrees. The entire Eastern Shore is usually slightly warmer in the winter and cooler in the summer than the rest of Virginia due to its proximity to the Chesapeake Bay and the Atlantic Ocean.

On average, the most precipitation in Cape Charles occurs in July and August, but generally rainfall is evenly distributed throughout the year. The Town averages 45 inches of precipitation yearly. Severe storms present a risk during hurricane season from June 1 to November 30. Severe northeasterly storms can also affect the area during the fall and winter months. With rising average annual temperatures across the United States, storm events and temperature fluctuations may be more severe in the future.

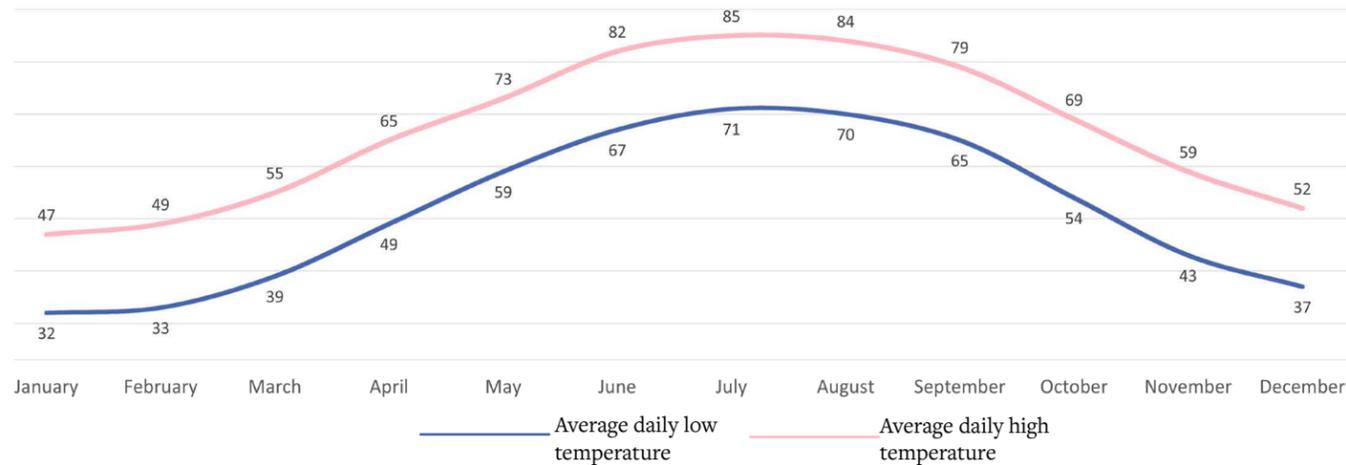


Figure 24: Average Annual Temperature

## Topography

Cape Charles lies on a peninsula and is surrounded by water on three sides. The Town is situated on the Chesapeake Bay, bordered by King’s Creek to the north and Old Plantation Creek to the south. The land in Town is low lying and relatively flat, with most of the developed land in Town between five and fifteen feet in elevation. Due to its low-lying topography, Cape Charles is vulnerable to flooding. Hurricanes and northeast storms, which are characterized by high winds, heavy rainfall, higher than normal tides, and higher than normal wave action, pose threats for flooding. All coastal areas are susceptible to flooding, therefore flood insurance is recommended for properties in coastal Virginia. However, the Federal Emergency Management Agency (FEMA) has mapped areas that are predicted to have a higher probability of flood. The Virginia Flood Risk Information System has a tool that allows you to look up your address and displays the FEMA determined areas at higher risk of flood. Portions of Cape Charles are located within the 100-year floodplain, as shown in Flood Hazard Area Map on Page 73. The floodplain and associated wetland areas provide valuable wildlife habitat areas as well as protect upland areas from erosion and flooding. The 100-year floodplain is delineated by the FEMA.

Land within the 100-year floodplain (Special Flood Hazard Area) statistically averages one flood in a 100-year time period, which equates to a 1% chance of flooding in any given year. However, flooding can occur more often if conditions warrant. Development within a floodplain must take these risks into account to ensure the safety and welfare of property owners. The Flood Hazard Area Map on page 73 also reflects a 500-year floodplain.

National Flood Insurance Program (NFIP) participating communities can reduce policyholders’ premiums by participating in the Community Rating System program. The program awards points to communities that implement flood protection policies beyond minimum NFIP participation requirements. Cape Charles participates in this program and as a result has been able to achieve a 10% policy discount for its area participants. These discounts apply to NFIP policies in a Special Flood Hazard Area (100-year floodplain) and some policies located outside the area.

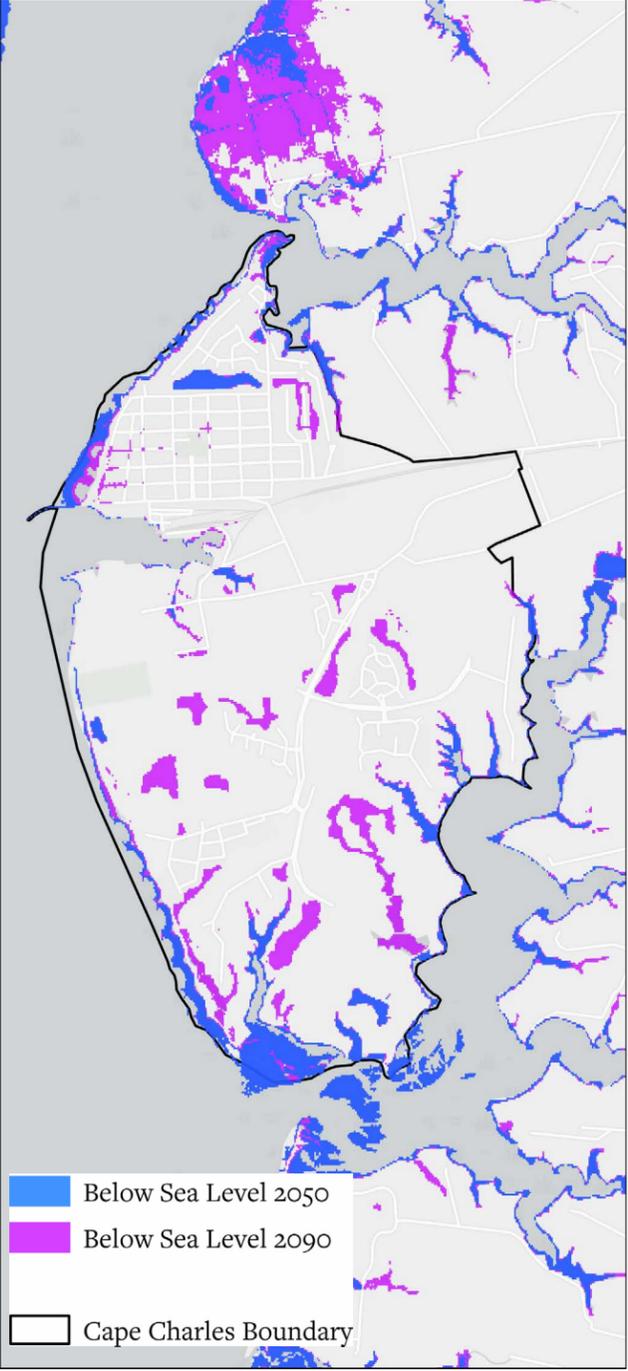
### The Resilience Adaptation Feasibility Tool

The Resilience Adaptation Feasibility Tool (The RAFT) was conceived and developed by an academic interdisciplinary collaborative core team, led by the University of Virginia Institute for Environmental Negotiation (IEN), the William & Mary Law School Virginia Coastal Policy Center (VCPC), and Old Dominion University/Virginia Sea Grant (ODU), collectively “The RAFT Team.” Funded by a Restoration and Community Stewardship grant from the National Fish & Wildlife Foundation (NFWF), the core team’s goal was to develop a robust Resilience Scorecard and to test it with three coastal communities. Cape Charles participated as one of these pilot communities. The Resilience Scorecard is designed to be completed independently by the academic collaborative, and provides a comprehensive assessment of the locality’s resilience to flooding while remaining economically and socially relevant. The Scorecard is comprehensive in that it measures environmental, economic and social resilience factors. It covers local policy, infrastructure, budgeting and economics, land use, community engagement, community health and wellness, and ecosystems.

While there are many models and assumptions that are continually being updated as more knowledge is obtained, one model is presented in Map 9 taken from Virginia Eastern Shore Coastal Resilience mapping tool depicting basic inundation from sea level rise for Year 2075 assuming a high projection on level rise. In this model, basic inundation data has been updated based on sea level rise scenarios from the 2017 National Climate Assessment.

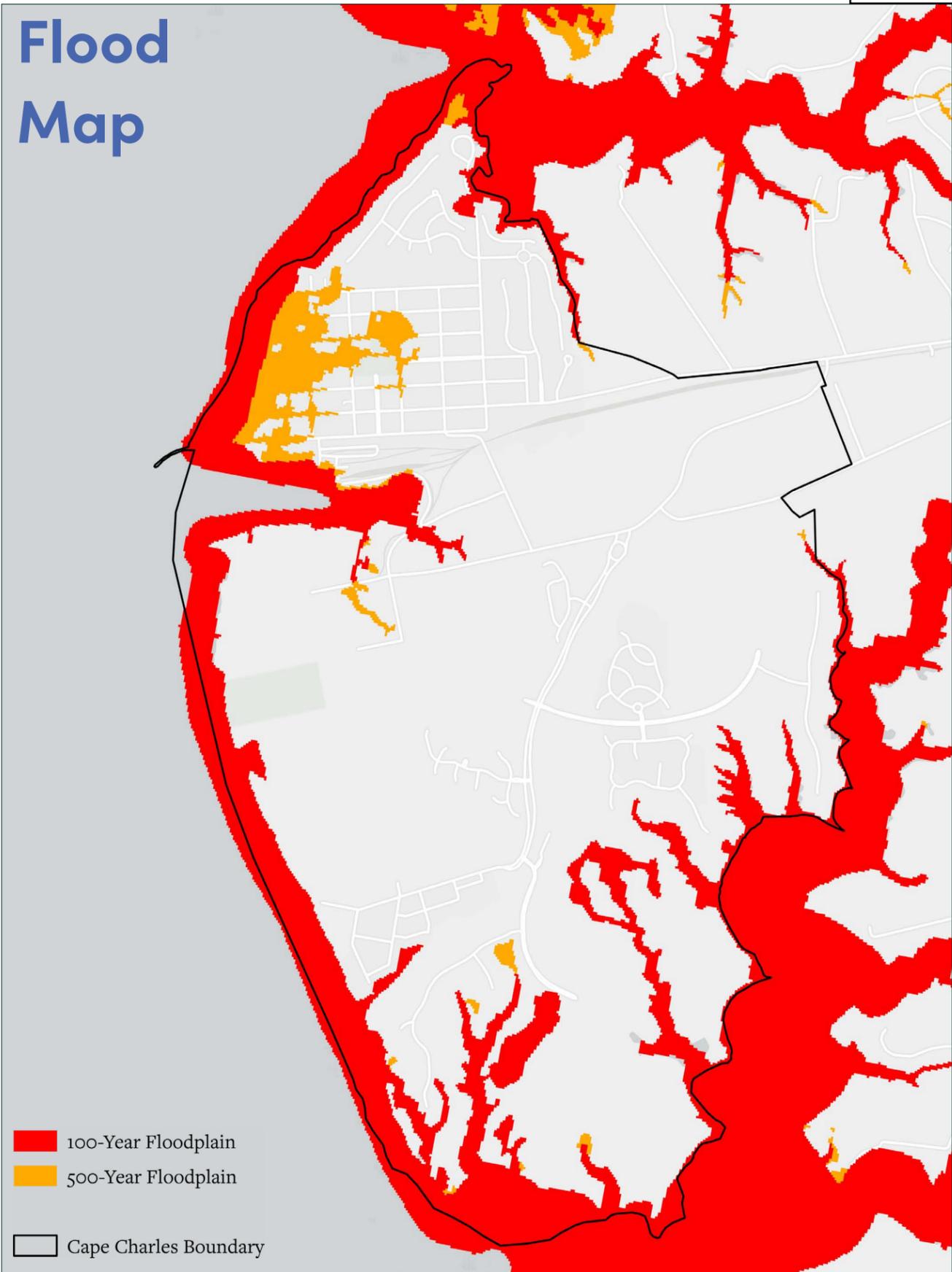
The Resilience Action Workshop (June 2017) was conceived as a way to help catalyze meaningful action at the local level to increase a locality’s resilience to coastal hazards. While, on its own, the Resilience Scorecard might increase understanding, community leadership is needed to bring about meaningful change. During the workshop, participants were introduced to the Scorecard and reviewed its findings to identify the locality’s greatest resilience strengths as well as opportunities for improving resilience in the future. To build coastal resilience, Cape Charles needs to understand its vulnerability to coastal hazards, reduce the risks where possible and be prepared to respond to severe weather.

The town needs to renew its commitment for continued study and action in this area, perhaps creating a committee that reviews study results and provides recommendations for addressing its resiliency to flooding.



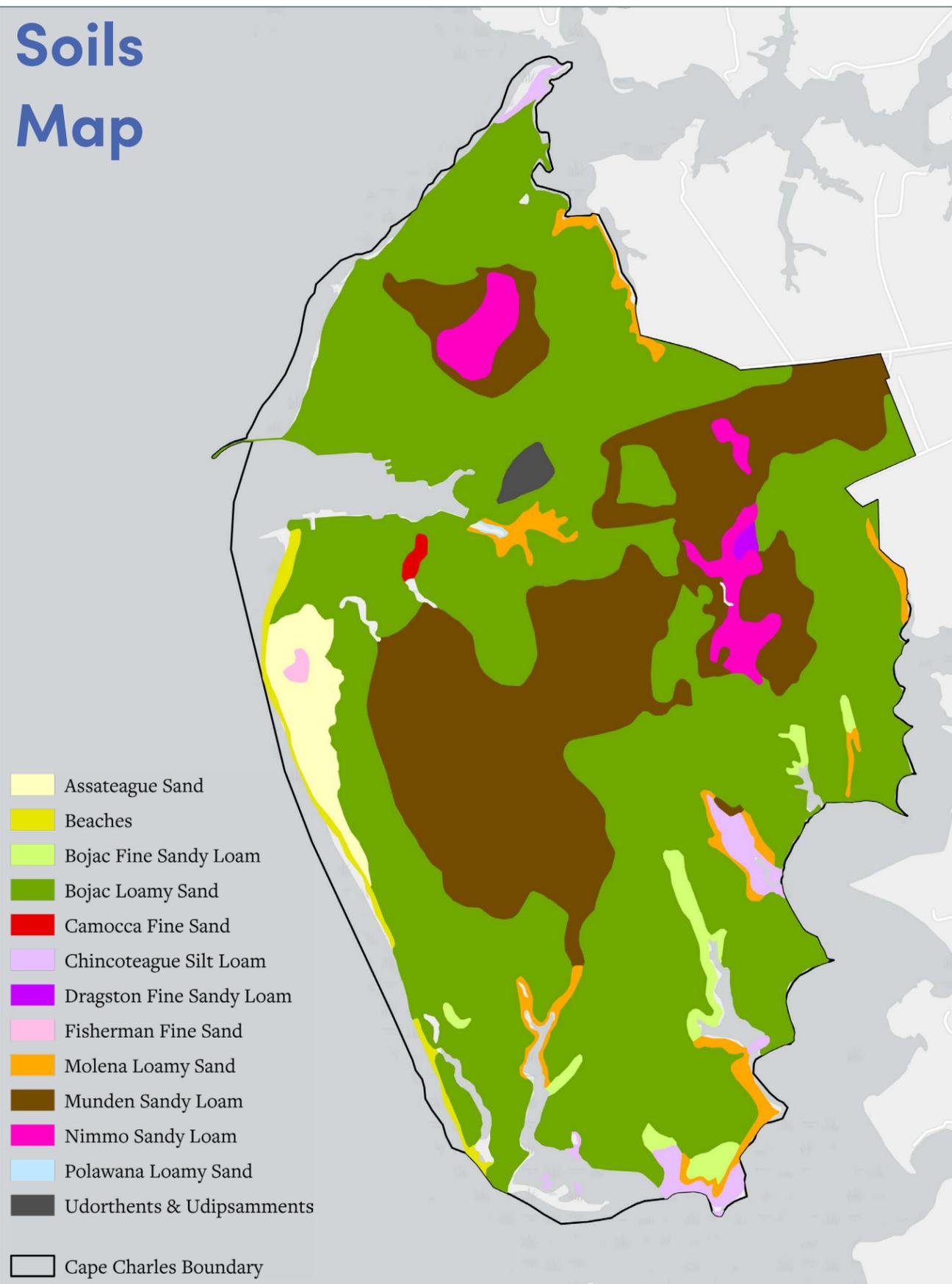
Map 8. Sea Level Rise Projections (NOAA Intermediate Projections for 2050 and 2090)

### Flood Map



Map 9. Flood Hazard Areas

# Soils Map



Map 10. Soils

## Soils

As shown in the Soils Map on the opposite page, Bojac and Munden soils are the predominant soils in Cape Charles. Bojac soils are considered very suitable for development, while Munden soils are considered fair. Poor soils, which are generally unsuitable for development, are found along the edges of the Town’s shorelines and in isolated areas inland. All of the soils in Town are either hydric or highly permeable, with ground water being a relatively shallow distance underneath. Highly permeable soils are extremely susceptible to pollutant leaching and create a high potential for ground water pollution. Hydric soils are primarily wet and drain poorly. Soils are identified with a three character symbol. The first letter is the first letter in the soil’s name. The second letter distinguishes between classifications that begin with the same letter. The third letter indicates the class of the slope. The A class has the lowest slope, while the E class has the steepest slope present in this area. Soil types within Cape Charles are discussed below:

### Assateague Sand (AsE):

Gently sloping to very steep, very deep, and excessively drained. On and between dunes along the Bay. Very rapid permeability and low water capacity. Used mainly for wildlife habitats and recreation areas. High permeability, slope, sandy texture, and the hazards of seepage and instability limit development.

### Beaches (BeB):

Sandy marine sediments deposited by wave action. Used mainly for wildlife habitats and recreation areas. Tidal flooding, severe erosion, and accretion of sediments limit most other uses.

### Bojac Fine Sandy Loam (BoA):

Nearly level, very deep, and well-drained farmland. Moderately rapid permeability and instability of the soil are limitations to development.

### Bojac Loamy Sand (BhB):

Gently sloping, very deep, and well drained. Moderately rapid permeability and instability of the soil are limitations to development.

### Camocca Fine Sand (CaA):

Nearly level, very deep, and poorly drained. Very rapid permeability. Used for wildlife habitats and

recreation areas. Seasonal high water table, flooding, sandy texture, and instability hazard limit soil for development.

### Chincoteague Silt Loam (ChA):

Nearly level, very deep, and very poorly drained soil located primarily in tidal marshes. Tidal flooding, the seasonal high water table, ponding, low strength, and salt are major limitations for development.

### Dragston Fine Sandy Loam (DrA):

Nearly level, very deep, and somewhat poorly drained. Used mainly for cultivated crops and woodland. Seasonal high water table, rapid permeability, poor filtering capacity, and seepage limit development.

### Fisherman Fine Sand (FhB):

Nearly level, gently sloping, very deep and moderately well drained.

### Molena Loamy Sand (MoD):

Moderately sloping to steep, very deep, and somewhat excessively drained. Rapid permeability. Slope, high permeability, and droughtiness limit soil for development. Used mainly for woodland and wildlife.

### Munden Sandy Loam (MuA):

Level, deep, and moderately well drained. Seasonal high water table and rapid permeability limit development.

### Nimmo Sandy Loam (NmA):

Nearly level, deep, and poorly drained. Used for farmland when drained. Seasonal high water table, seepage, and rapid permeability are limitations for development. Limited for roads and streets.

### Polawana Loamy Sand (PoA):

Nearly level, very deep, and very poorly drained. Used mainly for woodland. Seasonal high water table, rapid permeability, flooding, and wetness are major limitations for development.

### Udorthents & Udipsamments (UPD):

Mainly fill and spoil materials and sandy materials in excavated areas. Characteristics are so variable that on-site investigation is necessary to determine suitability for most uses.

### Surface Water

Surface water in Cape Charles includes the Chesapeake Bay to the east, King’s Creek to the north, and Old Plantation Creek to the south and east. All surface water has a high saline content, except for several small ponds located within the Town, which are fresh or brackish water. Cape Charles is characterized by extensive shorelines, ranging from sandy beaches on the Chesapeake Bay to marsh fringes on King’s Creek and Old Plantation Creek. Approximately 19,200 feet (3.6 miles) of shoreline front directly onto the Chesapeake Bay. The entire Town lies within the Chesapeake Bay watershed, draining either directly into the Bay, or into Old Plantation Creek and King’s Creek, and then into the Bay.

The Chesapeake Bay has played an important role in the history and identity of Cape Charles and the Eastern Shore, providing valuable economic, environmental and recreational resources, and serving as the nation’s largest and most productive estuary. However, pollution is causing the Bay’s water quality to decline. Pollution can be classified as either point source or nonpoint source. Point source pollution results from discharge at a specific point, such as the Town’s wastewater treatment plant. Nonpoint source pollution is not attributable to distinct, identifiable source, but enters water indirectly. Nonpoint source pollution includes stormwater runoff from developed land and impervious surfaces, runoff from agricultural land, and erosion of soil and shorelines. Under natural conditions, water running off the land soaks into the ground and is filtered by soils and vegetation root systems. Disturbing sensitive areas can increase the speed and volume of surface runoff, resulting in erosion, sedimentation, and siltation of ship channels — a particularly devastating process to a Town with economically vital harbors and marinas. In settled areas where much of the land is paved or “impervious,” stormwater cannot soak into the ground and runs off very rapidly. The runoff carries pollutants such as oil, sediment, chemicals, pesticides, and excess nutrients from fertilizer, which eventually reach the waters of the Chesapeake Bay unless filtered or retained by some structural or nonstructural technique. Pollution of the water column and a reduction in the amount of light reaching submerged aquatic vegetation choke important parts of the aquatic food chain.

Ultimately, spawning grounds and benthic habitats are destroyed, resulting in serious problems for commercial fishermen. Land management techniques that minimize the amount of impervious surfaces and increasing the filtering capacity of the land can be used to reduce nonpoint source pollution. The Town has enacted a Chesapeake Bay Preservation Act Program, which enables the Town to protect water quality through local land use regulations. The Bay Act is a Virginia Law, which provides a legislatively mandated approach to protect and improve the waters of the Chesapeake Bay and its tributaries by reducing nonpoint source pollution through wise resource management practices. The Town has designated Chesapeake Bay Preservation Areas (CBPAs), and has applied certain development standards to these areas. The Town’s CBPAs consist of Resource Protection Areas (RPAs), Resource Management Areas (RMAs) and Intensely Developed Areas (IDAs).



A golf cart drives past pooled stormwater.

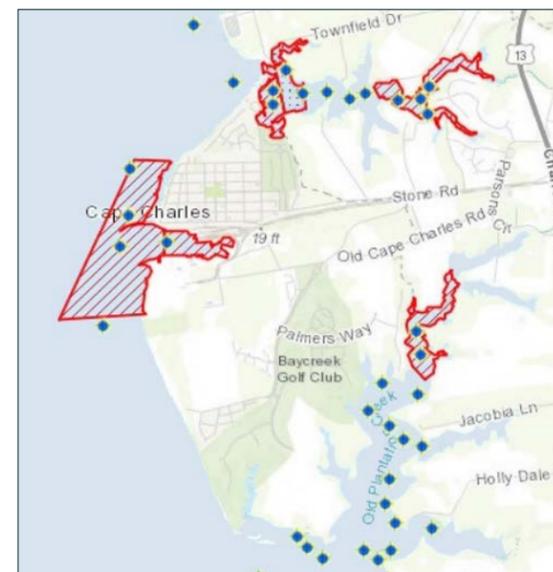
Future development activities in these preservation areas are guided by the Town’s Zoning Ordinance, which establishes standards to mitigate development impacts on water quality.

RPAs consist of sensitive lands at or near the shoreline which have important water quality value to the Bay, such as tidal shorelines and wetlands. RPAs also include a 100- foot vegetated buffer area landward of these features, where development activities are restricted. RMAs consist of sensitive land types which have the potential for causing significant water quality degradation if they are improperly developed. RMAs in Cape Charles include the 100-year floodplain and non-tidal wetlands. Development within RMAs should be planned in a manner which reduces the impact of nonpoint source pollution. IDAs consist of densely developed areas that are largely devoid of natural vegetation. The Town’s IDAs are located adjacent to the Cape Charles harbor and at the Bay Creek Marina. IDAs are designated to focus development in areas where it is already concentrated and supported by existing infrastructure while improving water quality. New development and redevelopment in IDAs must achieve a 10% reduction in nonpoint source pollution from storm water runoff. Opportunities for water quality improvement through redevelopment of IDAs include re-establishing natural vegetation and establishing a vegetated buffer over time to promote the water quality benefits of natural vegetation.

Another element of nonpoint source pollution includes boating activity. Due to its location on

the Chesapeake Bay, Cape Charles is popular with recreational boating and fishing enthusiasts. In addition, commercial fishing is a small yet visible activity in Cape Charles. While boating-related activity has a positive impact on the local economy, it can adversely impact Bay water quality if not handled properly. Several boat-related facilities are located in the Town, including a public marina and harbor as well as a commercial marina. Boating activity can potentially degrade water quality through inappropriate discharge of human waste and trash, fuel spills, oil spills, and toxic bottom paints. In order to lessen the impact of water pollution through proper waste disposal, the Virginia Department of Health requires marinas to have restroom facilities, pump-out facilities, and sewage dumping stations for portable toilets.

An extremely clean environment is needed for shellfish to thrive and be consumed safely. Shellfish require water fourteen times cleaner than where humans can safely swim. The Virginia Department of Health (VDH) monitors water quality to determine where shellfish can be safely harvested. Unclean areas are condemned by VDH and cannot be harvested. Map 11 provides locations of shellfish grounds that have been condemned in areas near Cape Charles. In addition to shellfish grounds, a substantial amount of submerged aquatic vegetation is located in the waters surrounding Town. Boating activity can impact fisheries in the area by causing increased water turbidity, which can choke shellfish grounds and decrease the amount of sunlight reaching submerged aquatic vegetation.



Map 11. Shellfish Areas

The crosshatched areas represent condemned shellfish areas. The dots represent seasonally condemned shellfish areas. See the Virginia Department of Health website for more information.

## Ground Water

Cape Charles, along with the entire Eastern Shore of Virginia, depends entirely upon ground water for its water supply needs. Ground water on the Eastern Shore is made up of a series of aquifers — bodies of sediments capable of yielding water. The uppermost aquifer is called the Columbia aquifer, also known as the water table. In the Cape Charles area, the Columbia aquifer is approximately 40 to 70 feet thick. Below the Columbia aquifer is the Yorktown aquifer system, consisting of upper, middle and lower units. The Town’s water supply is withdrawn from the upper and middle Yorktown aquifer units. The Yorktown aquifer system is separated from the Columbia aquifer by confining layers of clay, which help protect it from contamination, but also impede the amount and rate of recharge.

Fresh water is supplied into the aquifer system by rainfall, which penetrates the soil and recharges ground water aquifers. The Eastern Shore ground water flow system is characterized by brackish water of the Bay to the west and salt water of the Atlantic Ocean to the east, with limited occurrence of freshwater. Most water in the Columbia aquifer flows laterally from the center of the Eastern Shore peninsula, discharging into the Atlantic Ocean and Chesapeake Bay. A much smaller portion of water flows down through the clays and silts that separate the Columbia aquifer from the underlying Yorktown aquifers. Ground water recharge occurs near the center spine of the peninsula, forming an island-type freshwater lens. The Town is not located within the spine recharge area. Ground water modeling studies indicate approximately 11 million gallons of water are recharged to the Yorktown aquifer each day.

Because ground water is a limited resource, water conservation is critical in protecting and managing this valuable resource. Over pumping of ground water is a concern for the Eastern Shore, and could lead to well interference, saltwater intrusion, and a deterioration of water quality. In Cape Charles, water conservation measures are crucial for maximizing the available water supply and meeting future demands.

The Eastern Shore of Virginia is divided into five wellhead protection areas, based on ground water divides created by pumping patterns of the major ground water withdrawers on the Eastern Shore. Cape Charles is located in Wellhead Protection Area E - Cape Charles Area. This wellhead protection area

is the southern-most wellhead protection area on the peninsula.

In 1997, the Environmental Protection Agency (EPA) designated the Eastern Shore’s aquifer system as the Columbia and Yorktown-Eastover Multiaquifer System Sole Source Aquifer. A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water to its overlying area. This designation helps protect ground water quality by requiring EPA review of all projects receiving federal funding.

The Eastern Shore of Virginia was declared a Critical Ground Water Area in 1976. Any party needing to withdraw 300,000 gallons per month or more in the Eastern Shore Ground Water Management Area must obtain a permit from the Virginia Department of Environmental Quality (DEQ). All permit holders are required to report ground water use and implement a water conservation and management plan.

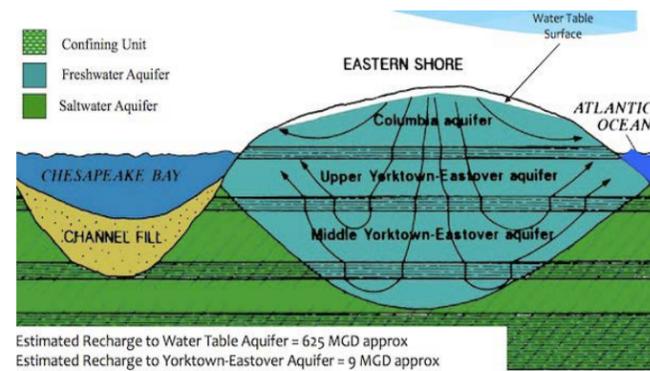
Cape Charles has been approved for a Ground Water Withdrawal Permit from the DEQ allowing a withdrawal capacity of 7.9 million gallons per month. A ground water impact assessment was conducted for the Town to study possible effects of the withdrawal, and found that over the 10-year permit period, no measurable saltwater intrusion or other water quality changes are expected to occur. However, it is possible that some saltwater intrusion may occur in the lower Yorktown aquifer in the long term (100 years) as a result of the Town’s withdrawal, in which case treatment of potable water by reverse osmosis can be used as a contingency.

Ground water contamination due to septic filter fields is not a major issue in Cape Charles because most residents and businesses in the Town are served by public utilities, however, nine septic systems still exist. When demand is created by future development, public sewer services will be extended to parts of Cape Charles that are not currently served. Property owners receiving the new services will pay for the cost of extending public utilities to these areas, as provided for in the Town Code.

The Eastern Shore of Virginia Ground Water Committee has overseen the development of regional ground water plans and studies since 1990. The mandate of the committee is to “assist local governments and residents of the Eastern Shore in understanding, protecting and managing ground water resources, to prepare a ground water resources protection and management plan, to serve as an educational and informational resource to local governments and residents of the Eastern Shore, and to initiate special studies concerning the protection and management of the Eastern Shore ground water resource.” Cape Charles recognizes the regional nature of the ground water issue and supports the committee in its efforts.



Eastern Shore Ground Water Committee’s Logo.



Estimated Recharge to Water Table Aquifer = 625 MGD approx  
Estimated Recharge to Yorktown-Eastover Aquifer = 9 MGD approx  
(based on USGS Eastern Shore Model)

Eastern Shore Aquifer diagram.

### Drinking Water

The Town of Cape Charles water system receives its water from two wells located within 100 yards to the East and West of the Water Treatment Plant. Both are screened in the Upper and Middle Yorktown-Eastover Aquifer. In addition, the Town has another 2 wells that are in the process of being connected to the Water Treatment Plant. Currently 300,000 to 350,000 gallons per day (24 hours) are treated during tourist season and 100,000-150,000 (approximately 125 gallons per day per household) in the offseason. The plant itself has a design capacity of 500,000 gallons per day if both wells are run simultaneously; however, the Town's current water withdrawal permit limits production to 360,000 gallons per day. The town is in the process of applying for new permits with higher limits. The water tower has a holding capacity of 300,000 gallons. The potable water distribution pipes have been replaced. Contaminants in the Cape Charles drinking water are routinely monitored according to Federal and State regulations. In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the number of contaminants in water provided by public water systems. The December 2021 Drinking Water Consumer Confidence Report issued by the Town has shown no violations in the Water Quality Results, in disinfection and disinfection by-products, and in lead and copper contaminants.



Cape Charles water tower.

### Wastewater

The wastewater treatment facility built in 2010 and operational in 2012 is handling less than its maximum capacity and was built to be easily expanded when the need arises. Current treatment capacity averages 250,000 gallons per day in-season (although more can be pushed through on any given day) and closer to 125,000 gallons per day off-season. This 250,000 gallons per day capacity average is determined by the State based on controlling the amount of pollution pumped into the Chesapeake Bay. The treatment facility has the capacity for expansion to 500,000 gallons per day. Pumping stations located within the Town have been updated except for Washington Avenue and a filtering field for the pumping station at Bay and Mason Avenues to decrease the odor. Currently all treated wastewater is pumped into the Chesapeake Bay.

### Storm Water

Storm water goes directly into the Chesapeake Bay and treatment is not required. However, the poor condition of the storm water and wastewater collection systems results in a portion of the storm water going through the wastewater system and being treated on its way into the Bay using treatment capacity that is needed for wastewater. The amount of storm water infiltration into the sewer collection system is a serious concern that should be evaluated so that a corrective action plan can be developed.



Storm water at Randolph Ave & Plum St intersection.



Storm water at a Mason Ave. crosswalk.

### Wetlands

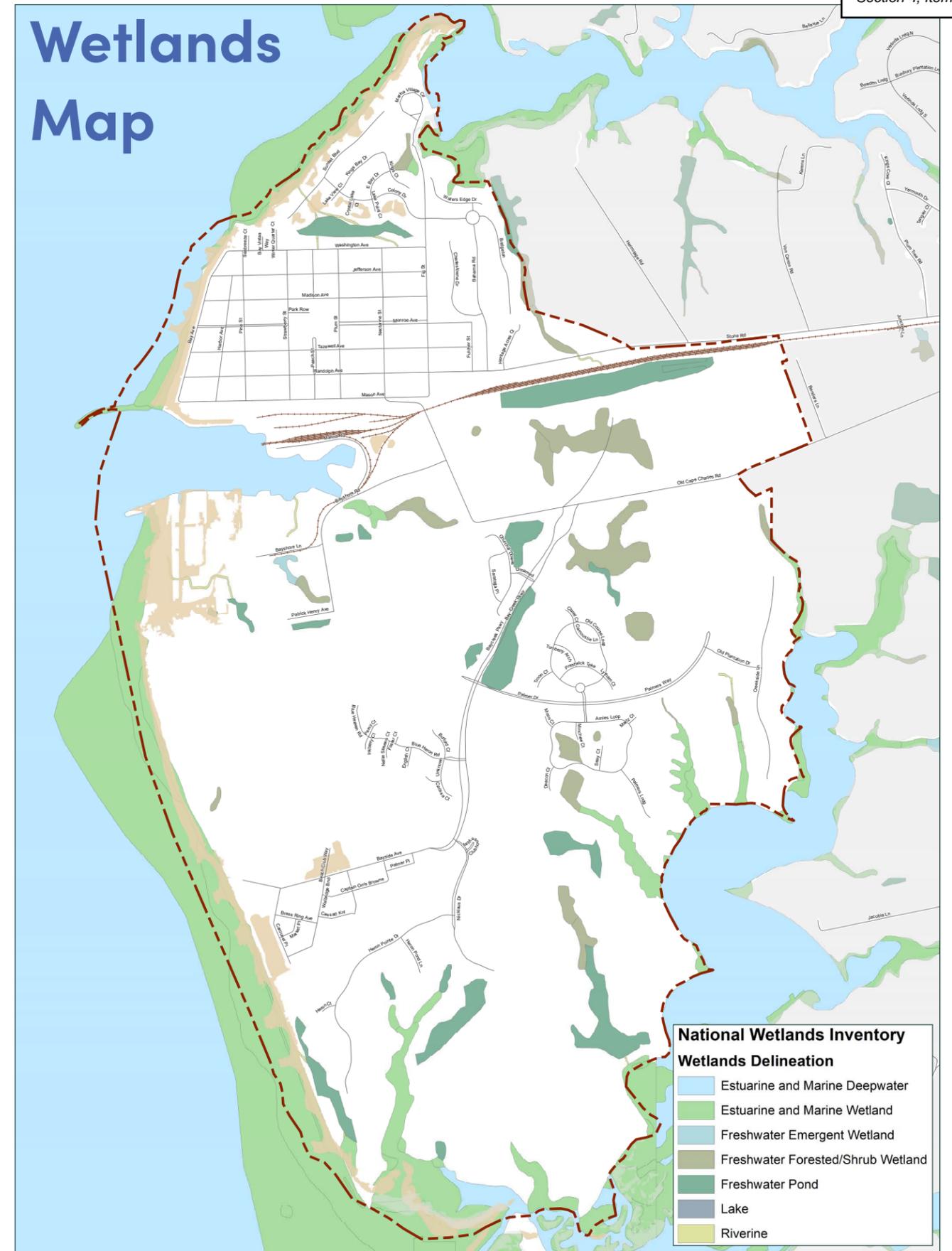
Several parts of Cape Charles are considered wetlands. Wetlands can be defined as areas that are wet or have wet soils during some part of the growing season. Tidal wetlands are influenced by tidal fluctuations and exist along the coastline. Tidal wetlands may include vegetated marshes and swamps or non-vegetated mud and sand flats. Non-tidal wetlands are usually found inland and are not impacted by tidal changes, but still meet the definition of a wetland. Local land that is included in the U.S. Fish and Wildlife Service’s National Wetlands Inventory can be viewed in the Wetlands Map on page 83.

Wetlands have historically been considered wastelands, because they are usually not suitable for farming or building due to their unstable and wet nature. Often these areas are also breeding grounds for insects. In the past, wetlands were frequently drained or filled to make the land developable. This negative view overlooks several important characteristics of wetlands. Wetlands are home to a diverse population of mammals, waterfowl, and marine organisms. In addition to providing homes for species that are of direct benefit to humans, many other plant and animal species are exclusively present in wetlands, making the areas an important part of regional ecosystems. Wetlands also offer a natural means of protecting water quality. Densely vegetated wetlands act as a natural filter by trapping sediments and nutrients before they reach nearby waterways. The filter feeding organisms present in non-vegetated wetlands also protect water quality by removing suspended solids from the water column. Because of their location near coastlines, wetlands can also protect an area from flooding and erosion. The dense root systems present in vegetated wetlands can help slow erosion caused by unusually high tides and wave action. The sponge-like quality of the soils present in wetlands can also protect the upland against flooding by absorbing some flood water resulting from a rise in sea level.

Cape Charles recognizes the multitude of important characteristics wetlands possess. Many regional wetlands have been filled or drained in recent decades, making it imperative to preserve the existing wetlands. The Town has adopted a Wetlands Ordinance to regulate the use of these areas, and has a Wetlands Board that oversees activities in wetlands.



Wetlands in Cape Charles.



Map 12. Wetlands

### Habitat

Cape Charles encompasses diverse and significant ecosystems which support a variety of wildlife and plant species. Forested upland areas are located in the southern portion of Town along the edges of Bay shoreline, and in several large tracts further inland. These forested areas, particularly near the Bay shoreline, provide important habitat for a variety of wildlife. As previously mentioned, the Town’s wetlands also support a variety of species. The Virginia Department of Game and Inland Fisheries lists several species of animals as threatened in the Town and its vicinity. These species include, but may not be limited to, the Northeastern Beach Tiger Beetle and the Bald Eagle. Cape Charles is located along one of the most significant flyways on the eastern seaboard for migratory birds, including waterfowl, shorebirds, and migratory songbirds, which are declining worldwide. The eastern coastline of the Bay is vulnerable to forest fragmentation and other disturbances. Habitats required for transient, breeding, and resident bird species, and particularly the vegetation upon which they depend, have been greatly reduced. Protection of these areas is critical to insure the healthy continuance of local and regional ecosystems. Future development could potentially place further stress on migratory and other land bird species, as well as the large variety of wildlife and plant species found in the area. Located south of Coastal Precast Systems is the Coastal Habitat

Natural Area Preserve, a 50-acre habitat protection area (expanded by 20.7 acres in 2020). This preserve, found on the Bay side of the Eastern Shore, is within the Audubon Lower Delmarva Important Bird Area (IBA) and considered internationally significant for migratory birds according to Virginia Coastal Zone Management Program’s Geospatial and Educational Mapping System (Coastal GEMS). It is also part of the DWR Virginia Birding and Wildlife Trail. Most of the Preserve acreage protects forested uplands that may be viewed from a wheelchair accessible boardwalk. A small amount of very sensitive dune and shoreline habitat, along with several rare species, are also protected here but access to these is restricted. The preserve provides habitat for the federally threatened northeastern beach tiger beetle (*Cicindela dorsalis dorsalis*). Coast bedstraw (*Galium hispidulum*), an herbaceous plant, grows on the dunes at the interface between open grassy areas and shaded areas where shrubs and trees dominate. During fall migration, the forest abounds with migratory songbirds and raptors resting and feeding before continuing their journey across the Chesapeake Bay. A long boardwalk takes visitors through several forested natural communities, including a globally-rare Maritime Dune Woodland, and ends at a low bluff overlooking the Chesapeake Bay. The preserve is owned and managed by the Department of Conservation and Recreation.



Birds perched at the eroding jetty.

### Waterfront Access

By providing public waterfront access, the Town encourages the public to experience firsthand the importance of water quality in Cape Charles through recreational pursuits such as sightseeing, fishing, and swimming. Numerous public waterfront access areas exist in Cape Charles, including the harbor, Cape Charles beach, the municipal pier, and the Coastal Habitat Natural Area Preserve. King’s Creek Marina (formerly Bay Creek Marina) also provides waterfront access. Preserving the quality of the Bay and its tributaries is a high priority in Cape Charles. Development pressure in waterfront areas threatens environmentally sensitive habitats which are critical to Bay wildlife and water quality. The high demand for waterfront property has increased land values, making public acquisition of these lands difficult or impossible. This makes it critical that the Town maintain, improve, and preserve all public lands which provide waterfront access as well as collaborate with private landowners to ensure protection of the environment.

### Shoreline Erosion

The Town has approximately 19,200 feet of shoreline fronting directly on the Chesapeake Bay. The mean tide range is 2.4 feet and the spring tide range is 2.9 feet. Prevailing winds along the shoreline have an average velocity of 10 miles per hour and are from the south to southwest. The effective fetch from Cape Charles to the south/southwest is about 16 miles, with an average depth of 25 feet. Cape Charles Beach, which begins at the Cape Charles harbor and extends north approximately 2,800 feet (1/2 mile), consists of a narrow sandy beach, bordered by a boardwalk and public street. North of Cape Charles Beach is approximately 4,400 feet (3/4 mile) of natural shoreline bordering the Bay, extending to the mouth of King’s Creek. At the mouth of King’s Creek, the shoreline extends for 9,500 feet (1.8 miles), forming the eastern boundary of the Town. The shoreline of King’s Creek is characterized by wetlands, consisting of fringe and embayed marsh. South of Cape Charles Beach and the Cape Charles harbor is a 12,000 foot (2.2 mile) stretch of natural shoreline fronting the Bay, characterized by a sandy beach. The northern half of this beach is wide and sandy, with sand dunes. The southern half of the beach is sandy and narrow, with tree stumps and woody debris, and an elongated pond running behind and parallel to the south end

of the beach. The beach extends to the mouth of Old Plantation Creek, where the shoreline turns inland, extending approximately 14,500 feet (2 3/4 miles) and forming the southeastern boundary of the Town. The shoreline of Old Plantation Creek is characterized by wetlands consisting of fringe and embayed marsh.

Cape Charles Beach has been used as a recreational area since the early 1900’s. In 1982, Brown and Root, Inc. transferred the title of the public beach to the Town. The transfer stipulated that the beach would remain public and would be maintained by the Town. The beach has been steadily deteriorating for thirty years before the transfer. Portions of this shoreline are still eroding. A study conducted by Byrne and Anderson in 1978 found that the historic erosion rate in Cape Charles had been 1.5 feet per year. Erosion accelerated in the 1980’s. A study by the U.S. Army Corps of Engineers in 1991 indicated that erosion rates from 1986 to 1990 were four to five feet per year. Current documentation of erosion rates in Cape Charles do not exist. However, based on visual assessment of the beach, it is likely that the Town’s erosion rate has remained high. This trend may continue, as there is belief in the scientific community that overall erosion rates in the Chesapeake Bay area have accelerated in the past several years.

The most significant cause of shoreline erosion in the Chesapeake Bay system is the combined action of wind and waves on the shoreline. Storm winds generate large waves which cause much of the damage. During storms and hurricanes, strong winds push additional water against the ocean coast and into the Chesapeake Bay, resulting in higher water levels of tides, which generally range between one and three feet, but may reach several feet in magnitude. Aside from the obvious hazard of flooding low-lying areas, these higher tides permit the erosive action of the waves to directly attack the fastland above the usual buffer provided by the beach. Offshore shoals help protect Cape Charles by reducing the height of waves that are greater than three feet in height. However, the impact of these waves is still significant.

According to the Public Beach Assessment Report for Cape Charles Beach, prepared by VIMS in 1993, the shoreline in Cape Charles is typically affected by northwest winds which occur from late fall to early spring, as well as southwest and westerly winds that are most frequent from early spring to late fall. Waves created by northeast storms do not impact the Cape Charles shoreline directly, but usually produce significant storm surge. As the post-storm winds often shift to the northwest, the water level is elevated for a short period of time. This scenario can produce high waves acting on the Cape Charles shoreline.

Erosion activity is further influenced by short-term fluctuation of lunar and storm tides and long-term sea level rise. The average sea level rise in the Bay is about .01 foot per year, or one foot per century. Although this rate seems small, its effect is dramatic considering that the fringes of the Bay have very gentle slopes, where a small increase vertically covers appreciable horizontal distance. Thus, each decade brings constant encroachment against the fastland.

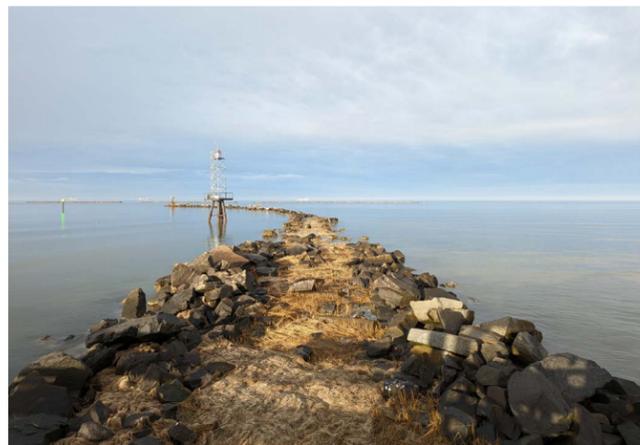
Several shoreline protective measures have been taken in recent decades. The public beach contains a seawall, consisting of a walkway and bulkheading which extends 2,300 feet along the back of the beach from the stone jetty. In 1982, groins were constructed at the public beach, which were 150 feet long and 300 feet apart. A severe storm in November, 1985 resulted in extensive damage to the beach. The beach was significantly widened in 1987 as a result of beach nourishment with 87,000 cubic yards of sand dredged from the harbor channel by the Army Corps of Engineers. The beach fill project was of major beneficial impact to the public beach. In 2016, Virginia Marine Resource Commission notified the town that the dredging for the Cape Charles Navigation Project was completed. The total quantity of material removed was 142,623 cubic yards. 113,078 cubic yards was sent to the Cape Charles Harbor Upland Placement Site and 29, 545 cubic yards was pumped onto the beach as beach replenishment.

In 1988, the Town initiated a project to install sand fencing and dune grasses, to help stabilize the public beach and control blowing sand. Fences were installed by the Department of Transportation and the Youth Conservation Corps, and dune grasses were planted by volunteers. Extensive dunes have

developed as a result of these efforts. The current dune system has reached elevations between five and ten feet above sea level.

In 1993, VIMS prepared the Public Beach Assessment Report for Cape Charles Beach, which assessed the rates and patterns of beach change on Cape Charles' public beach. According to the Report, the public beach had been reduced in volume approximately 19% since the beach nourishment project of 1988. By 1995, severe erosion along the north end of the beach had exposed the face of the bulkhead. Approximately 1,200 cubic yards of sand were used in 1995 to fill the area in front of the bulkhead, and in 1996 dune walkovers were constructed to prevent erosion due to foot traffic.

Several other shoreline protective structures exist in Cape Charles, located at the harbor and the public beach. A stone jetty is located at the northside of the harbor entrance, extending 1,200 feet into the Bay. The jetty protects the harbor somewhat from waves and limits sedimentation in the harbor from longshore drift. The jetty also helps protect the public beach by serving as a significant barrier to littoral transport of nourished beach sand. At the southside of the harbor entrance is a 200 foot earthen jetty, or mole, which anchors the end of the beach and helps keep the harbor mouth open. Approximately 4,500 feet of bulkheads line the periphery of the harbor and eliminates most shoreline erosion in the harbor. As time goes on, the jetty is slowly deteriorating and will need eventual investment and repairs as part of the Town's Capital Improvement Plan.



The deteriorating jetty on the north side of the harbor.

The storm drain outfall has also had a local impact on the very north end of the beach. The public beach is bordered on the north by a large storm water outfall pipe that extends about 300 feet from the bulkhead into the Bay. The pipe was installed as part of the 1988 beach nourishment project and subsequently has been reinforced with gabions including gabion spurs on either side. Presently, the outfall has a local effect on the public beach by partially blocking sand moving south along the shoreline from King's Creek. The outfall and associated spur are also causing an alteration in the beach platform to the immediate south. Artificial nourishment is needed periodically on the beach, due to lack of sufficient natural sand supply for replenishment. Sand retaining devices are also needed beneficial to prevent sand from eroding. The Town hired Vanasse Hagen Brustlin, Inc. (VHB) to design shoreline stabilization for Cape Charles Beach. Four near shore breakwater structures were constructed to control erosion along approximately 1,700 linear feet of shoreline, with the last structure installed over 2019 and 2020. As of 2022, the Town is monitoring the shoreline to determine if a fifth breakwater structure that was designed as part of the shoreline stabilization project will be necessary. A Beach and Dune Management Plan was developed by the Wetlands and Coastal Dune Board at the request of the Cape Charles Town Council in 2018. This plan encompasses the public beach and the dunes, which are an integral part of the public beach area. Under Commonwealth of Virginia regulations, publicly-owned land is excluded from the permitting authorities of wetlands and coastal dune boards. However, the town requested advice and recommendations from this board to help guide town management of this vital public resource. In this context, Cape Charles board recommendations are advisory, that is, non-binding. The board's recommendations are consistent with town ordinances, which represent the Town's policy. Town Council adopted the plan In February 2019, and town staff utilize it to govern replenishment and protective activities.



Shifting sands cover a walkway along the beach.

### Recycling

Cape Charles assesses the feasibility and environmental impact of recycling annually to determine if curbside service should be provided locally. Currently, the community can take their recyclable waste to centers located throughout Northampton County. While it is often requested, the cost and environmental impacts associated with providing it may prevent the service from being feasible for the Town.

### Tree Canopy Coverage

Master Tree Plan and a Tree Conservation and Preservation Ordinance were created by an appointed committee by the Town Council. The Master Tree Plan (<https://www.capecharles.org/pview.aspx?id=9713&catid=605>) and is adopted as an addendum to the Comprehensive Plan policies. The Tree Conservation and Preservation Ordinance has been adopted as an amendment to the Zoning Ordinance. As a result of these adopted regulations, site plan submissions for any site development activity must include provisions for planting of trees to meet canopy coverage requirements. Commercial site plans must include provisions for ten percent tree canopy coverage, and residential site plans must include provisions for twenty percent tree canopy coverage. Canopy coverage is calculated based on projected canopy after twenty years of growth. The new regulations are also intended to implement a no net loss policy for trees within the streetscape. A permit is required to remove a tree within the streetscape. In most cases, removed trees must be replaced with another tree.

## Environment Objectives and Strategies

1. Enhance water quality of the Chesapeake Bay.
  - a. Support intensifying the monitoring of all measures of the bay's health.
  - b. Update the Town's ordinance to reduce the amount of impervious surfaces in town to slow stormwater and contaminant runoff.
  - c. Increase the amount of vegetation and other bioretention infrastructure to filter stormwater before it enters the bay. This could be achieved either through individual projects or with new development.
2. Continue to promote the strong aesthetics of the town and limit pollution from litter.
  - a. Ensure easy access to refuse and recycling bins at town facilities and in public right-of-way.
  - b. Educate residents and visitors of best practices through signage and other materials as necessary.
  - c. Engage with seasonal vendors, such as food trucks, to ensure that they have adequate access to waste receptacles.
  - d. Ensure that stormwater passageways are in good working order and clean from debris.
3. Utilize best practices, along with infrastructure improvements, to ensure high quality drinking water.
  - a. Encourage water conservation measures to ease the load on water treatment equipment.
  - b. Review water quality improvement initiatives from other localities to develop and identify which strategies may be effective in Cape Charles.
4. Maintain the beach and harbor to protect the long-term viability of their ecological services and economic benefits.
  - a. Control dune, beach, and shoreline erosion through regulation and best practices.
  - b. Improve vehicular access from Mason Avenue to town harbor as part of new development to the waterfront.
  - c. Preserve the integrity of and accessibility to the water's edge.
5. Promote coastal resiliency through policy, development regulation, and enforcement.
  - a. Consider setting new sustainability targets regarding materials, construction practices, etc.
  - b. Consider incentives to promote the use of sustainable development practices.
  - c. Continue active participation in the Resilience Adaptation Facility Tool (RAFT).
6. Protect natural resources, especially wetlands and other sensitive ecosystems.
  - a. Prevent development in environmentally sensitive areas.
  - b. Consider establishment of wetlands bank.
  - c. Conduct annual educational campaigns directed at coastal and creek tributary property owners regarding the Resource Protection Area and the Resource Management Area applicable to their properties. Provide information on best practices regarding landscaping: the maintenance of trees, shrubs, bushes, and other vegetation, as well as appropriate species and sizes to use for replacement, if necessary.
7. Working with the Town Wetlands and Coastal Dune Board, continue to implement Coastal Resources Management guidance from the Virginia Institute of Marine Science.
  - a. Refer to the guidance presented in the locality's Comprehensive Coastal Resource Management Portal (CCRMP) prepared by VIMS to guide regulation and policy decisions regarding shoreline erosion control.
  - b. Utilize VIMS Decision Trees for on site review and subsequent selection of appropriate erosion control/shoreline best management practices: <http://ccrm.vims.edu/decisiontree/index.html>.
  - c. Utilize VIMS' CCRMP Shoreline Best Management Practices for management recommendation for all tidal shorelines in the jurisdiction.
  - d. Consider a policy where the above Shoreline Best Management Practices become the recommended adaptation strategy for erosion control, and where a departure from these recommendations by an applicant wishing to alter the shoreline must be justified at a hearing of the board(s).
  - e. Encourage staff training on decision making tools developed by the Center for Coastal Resources Management at VIMS.
  - f. Follow the development of the state-wide General Permit being developed by VMRC. Ensure that local policies are consistent with the provisions of the permit.
  - g. Evaluate and consider a locality-wide permit to expedite shoreline applications that request actions consistent with the VIMS recommendation.
  - h. Seek public outreach opportunities to educate citizens and stakeholders on new shoreline management strategies including Living Shorelines.
  - i. Follow the development of integrated shoreline guidance under development by VMRC.
  - j. Evaluate and consider a locality-wide regulatory structure that encourages a more integrated approach to shoreline management.
  - k. Consider preserving available open spaces adjacent to marsh lands to allow for inland retreat of the marshes under rising sea level.
  - l. Evaluate and consider cost share opportunities for construction of living shorelines.
8. Consider the creation of a committee to provide recommendations for increasing the Town's resiliency to storm events or delegate these responsibilities to the Dunes and Wetlands committee.
9. Assess the feasibility of providing recycling in the Town from year to year. Promote use of the Northampton County recycling drop off service.
10. Study and support efforts to protect Cape Charles existing tree canopy while encouraging new plantings. Follow the guidance found in the Master Tree Plan (see <https://www.capecharles.org/pview.aspx?id=9713&catid=605>).
11. Evaluate the amount of storm water infiltration into the sewer collection system and develop a corrective action plan.



Local event at the Central Park gazebo.

# Community Facilities & Services

“Create vibrant community facilities through flexible use, attractive aesthetics, and year-round programming for residents and visitors of different ages and interests.”

- Community Facilities
- Amenities
- Private Amenities
- Broadband
- Educational Facilities
- Public Services
- Recreational, Cultural, and Youth Activities
- Cape Charles Medical Services
- Active and Engaged Partnerships
- Community Facilities & Services Objectives and Strategies

# Community Facilities & Services

## Community Facilities

Cape Charles' community facilities include many Town owned properties. This section provides descriptions of the facilities as well as some background information about the facility and any plans for the future.

### Cape Charles Town Hall, 2 Plum Street

The town is currently served by a Town Hall, which houses most staff including the Police Department, but excludes Public Works, Public Utilities, and the Library. The Public Works Department is located close to the entrance of the Town and consists of one old building and one newer building, surrounded by a large lot. Town Hall itself has safety and regulatory concerns, as it is not accessible to those with disabilities. It is too small, and the staff has long outgrown the building. Some re-configuring has been done, as well as temporary uses of other public and private space, but that was a short-term fix. The Town is currently in the design phase of replacing the Town Hall building. There is a line item in the budget to accomplish this. The existing Town Hall will be sold and become part of the downtown business area.



Cape Charles Town Hall.

### The Cape Charles Memorial Library, 201 Mason Avenue

The Cape Charles Memorial Library (CCML) is the oldest library on the Eastern Shore. Previously known as the Northampton Memorial Library, the library had its beginning in a private home in 1919. In 1926 it was moved to the vacated First Presbyterian Church at 500 Tazewell Avenue and in 2013 the library moved into its current home, the former Bank of America building at 201 Mason Avenue. The CCML provides a wide range of services for the community and for citizens of all ages. The library has a Computer Lab with seven computers for public use as well as Wi-Fi access. The CCML is supported by the Friends of the Library. This volunteer group has supplied the library with children's computers, additional furniture, and support for children's programming. The library function should remain in the business district on Mason Avenue and preferably in its current location. The building itself is slated to be divided, with the Town retaining ownership of the areas currently being used for the library, and the rest of the building being sold for commercial/residential development.



Cape Charles Memorial Library.

### The Civic Center, 500 Tazewell Avenue

The Civic Center, a former church, then town library, is used for meetings of the Town Council, Planning Commission, Historic District Review Board, Harbor Area Review Board, the Board of Zoning Appeals. Due to a lack of space at Town Hall it is also used by town staff as a conference room. The maximum capacity of the building is 99. The building is slated to be sold, and a new Council Chamber/public meeting space will be constructed as part of a new Town Hall complex.



Cape Charles Civic Center.

### Cape Charles Central Park, at the junction of Monroe Avenue and Peach Street

Central Park is owned by the Town but also served by the volunteer group Citizens for Central Park. It is used for a very popular free summer concert series, group meetings, art and craft sales, picnics, unstructured sports, and has a much-used children’s playground featuring a small zip line. The Park has a sidewalk just inside its perimeters that is used for exercise and dog walking. Two tennis courts have recently been re-fitted to be used as pickle ball courts as well as tennis. Cape Charles Christian School uses the park for its physical education programs. Immediate future plans feature a “family game area” for adults and children on the southeast corner, which will include horseshoe and corn hole courts, picnic tables, benches, trees and small tables with seating for chess. At Christmas the park is decorated, and sponsors a tree lighting ceremony and a lighted golf cart parade known as “The Grand Illumination.” Portions of the Park can be rented for private events. Members of the U.S. Coast Guard often use the Park for regular exercise.

### Strawberry Street Plaza, between 230 and 300 Mason Avenue

Strawberry Street Plaza is located between two condominium buildings containing commercial establishments on the first floor and residential on the upper floors. It is in the center of the business district. Both landscaping and benches for public use have been provided by Cape Charles Main Street. The plaza has been used for farm markets, music performances, gatherings, a home for Santa and Mrs. Claus during the holiday Festive Fridays events, and as an informal place to eat takeout food from nearby restaurants and bakeries. Central to Town plans is the viewshed to the Harbor from Strawberry Street beginning at Cape Charles Central Park through the Plaza and on to the town Harbor. Beyond the plaza is a train car, set on rails, located parallel to the back of 230 Mason Ave, which will be maintained on permanent static display. Work will soon begin on the exterior of the train car, including metal work, painting, and window replacement. A new public restroom and visitors center will be located just east of the train car.

Strawberry Street Plaza is currently underused. The Town, in cooperation with Main Street, should determine its best use for Cape Charles businesses, as well as citizens, by considering amenities like easily movable tables and chairs for eating food purchased at downtown restaurants, while allowing for conversion to an outdoor venue for performances and events.



Central Park fountain.

### Cape Charles Harbor

Cape Charles Harbor is both a public and private deep-water harbor with a depth of 18 feet. It is dredged regularly by the Army Corps of Engineers, most recently in 2017. The Harbor is comprised of several zoning districts and the Historic Harbor Overlay District. The Towns’ portion of the Harbor has recently been upgraded with the installation of concrete walks, lighting, and benches. It is a popular launching site for boaters living in and visiting Cape Charles and Northampton County.

There are two ramps for boats and one ADA compliant ramp for kayaks. There is currently no fee for the use of these ramps or for parking. Fuel can be purchased at the Harbor Masters building. The Harbor offers 96 slips for short- or long-term docking of which 46 are floating docks. Of the 96 slips, 31 are reserved for transient visitors.

The Harbor is also home to the United States Coast Guard Station Cape Charles.

The Town Council recently approved an extension of a contract for specified harbor repairs with the Virginia Department of Wildlife and Recreation.

Due to changing circumstances largely out of the Town’s control, many previous efforts to plan for the harbor area, and the surrounding railroad area, have become obsolete. A new master planning effort, to include zoning, overlay areas, and associated design guidelines should be undertaken soon.



Boats in the Harbor.

## Amenities

### Streetscape

The Town of Cape Charles has one of the most unique collections of historic buildings of any town on the Virginia Eastern Shore. It also has an intact street grid as originally laid out in the early 1880's with seven avenues laid east to west and six streets north to south. In 1912, the town added Harbor St. and Bay Ave. (Sea Cottage addition) resulting in seven streets and one avenue running south to north (increasing postal addresses) and seven avenues running west to east. At the center of the grid is Central Park. Streets are lined with mature trees and just about everyone has a front porch.



The Mason Ave. streetscape.

Cape Charles is often and affectionately referred to as Mayberry. It is walkable although walks are frequently slowed by greetings from friends. Golf carts are a favorite mode of travel and are often decorated for parades and holidays. Bicycling is popular and a great way to skirt the parking issue in the summer months. As a Virginia Main Street community, the Cape Charles Main Street (CCMS) organization implements a "Four Point Approach" with Design as one of its cornerstones. The Design team supports the community's transformation by enhancing the physical and visual assets that set the commercial district apart. The placement of new benches, planters, and seasonal banners on the light poles creates a welcoming and visually pleasing atmosphere for residents and visitors alike.

CCMS maintains the The LOVE sign, an iconic landmark where residents and visitors alike take pictures. The LOVE sign meaning: L is filled with seashells/sea glass and represents the Bay; O is a tractor tire to represent agriculture; V is two kayaks and represents fun on the water; and E is crab pots to represent aquaculture. It is located next to the fishing pier and at one end of the public beach on Town property.



The famous LOVE sign.

The commercial area on Mason Avenue has experienced revitalization and adaptive reuse, as shops, restaurants and hotels are being built to serve the increasing number of tourists who visit Cape Charles and the Eastern Shore.

### Sunsets

The sunsets are free and Cape Charles is known for its fabulous sunsets. The Town is geographically located on the shoals of the Chesapeake Bay, which allows for wide views of the setting sun and reflections on the water. In all seasons both citizens and visitors gather on the beaches, on the fishing pier, or at other waterfront venues to view the sunsets.



The sunset over the bay.

### Cape Charles Beach

In addition to dining and shopping, our beaches are the draw for visitors. They are also some of the top reasons our citizens live here. Cape Charles is the only town on the lower Eastern Shore with a public beach front. Cape Charles also boasts two private beaches located within the Bay Creek communities. The shallow water of the Chesapeake Bay is perfect for families with young children and is also popular for day long floating in large rafts or "raft colonies". Paddleboarding has become popular, and kayaking is still a general favorite. Both can be done from the beach shoreline. The summer season is busy and sometimes hectic but from late Fall into early Spring the beaches are there for often solitary enjoyment.



Cape Charles beach gazebo.

### The Cape Charles Boardwalk

The Boardwalk is a wide concrete sidewalk paralleling Bay Avenue and the dunes along the Chesapeake Bay. The concrete boardwalk is intersected by wooden boardwalks providing access to the beach. Concrete benches and planters, trash receptacles, doggie waste bag dispensers, and information display boards are spaced along the Boardwalk at regular intervals. It is also a portion of the Community Trail and as such is a popular location for walkers, runners, sunset viewers, and even skateboarders in the evening. The Boardwalk has provided an excellent location for information boards about community events. The gazebo located at the end of Randolph Avenue is a respite from the hot afternoon sun.



Cape Charles Fishing Pier.

### The Cape Charles Fishing Pier

The Cape Charles Fishing Pier is a popular place for fishing, walking, and sunset watching. It is located at the intersection of Bay Avenue and Mason Avenue. The Town provides a blanket state fishing license for all who wish to fish from the pier. A master planning effort is needed for the public beach, boardwalk, fishing pier, and surrounding areas. This plan should identify a larger vision for the beach front, to include investments in new amenities, and guidance for maintenance.

### Private Amenities

#### Bay Creek

Bay Creek, a planned resort community, came under new management in 2020. Amenities at the gated community are available only to the residents and guests of Bay Creek. The Golf Course has been reduced to 27 holes in order provide for new and expanding walking trails, a boat house on Plantation Creek, and a variety of housing options. The Lifestyle Center features exercise equipment, various classes, a family swimming pool, and sponsored events for adults and children. Bay Creek has two sandy beaches on the Chesapeake Bay and a restaurant, The Coach House Tavern, at the golf course. The resort rental homes available at Bay Creek accommodate thousands of visitors each year.



Bay Creek Golf Course.

#### Kings Creek Marina

The Kings Creek Marina at the north end of Town serves residents and tourists with a world class marina and harbor for recreational boaters. Overnight accommodations, the Oyster Farm Restaurant, and the Pearl Event Center which hosts weddings and receptions, large parties, business gatherings, and community events are located adjacent to the marina.



King's Creek Marina.

#### Cape Charles Yacht Center, 1011 Bayshore Road

The boatyard operations at the Cape Charles Yacht Center, a commercial enterprise, are in transition. A new property owner is currently seeking contract management and determining how to best capitalize on the existing infrastructure, consisting of a 75-ton boat lift with a 25'8" beam, power from 30-amp single phase to 100-amp 3 phase, 1,000 feet of face dockage and seasonal slips for local boaters.

### Broadband

The Eastern Shore of Virginia Broadband Authority (ESVBA) was created in 2008 by the counties of Accomack and Northampton with the intent that ESVBA would build the backbone of the system from the Maryland state line along the length of the Eastern Shore under Route 13. Private wireless providers would then carry the service to every customer. Approximately 1300 miles of fiber are needed to provide 100% Broadband coverage on the shore. ESVBA currently has 600 miles built out. Private companies are not going to go into areas that are not profitable and rural areas do not create the necessary profit. Thus, the majority of the 600-700 remaining miles will need to be built by ESVBA. In 2016 ESVBA began their fiber-to-the-home program to complete the build out. It has taken 13 years to get to 50%. Cape Charles was able to secure grant funding that connects the town to that fiber optic backbone. However, "getting it the last mile" or in other words connecting it to individual homes and businesses is the responsibility of those individuals. There are 27 free public Wi-Fi hotspots on the Eastern Shore. Cape Charles has one hotspot located at the Cape Charles Museum at 814 Randolph Avenue.

### Educational Facilities

#### Cape Charles Christian School, 237 Tazewell Avenue

Cape Charles Christian School is a private school whose vision is to create an alternative education option for Northampton County. Their goal is to provide an encouraging, supportive, creative environment for children with an integrated Christian perspective. The mission of Cape Charles Christian School is to educate and develop the whole child in a non-denominational Christian setting. The school employs 5 teachers with a Student: Teacher Ratio of 13:1 and instruction from Pre-K through 8th grade.

#### Educational Facilities Outside Town

Cape Charles does not have any public schools within its boundaries. Nearby public schools serving the town are Kiptopeke Elementary, Northampton Middle School and Northampton High School. Private schools include Broadwater Academy, a private Pre-K through 12 school in Exmore, and Shore Christian Academy, also private serving Pre-K-3 through 8, The Eastern Shore Community College is nearby in Accomack County.

#### Home Schooling

One result from the Covid pandemic was the growth in home schooling in both the town and the county. Statistics are not available for Cape Charles itself, but Northampton County had 95 children being home schooled in 2021. For curriculum, parents have access to many written and online resources. In addition, most home schoolers are allied with a national or state group for support and teaching resources. Homeschoolers interact with each other through specialized classes and on field trips.

#### Rosenwald School Restoration Initiative

Cape Charles is home to one of 5,000 schools built in the rural South with seed money from the Julius Rosenwald and guidance from Booker T. Washington. Funds for the restoration and re-opening of the building are being collected, while the organization records and shares stories of the alumni and history of the school.

### Public Services and Programs

#### Cape Charles Police Department

The Town of Cape Charles maintains a police force of 7 sworn officers. Cape Charles police are dispatched through Northampton County. The responsibilities of the Cape Charles Police Department include a wide range of activities such as investigating citizen complaints, initiating criminal and traffic arrests, responding to accidents, and performing crime prevention and wellness checks. The department also responds to calls from the Virginia State Police and other nearby localities.

#### Cape Charles Volunteer Fire Company

The fire company is not directly associated with the Town government and is housed in a facility next to the existing Town Hall, staffed by volunteers. When needed the fire departments of the county and surrounding jurisdictions also respond to fire emergencies in Cape Charles. The volunteers are active in the community often sponsoring events to raise funds to continue their operations. As with most organizations volunteers are difficult to come by.

#### United States Post Office, 299 Randolph Avenue

The town of Cape Charles and the surrounding area is served by the United States Post Office. The Post Office is a historical landmark in the town. It was built to be a post office in 1932 and is still in its original condition both on the exterior and interior. Passports may be applied for. The Towns single zip code is 23310.



United States Post Office.

### Recreational, Cultural, and Youth Activities

#### Cape Charles Community Trail

The Cape Charles Community Trail is a path that will eventually cover the outer perimeter of the town and connect to Central Park along Peach Street. The Community Trail has been principally funded under the Virginia Department of Transportation (VDOT) Transportation Alternatives Program (TAP) which administers federal money. TAP pays 80% and the town pays 20%. A portion of the trail around the harbor was implemented as part of the harbor redevelopment project and about 50% was funded via Virginia Aid to Local Ports and federal Boating Infrastructure grants. The community trail project is being implemented in multiple phases. Phase 1 consists of the walkway and other extensive work in Central Park. This was completed in 2010. Phase 2 encompasses north Peach Street and Washington Avenue. In addition to the trail itself, the project included extensive storm water system improvements and a landscaped median on Peach Street. This was completed in 2017. Phase 3 is south Peach Street (between Mason and Randolph Avenues) and the south entrance to the park. The TAP grant is in place, and this phase is approved in the Town's FY 2022 budget and is set to bid in late 2022. Phase 4 consists of improvements to the boardwalk along Bay Avenue: repairs, new steps & handrails, better ADA access to boardwalk and beach, removal of highway style lights, and decorative pedestrian lighting. The TAP grant was approved several years ago, but the project was delayed because of delays in Phases 2 and 3. Recently the Town Council voted not to move forward with the TAP funding of this project due to pressure from VDOT for the Town to immediately commit to the 20% local funding match. Phase 4 of this project will now be incorporated into the upcoming beach front master planning effort.

#### Eastern Shore Rail to Trail

The Virginia Department of Transportation (VDOT) initiated the Eastern Shore Rail to Trail Study to assess the feasibility of converting the former Bay Coast Railroad into a shared use path. The abandoned railroad corridor spans Northampton County and Accomack County and travels through the Towns of Hallwood, Bloxom, Parksley, Onley, Melfa, Keller, and Painter in Accomack County and the Towns of Exmore, Nassawadox, Eastville, Cheriton, and Cape Charles in Northampton County. The trail would extend 50 miles between the Towns of Cape Charles and Hallwood. This project was approved and received initial funding in 2022. The first leg of the trail will be built from Cape Charles (near Rayfield's Pharmacy) to Food Lion on Route 13. The Town Council has accepted responsibility for maintaining this portion of the trail once built.



Cape Charles Community Trail.

#### Cape Charles Natural Area Preserve

The 29-acre Cape Charles Natural Area Preserve is owned by the Virginia Department of Conservation and Recreation. It features a long boardwalk that traverses several natural landscapes and ends at a low bluff overlooking the Chesapeake Bay. An additional 20.76 acres were added in 2021 with the purchase of parcel 90-13-A. The Preserve is also part of the Lower Delmarva Important Bird Area and as such over 240 species of birds have been observed within its boundaries.



Central Park Gazebo.

Cape Charles Medical Services

Eastern Shore Rural Health Center, Eastville

The Eastern Shore Rural Health System, Inc opened the new Eastville Community Health Center on May 4, 2020 as a replacement for the aging Bayview and Franktown Community Health Centers. The Calvin L. Brickhouse Building in Eastville is a 24,000+ square foot state-of-the-art medical and dental facility. It offers medical and dental digital x-ray, expanded lab services and hours, behavioral health services staffed with two part-time and one full-time physician, recently expanded telemedicine, outreach including to the Hispanic community in the summer months (in cooperation with local growers), health education, interpretation services, an onsite pharmacy, and the room to expand staff based on need and funding. Currently the center provides two and a half pediatricians, and they are the only staff with privileges at the Riverside Hospital in Onley. They have also partnered with Riverside Hospital to share electronic medical records. Hours are limited to weekdays. Emergency care is not offered and there are no plans to do so in the future. Services are available to all including those with limited resources. Free passes are available on Star Transit, or the Community Services Board can provide transportation for a small fee. ESRHS is a Health Center Program grantee under 42 U.S.C. 254B, and a deemed Public Health employee under 42 U.S.C. 233(g)-(n). They are recognized as a Patient Centered Medical Home TM by the National Committee for Quality Assurance. NCQA is a private, non-profit organization dedicated to improving health care quality. It is located 9 miles from Town.

Riverside Shore Memorial Hospital

As one of Riverside Health System’s multiple locations for inpatient and outpatient care, diagnostics, rehabilitation and wellness services, Riverside Shore Memorial Hospital provides care for medical and surgical patient emergency department and critical care patients, newborns, and patients seeking diagnostic testing. The hospital is in Onley which is the same distance from Cape Charles as hospitals in the Norfolk/Virginia Beach area. The campus includes Riverside Shore Cancer Center, Riverside Medical Office Building, and a helipad. Riverside Shore Memorial Hospital totals 139,100 square feet spread over 2 floors. It offers 52 private inpatient rooms of which 10 are critical care and 6 are Mother/Baby. The Emergency Department offers 2 private triage rooms plus 13 private treatment rooms including a trauma room. Hospital Accreditations include: DNV, The American College of Radiology, The American College of Surgeons, The College of American Pathologists, The Intersocietal Commission for the Accreditation of Vascular Laboratories, and the American Board of Registration of Electroencephalographic and Evoked Technologies. It is located 36 miles from Town.

Riverside Shore Cancer Center (RSCC)

Sleep Lab services and infusion services are offered at the Riverside Shore Cancer Center along with traditional chemotherapy and radiation therapy (including intensity-modulated radiation therapy) services. The chemotherapy suite includes 8 treatment chairs and 2 private rooms for patients who need privacy. It is located 36 miles from Town.

Riverside Medical Office Building

The Medical Office Building includes gastroenterology, gynecology, neurology, obstetrics, orthopedics, podiatry, pulmonology, and surgery. Outpatient Physical Therapy shares the office building. It is located 36 miles from Town.

Cape Charles Rescue Services

This service is part of the Northampton Emergency Medical Services network and is located just outside of Cape Charles 3 miles away on South Bayside Rd. This building provides access to quick response ambulances and emergency medical services.

Riverside Cape Charles Medical Center

Riverside Health System provides comprehensive primary medical care within the Town’s borders and is located at 216 Mason Ave.

Nightingale Regional Air Ambulance

Nightingale Regional Air Ambulance provides rapid transport of the critically ill or injured, transporting patients from the scene of an accident, or from one medical facility to another. Nightingale operates as a community asset to EMS and multiple hospital systems and is called into service when time is critical to the patient’s survival and air transportation is the best method. She is often able to reach areas with limited access or assist communities where long transports would tie up limited EMS resources. Nightingale is a service of Sentara and has flown more than 18,000 accident-free missions since her maiden flight in 1982. The nation’s 38th air medical program and the region’s first air ambulance, Nightingale has transported thousands of critically ill patients to the helping hands of trained medical professionals all over Virginia. Nightingale flies a 125-mile radius handling trauma, cardiac, neurological, medical, pediatric, and obstetric patients. From Washington, D.C. to Ocracoke Island, the Eastern Shore to Charlottesville, Nightingale flies more than 700 missions per year. The current helicopter is an IFR-capable 2011 Airbus EC145.

Northampton County Department of EMS (Emergency Medical Services)

The Mission of the Department of Emergency Medical Services is to provide basic and advanced life support providers able to respond quickly, minimizing pain, suffering and loss when emergencies occur, by delivering the highest quality care to citizens and visitors in Northampton County. It coordinates efforts to ensure the County can mitigate, prepare for, respond to and recover from any type of natural or man-caused disaster. Northampton County uses an all-hazards approach to emergency preparedness, which means planning efforts consider all types of natural and man-caused disasters that could occur in the County.

## Active and Engaged Partnerships

### Arts Enter Cape Charles & Experimental Film Virginia

Arts Enter Cape Charles & Experimental Film Virginia in the Historic Palace Theatre 501 (c) (3) Arts Enter Cape Charles and non-profit Experimental Film Virginia are at home in the vintage 1942 art deco Historic Palace Theatre and the Lemon Tree Gallery. At the core of the missions of both organizations is to provide performance training and high-quality entertainment for children, adults, and the entire community as well as educational opportunities in music, art, drama, live theatre and film. Arts Enter and Experimental Film Virginia are supported by private donations and grantors including, but not limited to, the National Endowment for the Arts (Our Town grant), the Eastern Shore Community Foundation, The Virginia Commission for the Arts, the Virginia Tourism Commission, Northampton County, and the Virginia Film Office. The Town of Cape Charles has been an active partner since Arts Enter was founded in 1997. Small Town Big Art.

### Cape Charles Citizens for Central Park

Cape Charles Citizens for Central Park (CCP) is a non-profit organization founded in 2001 that is devoted to the vision, beautification, and utilization of Cape Charles Central Park. It was the drive and passion of CCP over the past two decades that has developed the Park into the treasured jewel it is today. During the summer in partnership with the Town they sponsor free concerts in the park on Saturday nights. These are always well attended, and prior to COVID, CCP did a bustling business with their Margaritas fundraiser during these concerts. Funds are used for benches, landscaping, playground equipment, maintenance, and a new family game area currently under construction.

### Cape Charles Food Pantry

The Cape Charles Food Pantry is operated by Trinity United Methodist Church. It is the local distribution center serving the needy in the Town. It is the authorized extension of the FDA Food Bank and gets some of its items from them along with local donations of cash and food. They are the recipients of numerous fundraisers and food drives in town.

### Cape Charles Lions Club 9269:

Cape Charles Lions Club 9269 is an apolitical service organization to help individuals with sight and hearing problems. Through its local fundraising efforts (food truck at local events, broom sales), the local club hosts vision and hearing drives at the local elementary schools, Head Start, and the migrant clubs throughout Northampton County.

### Cape Charles Main Street, Inc.

Cape Charles Main Street, Inc Cape Charles Main Street, Inc. (CCMS) is part of the Virginia Main Street Program which is a preservation-based economic and community development program that follows the National Main Street Center's Main Street Approach™. They are incorporated as Cape Charles Main Street, Inc. and obtained § 501(c)(3) status. CCMS has more than 100 volunteers and operates under the belief that businesses are the lifeblood of the town.

CCMS is partially funded by the Town of Cape Charles and is responsible for managing the marketing for the town. They developed the branding for the town as Cape Charles Virginia's Cape, built the town a new marketing website and manage all marketing social media and advertising.

They have provided benches on the streets of the business district and landscaped and furnished Strawberry Street Plaza in the center of town. CCMS has sponsored many events designed to bring people into town, including the very popular Love Fest which began as a celebration of 50 years of the Virginia is for Lover's campaign and is held every year on the Saturday of Labor Day weekend. Festive Fridays are held on the Friday evenings between Thanksgiving and Christmas in the downtown shopping area to promote local shopping for holiday gifts. Shops stay open late and offer specials, windows are decorated, restaurants offer specialties, Santa and Mrs. Claus are available for photos. CCMS annually pursues many grant opportunities to assist local businesses and to improve the Town business district.

### Cape Charles Yacht Club

The Cape Charles Yacht Club (CCYC) was founded in the fall of 2012 among a few sailing and boating enthusiasts who reside in the Cape Charles area. The founding members felt that any active harbor needed the presence of a yacht club as one of many anchors to build comradeship among fellow mariners and those that would venture into the harbor and marina. The CCYC hosts a Coast Guard Appreciation Night, has donated funds to the Cape Charles Food Pantry and to the Northampton County Education Foundations Pre-K Camp programs, performs road cleanup, and built the Kayak Floating Dock in the harbor.

### Eastern Shore of Virginia Master Gardeners

The Eastern Shore of Virginia Master Gardeners (ESVMG) is sponsored by the Virginia Cooperative Association. Volunteers receive 50 hours of intensive training in all areas of Eastern Shore horticulture. In Cape Charles master gardeners support the New Roots Youth Garden through weekly maintenance and by teaching the children who attend the weekly meetings in the garden where food comes from, how to plant seeds, how to tend the garden, and how harvest the food. They also help the children with their small market stand where they sell this food and learn customer service skills, weighing, and making change.

### Eastern Shore of Virginia Master Naturalists

Master Naturalists are trained volunteers who provide education, outreach, and service. They are trained in the ecology of an area – plants, animals, geographic features, and local ecosystems to help Virginia in the conservation and management of natural resources and public lands. In Cape Charles and its surrounds, Master Naturalists monitor the Cape Charles Natural Area Preserve, the Magothy Bay Natural Area Preserve, and the Savage Neck Natural Area Preserve. In 2017, a team of eight Master Naturalists did a complete census of the trees by lot number in the historic district of Cape Charles at the request of the Historic District Review Board recording the species, height, and diameter of all trees.

### Eastern Shore Tourism Commission

The Eastern Shore Tourism Commission provides a function larger than the Town is able to provide and a majority of its funding is from Accomack and Northampton Counties. Its function is to market the Eastern Shore on a larger geographic scale than the Town would be able to do on its own. The Tourism group has developed an Eastern Shore Brand and the Town is part of that project.

### Friends of the Cape Charles Memorial Library

The Friends of the Cape Charles Memorial Library is an all-volunteer organization responsible for promoting the library, sponsoring cultural programs for the community, and providing funds to enhance the library collection and visitor experience. They have supplied the library with additional furniture and support for children's programming.

### New Roots Youth Garden

New Roots Youth Garden (NRYG) is owned and maintained by the Town but managed by the Executive Board of NRYG whose mission is to teach children where food comes from, how to plant seeds, how to tend the garden, and how to harvest the food. The children also have a small market stand where they sell this food and learn customer service skills, weighing, and making change. In addition, every week they take the food they've grown home to their families. Since a wide variety of vegetables are grown in the garden the children often find themselves eating a food they've never tasted before. Recently New Roots has been welcoming field trips to the gardens from several local schools. The NRYG holds fundraisers, but also receives grants, The Rotary Club provides funds and physical labor improving the property. The Eastern Shore of Virginia Master Gardeners provide a large part of the maintenance of the garden itself, and United Way is also a source of income. Many donations are received from citizens and businesses in Cape Charles as it is a very popular program.

### Northampton County American Legion Post 56:

The Northampton County American Legion Post 56 is a patriotic veterans organization devoted to mutual helpfulness to serve those who served during a time of war; Post 56 is one of the oldest American Legion Posts in the nation with a founding year of 1919 and charter date established in 1922.

### The Civic League

The Civic League provides neighbors in the Historic District a collective voice in town government by identifying opportunities for improvement and building consensus around proposed solutions. The Civic League provides Town Council and Town Management a point of contact within the Historic District to work on issues and projects. Finally, the Civic League keeps neighbors in the Historic District informed about developments and decisions affecting them.

### The Museum and Welcome Center

The Museum and Welcome Center for the town is housed in a 1913 building that served as an electric power generating station for 40 years. It is owned and operated by the Cape Charles Historical Society; a non-profit organization founded in 1986. The Museum and Welcome Center opened in 1996 and is open 7 days a week from mid-April through October. In 2019 (pre COVID-19), it served approximately 4,200 visitors. 65% of those visitors were from Virginia, with a consistent 14% from Hampton Roads, nearly 42% from other mainland Virginia locations, and the rest from the Eastern Shore. Exhibits center on the heydays of the town from the 1880's through the mid-20th century when steamers, ferries, and the railroad operated continuously. A new exhibit is presented each season created from the Society's archives which are cataloged and stored in the adjoining reconstructed Bloxom Station. A virtual outdoor tour takes visitors on a walk around the museum from their phone or computer and includes video and audio on the history of the museum.

### The Rotary Club

The Rotary Club is an apolitical group with a world view. Their motto is Service Above Self. As a service group they invest both financial and labor into their projects. Projects in Cape Charles include the purchase and installation of a new fence, market stand, and concrete apron to New Roots Youth Garden, financial assistance for the new playground equipment at Central Park, quarterly trash pickup on Stone Road, and co-sponsor (with Main Street) the political forum featuring candidates for Town Council. The Club is also very active in support of many other important organizations and activities through Northampton County.

### Tree Advisory Board

The Tree Advisory Board is an informal group of volunteers whose goal is to preserve and increase the tree canopy of Cape Charles. To that end they seek to advise both citizens, town staff, and town governmental bodies on proper tree choice, tree removal, new tree location, and proper landscaping with trees. They also help to assure the maintenance and expansion of the city's tree canopy and the health and safe condition of trees in the community. TAB also plans and conducts an annual celebration in support of Arbor Day. In both 2021 and 2022, Cape Charles was designated a Tree City USA as sponsored by the Arbor Day Foundation.

### Vacation Homeowners

The Vacation Homeowners of Cape Charles was established in 2019 to contribute to the experiences of residents and visitors to Cape Charles. The VHOCC has sponsored numerous concerts, Festive Friday events, First Day in the Bay, movies at the Palace Theater and the Cookie Trail of historic homes. The group provides a community of support to vacation homeowners. In order to best serve the community, our members pledge to adhere to our "Good Neighbor Policy".

## Community Facilities & Services Objectives and Strategies

1. Pursue adequate lighting and other amenities (seating, trash receptacles, water fountains, signage, etc.) for Town designated facilities.
2. Plan for the creation of modernized, accessible, and welcoming municipal facilities.
3. Plan for the creation of amenities, such as a multi-use recreation field or other play areas.
4. Ensure efficient, cost-effective management, maintenance, and operation of water and sewer utilities, in conformance with all regulatory requirements.
5. Establish a policy for paying for capital facility expansion needs over time.
6. Develop proffer policies so that future development helps pay for the additional impacts and public facility costs that it generates.
7. Pursue funding opportunities for art, public events, markets, et cetera.



Shops along Mason Ave.

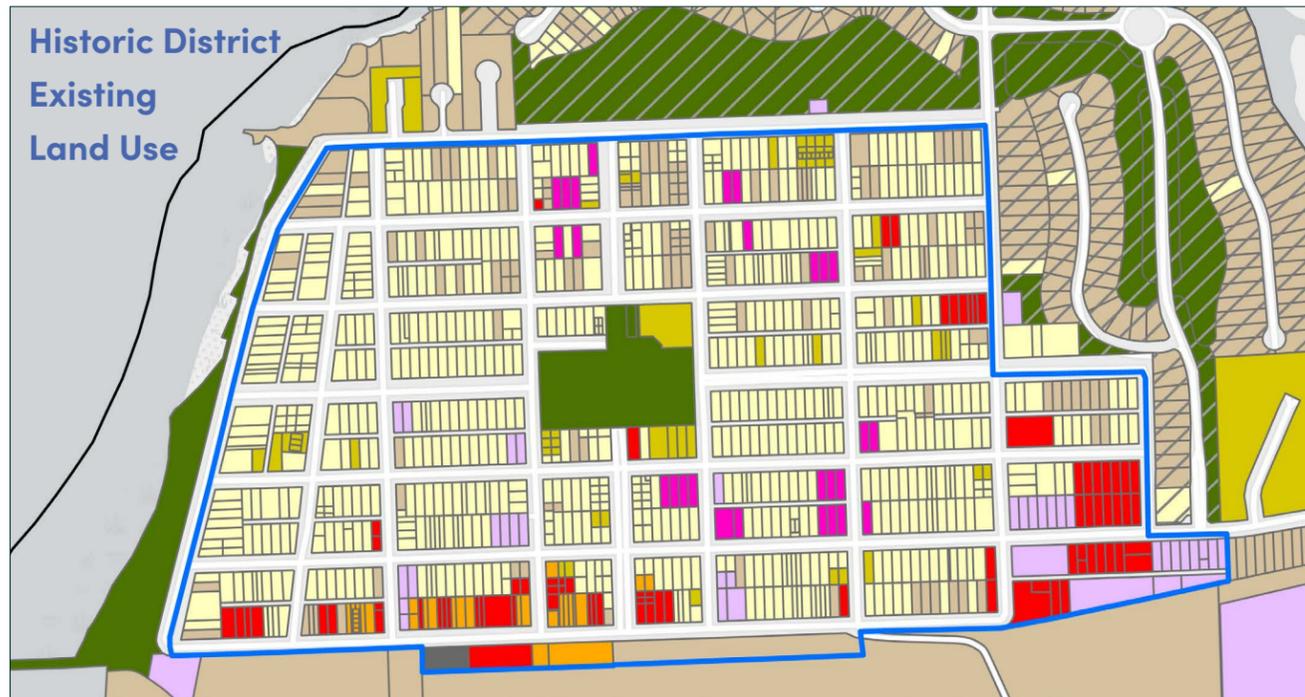
# Land Use & Community Design

- Land Use and Community Design Framework
- Existing Land Use Map
- Land Use and Design Policies
- Open Space Policies

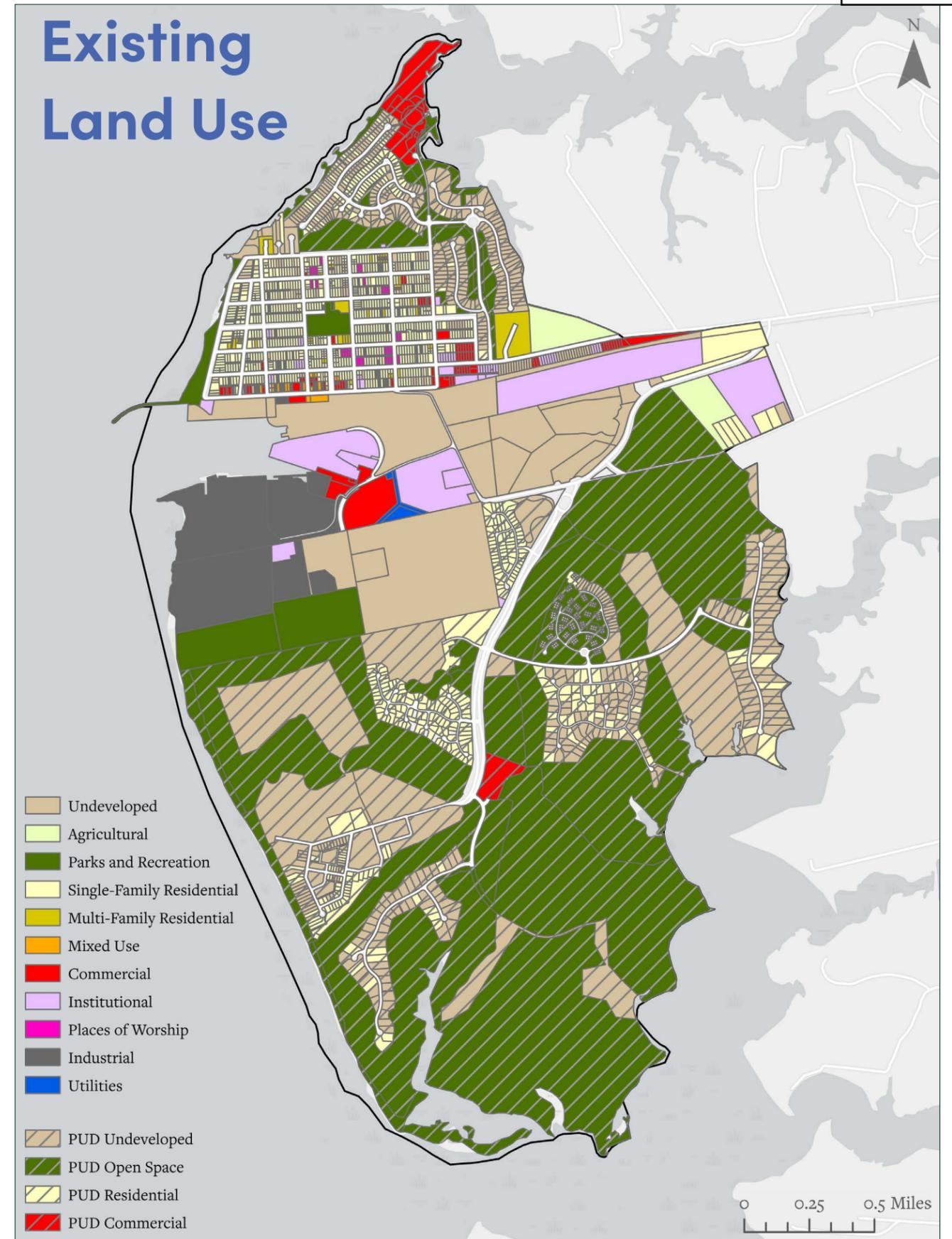
# Land Use & Community Design

## Land Use and Community Design Framework

From 2019 to 2021, the Town of Cape Charles held a series of workshops and meetings to begin updating the Town's Comprehensive Plan. In March 2021, Town Council approved a new Community Strategic Plan that would set the vision, goals, and objectives for Cape Charles. Throughout the meetings and discussions, several common threads or themes emerged. These themes form the cornerstone of the planning process and the source of the fundamental policy direction promoted in the Plan. Many of these themes are directly concerned with basic land use and Town design issues, such as preserving historic character, maintaining the integrity of views and entrance corridors, and ensuring compatible economic development in the future. Others are less tangible but equally important and relevant to planning, such as the preservation of open space, the maintenance and improvement of public infrastructure, and maintenance of an effective transportation network. The following policy recommendations are intended to establish a positive vision for future development, conservation and a sense of community in Cape Charles. They are intended to help implement the townspeople's desires, as expressed in the public meetings and work sessions, to protect the Town's unique and historic small town character through land use and design policies that keep the best of the old and incorporate innovative new development that will keep the town vibrant long into the future.



Map 14. Existing Land Use Historic District



Map 15. Existing Land Use

### Land Use and Design Policies

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

The general layout of the Town, in terms of scale, grid network, the central park, and streetscape amenities (such as sidewalks, alleys, planted medians and street edges, and large canopy trees) greatly contribute to the character of the Historic District. The integrity of this district should be preserved and enhanced through streetscape improvements along Mason Avenue, median restoration and landscaping, and sidewalk improvements. In addition, the Town’s central park should be maintained as an urban/civic amenity that provides a multipurpose space for town events and individual recreation.

2. Promote compatible infill development and renovation within established neighborhoods.

Infill development or renovation within established neighborhoods should be compatible with adjacent structures and the neighborhood as a whole. Accessory dwelling units add diversity to housing types, while maintaining the character and providing affordable options. New development in undeveloped areas should match the prevailing style and character of traditional buildings in Cape Charles. The scale, massing, and materials of new buildings should be traditional and compatible with the Town’s historic architectural fabric.

3. Create new centers of activity to address the commercial, civic and recreational needs of residents and visitors.

New centers of activity should be created to serve the commercial, recreational and civic needs of both residents and visitors. Potential new activity centers include new commercial nodes in Bay Creek, the Harbor area, the area around the Cape Charles Elementary School (also referred to as the Cape Charles Rosenwald School), and the plaza on Strawberry Street. These areas have the potential to become vibrant pedestrian, mixed-use centers that provide a range of recreational, commercial and civic uses to the Town. It is also important to ensure future vehicular and pedestrian connections between these centers. The form and design character of these activity centers should be based on the scale and character of existing centers (i.e. Mason Avenue District).

Cape Charles’ Historic District Review Board (HDRB) is responsible for the creation and enforcement of Historic District Guidelines. These Land Use and Design Policies are based on those Guidelines.

### Open Space Policies

Open spaces and scenic views, both in and around the Town enhance the quality of life for all townspeople and visitors in Cape Charles. The Town should take steps to preserve its valued natural assets and environmental resources, such as woodlands, shorelines, tributary creeks, and marsh grasses. In addition, protection and enhancement of both scenic and recreational open space should be of primary importance in planning for the future of the Town. Specific natural resource policies are addressed in other portions of the Comprehensive Plan. The policies below are intended to address those aspects of the natural and open space features that are part of the overall land use and Town design framework.

1. Preserve the integrity and accessibility of the water’s edge.

Public waterfront access should be an important amenity and identifying feature for the Town. Waterfront areas include the Harbor, the Cape Charles beach, the municipal pier and the Cape Charles Natural Area Preserve. King’s Creek Marina and areas in Bay Creek also provide waterfront access. Preserving the integrity and accessibility of the water’s edge is critical to maintaining the quality of life within the Town. This should be accomplished through measures that integrate the Harbor walkway with the historic core and control shoreline erosion, as well as by enhancing the municipal pier and beach as an amenity for residents and visitors.

2. Protect the viewsheds along Town entrance corridors.

Views along entrance roadways have a significant impact on how the community is perceived. Attractive entryways help entice tourists into the community and leave a positive impression to encourage future visits. Route 184 and Route 642, which serve as the entry roads into Cape Charles, have a rural identity characterized by open farm fields and relatively narrow road widths. The Town should continue to protect the scenic viewsheds along the Route 184 and Route 642 corridors through land use regulations, setback requirements, design standards and landscaping requirements. Because a significant portion of the corridors is governed by County regulations, the Town should work cooperatively with the County to plan for the future character of the corridors. The Town should pursue

the ability to jointly review proposals for properties within the County that influence the Town’s entry corridors.

3. Strengthen and enhance the Town’s green infrastructure.

The Town contains a number of passive and active recreational facilities that serve as an attraction for residents and visitors alike, as well as important environmental functions. The town should strengthen the existing “Green” focal points, such as the Town Central Park, and Cape Charles Natural Area Preserve. New focal points within the Harbor area should be created with greenway connections between these focal points that incorporate environmental features such as wetlands and drainage ways, and urban streetscapes with landscaping and street trees. Connections can either be built in as part of specific revitalization programs or as part of the approval of new development proposals in critical areas.

4. Protect the Town’s scenic, recreational, and open space resources.

The Town’s location along the Chesapeake Bay and its abundant natural resources are a critical part of the Town’s identity and way of life. The Town should protect its scenic, recreational and open space resources by using environmentally sensitive design techniques in new development, preserving existing features during the site plan review process, incorporating low impact development techniques, and restoring and re-vegetating natural areas. In addition, the Town should continue to support efforts to restore and enhance critical habitat and promote the use of native plants in the Town.

5. Encourage support for landscape enhancements in and around Town.

The Town should enhance its current infrastructure of landscaping and green amenities, by promoting a Town-wide street tree program, buffer standards, and specific landscape enhancements.



Shops along Mason Ave.

# Future Land Use

- Future Land Use Map Description
- Future Land Use Map
- Future Land Use Designations

# Future Land Use

## Future Land Use Map Description

This vision for the Future Land Use Plan was developed by the citizens and stakeholders of the Town during public Town Meetings with the Town Council and the Planning Commission. Surveys were also conducted by both the Town and Cape Charles Main Street. The recommendations of the townspeople were incorporated in both the overall policies and in the Future Land Use Plan of the Comprehensive Plan. Specifically, the first meetings focused on identifying a vision for the values we hold and the quality and character of development. Ideas about levels of growth and intensity of development were affirmed at the second public workshop where participants were asked to identify a preferred development concept. Workshop participants overwhelmingly preferred a “low growth” concept, featuring activity centers at Marina Village, Bayside Village, Mason Avenue, and the Harbor.

The Future Land Use Plan is intended to generally maintain and enhance the traditional settlement patterns of Cape Charles. Overall, the guiding principle is to mirror and extend the existing historic pattern of development in the Town as it grows and adapts to new land uses and building types over time. The Future Land Use Plan continues to allow for new and infill development in the existing developed and undeveloped portions of Town. At the same time, the Plan reinforces the current form of the Town and recommends that new development should be an extension of the traditional patterns of growth in Cape Charles.

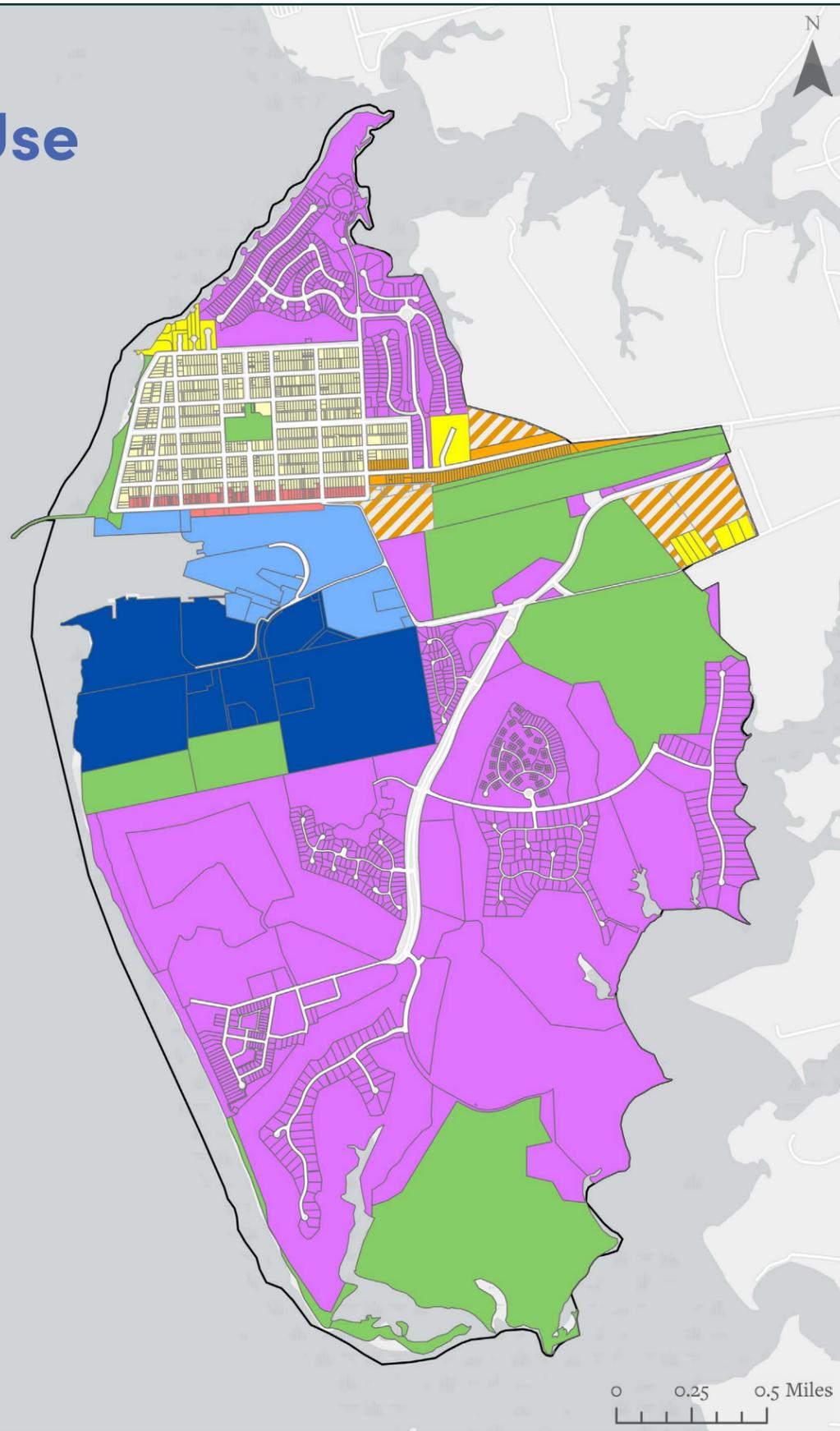
The accompanying map (Future Land Use Map) represents potential land uses, development character and densities as part of the Comprehensive Plan. This Future Land Use map depicts land use designations and districts that are designed to support the overall policies and neighborhood design principles desired by the Town. It is important to note that this map only addresses broad density and land use objectives, not detailed standards. The map is not a standalone document and is to be used in conjunction with the future land use policy language.

In most cases, proposed densities and intensities are expressed in terms of ranges that are appropriate for the types of uses proposed. These ranges are intended to provide flexibility in the application of these policies to individual properties on a case-by-case basis, as the unique characteristics of a parcel are evaluated during the review of a specific development proposal. The following Future Land Use Plan policies propose land use designations and districts that are designed to support the overall policies and traditional neighborhood design principles desired by the Town.



Historic Palace Theatre.

# Future Land Use



Map 16. Future Land Use

## Future Land Use Designations

- Conservation/Open Space:** These areas are intended for the conservation of natural resources and protection of open space. These areas include parks, recreational areas, preserved land, and wetlands.
- Entrance Corridor:** The Entrance Corridor is intended for the development of a mix of commercial and residential uses with appealing visual aesthetics, quality architecture, and high quality landscaping that enhance the character and first impressions of the Town.
- Historic District Mixed Use:** The Historic District Mixed Use category covers part of the existing downtown historic area of Cape Charles along Mason Avenue. Development in this area is intended to reflect the diversity of historic architectural features present in the Town and incorporate the diversity of uses that bring Main Street to life.  
  
This plan allows for more flexible use of historic properties across the district. Rehabilitation of existing historic buildings and infill development should comply with Historic District guidelines with particular attention to how the buildings address the streetscape.  
  
Buildings should have minimal (if any) setbacks from the right-of-way and ground floor uses that engage pedestrians with visually appealing facades.
- Mixed Use:** The Mixed Use category covers limited parts of Cape Charles near the historic town center. Development in this area is intended to incorporate a diversity of uses.
- Historic District Residential:** The Historic District Residential category covers the majority of the original street grid in Cape Charles. Any new development in this area is intended to reflect the historic character of the core residential area and compliment features of existing structures.  
  
This plan recognizes that some historic homes have been converted into lodging and other uses. As such, the plan intends flexibility in use while maintaining the character of the area and quality of life for residents.
- Residential:** The Residential category is intended for a variety of housing types to meet the needs of Cape Charles residents. Development in this area should include housing of various types, sizes, and prices to meet the needs of seasonal workers, families, etc.
- Planned Unit Development:** The Planned Unit Development surrounding the historic area of Cape Charles is intended to accomplish specific development goals, while being complementary to the Town's broader Vision and Objectives. The PUD includes areas designated for conservation to conserve ecological funtion, recreational amenities, and natural aesthetics
- Harbor District:** Further master planning will be conducted to create a strong vision for the Harbor District. The area is intended to develop in a way that mirrors the success of Mason Avenue and nearby historic residential blocks. The district could include a mix of uses on an extension of the highly walkable street grid. Specific Harbor District design guidelines should be developed with particular attention to how buildings address the streetscape and the harbor front to create a lively and attractive extension of historic Cape Charles.
- Harbor District Industrial:** This category is for existing and future commercial and industrial uses along the southern area of the harbor. Although these uses may be intense, the proximity to the deep water harbor is necessary for their function and for the economic diversity of the Town.

# Conservation / Open Space

These areas are intended for the conservation of natural resources and protection of open space. These areas include parks, recreational areas, and preserve lands and wetlands.

## a. Function

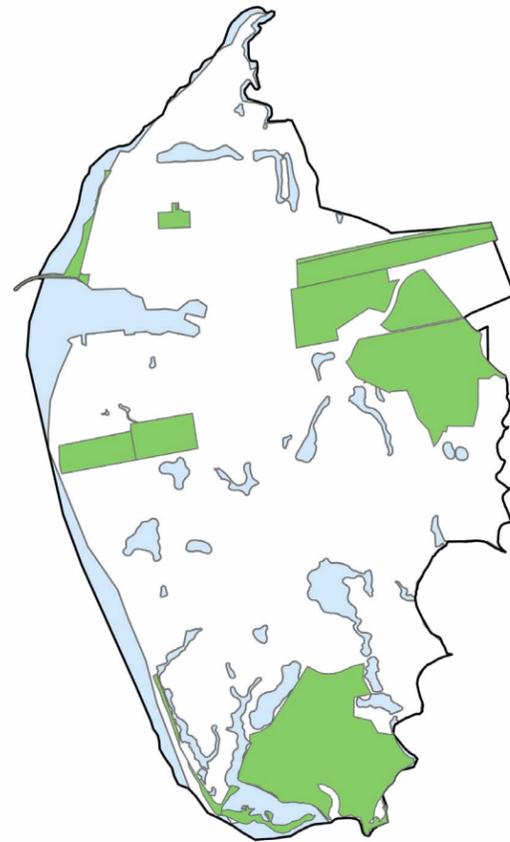
1. To provide open space and conservation areas to meet the physical and environmental needs of the Town.
2. To enhance the Town’s aesthetic appeal along transportation corridors.

## b. Preferred Uses

1. Land Use in the Open Space designation should consist of critical natural resources, such as shorelines and wetlands, as well as agricultural/forestal resources.
2. Open Space areas should also include parks, private golf courses, and other recreational amenities, such as multi-use paths, promenades and plaza.

## c. Design Character and Scale

1. Open space areas should retain existing vegetation, particularly trees, where feasible and reforestation and revegetation of open areas of the site with native plant materials.
2. Where feasible, currently damaged or degraded landscapes and wildlife habitats should be restored and enhanced creating new natural areas and wetlands on the site.
3. Site elements should be arranged to protect and enhance special land characteristics, natural features, rare or endangered species areas, archeological sites, and other unusual natural or man-made site characteristics.



Central Park.

# Entrance Corridor

The Entrance Corridor is intended for the development of a mix of commercial and residential uses with appealing visual aesthetics, quality architecture, and high quality landscaping that enhance the character and first impressions of the Town.

## a. Function

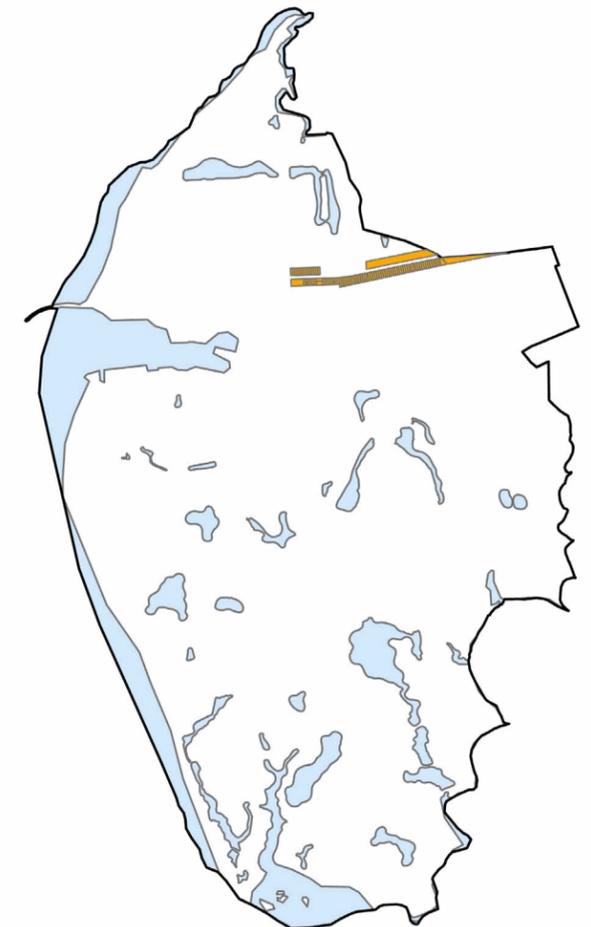
1. To provide a strong sense of a small town-historic character and to promote the continuing concentration of retail businesses and services in predominantly commercial areas.
2. To promote a diverse mix of compatible commercial, entertainment, governmental and residential uses.

## b. Preferred Uses

1. Open space, to include public parks, and highly landscaped uses.
2. Land uses in this district should be small-scale mixed uses including shopfronts, workshops, small offices, housing, and specialty shops catering to local and regional customers, as well as tourists and visitors.

## c. Design Character and Scale

1. Development should generally have a small town-historic character, such as that found along Mason Avenue, with a fine-grained land use pattern at a human scale.
2. Development should combine uses vertically, as well as horizontally (i.e. mixing uses among buildings and within individual buildings), to achieve convenience, and variety.
3. Design elements should be integrated with street trees, benches, and landscaping. Bicycle facilities and usable public spaces should be provided.
4. Vehicular and pedestrian links should extend into the surrounding development.
5. Land use or intensity/density transitions should be provided between nonresidential uses and existing residential areas.



# Historic District Mixed Use

The Historic Downtown Mixed Use category covers part of the existing downtown historic area of Cape Charles along Mason Avenue. Development in this area is intended to reflect the diversity of historic architectural features present in the Town and incorporate the diversity of uses that bring Main Street to life.

This plan allows for more flexible use of historic properties across the district. Rehabilitation of existing historic buildings and infill development should comply with Historic District guidelines with particular attention to how the buildings address the streetscape.

Buildings should have minimal (if any) setbacks from the public right-of-way and ground floor uses that engage pedestrians with visually appealing facades.

### a. Function

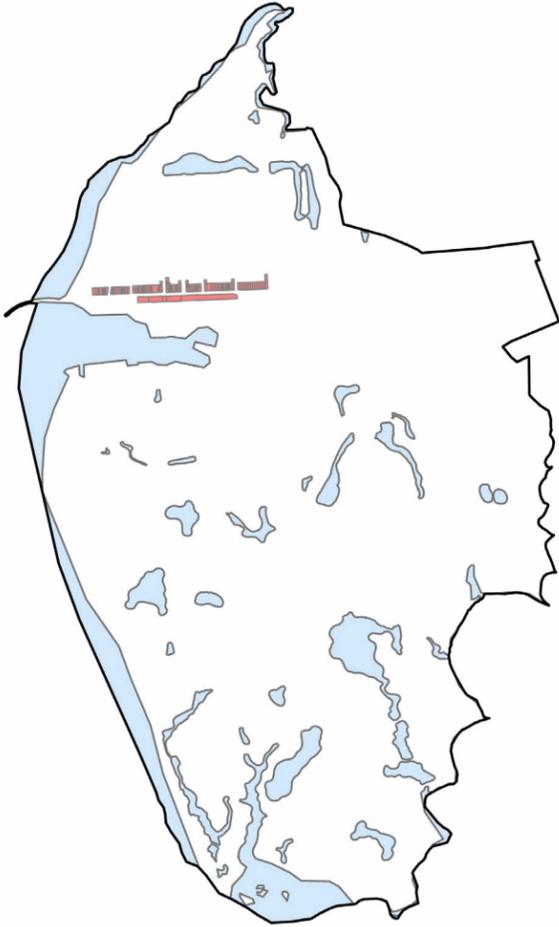
- 1. To provide a strong sense of a downtown “main street” character and to promote the continuing concentration of retail businesses and services in predominantly commercial areas.
- 2. To promote a diverse mix of compatible commercial, entertainment, governmental and residential uses.
- 3. To continue the traditional character of a commercial and mixed-use main street.

### b. Preferred Uses

- 1. Land uses in this district should be small-scale mixed uses including restaurants, shopfronts, workshops, small offices, housing, and specialty shops catering to local and regional customers, as well as tourists and visitors.
- 2. In general, residential uses should be located above the first floor, reserving first floor storefront space for activity-generating uses such as retail shops, restaurants or grocery stores.

### c. Design Character and Scale

- 1. Development should generally have a small-town main street character with a fine-grained land use pattern at a human scale. Blocks should generally not be more than 600 foot long.
- 2. Development should combine uses vertically, as well as horizontally (i.e. mixing uses among buildings and within individual buildings), to achieve convenience, variety and walkability in the district.
- 3. Design elements should be integrated with wide sidewalks, street trees, benches, and entrances to buildings at the edges of street rights-of-way. Bicycle facilities, on-street parking, and usable public spaces should be provided.



- 4. Vehicular and pedestrian links should extend into the surrounding development.
- 5. Land use or intensity/density transitions should be provided between nonresidential uses and existing residential areas.
- 6. It is important to maintain and improve the aesthetics of the downtown area for continued economic revival, and to protect historic buildings from demolition or renovation which would damage their historical integrity.
- 7. Most of the site may be developed as building, parking or paved plaza and access areas. However, there should generally be 10-20% of the site in amenity open space, such as public plazas, landscaping or decoratively paved wide sidewalks or sitting areas.
- 8. Alleys, thoroughfares, and service ways should be utilized to ensure trash pickup and deliveries for commercial establishments are minimized along public right of ways.

### d. Building Design

- 1. Architectural treatment and materials should be compatible with adjacent commercial and residential architecture.



Intersection of Mason Ave & Strawberry St.

# Mixed Use

The Mixed Use category covers limited parts of Cape Charles near the historic town center. Development in this area is intended to incorporate a diversity of uses.

### a. Function

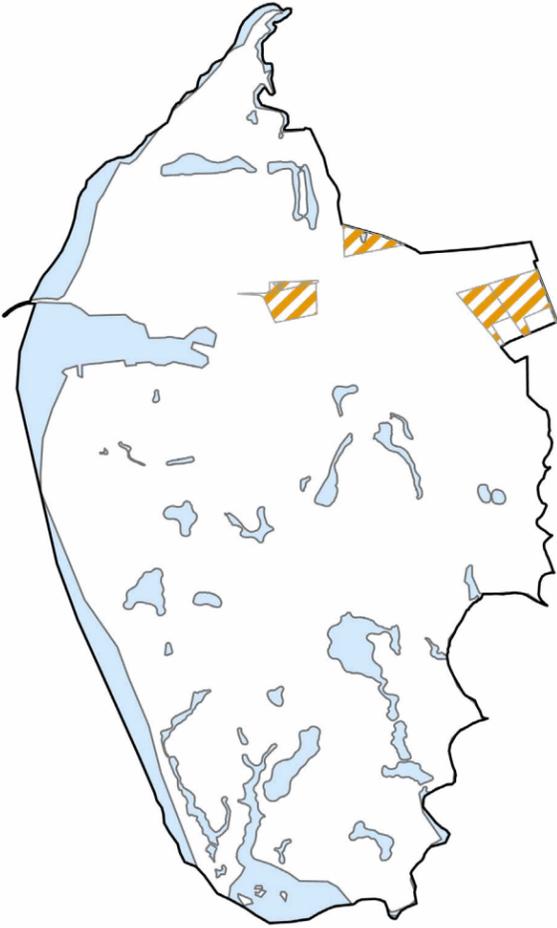
- 1. To promote a diverse mix of compatible commercial, entertainment, governmental and residential uses.

### b. Preferred Uses

- 1. Land uses in this district should be mixed, including public spaces, restaurants, shopfronts, workshops, small offices, housing, and specialty shops catering to local and regional customers, as well as tourists and visitors.
- 2. In general, residential uses should provide more flexible options consistent with activity-generating uses such as recreation activities, retail shops, restaurants, or grocery stores.

### c. Design Character and Scale

- 1. Development should combine uses vertically, as well as horizontally (i.e. mixing uses among buildings and within individual buildings), to achieve convenience, variety and walkability.
- 2. Design elements should be integrated with street trees, benches, and open spaces. Bicycle facilities, on-street parking, and usable public spaces should be provided.
- 3. Vehicular and pedestrian links should extend into the surrounding development.
- 4. Land use or intensity/density transitions should be provided between nonresidential uses and existing residential areas.
- 5. Most of the site may be developed as building, parking or paved plaza and access areas. However, there should generally be 10-20% of the site in amenity open space, such as public plazas, landscaping or decoratively paved wide sidewalks or sitting areas.
- 6. Alleys, thoroughfares, and service ways should be utilized to ensure trash pickup and deliveries for commercial establishments are minimized along public right of ways.



### d. Building Design

- 1. Buildings should generally be located at the edge of the street right-of-way with minimal front setbacks. In scattered locations setbacks should be increased to allow for public outdoor seating for restaurants.
- 2. All facades of buildings should be designed with architectural detail consistent with that of the front elevation of the building.
- 3. Architectural treatment, materials, and colors should be compatible with adjacent commercial and residential architecture.
- 4. The scale, massing, colors and materials of new buildings should be traditional and compatible with the Town’s historic architectural fabric.



\*Example of a Mixed Use building. Source: Congress for the New Urbanism

# Historic District Residential

The Historic Downtown Residential category covers the majority of the original street grid in Cape Charles. Any new development in this area is intended to reflect the historic character of the core residential area and compliment features of existing structures.

This plan recognizes that some historic homes have been converted into lodging and other uses. As such, the plan intends flexibility in use while maintaining the character of the area and quality of life for residents.

Note: Refer to the Historic District Guidelines for more detailed guidelines for development in this district.

## a. Function

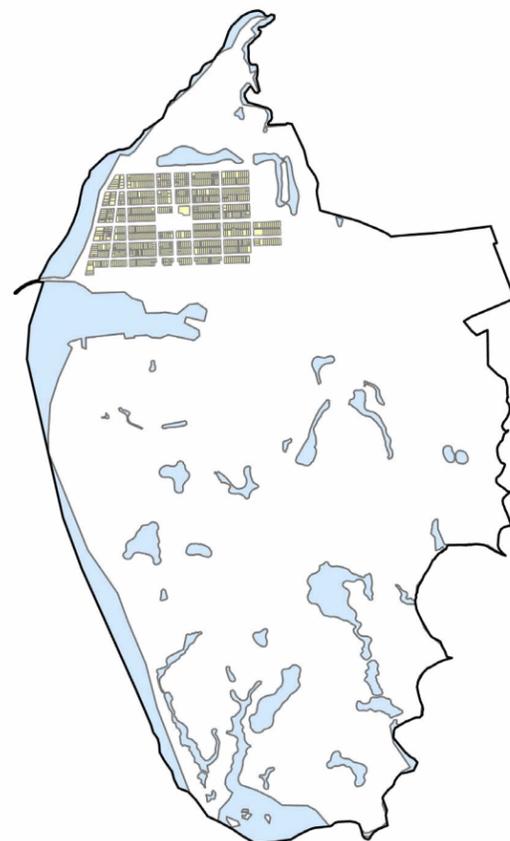
1. To meet the housing needs for the citizens of Cape Charles, while maintaining the single-family residential character of the Historic District.
2. To allow for the diverse mix of compatible, recreational, governmental and residential uses that currently exist in the Historic District.

## b. Preferred Uses

1. Land uses in this designation should consist primarily of single-family dwellings with some multifamily houses, including row houses containing two to four dwelling units per structure, and single-family houses which have been converted into two-family or multi-family dwelling units.
2. A number of publicly owned lands and buildings, such as the Town Hall and Central Park, currently exist in this district. Uses that support the civic and recreational needs of Town residents should be compatible with the existing residential character of the area.

## c. Design Character and Scale

1. Traditional Residential Mixed-Use projects should be compatible with the existing residential character, such as that found along the Town's historic residential streets, with a fine-grained land use pattern at a human scale.
2. All development should be sympathetic with the existing character of the area.
3. Infill development should be compatible with existing residential structures, and promote historic preservation and improve dilapidated properties.
4. Future consideration for multi-family dwellings should be based upon architectural compatibility with the Historic District guidelines.
5. Vehicular, pedestrian and bicycle circulation should tie the district together internally and with surrounding areas.



6. Landscaping should be compatible with the large canopy and flowering trees located along streets, in private yards and in public rights-of-way, and should contribute to the visual character of the area.
7. Design elements that contribute to the character of the residential area should be considered, such as sidewalks and fencing.

## d. Building Design

1. Architecture should be compatible with and reflective of character, materials, and form of the existing traditional residential and commercial buildings in the Historic District.
2. Existing historic structures should be preserved and adapted for reuse over time.
3. New dwellings should complement the historic structures.



Existing Historic District homes.

# Residential

The Residential category is intended for a variety of housing types to meet the needs of Cape Charles residents. Development in this area should include housing of various types, sizes, and prices to meet the needs of seasonal workers, families, etc.

### a. Function

- 1. To meet the housing needs for the citizens of Cape Charles.
- 2. To allow for the diverse mix of compatible residential uses.

### b. Preferred Uses

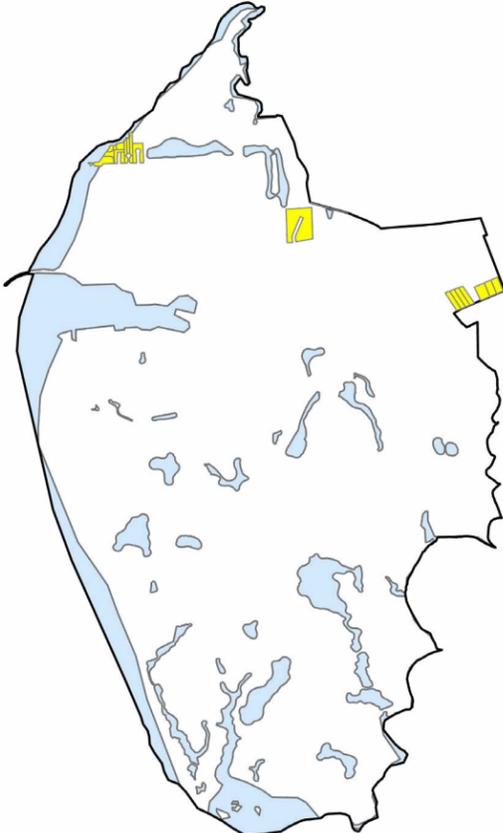
- 1. Land uses in this designation should consist of single-family dwellings, multifamily houses, including row houses containing two to four dwelling units per structure, or single-family houses which have been converted into two-family or multi-family dwelling units.

### c. Design Character and Scale

- 1. Residential projects should be compatible with the existing residential character, such as that found along the Town’s historic residential streets.
- 2. All development should be sympathetic with the existing character of the area.
- 3. Vehicular, pedestrian and bicycle circulation should tie the district together internally and with surrounding areas.
- 4. Landscaping should be compatible with the large canopy and flowering trees located along streets, in private yards and in public rights-of-way, and should contribute to the visual character of the area.
- 5. Design elements that contribute to the character of the residential area should be considered, such as sidewalks and fencing.

### d. Building Design

- 1. Architecture preferably is compatible with and reflective of character, materials, and form of the existing traditional residential buildings in the Historic District.



\*Example of residential buildings. Source: Congress for the New Urbanism

# Planned Unit Development

The Planned Unit Development (PUD) surrounding the historic area of Cape Charles is intended to accomplish specific development goals, while being complementary to the Town’s broader Vision and Objectives. The PUD includes areas designated for conservation to conserve ecological function, recreational amenities, and natural aesthetics.

**a. Function**

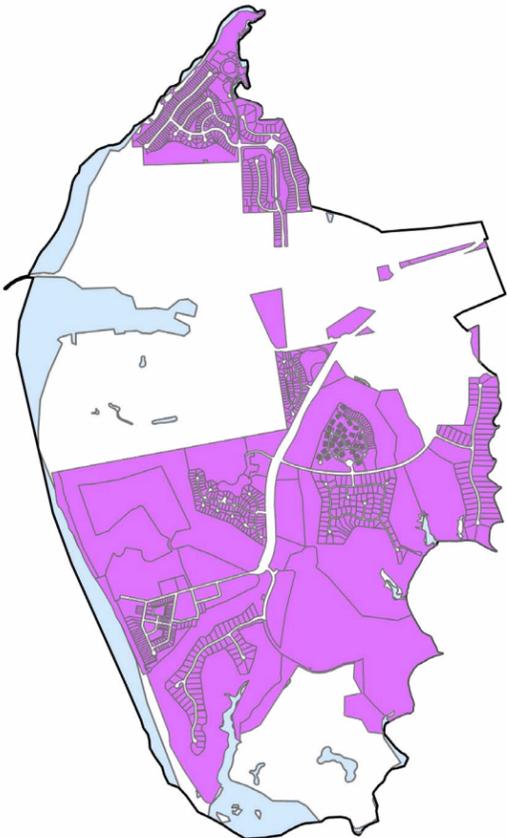
- 1. To allow the continued development of the Planned Unit Development in harmony with the Town.

**b. Preferred Uses**

Land uses in this area should follow the vision of the Planned Unit Development and the vision/objectives of the Comprehensive Plan, and work in harmony with the development of the Town rather than seeking to provide an alternative to Mason Avenue and the rest of Town.

**c. Design Character and Scale**

- 1. Uses shall be designed in keeping with the PUD approval, maintaining high quality natural landscapes and architectural aesthetics.



Bay Creek Golf Course.

# Harbor District

Further master planning will be conducted to create a strong vision for the Harbor District. The area is intended to develop in a way that mirrors the success of Mason Avenue and nearby historic residential blocks. The district could include a mix of uses on an extension of the highly walkable street grid. Specific Harbor District design guidelines should be developed with particular attention to how buildings address the streetscape and the harbor front to create a lively and attractive extension of historic Cape Charles.

Note: Refer to the Harbor Area Conceptual Master Plan and Design Guidelines, once developed.

### a. Function

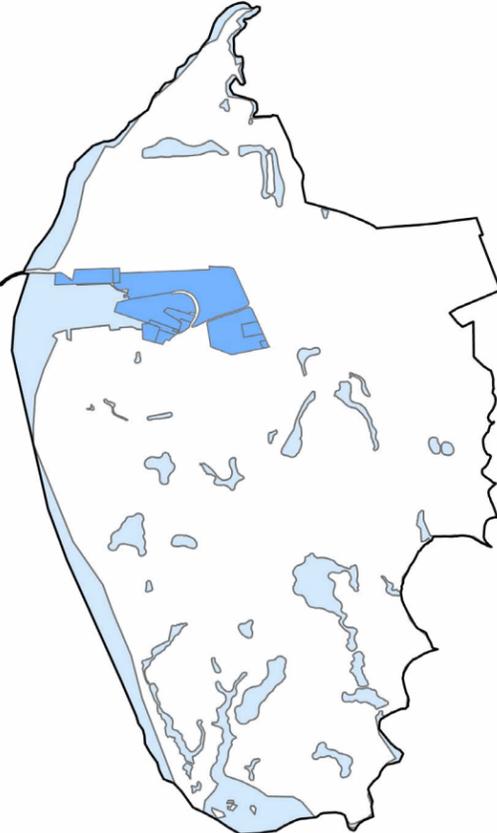
- 1. To provide a vibrant working waterfront that is both a strong economic benefit to the Town and encourages compatible new industry and employment uses.
- 2. To provide places with strong public and recreational value, with public gathering places and access to the water.
- 3. To provide a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its historic traditions.

### b. Preferred Uses

- 1. Land uses in this district should be mixed, including resort and tourism-related retail, waterfront industrial and employment, associated residences, and accessory uses and should support the existing harbor uses.
- 2. In general, residential uses should be located above the first floor, reserving first floor storefront space for activity-generating uses such as retail shops, restaurants or recreational amenities.
- 3. Berthing and marina uses should correspond to the available water depth that exists in the Harbor.
- 4. Open space and recreational uses, such as walkways, greenways, and public plazas and promenades, that provide access to the water should be provided.

### c. Design Character and Scale

- 1. Harbor Mixed-Use projects should be architecturally and visually compatible with the Town's historic built fabric and design character, with a fine-grained land use pattern at a human scale, while still reflecting the best contemporary design and development practices. Blocks should generally not be more than 600 foot long.
- 2. Development should combine uses vertically, as well as horizontally (i.e. mixing uses among buildings and within individual buildings), to achieve convenience, variety and walkability in the district.
- 3. Building edges should be set similar to the existing section of Mason Avenue to create a more orderly pattern of buildings and develop an urban "main street" character.



- 4. Public access and views to the waterfront should be integrated in a way that is compatible with the function of the maritime activity.
- 5. Vehicular, pedestrian and bicycle circulation should tie the district together internally and with surrounding areas and should recognize the unique historic and waterfront environment of the site.
- 6. Alleys, thoroughfares, and service ways should be utilized to ensure trash pickup and deliveries for commercial establishments do not take place along public right of ways.
- 7. Design elements should be integrated with wide sidewalks, street trees, benches, and entrances to buildings at the edges of street rights-of-way. Bicycle facilities, on street parking, and usable public spaces should be provided.
- 8. Landscaping should be provided according to the approved Town landscaping requirements.
- 9. Most of the site may be developed as building, parking or paved plaza and access areas. However, there should generally be 20-30% of the site in amenity open space, as public plazas, landscaping or decoratively-paved wider sidewalks or sitting areas.
- 10. Development on the north side of the harbor should be of a scale similar to that of the Historic Downtown Mixed Use Category, while taller heights may be allowed on the south side of the harbor with a gradual height transition between the north and south sides.

### d. Building Design

- 1. Architecture should be compatible with and reflective of character, materials, and form of the existing traditional residential, commercial and industrial buildings in the Town of Cape Charles.
- 2. Structures and improvements on the site should generally be clustered and compactly designed to allow for minimal disturbance and extensive open space and public areas.
- 3. The traditional gridded layout of streets in the Harbor Area should be reinforced through the placement and design of buildings, travelways, and landscape elements. New streets should extend the existing historic street grid of the Town.
- 4. Development along new or existing public streets should foster a walkable and enjoyable pedestrian environment. New development should avoid large expanses of blank walls, should provide frequent street level entries, and should provide sidewalk amenities such as street furniture and lighting that encourage year-round pedestrian use.

# Harbor District Industrial

This category is for existing and future commercial and industrial uses along the southern area of the harbor. Although these uses may be intense, the proximity to the deepwater harbor is necessary for their function and for the economic diversity of the Town.

### a. Function

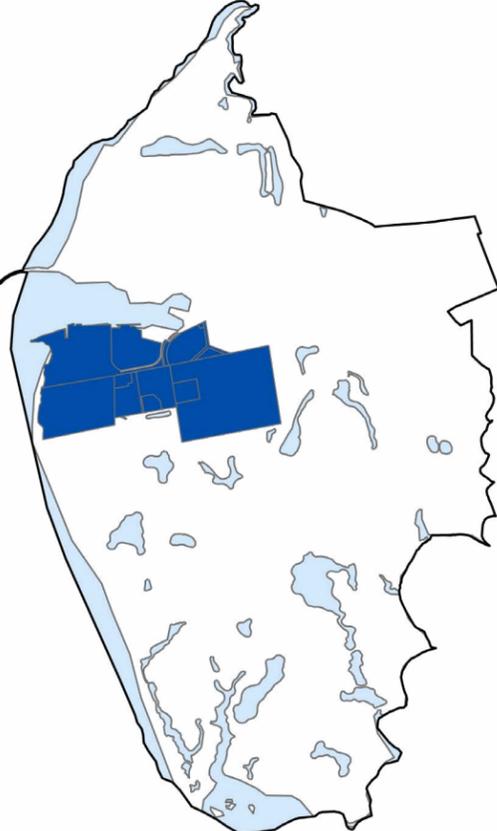
- 1. To provide a broad spectrum of non-tourist related local and regional employment that offers living wage jobs and supports a balanced tax base.
- 2. To encourage cost effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development.
- 3. To serve as a model for advancing the traditional settlement patterns of the Eastern Shore’s towns and employment centers.

### b. Preferred Uses

- 1. Land uses in the designation should consist of office and flexible industrial uses, including corporate headquarters, emerging technologies facilities, and appropriate manufacturing, that support local and regional employment opportunities consistent with the Town’s small town historic character.
- 2. Residential mixed-use areas should be encouraged to complement existing and future employment opportunities.
- 3. Open space and recreational uses, such as walkways, greenways, and public plazas and promenades, should be maintained as an important amenity to the Town.

### c. Design Character and Scale

- 1. Vehicular, pedestrian and bicycle circulation should tie the district together internally and with surrounding areas.
- 2. Office buildings should be located close to the roadways with parking behind, or underneath and/or located in the interior of the development, so that building fronts and entrances face on the street.
- 3. Development along new or existing public streets should foster a walkable and enjoyable pedestrian environment. New development should avoid large expanses of blank walls, should provide frequent street level entries, and should provide sidewalk amenities such as street furniture and lighting that encourage year round pedestrian use.
- 4. Most of the site may be developed as building, parking or paved plaza and access areas. However, there should generally be 10-20% of the site in amenity open space, as buffers, landscaping, greenways or recreational facilities.



- 5. Alleys, thoroughfares, and service ways should be utilized to ensure trash pickup and deliveries for commercial establishments do not take place along public right of ways.
- 6. The use of landscaping and screening devices should be used to the maximum extent feasible adjacent to public rights of way.

### d. Building Design

- 1. Architecture should be compatible with and reflective of character, materials, and features of Cape Charles, while still reflecting the best contemporary design and development practices.
- 2. Structures and improvements on the site should generally be clustered and compactly designed to allow for minimal disturbance and extensive open space and public areas.
- 3. Along major street frontages, buildings may be taller and should decrease in height as they become less visible from the street.
- 4. Building facades should have compatible architectural detail when visible from public areas.



Industrial uses adjacent to Cape Charles Harbor.



Footprints in the sand on Cape Charles Beach.

# Implementation

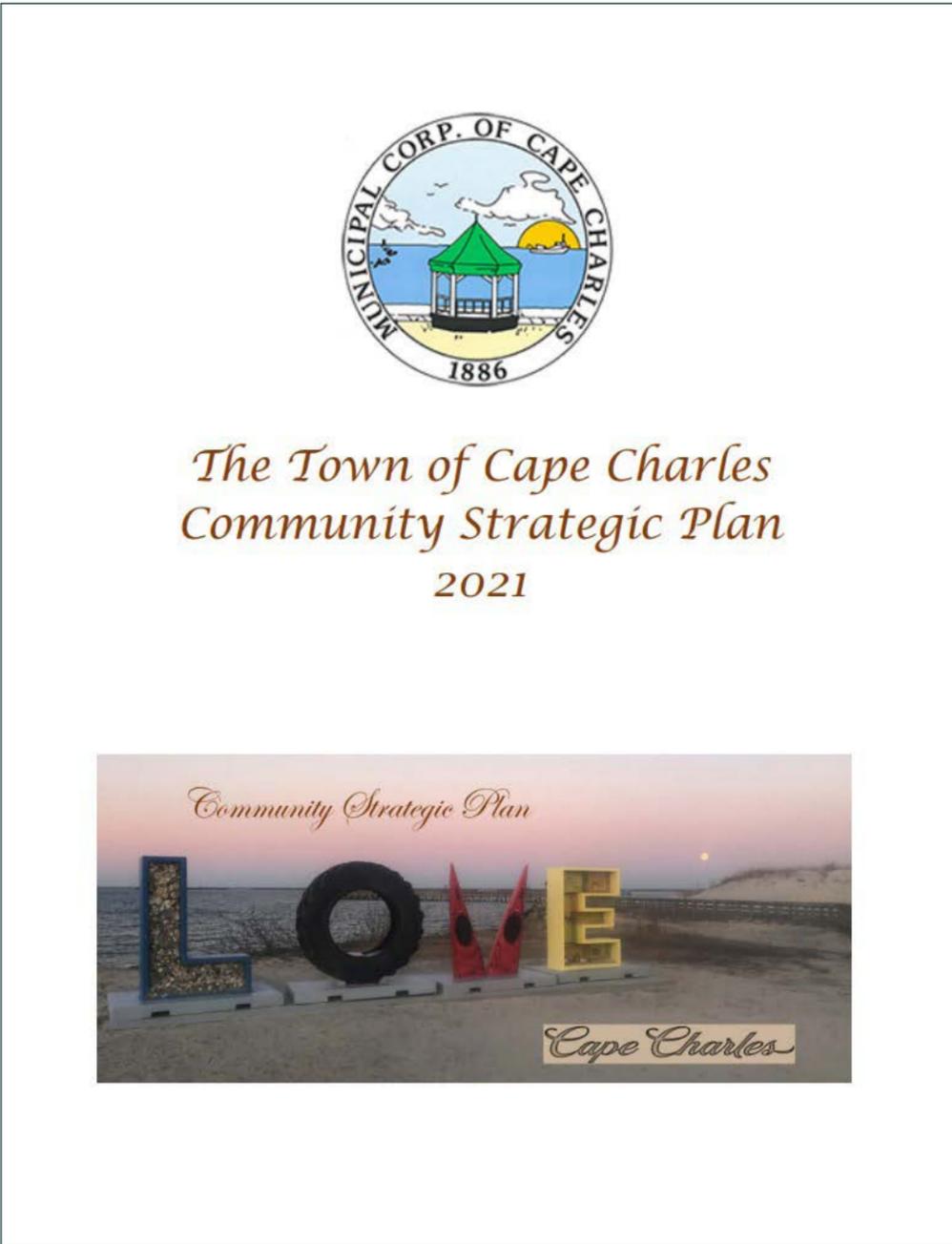
- Relationship to the Community Strategic Plan
- Objectives & Strategies Matrix

**Relationship to the Town’s Strategic Plan**

The most important part of any plan is its implementation strategy. It is acknowledged that as time passes, and decision makers change, priorities may also change. Therefore, it is critical to develop an implementation strategy that can react in real time. For Cape Charles, the annual review/update of the Community Strategic Plan will draw from the objectives and strategies of the Comprehensive Plan and be used as an implementation tool.

The Strategic Plan and the Comprehensive Plan complement one another and share the same vision. The Strategic Plan will implement the Comprehensive Plan over time by determining which of the Comprehensive Plan’s strategies to focus on in the upcoming year. The Strategic Plan is a shorter, simpler, document that can be reviewed and updated every year, with objectives that can be removed as they are implemented and replaced with new ones.

The annual review/update of the Strategic Plan typically occurs between November – February of each year. This process often includes community surveys. The intent is to finalize the Strategic Plan in time for it to inform the development of the Town’s annual budget, which includes capital projects associated with the Capital Asset Management Plan. Once adopted, the annual budget then becomes the work plan for the following fiscal year.



**Housing Objectives & Strategies:**

- Pursue character appropriate additional supply and diversity of housing, including smaller single-family homes, duplexes, town homes, and condos to increase the availability of affordable housing.
  - a. Review the Zoning Ordinance to identify barriers to the development of mixed-income housing, as well as housing diversity that is naturally more affordable by assessing the findings in the report ‘Overcoming Land Use Ordinance Barriers to Housing Development in Northampton County including Town of Cape Charles’ (published May 27, 2022). This would include a review of opportunities to decrease parking minimums and/or setbacks in certain zoning districts to increase the amount of developable land on each parcel.
  - b. Review the findings and recommendations from Eastern Shore of Virginia Regional Housing Study (published March 2022) to inform future land use and housing policy.
- 2. Encourage development of affordable workforce housing.
  - a. Engage local businesses about the housing needs of their employees and distribute said information to County and Regional/State Housing officials.
- 3. Subject to staff resources, participate in housing financing programs.
  - a. Consider participating in programming, loan, and grant initiatives that support affordable housing, such as Tax-Exempt Bond Financing, the Housing Choice Voucher Program, and the Low-Income Housing Tax Credit Program.
  - b. Disseminate housing assistance information focused on available financing for housing rehabilitation (e.g. Livable Home Tax Credits through DHCD, Rehabilitation Tax Credits through USDA); provide and promote these programs with targeted marketing materials on the Town website and in the offices of the Planning & Zoning and Building Departments.
- 4. In accordance with the Code of Virginia Sec 15.2-2223.5, Cape Charles shall incorporate into its comprehensive plan strategies to promote manufactured housing as a source of affordable housing. Such strategies may include (i) the preservation of existing manufactured housing communities, (ii) the creation of new manufactured home communities, and (iii) the creation of new manufactured home subdivisions.
- 5. Address the impacts of short-term rentals (STR) on the existing housing stock. (See also Economy Objective Strategy 1.a)
  - a. Develop and maintain a Town inventory of short-term rental units in collaboration with local real estate/property management groups. Identify whether rentals are located within the Historic District or Bay Creek Planned Unit Development area.
  - b. Coordinate with stakeholders to identify how and when short-term rental units are used.
  - c. Encourage long-term rental conversions through legislation or regulation.

**Economy Objectives & Strategies:**

- 1. Seek a healthy balance between year-round residents, tourists, and second homeowners in Cape Charles.
  - a. Develop short-term rental (STR) regulations to help protect the quality of life for year-round residents.
  - b. Collaborate with Eastern Shore of Virginia Tourism (ESVA), Cape Charles Main Street, and others to promote Cape Charles as a destination.
  - c. Work with other Eastern Shore localities to develop shared strategies for tourist attraction.
  - d. Strengthen and promote available broadband service to increase viability of Cape Charles as a destination for telecommuters and increase broadband hotspot offerings at areas including the Cape Charles Beach, Central Park, and the harbor area.
  - e. Develop and promote events, such as those in outdoor recreation, to attract tourists.
- 2. Attract families with children to Cape Charles.
  - a. Support Northampton County administration and School Board efforts to strengthen local schools.
  - b. Pursue the construction of new playgrounds and recreational facilities, to include facilities for adolescent and teenaged children.
  - c. Collaborate with local organizations to increase the amount of youth programming.
  - d. Provide opportunities for organizations and community members to plan and host events on town facilities, the public right-of-way, etc.
  - e. Promote the development of year-round, family-supporting jobs in appropriate areas.
- 3. Provide opportunities for households to strengthen their economic wellbeing.
  - a. Collaborate with local and regional partners to develop workforce development programs with connections to local industries.
  - b. Partner with colleges and universities, in collaboration with the Northampton County Board of Supervisors, the School Board, and the Eastern Shore Community College, to develop educational opportunities for residents.
  - c. Partner with public/private entities to promote workforce housing development.
- 4. Promote and expand businesses in a business-friendly environment.
  - a. Promote a healthy balance of light industrial and commercial activity around the harbor.
  - b. Engage professional planning and economic consultants to develop concept plans for the Harbor area and railroad property, as well as associated design guidelines for the Harbor area that complement the Historic District.
  - c. Develop public/private collaboration efforts to guide business development, help remove obstacles, and improve access to workforce resources.
- 5. Promote diverse economic benefits for the Harbor area.
  - a. Integrate the area with existing bike and pedestrian networks.
  - b. Promote best management practices for stormwater management and flood protection.
  - c. Provide high-quality public spaces and active street frontages.
- 6. Preserve and expand the local manufacturing base to ensure diverse employment opportunities.
  - a. Collaborate with existing companies to explore opportunities for community events and/or projects that raise the profile of company benefits to the community.

**Economy Objectives & Strategies (Continued):**

- 7. Promote traditional water-based economic activities.
  - a. Engage with local watermen to explore ways the Town can support their businesses.
  - b. Engage with waterfront property owners around the harbor to explore ways the Town can support their businesses.
  - c. Study potential municipal barriers to entrepreneurial efforts in or around the harbor area (e.g. local seafood market).
- 8. Coordinate with Cape Charles Main Street for studying “chains of activity” in Cape Charles to identify any gaps in combinations of how someone can spend their day.
  - a. Study these chains during all seasons of the year.
  - b. Identify strategies to enhance local economy during winter season.
  - c. Attract businesses to fill gaps in chains of activity.
- 9. Identify placemaking opportunities to test temporary events, installations, or other features that attract people to the area and encourage them to spend longer periods of time, particularly during the off-season, to promote Cape Charles as a vibrant community. Placemaking involves the intentional implementation of art, public space furniture, or event programming in a space to encourage the public to interact and spend time in the space. Encouraging greater activity increases sense of “place” and can make better use of previously inactive spaces.
- 10. Update the Accawmacke Plantation Planned Unit Development (PUD) Ordinance that governs the Bay Creek Development to be consistent with the goals and objectives of the Comprehensive Plan.

**Transportation Objectives & Strategies:**

- 1. Reduce traffic congestion by reducing local vehicle miles traveled (VMT) by automobile. Coordinate with Land Use objectives and strategies.
  - a. Plan and implement comfortable, accessible, and convenient multimodal transportation options.
  - b. Prioritize increasing the number of people walking and bicycling in town.
  - c. Inventory bicycle parking available within the town to ensure that all areas of the town have good access to bicycle parking.
  - d. Utilize “ad campaign” style communications about the benefits of prioritizing walking and bicycling in town.
  - e. Promote golf cart use in appropriate areas.
- 2. In cooperation with the Virginia Department of Transportation (VDOT), strive to enhance walkability and complete the sidewalk network, especially in the Historic District.
  - a. Provide sidewalks on all urban streets with clear paths (unobstructed by trees, bushes, street lights, etc.) that are at least 5’ wide.
  - b. Clearly mark pedestrian crossings.
  - c. Use minimal curb radii and/or curb extensions to minimize crossing distances for pedestrians.
  - d. Ensure ADA compliance on all sidewalks.
  - e. Explore the implementation of mirrors at all alleyways to increase visibility for pedestrians.
  - f. Clarify and adopt Town policy regarding sidewalks ensuring the responsible party to implement them is defined.
- 3. Implement new policies and strategies for maintaining safety around golf cart operation.
  - a. Clarify municipal code regarding golf cart operation, ensure that signs are posted with the ordinance notifying golf cart operators that they must use the street and follow other rules of the road.
- 4. Increase the availability of parking while maintaining character.
  - a. Review benefits of providing clearly marked parking spaces on Bay Avenue.
  - b. Expand the existing parking facility south of the Mason Ave corridor to mitigate the impacts of parking on walkability in the area.
  - c. Study parking and create a strategic parking plan to recommend any infrastructure or policy changes.
- 5. Identify ownership and alignment of all of the alleys and access easements in town to ensure accuracy and that maintenance is performed by rightful owner.
  - a. Create plan to clearly identify ownership of all alleys and inform owners of their maintenance responsibilities.
  - b. Determine if existing alignments are correct.
  - c. Determine if additional alleys are needed, or if existing alleys need to be moved, especially behind commercial buildings, and develop a plan to enhance access.

Transportation Objectives & Strategies (Continued):
<p>6. Collaborate with the Accomack-Northampton Transportation District Commission to promote accessible and affordable public transit in Cape Charles and throughout the region.</p> <ul style="list-style-type: none"> <li>a. Collaborate with STAR Transit to pursue convenient, safe, and frequent bus service to key commercial, residential, and recreational destinations.</li> </ul>
<p>7. Complete the construction of the multi-use path connecting the Historic District, the harbor area, and the Bay Creek development.</p> <ul style="list-style-type: none"> <li>a. Make future improvements to the path, including resting areas and bicycle/golf cart parking.</li> </ul>
<p>8. Integrate the Harbor area with existing bike, golf cart, and pedestrian networks.</p>
<p>9. Support the Rails to Trails project connecting Cape Charles to the Route 13 multi-use path.</p>

Environment Objectives & Strategies:
<p>1. Enhance water quality of the Chesapeake Bay.</p> <ul style="list-style-type: none"> <li>a. Support intensifying the monitoring of all measures of the bay’s health.</li> <li>b. Update the Town’s ordinance to reduce the amount of impervious surfaces in town to slow stormwater and contaminant runoff.</li> <li>c. Increase the amount of vegetation and other bioretention infrastructure to filter stormwater before it enters the bay. This could be achieved either through individual projects or with new development.</li> </ul>
<p>2. Continue to promote the strong aesthetics of the town and limit pollution from litter.</p> <ul style="list-style-type: none"> <li>a. Ensure easy access to refuse and recycling bins at town facilities and in public right-of-way.</li> <li>b. Educate residents and visitors of best practices through signage and other materials as necessary.</li> <li>c. Engage with seasonal vendors, such as food trucks, to ensure that they have adequate access to waste receptacles.</li> <li>d. Ensure that stormwater passageways are in good working order and clean from debris.</li> </ul>
<p>3. Utilize best practices, along with infrastructure improvements, to ensure high quality drinking water.</p> <ul style="list-style-type: none"> <li>a. Encourage water conservation measures to ease the load on water treatment equipment.</li> <li>b. Review water quality improvement initiatives from other localities to develop and identify which strategies may be effective in Cape Charles.</li> </ul>
<p>4. Maintain the beach and harbor to protect the long-term viability of their ecological services and economic benefits.</p> <ul style="list-style-type: none"> <li>a. Control dune, beach, and shoreline erosion through regulation and best practices.</li> <li>b. Improve vehicular access from Mason Avenue to town harbor as part of new development to the waterfront.</li> <li>c. Preserve the integrity of and accessibility to the water’s edge.</li> </ul>
<p>5. Promote coastal resiliency through policy, development regulation, and enforcement.</p> <ul style="list-style-type: none"> <li>a. Consider setting new sustainability targets regarding materials, construction practices, etc.</li> <li>b. Consider incentives to promote the use of sustainable development practices.</li> <li>c. Continue active participation in the Resilience Adaptation Facility Tool (RAFT).</li> </ul>
<p>6. Protect natural resources, especially wetlands and other sensitive ecosystems.</p> <ul style="list-style-type: none"> <li>a. Prevent development in environmentally sensitive areas.</li> <li>b. Consider establishment of wetlands bank.</li> <li>c. Conduct annual educational campaigns directed at coastal and creek tributary property owners regarding the Resource Protection Area and the Resource Management Area applicable to their properties. Provide information on best practices regarding landscaping: the maintenance of trees, shrubs, bushes, and other vegetation, as well as appropriate species and sizes to use for replacement, if necessary.</li> </ul>

**Environment Objectives & Strategies (Continued):**

7. Working with the Town Wetlands and Coastal Dune Board, continue to implement Coastal Resources Management guidance from the Virginia Institute of Marine Science.
  - a. Refer to the guidance presented in the locality’s Comprehensive Coastal Resource Management Portal (CCRMP) prepared by VIMS to guide regulation and policy decisions regarding shoreline erosion control.
  - b. Utilize VIMS Decision Trees for on site review and subsequent selection of appropriate erosion control/shoreline best management practices:  
<http://ccrm.vims.edu/decisiontree/index.html>.
  - c. Utilize VIMS’ CCRMP Shoreline Best Management Practices for management recommendation for all tidal shorelines in the jurisdiction.
  - d. Consider a policy where the above Shoreline Best Management Practices become the recommended adaptation strategy for erosion control, and where a departure from these recommendations by an applicant wishing to alter the shoreline must be justified at a hearing of the board(s).
  - e. Encourage staff training on decision making tools developed by the Center for Coastal Resources Management at VIMS.
  - f. Follow the development of the state-wide General Permit being developed by VMRC. Ensure that local policies are consistent with the provisions of the permit.
  - g. Evaluate and consider a locality-wide permit to expedite shoreline applications that request actions consistent with the VIMS recommendation.
  - h. Seek public outreach opportunities to educate citizens and stakeholders on new shoreline management strategies including Living Shorelines.
  - i. Follow the development of integrated shoreline guidance under development by VMRC.
  - j. Evaluate and consider a locality-wide regulatory structure that encourages a more integrated approach to shoreline management.
  - k. Consider preserving available open spaces adjacent to marsh lands to allow for inland retreat of the marshes under rising sea level.
  - l. Evaluate and consider cost share opportunities for construction of living shorelines.
8. Consider the creation of a committee to provide recommendations for increasing the Town’s resiliency to storm events or delegate these responsibilities to the Dunes and Wetlands committee.
9. Assess the feasibility of providing recycling in the Town from year to year. Promote use of the Northampton County recycling drop off service.
10. Study and support efforts to protect Cape Charles existing tree canopy while encouraging new plantings. Follow the guidance found in the Master Tree Plan (see Appendix and/or <https://www.capecharles.org/files/documents/document1463052401090513.pdf>)
11. Evaluate the amount of storm water infiltration into the sewer collection system and develop a corrective action plan.

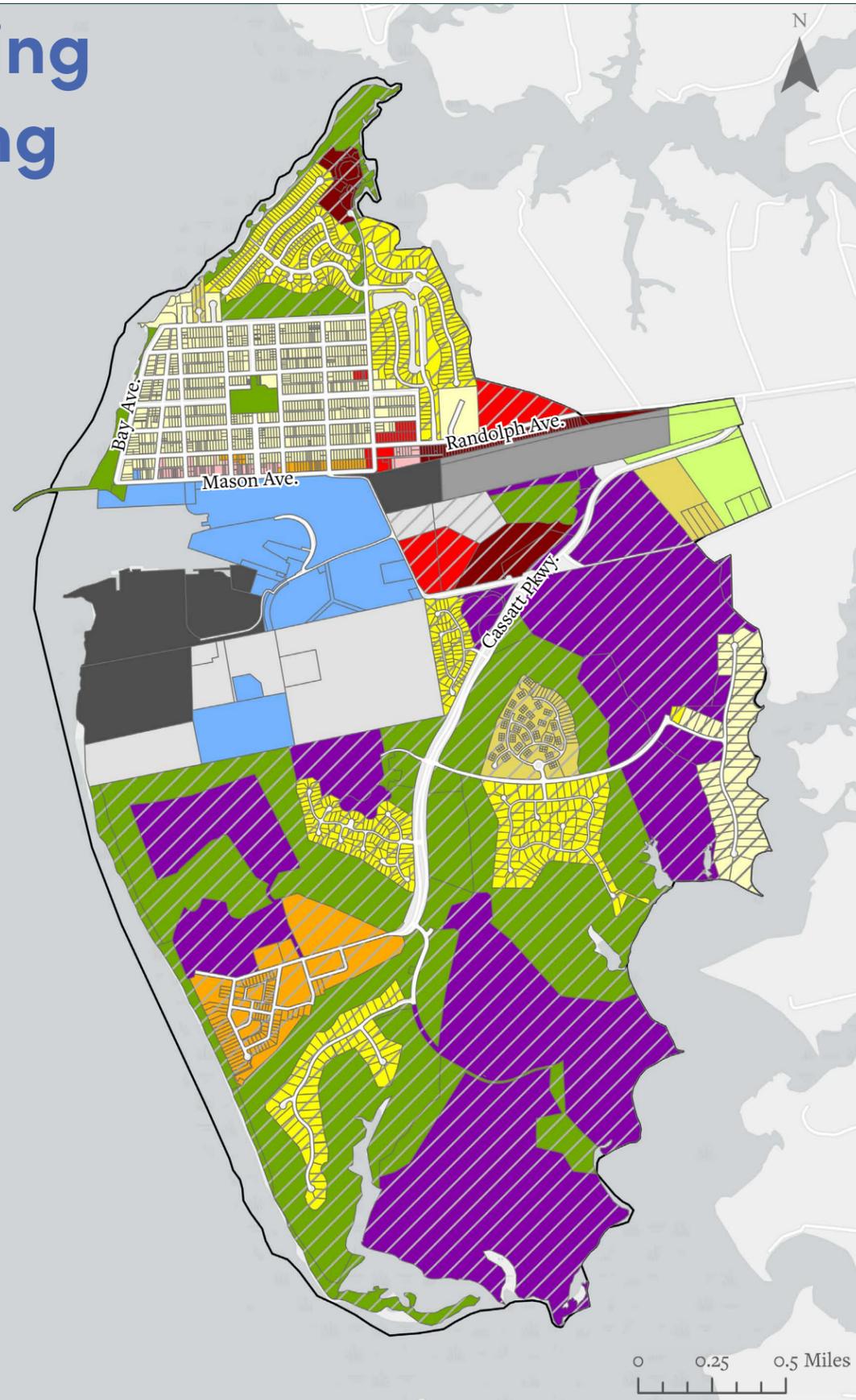
**Community Facilities & Services Objectives & Strategies:**

1. Pursue adequate lighting and other amenities (seating, trash receptacles, water fountains, signage, etc.) for Town designated facilities.
2. Plan for the creation of modernized, accessible, and welcoming municipal facilities.
3. Plan for the creation of amenities, such as a multi-use recreation field or other play areas.
4. Ensure efficient, cost-effective management, maintenance, and operation of water and sewer utilities, in conformance with all regulatory requirements.
5. Establish a policy for paying for capital facility expansion needs over time.
6. Develop proffer policies so that future development helps pay for the additional impacts and public facility costs that it generates.
7. Pursue funding opportunities for art, public events, markets, et cetera.

# Appendix

— Existing Zoning

# Existing Zoning



Map 17. Existing Zoning

# Zoning Classifications

- Open Space
- Residential Estate (R-E)
- Single-Family Residential (R-1)
- Medium Density Residential (R-2)
- Multi-Family Residential (R-3)
- Commercial Residential (CR)
- Commercial District (C-1)
- Commercial District (C-2)
- Commercial District (C-3)
- General Business/Light Industrial (GBI H-1)
- Industrial (M-1)
- Industrial (M-2)
- Harbor District
  
- Planned Unit Development (PUD)
- PUD Open Space
- Low Density Residential (PUD-R1)
- Medium Density Residential (PUD-R2)
- Multi-Family Residential (PUD-R3)
- Residential/Commercial (PUD Village)
- Commercial (PUD-C)
- Specialty Commercial (PUD-SC)
- PUD General Business/Industrial (PUD-GBI)
  
- Cape Charles Boundary

# Existing Zoning - Historic District



# Zoning Classifications

- Open Space
- Residential Estate (R-E)
- Single-Family Residential (R-1)
- Medium Density Residential (R-2)
- Multi-Family Residential (R-3)
- Commercial Residential (CR)
- Commercial District (C-1)
- Commercial District (C-2)
- Commercial District (C-3)
- General Business/Light Industrial (GBI H-1)
- Industrial (M-1)
- Industrial (M-2)
- Harbor District
  
- Planned Unit Development (PUD)
- PUD Open Space
- Low Density Residential (PUD-R1)
- Medium Density Residential (PUD-R2)
- Multi-Family Residential (PUD-R3)
- Residential/Commercial (PUD Village)
- Commercial (PUD-C)
- Specialty Commercial (PUD-SC)
- PUD General Business/Industrial (PUD-GBI)
  
- Historic District Boundary
- Cape Charles Boundary

## **Article IV - General Regulations Applicable to All Districts**

### ***Section 4.0: Home-Based Occupation***

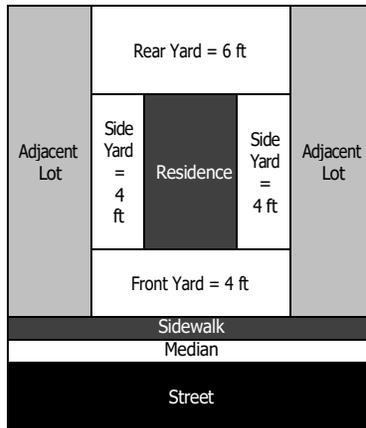
- A. Statement of Intent. The purpose of this section is to allow home-based occupations in all districts that allow residential dwellings provided that the home-based occupation meets the requirements in 4.0 (B) below.
- B. Requirements for a Home-Based Occupation: The conduct of a business in a residence or on its premises is permitted providing the following characteristics are as follows:
1. The home-based occupation is clearly incidental and subordinate to the residential use of the dwelling.
  2. The home-based occupation does not require any changes to the exterior of the dwelling.
  3. Any outdoor storage of goods, products, equipment, solid waste, or other similar items will not exceed the extent associated with normal neighborhood characteristics.
  4. Any accessory building on the property used for the home-based occupation meets all applicable zoning requirements.
  5. The home-based occupation will not create noise, dust, vibration, smoke, smell, glare, electrical interference, fire hazard, or other hazard or nuisance to any greater or more frequent extent than associated with normal neighborhood characteristics.
  6. Any pedestrian and/or commercial delivery traffic generated by the home-based occupation will not be greater than normal traffic in the neighborhood.
  7. Any parking requirements of the home-based occupation will be met by off-street parking.
  8. Home occupations must be constructed wholly within the building or structure and shall not exceed fifty percent (50%) of the total floor area.
- C. If the home-based occupation meets the above requirements and the Home-Based Occupation Affidavit is signed, zoning clearance shall be granted. If the home-based occupation does not meet the above requirements, a Conditional Use Permit will be required.
- D. The following are specifically excluded:
1. Family care homes, group homes except as allowed under [§ 15.2-2291](#) of the Code of Virginia, nursing homes, convalescent homes, elderly care facilities.
  2. Auto repair shops.
  3. Kennels.
  4. Any activity that includes the use of weapons, ammunition, explosives, chemicals, fireworks, or other hazardous materials.
  5. Butchers.

6. Sexually oriented business including adult media, products, or activity.
7. Illegal drugs and equipment used for these drugs.
8. Funeral parlors

**Section 4.1: Exceptions to the Regulations**

- A. Gasoline Pumps. Gasoline pumps shall be setback a minimum of fifteen feet (15') from the property line.
  
- B. Trailer Parking
  1. Storage of travel or recreational trailers in an enclosed accessory building is permitted in any district provided that no living quarters are occupied within the trailer.
  2. Travel and recreational trailers shall be parked to the rear of the front line of the main building in a residential district.
  3. Construction trailers are permitted on the construction site for the duration of the construction project.
  
- C. Structures Permitted Above Height Limitations. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, and similar equipment required to operate and maintain the building, fireproof, or parapet walls, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos, cupolas, or similar structures may be erected above the height limit specified in the district in which the property is located, but no penthouses or roof shall be allowed for the purpose of providing additional floor space.
  
- D. Vision Clearance at Intersections. At any corner lot there shall be no planting, structure, fence, retaining wall, shrubbery, or obstruction to vision more than three feet (3') higher than the curb level within the triangle formed by the street right-of-way lines and a line connecting such street lines twenty-five feet (25') from their intersections.
  
- E. Accessory Buildings. The following restrictions shall apply to accessory buildings located in residential districts.
  1. The accessory building shall not be located in a front or side yard.
  2. The accessory building shall not be closer than five feet (5') to any alley line.
  3. The accessory building shall not be closer than two feet (2') to any side or rear lot line.
  4. The accessory building shall not be closer than fifteen feet (15') from the main building.
  5. A two-story building shall not be located any closer than five feet (5') to any lot line.
  6. The sum of the footprint square footage (SF) of all buildings on the lot shall be less than fifty percent (50%) of the total lot SF.
  7. Where total lot frontage on one (1) or more lots owned by the same party is less than eighty feet (80'), the sum of the footprint of all accessory buildings shall be less than the footprint of the primary residence or five hundred

- and fifty square feet (550 SF) whichever is lesser.
8. Where total lot frontage of one (1) or more lots owned by the same party is greater than or equal to eighty feet (80'), the sum of the footprint of all accessory buildings shall be less than the footprint of the primary residence or six hundred and sixty square feet (660 SF), whichever is lesser.
  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.
  11. Temporary Family Health Care Structures are only allowed per [§ 15.2-2292.1](#) of the Code of Virginia.
  12. Non-conforming lots smaller than five thousand six hundred square feet (5,600 SF) in the R-1 District the total footprint area of all accessory building lot coverage shall not exceed ten percent (10%).
- F. Projections Allowed in Required Setbacks. No building or structure, or addition thereto, shall extend into a required setback area or yard area, except chimneys, heating and cooling equipment, structures less than sixteen inches (16") in height as measured from finished ground elevations, and steps may extend into such setback or yard area other than front yard setback. The following unenclosed uses may extend no more than four feet, but not nearer than five feet to any property line: balconies, eaves, trims, fascia boards, and similar architectural features, platforms, and terraces. Additional uses may project into setbacks, as interpreted and determined by the Zoning Administrator. In Commercial District C-1, no building or structure, or addition thereto, shall extend into the required front setback area or yard area except for the following: above street floor level balconies, porches, and terraces may extend therein. Support members for these structures may extend to the ground as required by the building and maintenance code. No part of any foundation for these support members shall extend above the ground or grade level. The following unenclosed structures located above the first-floor level may extend to the front lot line: porches, balconies, terraces.
- G. Fences and Walls. The setback and yard requirements of this ordinance shall not be deemed to prohibit any otherwise lawful fence or wall. A fence or wall must be two feet (2') from any sidewalk, alley, or public right of way.
1. In residential areas, fences and walls may be no closer than one inch (1") from adjacent property boundaries (unless adjacent property owners agree to jointly construct the fence on the property line) and may be erected to a height as follows:



**Maximum fence heights for interior lots**

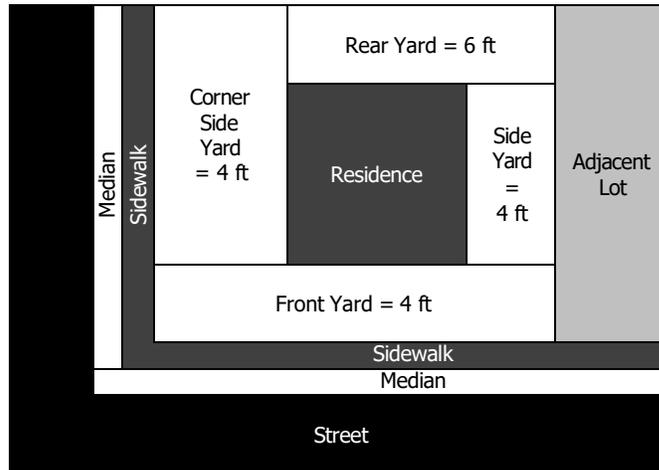
Rear Yard – Not to exceed 6 feet (6')

Side Yard – Not to exceed 4 feet (4')

Front yard – Not to exceed 4 feet (4')

- a. Exception. No fence or wall in a corner side yard shall exceed four feet (4') in height. On corner lots, fences and walls may be erected to a height as follows:

**Corner Lot**



**Maximum fence heights for corner lots**

Rear Yard – Not to exceed 6 feet (6')

Side Yard – Not to exceed 4 feet (4')

Corner Side Yard – Not to exceed 4 feet (4')

Front yard – Not to exceed 4 feet (4')

2. Materials. Fences and walls must be constructed of appropriate materials. Materials, both traditional and contemporary (e.g. wood, wrought and cast iron, vinyl, tubular metal), may be used in traditional styles. Certain materials such as razor, barbed, or similar wire are not permitted in residential areas.

Chain link fencing is acceptable in rear yards not facing a public street. Open mesh fencing that existed as of the effective date of this section of the Zoning Ordinance may be maintained; any new fencing must meet the requirements of this ordinance.

All fencing must be constructed with finished side facing the exterior of the property or neighbor (facing out) unless otherwise agreed upon by the adjacent property owner.

3. Commercial and Industrial Fences. Fences in commercial and industrial zones are permitted if they comply with residential fencing requirements in Section 4.1 (G) (1) and (2). In commercial and industrial zones, the Conditional Use Permit process shall be used for any non-conforming fences. Applicants shall demonstrate that the proposed fencing is consistent with the nature of and/or the security requirements of the business.
- H. Wetlands and Water Areas Excluded From Lot Areas. In calculating the area of any lot for the purpose of compliance with the minimum lot area requirements of the district regulations, wetlands, and areas outboard of the shoreline shall be excluded.
- I. Utility Lines Underground. All new utility lines such as electric, telephone, CATV, or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within a project. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters shall be shown on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.
- J. Accessory Dwellings. One accessory dwelling may be maintained on a property in the R-1, R-2, R-3 and CR zoning districts subject to the following:
1. Physical characteristics.
    - a. Accessory dwellings shall be located in an accessory building.
    - b. Accessory dwellings shall not have a floor area exceeding forty-five percent (45%) of the floor area of the main building.
    - c. Accessory dwellings shall have one kitchen, one bathroom, and a sleeping area.
    - d. Accessory buildings shall not have the appearance of a single-family dwelling.
  2. Occupancy characteristics.
    - a. Length of stay – An Accessory Dwelling Unit may not be rented as a short- term rental. An accessory dwelling unit may be occupied by any person or persons for a period no less than thirty (30) consecutive calendar days either paying a fee for such occupancy at his own expense or at the expense of another thirty (30) day rental or

greater. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the Accessory Dwelling Unit Accessory sits shall provide occupancy documentation and/or information as requested in writing.

- b. The property owner where the Accessory Dwelling Unit (ADU) is located may utilize the ADU as an overflow residential space for members of their family and guests.
3. Other requirements.
- a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
  - b. Accessory dwellings will be required to have their own municipality issues trash receptacle, separate from the main residence/structure.
  - c. Accessory dwellings meeting the requirements of all of the physical characteristics of 4.1 (J) (1) and (2) above must obtain a Certificate of Completion for Accessory Dwellings from the Code Official, which is equivalent to a Certificate of Occupancy. In order to issue said Certificate, the Code Official will conduct an inspection to determine compliance with the Building Code.
  - d. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
  - e. Parking shall be in compliance with Section 4.5 using both on and off-street parking areas.
  - f. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.
  - g. Annual Certifications to be submitted to the Town by March 15 of each year to the Building and Planning Departments.
    - i. The property owner will submit an annual affidavit on Town Affidavit Form for Accessory Dwellings attesting to their acknowledgement and adherence to the Zoning Ordinance requirements for Accessory Dwelling Units.
    - ii. The property owner will submit an annual affidavit on Town Affidavit Form for Safety Compliance for Accessory Dwelling Units.
    - iii. If the property owner changes between March 16 and December 31 of the calendar year, the new property owner will be required to submit both a new Town Affidavit Form for Accessory Dwellings and a Town Affidavit Form for Safety Compliance for Accessory Dwelling Units no later than thirty (30) days from the property transfer.

K. Sidewalks for Infill Development

For Infill Development in any zoning district, construction of a sidewalk is required along the entire street frontage of a lot or parcel that abuts a primary or secondary road at the time when an application is filed for the development of a lot or parcel, whether for residential, commercial, municipal or industrial development. If the lot is a corner lot, then sidewalk developments shall be required for both the frontage of the lot as well as for the side yard adjacent to the road, if there is an existing sidewalk network parallel to the road system.

Said sidewalk must be equal to the same width size of the existing network infrastructure and to be no lesser than five feet (5') in width; said sidewalk construction shall blend any new segment of sidewalk to become part of a continuous, connected and level sidewalk.

At least one (1) walkway must be provided from an adjacent sidewalk to each building entrance designed for use by the general public that is located on the side of the building facing the sidewalk.

L. Accommodations Relative to the Americans with Disabilities Act (ADA) and the Fair Housing Act:

A property owner may request a reasonable accommodation to rules, policies, practices and procedures for the siting, development and use of housing if you meet all of the following criteria:

1. Have a disability as defined under the Americans with Disabilities Act (ADA) or the housing is for people with disabilities;
2. May need a reasonable accommodation to existing rules and regulations to have an equal opportunity to housing; and
3. The request for accommodation would not be an undue burden on the Town.

Administrative Review and Approval: These types of accommodations may be granted administratively through the Zoning Administrator: the provision of ramps, exterior chair lift and other similar types of facilities or equipment, or accessible parking spaces.

M. Bed and Breakfast Criteria

Bed and breakfasts, provided the following requirements are met:

1. The owner and family must occupy the residence. The owner and his/her appointed agent are responsible for supervising guests.
2. The single-family dwelling appearance must be maintained.
3. Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Table 4.5 (Minimum Parking Space Requirements Table) using both on and off-street parking areas.
4. The number of accommodations shall be subject to recommendation by the Planning Commission and approved by the Town Council.
5. The following ancillary, or accessory, business uses are permissible

through a conditional use permit application for a Bed & Breakfast or may be applied for as a modification of the approved conditional use permit for the Bed & Breakfast:

- a. Bicycle rentals
- b. Gift shops, located within either the principal residence or buildings identified as part of the Bed & Breakfast and not to exceed twenty percent (20%) of the total floor space of the Bed & Breakfast
- c. Electric vehicle charging stations

**Section 4.2: Conditional Use Permits**

- A. **Statement of Intent.** The purpose of this section is to recognize certain uses which, by nature, can have a potentially unfavorable impact on or be incompatible with other uses of land within a given zoning district. These uses, as described, may be permitted within given designated districts under controls, limitations, and regulations of a conditional use permit. It shall be the duty of the Town Council under the provisions of this ordinance to evaluate the impact and the compatibility of each use and to stipulate such conditions and restrictions including those specifically contained herein as will assure the use being compatible with the neighborhood in which it is located, both in terms of existing land uses and conditions and in terms of development proposed or permitted by right in the area or, where that cannot be accomplished, to deny the use as not being in accordance with the adopted comprehensive plan or as being incompatible with the surrounding neighborhood.
  
- B. **Conditions for Issuance.** Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provision of this ordinance in the specific districts provided that the Town Council, upon recommendation by the Planning Commission, shall find that after duly advertised public hearing the use will not:
  1. Adversely affects the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood.
  2. Be detrimental to public welfare or injurious to property or improvements in the neighborhood.
  3. Be in conflict with the purpose of the comprehensive plan of the town.

In granting any conditional use permit, the Town Council shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

- C. **Procedures.** Written application for a conditional use permit may be made by any property owner, tenant, department, board, or bureau of any government agency. The application shall be filed with the Zoning Administrator on forms provided by the town. The application shall be accompanied by a fee established by separate ordinance by the Town Council to defray cost of advertising and processing the application. A site plan in accordance with the site plan ordinance shall be submitted with each application. A list of additional required permits shall be

submitted with the application and shall be submitted to the Planning Commission with the application, and the Zoning Administrator may add any additional required permits. Changes to the additional permit list may be made by mutual consent of the applicant and the commission. No changes shall be made to the list after the Planning Commission recommendations to Town Council. Conditional use permits shall include a disclosure statement, signed by the applicant and notarized, of the equitable ownership of the real estate affected, which shall list the names and addresses of all the adjacent property owners and interested parties, including applicant, owners, contractors, purchasers, and lessees of the land described in the application, all partners, both general and limited, and partnerships, stockholders, officers, and directors. The applicant shall keep this information current at all times during the processing of the application. The procedures for approval of a conditional use permit shall be the same as those prescribed for zoning changes as set forth in this ordinance.

1. Action by the Zoning Administrator. The Zoning Administrator shall study the application and determine whether the proposed conditional use conforms to the general purpose and intent of the comprehensive plan, any applicable regulations that have been adopted, and the requirements of this ordinance. Upon completion of such review, if the administrator shall determine that any proposal in the application does not meet the requirements of this ordinance, he/she shall reject the application and return it to the applicant. If the applicant does meet the requirements of this ordinance, the administrator shall transmit all the findings and recommendations to the Planning Commission. However, nothing herein shall prohibit the administrator from accepting a conditional use permit application if failure to meet applicable requirements is due solely to area or dimension insufficiency of the lot upon which it is proposed. Any appeal of the Zoning Administrator may be made directly to the town manager.
2. Action by the Planning Commission. After receiving the report of the administrator with all pertinent materials, the Planning Commission shall give notice of and hold a public hearing. Within forty-five (45) days after the hearing, the Commission shall submit its recommendations to the Town Council through the Zoning Administrator. Upon mutual agreement between the Commission and the applicant, such time may be extended.
3. Action by the Town Council. After receiving the recommendations of the Zoning Administrator and the Planning Commission, the Town Council shall hold a public hearing and act upon the proposed conditional use permit, granting the applicant in whole or in part, with or without modifications, or denying the proposed application. In addition to the general or specific requirements set forth in the ordinance concerning the proposed use, which shall be considered minimum requirements with respect to the permit, additional requirements, conditions, and safeguards may be added by the Town Council as required for the protection of public interest in the specific case.

- D. Approval of a conditional use permit shall be valid for only the specific use it covers in the specific location designated for a period of one year after approval by the Town Council and the completion of the additional permit process as requested in the application. Applicant shall apply or have applied for all additional permits as provided to the Planning Commission and as required by the Zoning Administrator within one month of the approval by the Town Council. If Applicant fails to apply for any such permit within this time period, the conditional use permit shall be effective as of this date, thirty (30) days after the Town Council approval, unless the Town Council allows for additional time for such application or applications.
1. Staff shall notify Town Council of the date that all additional permits have been approved, which date shall be the commencement date for the one (1 yr) Conditional Use Permit
  2. Staff shall notify Town Council of the status of the project at a regular meeting prior to the expiration of the one year (1 yr) Conditional Use Permit.
- E. If not acted upon within one six months (6 mos), the conditional use permit shall become null and void, unless an extension of time is approved by the Town Council for good cause shown before the expiration of the Conditional Use Permit. Town Council may make additional one-year (1 yr) extension for good cause. To be considered, one (1) or more of the following is required, and may be determined by the Zoning Administrator:
1. The procurement of an active Cape Charles Building Permit
  2. Payment of Water and Wastewater Connection and Facility Fees
  3. Completed Plans stamped by a Virginia Licensed Professional
  4. Commencement of site preparation or construction
- F. No application for a use permit for the same conditional use on a lot, parcel, or tract shall be considered by the Town Council within a one-year (1 yr) period from its last consideration. The provisions, however, shall not impair the right of the Town Council to propose a use permit on its own motion if it finds that there is public benefit to be gained.
- G. Revocation of a Conditional Use. If the provisions of this ordinance or the requirements of the conditional use permit are not met, then the Town Council may revoke the conditional use permit provided that ten (10) days' written notice is given to the applicant.

**Section 4.3: Landscaping and Screening Regulations**

- A. Statement of Intent. The intent of this section is to protect water quality by minimizing erosion and sedimentation, enhancing the infiltration of storm water runoff, and maximizing nutrient uptake. The intent of this section is also to preserve and enhance the aesthetics of the Town, to reduce the negative impact such as noise and glare of uses and structures which are in close proximity to each other and generally regarded as incompatible, to promote attractive landscaping in

commercial and industrial districts of the Town.

A comprehensive plan for each individual lot or parcel is essential for the visual enhancement of the Town and to protect and promote the appearance, character, and economic values of neighborhoods. The purpose and intent of such landscaping requirements are to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety. Landscaping will provide transition and buffers between neighboring properties.

**B. General Requirements**

1. Landscaping shall be required in all commercial and industrial districts.
  - a. The owner or his agent shall be responsible for the maintenance, repair, and replacement of all landscaping materials as may be required by the provisions of this Article.
  - b. All plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris at all times. All unhealthy, dying, or dead plant materials shall be replaced during the next planting season.
2. Commercial and industrial district uses that abut residential zones shall provide a landscape buffer or screened area between districts.
3. All parking lots shall be screened and landscaped from adjoining properties or every other use and zoning district.
4. Land disturbance shall be limited to the area necessary to provide for the desired use or development.
  - a. Ingress and egress during construction shall be limited to one access point unless otherwise approved by the Zoning Administrator.
5. Indigenous vegetation shall be preserved to the maximum extent possible with the use and the development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook and the Chesapeake Bay Act.
  - a. Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities as approved by the Zoning Administrator.
  - b. Prior to clearing or grading, suitable protective barriers such as safety fencing shall be erected five feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
  - c. Trees may be pruned or removed as necessary to provide sight lines and vistas provided that, where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint pollution from runoff. Preservation of existing trees is encouraged to provide continuity, improved buffering ability, pleasing scale, and image.

- d. Any path shall be constructed and surfaced so as to effectively control erosion.
  6. Any land-disturbing activity exceeding two thousand five hundred square feet (2,500 SF), including construction of single-family homes, shall comply with the requirements of the Erosion and Sediment Control Regulations.
  7. The comprehensive plan for each parcel shall include the requirement to retain the one-hundred-foot (100') Resource Protection Area (RPA) and associated buffer area.
- C. Commercial and Industrial Requirements
1. Required open spaces shall be landscaped in accordance with a landscape plan to be submitted with the site plan and approved by the Zoning Administrator.
  2. Screening shall be provided along the common side and rear lot lines of every commercial and industrial district that abuts a residential use or zone. Such screening shall include either fencing or shrubs and trees that provide six feet (6') in height barrier to visual observation. Screening shall be shown on the landscape plan submitted.
  3. Parking lots. There shall be a landscaped open space within the perimeter of the parking areas in the minimum amount of two square feet (2 SF) per parking space. At least one (1) tree shall be planted for each forty square feet (40 SF) of landscaped area.
- D. Multi-Family Developments and Mobile Home Parks
1. Screening is required for multi-family developments and mobile home parks that abut single-family districts or uses.
  2. Parking areas may require landscaping and screening in multi-family and mobile home parks. Where required, other provisions of this ordinance shall apply.

## ***Section 4.4: Outdoor Lighting***

### ***4.4.1: Purpose and Intent***

The purpose of this section is to establish outdoor lighting standards that reduce the impacts of glare, light trespass and over lighting; promote safety and security; and encourage energy conservation.

### ***4.4.2: Applicability***

- A. This section shall apply to the installation of new outdoor lighting fixtures or the replacement of existing outdoor lighting fixtures in all zoning districts. Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of the fixture. Routine lighting maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing and other similar components shall not constitute replacement and shall be permitted provided such changes do not result in a

higher lumen output.

- B. Outdoor lighting fixtures, legally installed for commercial use and existing prior to December 19, 2024 that do not conform to the provisions of this section shall be deemed to be a lawful nonconforming use and may remain. A nonconforming lighting fixture that is changed to or replaced by a conforming lighting fixture shall no longer be deemed nonconforming.

#### **4.4.3: Definitions**

**FOOT CANDLE** is the illumination on a one-square foot surface from a consistent light source. One foot candle (1 fc) is enough light to saturate a one (1) foot square with one (1) lumen of light. A foot candle does not measure the intensity of light at its source but instead measures the brightness of the space being lit.

**CUT-OFF.** A fixture that emits no more than two and a half percent (2.5%) of its light above ninety (90) degrees and no more than ten percent (10%) above eighty (80) degrees from horizontal. (Illuminating Engineering Society of North America definition)

**FULL CUT-OFF.** A fixture that emits zero percent (0%) of its light above ninety (90) degrees and no more than ten percent (10%) above eighty (80) from horizontal. (IESNA definition)

#### **4.4.4: Standards**

- A. A full cut-off lighting fixtures shall be mounted horizontal to the ground and shall be used for all walkways, parking lot, canopy and building/wall mounted lighting and all lighting fixtures located within those portions of open-sided parking structures that are above ground.
- B. Lighting used to illuminate flags, statues, signs or any other objects mounted on a pole, pedestal or platform, spotlighting or floodlighting used for architectural or landscape purposes, shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated. Directional control shields shall be used where necessary to limit stray light. In addition, such lighting shall be shielded to protect motorists and pedestrians from glare.
- C. All construction site lighting, with the exception of lighting that is used to illuminate the interiors of buildings under construction, shall use full cut-off or directionally shielded fixtures that are aimed and controlled so the directed light shall be substantially confined to the object intended to be illuminated. Directional control shields shall be used where necessary to limit stray light. Frosted light bulbs shall be used to light the ten-foot (10') outermost perimeter area of the interiors of the buildings under construction.

- D. High intensity light beams in the form of outdoor search lights, lasers or strobe lights are prohibited.
- E. Light poles in all parking lots areas shall not exceed a maximum height of twenty feet (25') including the base.
- F. Wherever possible, illumination of outdoor seating areas, building entrances and walkways is accomplished by use of ground mounted fixtures not more than four feet (4') in height.
- G. Wall mounted lights, other than entry lights of one hundred watts (100 w) or less, shall be fully shielded luminaries, such as shoebox or can fixtures, to direct all light downward and to prevent the light source from being visible from any adjacent residential properties and public street rights-of-way. Wall pack lights on buildings may be used at entrances to a building to light unsafe areas. Such lights cannot be used to draw attention to the building or provide general buildings or site lighting. Wall packs on the exterior of the building shall be fully shielded, fully cut-off, to direct light vertically downward at an angle that shall limit output to prevent glare onto adjacent properties and be one hundred watts (100 w) or less. Wall pack lights visible from any location off site are prohibited.

**4.4.5: Plan Required**

A photometric plan shall be provided that indicates all outdoor lighting fixtures exclusive of streetlights will not have a source of illumination that is visible beyond the site or cause illumination of adjacent properties in excess of half a foot-candle (0.5 fc), as measured at the site boundary. Where lighting is located along a street with existing street lights and/or along a common property line with another commercial parking lot with pre-existing lighting levels exceeding the half a foot-candle (0.5 fc) maximum, the half a foot-candle (0.5 fc) requirement may be waived when it can be demonstrated to the satisfaction of the Zoning Administrator that compliance is not possible due to pre-existing non-conforming overlapping light sources, and the proposed lighting does not intensify the non-conforming condition.

**4.4.6: Standards for Certain Uses**

In addition to section 4.4 (4), outdoor lighting fixtures associated with service stations, service station/mini-mart and vehicle sale, rental and ancillary service establishments shall be subject to the following:

- A. Service station and service station/mini-mart canopy lighting shall not exceed a maintained level of twenty foot-candles (20 fc) under the canopy as measured horizontally at grade at the inside of the outside edge of the canopy. All underside canopy lighting shall consist of full cut-off lighting fixtures.
- B. Outdoor display area lighting used in conjunction with a vehicle sale, rental

and ancillary service establishment shall not exceed a maintained lighting level of twenty foot-candles (20 fc) as measured horizontally at grade. For the purpose of this section, outdoor display areas shall include all display/storage areas for vehicles offered for sale or rent and the associated travel lanes.

**4.4.7: Exemptions**

The following shall be exempt from the provisions of this section:

- A. Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, Federal and State Occupational Safety and Health Administrations or other federal, state or town agencies, to include streetlights within the public right-of-way.
- B. Outdoor lighting fixtures required by law enforcement, fire and rescue, the Virginia Department of Transportation or other emergency response agencies to perform emergency or construction repair work, or to perform nighttime road construction on major thoroughfares.

**Section 4.5: Off-Street Parking and Loading Standards**

A. General requirements.

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

- B. Minimum number of parking spaces required.
1. The following are the parking space requirements by permitted use:
    - a. For any use not listed, the Zoning Administrator shall determine the proper requirements by classifying the proposed use among the uses specified herein as to assure equal treatment. In making any such determination, the Zoning Administrator shall follow the principles set forth in the statement of purpose for the zoning ordinance in Article I.
    - b. New infill structures or change of use projects on the first floor of structures in Commercial Districts shall be exempt from complying with the requirements of this section. New uses or changes of use units above the first floor shall be required to conform to the parking requirements set forth herein.
  2. Maximum number of parking spaces.
    - a. The total number of permitted parking spaces shall not exceed one hundred and ten percent (110%) of the minimum number of off-street parking spaces required by the type of permitted use, except when the excess spaces are contained in a parking structure.
    - b. Any parking not included within a parking structure that is between one hundred (100%) and one hundred and ten percent (110%) of the minimum number of off-street parking spaces required by type of permitted use shall be “grasscrete” or “grasspave” or other pervious paving systems as approved by the Zoning Administrator.
  3. The following table states the minimum number of off-street parking spaces required by use. Any uses not listed would be required to provide the minimum number of parking spaces required by the parent category. When a determination of the number of parking spaces required by this table results in a requirement of a fraction of a space, any fraction shall be counted as one parking space.

**Table 4.5 Minimum Parking Space Requirements Table**

<i>Land Use</i>	<i>Minimum Parking Space Requirements</i>
<b>A. Residential</b>	
1. Single-Family Residences	2 spaces per dwelling in all districts other than R-1, otherwise none
2. Multifamily Residences	1 space per one-bedroom dwelling, otherwise 2 spaces per dwelling
3. Mixed-Use Developments	1.5 spaces per dwelling; 1 space per dwelling for age-restricted; plus 1 additional space per 200 square feet of commercial gross floor area
4. Home Occupations	No additional spaces required
5. Accessory Dwelling Units	1 space per unit
6. Child and Personal Care Uses	1 space per 2 employees
7. Institutional Residence or Care or Confinement Facilities	1 space per 2 beds

8. Bed and Breakfasts	1 space per rentable bedroom plus 2 spaces for owner/landlord lives on premises
9. Temporary Mobile Homes approved in the event of emergency, construction, or repair	2 spaces per temporary mobile home
10. Duplexes	Duplexes in all Residential Districts built after (December 19, 2024), require 1 parking space per each side of the duplex
<b>B. Sales and Rental of Living Space and Goods</b>	
1. Sales and Rental of Goods, Merchandise or Equipment, Non-Motor Vehicle Related	1 space per 300 square feet of gross floor area
2. Wholesale Sales, with or without Outdoor Display or Storage of Goods	1 space per 300 square feet of gross floor area devoted to sales or display, plus one space per 2,000 square feet of gross storage area
3. Hotels, Motels, and Similar Businesses providing overnight accommodations	1 space per unit plus 1 space per 5 units for visitors
4. Extended-Stay Motels/Hotels	1 space per unit plus 1 space per 5 units for visitors
<b>C. Restaurants</b>	
1. Restaurants	1 space per 100 square feet or gross floor area
2. Event Center	1 space per 3 seats
<b>D. Motor Vehicle-Related Sales and Service Operations and Modifications</b>	
1. Motor Vehicle Related Sales and Service Operations and Modifications	Not including outdoor car display areas for dealerships, 1 space per 200 square feet of gross floor area
<b>E. Office, Clerical, Repair, Research and Personal</b>	
1. Service – Office, Clerical, Repair, Research, and Personal, not primarily related to the sale of goods and merchandise	1 space per 300 square feet floor area
<b>F. Recreation, Amusement, and Entertainment</b>	
1. Baseball Batting Cage	20 spaces
2. Bowling Alleys	5 spaces per alley
3. Golf Driving Range and/or Miniature Golf	20 spaces
4. Health Clubs and Other Physical Fitness Establishments	1 space per 300 square feet
5. Park, Playground, Community Center, Swimming Pool and Other Recreational Facilities as a principal use	1 space per 2000 square feet of surface area or parks, playgrounds, and/or swimming pools; plus 2 space per tennis court; plus 1 space per 500 square feet of recreational facility
6. Theaters (indoors)	1 space per 3 seats

7. Performing Arts Center	1 space per 3 seats
8. Subdivision Recreation Area	1 space per 200 square feet of surface area of swimming pools, plus 2 spaces per tennis court, plus 1 space per 500 square feet of clubhouse, offices, meeting rooms, or other similar enclosed buildings
<b>G. Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise, or Equipment</b>	
1. Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise, or Equipment	1 space per 2,000 square feet of gross office, plant and/or storage
2. Innovator Space	1 parking space per 500 square feet
<b>H. Storage and Parking</b>	
1. Storage and Parking	1 space per 2,000 square feet of gross storage area
<b>I. Services and Enterprises Related to Animals</b>	
1. Funeral Related Service (human and animal related)	1 space per 3 seats
<b>J. Educational, Cultural, Religious, Philanthropic, Social, Fraternal Uses</b>	
1. Public and Private School Offering General Education Courses (including associated grounds, athletic, and other facilities)	2 spaces per classroom for K – 8 <sup>th</sup> grade, plus 1 space per teacher or staff member for grades above 8 <sup>th</sup>
2. Trade or Vocational Schools	10 spaces per classroom
3. College, Universities, Community Colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc)	10 spaces per classroom
4. Assembly Halls, including Union Halls, Conference Halls, Civic Halls and Activities of Similar Nature	1 space per every 3 people allowed to occupy the building, as set by the maximum occupancy limit
5. Libraries, Museums, Art Galleries, Art Centers, and Similar Uses (including associated educational and instructional activities)	1 space per 300 square feet of gross floor area
6. Place of Worship and Places of Assembly	1 space per for every 3 people allowed to occupy the building, as set by the maximum occupancy limit
7. Social, Fraternal Clubs or Lodges, Union Halls or Similar Uses	4 spaces per 1,000 square feet of gross floor area
8. Clubs and Lodges catering exclusively to members and their guests	4 spaces per 1,000 square feet of gross floor area
<b>K. Miscellaneous Public and Semi – Public Facilities</b>	

1. Miscellaneous Public and Semi – Public Facilities	None
<b>L. Agricultural, Forestry, Mining, and Quarrying Operations</b>	
1. Agricultural, Forestry, Mining, and Quarrying Operations	1 space per employee
<b>M. Temporary Structures and Special Events used in connection with the Construction of Permanent Building or for some Non – Recurring Purpose</b>	
1. Temporary Structures and Special Events used in connection with the Construction of Permanent Building or for some Non – Recurring Purpose	Regulated on a case-by-case basis

C. Shared parking.

1. Reduction of parking requirements through a shared parking arrangement may be granted by the Zoning Administrator through written requests from an applicant and provision of one of the options provided in subsection C.2.
2. Options for a reduction of parking through a shared parking arrangement:
  - a. Option one: For properties sharing parking spaces under this provision, cross-easements shall be filed establishing access to the shared parking spaces in perpetuity and documentation of filing provided to the Town.
  - b. Option two: The minimum number of parking spaces where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, Institute of Transportation Engineers Shared Parking Guidelines, or other approved procedures with approval by the Zoning Administrator.
    - i. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the Urban Land Institute or Institute of Transportation Engineers reports. If shared parking rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates.
    - ii. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation. If possible, these surveys should consider the seasonal peak period for the combination of land uses involved.
    - iii. Said study must receive Zoning Administrator review and approval. The study shall document that the arrangement should avoid conflicting parking demands and provide for safe pedestrian circulation and access.
3. Shared parking agreements shall be fully executed and submitted to the Zoning Administrator for review prior to receiving a Certificate of

Occupancy.

4. In no case shall the Zoning Administrator approve a reduction of parking through a shared parking arrangement of greater than twenty-five percent (25%) for any use.
5. Any subsequent change in land uses within the participating developments shall require proof that adequate parking will be available. Prior to any change in use, the owner must apply to the Zoning Administrator for an evaluation and confirmation of the change. If the Zoning Administrator finds that the parking reduction is no longer justified, the Zoning Administrator shall notify the owner to construct the number of parking spaces necessary to meet the difference in the required parking between the proposed and previous uses.
6. A formal parking study may be waived by the Zoning Administrator for small developments where there is established experience with the land use mix and its impact is expected to be minimal.

D. Bicycle parking.

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

E. Golf cart parking.

1. Golf cart parking spaces are permitted in all off-street surface parking lots and parking structures.
2. Each golf cart parking space shall be six feet (6') wide and at least eleven feet (11') deep.
3. Golf cart parking spaces shall be identified by paving markings and by appropriate signage. Signage shall not count against the maximum aggregate sign area permitted on a lot.
4. Permeable pavers shall be used for golf cart parking spaces as approved by the Zoning Administrator.
5. Wheel bumpers shall be placed at the head of all golf cart parking spaces

that do not abut a curb. Wheel bumpers shall be made of concrete, a minimum of four feet (4') long, five inches (5") high, and six inches (6") wide and securely fastened to the pavement by steel re-bars or steel anchors.

6. Golf cart parking spaces may replace up to six (6) automobile parking spaces, with approval by Zoning Administrator as part of the site plan review.
- F. Electric vehicle charging stations.
1. Electric vehicle charging stations are permitted in all off-street surface parking lots and parking structures.
  2. Spaces for electric charging shall be identified by paving markings and by appropriate signage. Signage shall not count against the maximum aggregate sign area permitted on a lot.
  3. Spaces reserved for electric vehicle charging stations may be counted as part of the minimum required parking spaces but shall not be counted toward the maximum.
  4. Any new building with over twenty thousand square feet (20,000 SF) of gross floor area space shall equip at least one required parking space on its property with an electric vehicle charging station prior to receiving a Certificate of Occupancy.
  5. The owner of the property shall be responsible for the installation, maintenance, and operation of electric vehicle charging stations. The owner of the property may determine if a fee is associated with the electric vehicle charging station.
  6. Electric vehicle charging stations shall be installed per U.S. Green Building Council (USGBC) standards.
- G. Parking in non-single-family zoning districts.
1. Off-street surface parking lots shall not be located between the principal building and the street except where otherwise permitted below.
    - a. Lots within CR, C-1, C-2, C-3, HARB-Com, HARB-LI, and M-2 districts with a lot area of less than thirteen thousand square feet (13,000 sq) shall be permitted to have automobile parking located within the front yard only when the following regulations are met:
      - i. Front yard parking shall be limited in area to a maximum of fifty percent (50%) of the area of the front yard.
      - ii. When permitted, automobile parking is only permitted in front yards when located on the permitted access driveway on a paved surface.
  2. *Required dimensions for each parking space.* Each automobile parking space shall be not less than nine feet (9') wide and eighteen feet (18') deep. Adequate interior driveways shall connect each parking space with a public right-of-way, and each space shall have an overhead clearance of at least six and a half feet (6.5').
  3. Parking areas shall have access to a public street.

4. Parking areas shall be graded and paved, including access drive(s), and be curbed when needed for effective drainage control, and meet the following requirements:
  - a. A minimum depth of six inches (6") of number 21A aggregate base and a minimum of one and a half inches (1.5") of asphalt; or
  - b. Six inches (6") of concrete on appropriate base; or
  - c. Four inches (4") of brick or porous paving block on four inches (4") of number 21A aggregate base.
  - d. Permeable pavers may be used for any parking area, alley, or other low traffic driveway as approved by the Zoning Administrator.
5. Parking areas shall have spaces marked with painted lines, curbstones, or other similar devices, and areas shall be properly maintained in all respects. Landscaping shall be kept healthy and well maintained, surfaces shall be free of potholes, and lines marking spaces shall be distinct and clear.
6. Parking areas shall be drained so as to prevent damage to abutting properties or public streets and where possible it shall be drained towards infiltration swales located in the five-foot (5'), head-to-head landscape strips required between vehicles in Section 4.5 (J) (1) (d).
7. Parking areas shall have adequate lighting if the facilities are to be used at night, provided such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties. Light poles used in parking lots with one hundred (100) parking spaces or less may not exceed twenty feet (20') in height. Light poles used in parking lots with more than one hundred (100) parking spaces may not exceed thirty-five feet (35') in height. All lighting is to be compliant with Dark Sky lighting standards (see Section 4.4).
8. Parking areas shall be designed to conform to the geometric design standards of the Institute of Traffic Engineers (ITE) when not expressly required in this section.
9. Wheel bumpers shall be placed at the head of all parking spaces that do not abut a curb and any spaces that abut a sidewalk. Wheel bumpers shall be made of concrete, a minimum of six feet (6') long, five (5") inches high, and six inches (6") wide and securely fastened to the pavement by steel re-bars or steel anchors. Individual wheel bumpers shall be placed a minimum of twenty-four inches (24") from the end of each required parking space.
10. Parking areas shall be required to provide handicapped spaces in accordance with the provisions of the Americans with Disabilities Act. All handicapped spaces shall be identified by appropriate restrictive signing and markings.
11. Pedestrian circulation.
  - a. Parking areas shall be designed to facilitate safe and convenient use by pedestrians.
  - b. Parking areas with more than fifty (50) cars shall provide safe pathways from aisles of parking to the nearest building entrance and to adjacent streets. Such pathways shall be at least five feet (5')

wide and consist of raised pathways constructed of pavers or other contrasting material.

- H. Compact parking spaces.
1. Developments where thirty (30) or more parking spaces are provided shall be required to provide compact parking spaces, as follows:
    - a. A minimum of five (5) spaces, or ten percent (10%) of the total number of parking spaces, whichever is greater, shall be set aside for compact cars.
    - b. A maximum of twenty-five percent (25%) of the total required parking spaces may be set aside for compact cars, up to a maximum of fifty (50) spaces, whichever is less.
    - c. Compact parking spaces shall be identified by pavement markings and/or by appropriate signage.
    - d. Parking spaces for compact cars shall not be less than eight feet (8') wide and 16 feet (16') deep.
- I. Stacking spaces for drive-through service windows and drive-through facilities.
1. Stacking spaces shall be provided for any use having a drive-through service window or areas having drop-off and pick-up areas in accordance with the following:
    - a. Inbound stacking spaces shall be provided before the first service window as stipulated below and at least one outbound stacking space shall be provided after each service window of a drive-through facility.
    - b. Each stacking space shall be a minimum of twenty-two feet (22') long.
    - c. Designated stacking spaces shall not interfere with circulation of the lot or free movement or access to parking spaces.
  2. Banks with drive-through facilities shall provide a minimum of six (6) spaces before each service position and one (1) outbound space after the service window.
  3. Restaurants with drive-through service windows shall provide a minimum of ten (10) stacking spaces for inbound drive-through customers and one (1) additional outbound space after each service window.
  4. Other facilities with drive-through service windows shall provide three (3) stacking spaces for each window or drive-through service facility.
  5. Drive-through service window lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.
  6. Stacking lanes shall be a minimum of eight and a half feet (8.5') adjacent to the service window.
  7. All drive-through service windows shall be provided with a bypass lane with a maximum width of eight and a half feet (8.5').
  8. All stacking lanes shall be at least seventy-five feet (75') from an intersection with the nearest street or internal driveway. The distance is measured from

the back of the stacking space nearest the entrance to the curb line of the nearest intersection.

9. Pedestrian pathways crossing drive-through lanes shall be clearly signed and identified using alternative materials or raised crosswalks. Painted crosswalks alone are not permitted.

J. Landscaping in parking lots.

1. Interior landscaping for off-street parking areas shall be required for all surface parking lots designed for twenty (20) or more spaces. The following requirements shall apply.
  - a. Landscape islands shall be located no farther apart than every ten (10) parking spaces and at the terminus of all rows of parking. Each landscaped island shall be at least two hundred square feet (200 SF) in area with a minimum width of ten feet (10').
  - b. There shall be at least one (1) overstory tree, ten (10) low shrubs and a minimum of sixty percent (60%) living ground cover, sod, and/or annual or perennial color in each landscaped island. Shrubs, sod and/or living ground cover shall not exceed three feet (3') in height.
  - c. Vehicles shall be separated from sidewalks, driveways, and streets in public rights-of-way by wheel bumpers and by a strip of land at least ten feet (10') wide, reserved as open space, and planted in grass containing at least one (1) understory or overstory tree, as appropriate, and ten (10) shrubs per fifty linear feet (50 LF), and a minimum of eighty percent (80%) living ground cover, sod, and/or annual or perennial color in the landscape strip surface area. Wheel bumpers shall be placed a minimum of forty-eight inches (48") from the nearest tree trunk.
  - d. Head-to-head parking shall provide a five-foot (5') grass strip with curb. The grass strip may be counted as part of the landscaped areas and shall have one (1) tree every fifty feet (50') containing at least one (1) overstory tree, and ten (10) shrubs, per fifty linear feet (50LF), and a minimum of seventy percent (70%) living ground cover, sod, and/or annual or perennial color in the landscape strip surface area
  - e. Perimeter landscape strips. The perimeter of a surface parking lot shall provide a five-foot (5') wide landscape strip where such parking lot abuts side or rear property lines. The perimeter landscape strip shall be planted with a single row of overstory trees of a species appropriate for buffers and spaced every forty linear feet (40 LF) of landscape strip, and evergreen shrubs spaced every five linear feet (5 LF) of landscape strip. The perimeter landscape strip shall be continuous except for near perpendicular crossings of driveways and sidewalks.
  - f. Landscaped areas in parking lots shall provide drainage and irrigation that ensures full drainage to the storm drainage system.
  - g. See the Cape Charles Master Tree Plan for trees that shall and shall

- not be permitted within parking lot landscape areas.
2. The minimum number of spaces required may be reduced where the Zoning Administrator has determined that the reductions are necessary to preserve a healthy tree or trees with a three-inch (3”) or greater diameter from being damaged or removed and where the site plan provides for the retention for said tree or trees.
  3. Screening. Plantings which meet the standards for screening as approved by the Zoning Administrator will be required to screen vehicle accommodation areas other than those serving single-family and duplex dwellings from an adjacent residential district or use. Fencing may be substituted for plantings with the approval of the Zoning Administrator.
- K. Access management.
1. Driveways.
    - a. Interior driveway. Where 90-degree (90°) parking is utilized, all interior driveways shall be a minimum of twenty-two feet (22’) in width. If 45-degree (45°) or 60-degree (60°) angle parking is used, then the interior driveway shall be at least twelve feet (12’) in width. Where parallel parking is utilized or there is no parking, interior driveways shall be a minimum of ten feet (10’) in width for one-way traffic and twenty feet (20’) in width for two-way traffic.
    - b. Driveways and drive aisles are not permitted between the sidewalk and a building and shall be perpendicular to any adjacent street.
    - c. All developments other than single-family detached dwellings shall have pedestrian walkways of a minimum width of five feet (5’) connecting ground level parking to the public sidewalks and to all building entrances.
- L. Provisions for off-street loading.
1. This subsection shall apply to all activities related to loading and unloading.
    - a. Loading activities within one hundred and fifty feet (150’) of residential uses shall only be permitted to undertake said activities Monday through Friday from 7:00am to 10:00pm and on Saturdays from 9:00am to 9:00pm.
    - b. In no case shall loading activities hinder or obstruct free movement of vehicles, and pedestrians over a street, sidewalk, alley, or interrupt parking lot circulation.
    - c. All off-street loading activities and access shall be provided with an asphalt or concrete surface or shall be “grasscrete” or “grasspave” or other pervious paving systems as approved by the Zoning Administrator.
    - d. Loading structures and bays.
      - i. Buildings or structures shall be designed so that the loading areas are not visible from any adjoining residential district or any public right-of-way.
      - ii. When required, one (1) or more off-street loading spaces

shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building or structure.

- iii. A loading space shall have a minimum dimension of twelve feet (12') wide and thirty-five feet (35') deep.
- iv. All loading spaces shall maintain overhead clearance of at least fourteen feet (14').
- v. All off-street loading spaces shall have access from an alley, or if there is no alley, from a street.

e. Minimum loading space requirements for non-residential uses:

Gross floor area	Required loading spaces
0 – 49,000 square feet	1
49,000 – 100,000 square feet	2
100,000 – 160,000 square feet	3
160,000 – 240,000 square feet	4
240,000 – 320,000 square feet	5
320,000 – 400,000 square feet	6
Each 90,000 above 400,000 square feet	1

M. Dumpsters.

- 1. A fence on three sides shall enclose all dumpsters.
  - a. The height of the fence shall be equal to or higher than the height of the dumpster, in accordance with Section 4.1 (G).
  - b. The visible material of the fence shall be made up of brick, stucco, stone, or wood.
- 2. The operable side of the dumpster shall be concealed with a gate equal to or higher than the height of the dumpster. The gate shall be opaque and constructed of durable materials.
- 3. Dumpsters shall be located a minimum of five feet (5') from property lines.
- 4. In no case shall loading activities hinder or obstruct the free movement of vehicles, and pedestrians over a street, sidewalk, alley, or to interrupt parking lot circulation.
- 5. Service activities within one hundred and fifty feet (150') of residential uses shall only be permitted Monday through Friday between 7:00am to 10:00pm and on Saturdays from 9:00am to 9:00pm.
- 6. Temporary construction trash and recycling dumpsters, which are not enclosed, shall be permitted up until such time as a Certificate of Occupancy is issued.

**Section 4.6: Stormwater Management**

- A. Purpose and Intent. The purpose and intent of the requirements contained in this section are to prevent a new increase in non-point source pollution from new

development and achieve a ten percent (10%) reduction in non-point source pollution from redevelopment to the greatest extent possible given the size and current development of lots within the Town.

- B. Except as provided in Section 4.6 (C), for any development or redevelopment within the Town, stormwater runoff shall be controlled by the use of the best management practices that achieve the following:
1. For development, the post-development nonpoint source pollution runoff load shall not exceed point forty-five pounds (45 lbs) per acre per year.
  2. For redevelopment, the nonpoint source pollution load shall be reduced by at least ten percent (10%). The Zoning Administrator may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control provided the following provisions are satisfied:
    - a. In no case may the post-development nonpoint source pollution runoff exceed the pre-development load;
    - b. Runoff pollution loads must have been calculated and the best management practices selected for the expressed purpose of controlling nonpoint source pollution; and
    - c. If best management practices are structural, evidence shall be provided that the facilities are currently in good working order and performing at the design levels of service. The Zoning Administrator may require a review of both the original structural design and maintenance plans to verify this provision.
  3. For redevelopment, both the pre- and the post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.
- C. For any development or redevelopment on any nonconforming lot within the Town, the Zoning Administrator may waive the requirements of this section upon receipt of a written request for such an administrative waiver provided, however, that in no case shall such development or redevelopment result in such nonconforming lot having total impervious coverage in excess of forty percent (40%) for residential uses and seventy-five percent (75%) for commercial uses. The written request for an administrative waiver hereunder shall state the total estimated impervious coverage to result from such development or redevelopment.

#### **Section 4.7: Swimming Pool Regulations**

- A. Definition. For the purpose of this ordinance, a swimming pool is defined as an artificial or man-made container of water capable of being filled to a depth exceeding sixteen inches (16") at the lowest point and is designed to be used for swimming or immersion purposes by individuals. Wading pools are exempt from the provisions of the Zoning Ordinance and are considered temporary pools if made of plastic, light metal, or other light duty materials which do not exceed a full

volume depth of sixteen inches (16”) at the lowest point, and which are completely emptied of water when not in use. Spas or health pools shall meet the same requirements as swimming pools, except when less than ten feet (10’) in width.

- B. **Applicability of Zoning and Building Codes.** Permanent swimming pools and associated decking and fencing are required to meet all zoning and building code requirements and are considered impervious structures. Building, electrical, and plumbing permits are required for the installation, alteration, repair or remodeling of all pools not exempt from the Zoning Ordinance. In-ground pools require an approved site plan. Above-ground pools may be installed without a survey and engineering grading plan if permitted by the Code Enforcement Official, and where steep slope areas are not present. Abandoned pools must be removed or appropriately filled in and covered. Swimming pools must be discharged according to all regulations established by the Commonwealth of Virginia.
- C. **Setbacks.** Swimming pools are permitted to be located no closer than five feet (5’) to a side or rear property line and must be located no closer than five feet (5’) from any structures, either primary or accessory, located on the lot or premises. Above-ground pools are only allowed in rear yards. The five-foot (5’) separation from structures shall not apply to spas or health pools adjoining the principal structure. Spas must be covered with approved spa cover when not in use. Swimming pools and spas are not permitted in the front yard or within approved swale or storm water management systems.
- D. **Condition of Water.** Water contained in swimming pools must be kept healthy and sanitary at all times and shall not emit an offensive odor that creates a nuisance or unhealthy condition. Approved circulators and filtration systems must be provided for all pools, spas, and health pools. Wading pools are exempt from filtration system requirements.
- E. **Fencing.** All zoning and building code requirements shall be met. Consistent with the [Code of Virginia §15.2-921](#), all swimming pools must be completely enclosed with a minimum four-foot (4’) high fence with locking gate access. Such fence must be constructed of a material that meets the approval of the building code official.

**Section 4.8: Communication/Data Equipment**

- A. **Satellite or other ground or building mounted television, radio, or other communications receiving or sending devices.**
  - 1. Large satellite dishes (greater than two feet (2’) in diameter) are not permitted within the Town of Cape Charles.
  - 2. Mini dishes shall be allowed with building permit and zoning clearance.
    - a. Building-mounted dishes shall not be on the front of any façade or structure. The dish must be mounted in such a way that it cannot be seen from the sidewalk or street.
    - b. Ground-mounted dishes shall not be in the front yard of any structure. Every effort shall be made to mount the dish in an

unobtrusive location. Visible dishes shall be screened with plantings.

**Section 4.9: Demolition Policy Guidelines**

- A. The owner of a building or structure within the Town shall be entitled to raze or demolish such building or structure provided that he has applied to the Building Official for such right. If the property is located in the Historic District Overlay, then the owner must follow Section 8.21. If property is located in the Historic Harbor Area Overlay District, then the owner must follow Section 9.21.
  
- B. Demolition-By-Neglect. Any officially designated contributing building, structure or site within the Historic District Overlay must not only comply with this section but also with Section 8.22. If property is located in the Historic Harbor Area Overlay District, then the owner must follow Section 9.23. All other properties, structures or sites within the Town shall not be allowed to deteriorate due to neglect by the owner which would result in violation of the intent of this ordinance. Demolition-by-neglect shall include any one or more of the following courses of action or inaction:
  - 1. Deterioration of the exterior of a building to the extent that it creates or permits a hazardous or unsafe condition.
  - 2. Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, windows, brick, plaster or mortar to the extent that it adversely affects the character of the district or could lead to irreversible damage to the structure.
  - 3. Defective or deteriorated flooring or floor supports of insufficient size to carry imposed loads with safety.
  - 4. Any fault in the building or structure which renders the same structurally unsafe or not properly watertight.

If the Building Official determines that a structure is being demolished by neglect, he or she shall send notification to the owners stating the reasons therefore and shall give the owner thirty (30) days to respond with a plan of action and ninety (90) days from the date of the notice on which to commence work. If appropriate action is not taken at this time, the Zoning Administrator may initiate appropriate legal action as provided further in this chapter.

- C. Penalties for Noncompliance.
  - 1. Failure to correct a defect after a notice that the Building Official has determined that a property is being demolished by neglect shall constitute a misdemeanor. Such misdemeanor shall be punished as set forth in §§ [18.2-9](#), [18.2-11](#) and [15.2-1429](#) of the Code of Virginia, as amended. Each day that the violation continues is a separate offense.
  - 2. Any property owner in the District who does not obtain approval as required within this ordinance shall be guilty of a misdemeanor and may be punished as set forth in §§ [18.2-9](#), [18.2-11](#) and [15.2-1429](#) of the Code of Virginia, as amended.

3. Nothing in this chapter shall be deemed to restrict or prohibit the Town Council from acquiring in any legal manner any historic area, site, building, or structure or the land pertaining thereto for the use, observation, education, pleasure, and welfare of the citizens of the Town.

**Section 4.10: Cape Charles Planning, Zoning, and Building Fee Schedule**

All charges for planning and zoning activities, including but not limited to permit applications, inspections, certificates, reviews, variances, and appeals, shall be established from time to time by the Cape Charles Town Council in its sole discretion.

**Section 4.11: Solar Panels: Performance Standards and Design Regulations**

Intent: Solar Panels are to be considered accessory structures on residentially zoned properties provided they serve the residence on the property and are subordinate in purpose, area and extent to the dwelling served.

Requirements: Solar energy systems shall be installed in compliance with applicable provisions of the Uniform State Building Code (USBC) and the Virginia State Fire Prevention Code (VSFPC). No ground-mounted solar energy generation facilities shall be permitted.

Solar Panels may be installed on rooftops subject to the following:

- a. Rooftop. All rooftop solar panels shall be screened from view. This shall be accomplished for pitched roofs by placing the panels on the back half of the building or concealing the equipment within the roof structure, or for flat roofs by a parapet wall. Parapets shall match the primary building material of the facade below and shall blend with the design of the building in terms of color and scale. All such screening shall be integrated into the building design. In the Historic Overlay District, all solar panel installations need to be flush with the roofline and blended in appearance so as not to be evident and/or visible from the street.

In general, rooftop solar panels shall be screened from view, which can be accomplished by placing it/them on the back half of the building. When used as a compatible and integral architectural element to a structure, it may be found allowable that they are visible to the public view. Solar panels that are visible to the public view shall be screened in such a way as to minimize glare and reflectance.

Placement of solar panels on roofs shall not exceed the total height allowance for a structure in the Residential Zoning Districts, as stipulated in Article III – Height Regulations for each type of zoning district.

**Section 4.12: Development Standards for Residential Zoning Districts**

These standards are applicable to the following zoning districts: Residential – 1 (R-1); Commercial-Residential (CR)

**Development Standards**

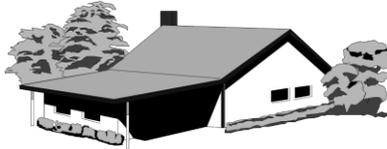
Statement of Intent. The development standards below are intended to help preserve the architectural cohesiveness of the Town of Cape Charles by stipulating that new construction and additions be compatible, sympathetic, and complementary to existing buildings. Development concepts are illustrated below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

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

**Proportions**



**YES**



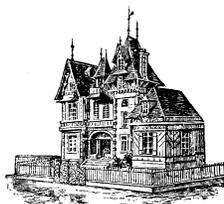
**NO**



**YES**

2. Scale and orientation. The elevation of the first (1<sup>st</sup>) floor on new construction must be the same or within six inches (6”) of the average of the prevailing standard of neighborhood buildings but must meet the required floodplain elevation. The principal facade of new construction must be oriented in the same direction as the rest of the buildings in the neighborhood.

**Scale and Orientation**



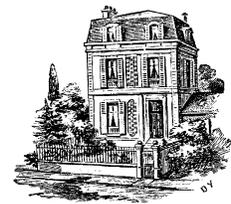
**YES**



**NO**

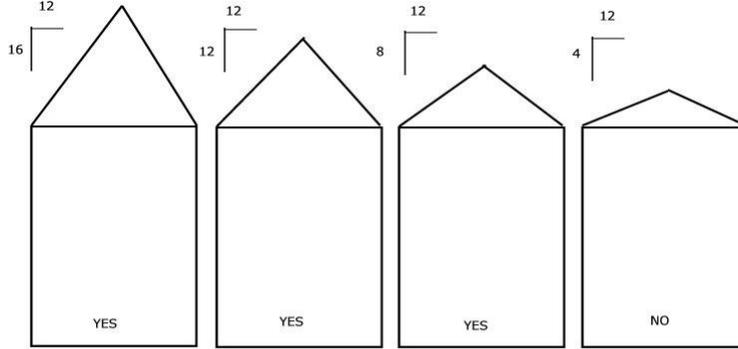


**YES**



**YES**

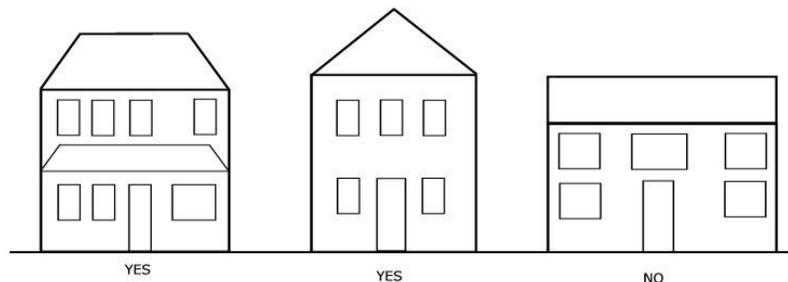
3. Roofs. Primary roof ridges of new construction must be parallel to the primary roof ridges of existing neighborhood buildings. New construction should reflect the prevailing roof pitch of neighborhood buildings within twenty percent (20%). Where there is no prevailing standard, roof pitch should be no less than 8:12.



Roof Pitch Examples  
 (Drawing Not To Scale)

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

Proportion of Openings



5. Porches. Porches must be constructed on the front of the house and must cover at least eighty percent (80%) of the building facade’s width. Where there is no prevailing standard, porches may be reduced to be in keeping with the house style. Front porches must have a minimum depth of six feet (6’). Porches on the side and rear of the house are also permitted. All porches must meet setback regulations.
6. Materials. New construction should use materials in a manner sympathetic to the character of the existing neighborhood houses. It is encouraged that materials should be of similar or complementary size, texture, scale, craftsmanship, and applicability to function performed. It should be noted that the sympathetic use of materials does not imply that materials used in new construction will replicate the old in detail nor will new construction attempt to imitate existing structures. Rather, it is a matter of determining

the compatibility of new construction. Certain materials are potentially visually intrusive that their use for new construction in the R-1 District will not be permitted. These materials include:

- a. asphalt siding, vertical plywood siding, aluminum siding
  - b. exposed concrete block above foundation level
  - c. corrugated metal, except for roof applications
  - d. flush doors (hollow or solid core)
7. Utilities. Upon installation of utility access lines, such lines shall be installed underground. The Town encourages replacement lines to be installed underground.

**Section 4.13: Development/Redevelopment Standards for Commercial Districts**

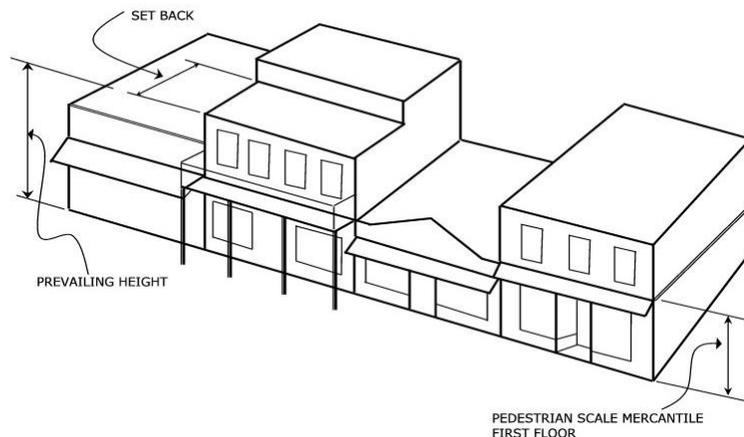
These standards are applicable to the following zoning districts:

Commercial -1 (C-1); Commercial-2 (C-2); and Commercial – 3 (C-3)

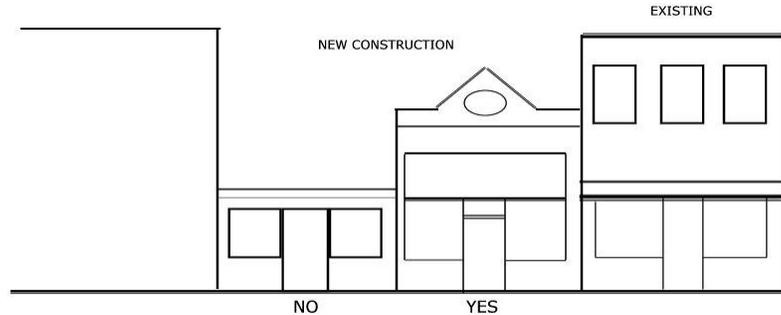
**Development Standards**

Statement of Intent. The development standards below are intended to help preserve the architectural character of the Town of Cape Charles’ commercial districts by requiring that all façade reconstruction / rehabilitation must conform to the building style as described in the United States Department of Interior National Register without the addition to or removal of contributing elements. New construction, additions, and alterations must be compatible, sympathetic, and complementary to the original or existing buildings in built-up areas. Development concepts are illustrated below to clarify the intent of the development standards.

1. Scale. When the scale of neighborhood buildings is relatively consistent, new construction should be discouraged from drastically altering these relationships. In the Town of Cape Charles, the two (2)- and three (3)-story structure is the norm, and structures which digress from this standard to any great degree seriously impact the character of the Town of Cape Charles. If construction is to be allowed, particular attention should be given to the location, siting, setbacks, and façade treatments of the proposed building. No matter what size of the new building, the base of the building should be scaled to pedestrians.



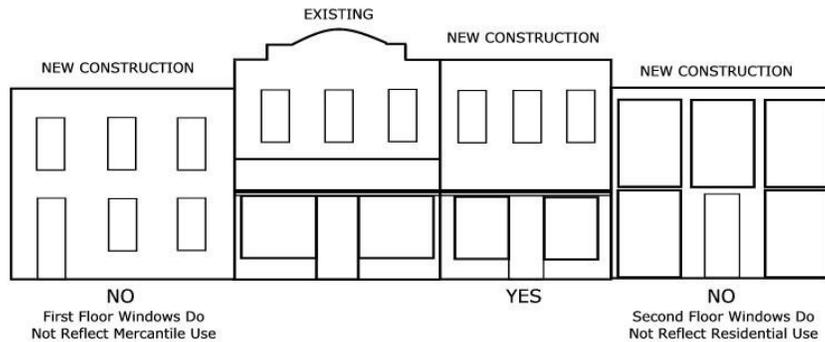
2. Floor-to-Floor Heights. This important element of scale is often ignored in new construction, which tends toward lower ceiling heights. Floor-to-floor heights of new construction should be within ten percent (10%) of neighborhood construction, where a relatively consistent floor-to-floor height is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



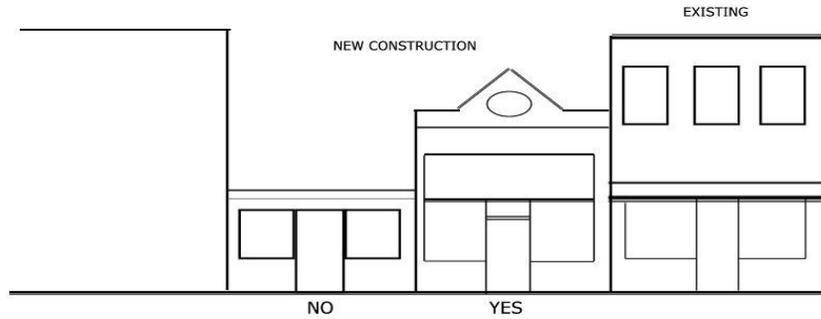
Single Story Buildings Should Reflect Scale of Neighborhood

3. Windows and Cornice Lines. All first-floor facades shall have large glass areas which denote mercantile use. First (1<sup>st</sup>) floor walls should be more than fifty percent (50%) glass. The first (1<sup>st</sup>) floor shall be distinguished from the upper floors by a cornice line if appropriate or other delineations such as transom windows, fabric awnings, or porches.

Windows above the first floor are to be more residential in scale and should be double hung, single or multiple, and vertical in proportion. Walls above the first (1<sup>st</sup>) floor should be more than fifty percent (50%) solid.



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



Single Story Buildings Should Reflect Scale of Neighborhood

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

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

- aluminum
  - asphalt siding
  - carpeted porch floors and steps
  - corrugated metal, except for roof applications
  - exposed concrete block above foundation level
  - exposed concrete masonry
  - faux brick and stone (brick face)
  - flush exterior doors
  - inappropriate window treatments
  - jalousie windows
  - picture windows
  - windows with horizontal glazing
  - metal or wood awnings
  - open mesh-type fencing
  - ornamental pierced concrete masonry screens and walls
  - painted concrete masonry
  - unpainted wood
  - vertical plywood siding
  - vertical wood siding on primary structures
  - wrought iron and aluminum porch columns
6. **Siting.** The siting of new construction in the commercial district shall conform to the building line of adjacent buildings. New commercial

buildings should occupy the full width of their lot at the street line except in the Route 184 corridor. Freestanding “object” buildings that do not conform to the street and lot lines will not be permitted in the Mason Avenue from Harbor to Peach historic context. Where a commercial building is built adjacent to a vacant lot, it should be built with a party wall in anticipation of subsequent new construction being built adjacent and up to the property line. Probably the single most damaging siting of a commercial building is toward the rear of the lot with parking between the building and the street.

7. Utilities. Upon installation or replacement of utility access lines, such lines shall be installed underground.

#### **Section 4.14: Short-Term Rental (STR) Regulations**

##### A. Purpose and intent

1. The purpose and intent of this section is to regulate Short-Term Rentals (STRs). STRs are common in America today, including in the town. However, given that they are commercial uses which must co-exist with residential uses, and often in neighborhoods not designed for commercial activity, limits and regulations are needed. This article is intended to provide the requirements to allow these certain limited commercial uses in town zoning districts containing residential uses per Article III.
2. The regulations for short-term rentals are designed to accommodate an STR Owner’s and operator’s limited commercial use in a way that is safe for the guest, meets town requirements, does not change the character of the town, and fits in with the districts in which STRs operate.
3. This Section is intended to work in tandem with the town’s business license requirements as contained in the Town Code, as a measure for the town to monitor the number of STRs and enforce regulations.
4. Owners and operators are allowed a one-year (1 yr) grace period, from the date Zoning Ordinance No. 20241121 is adopted, to come into compliance, and pay the zoning permit fee. However, this grace period is not intended to limit or change existing rules, regulations, or fees, including but not limited to requirements to obtain a business license, pay taxes, and comply with the building code.

##### B. Permitting Requirements

1. A short-term rental unit shall not be operated until an annual business license is issued in accordance with Town Code Chapter 18, Article II by the Finance Department.
2. A short-term rental unit shall not be operated until a Short-Term Rental (STR) zoning permit is issued by the Planning Department. The application for a zoning permit will require, as a minimum, the following:
  - a. Name of owner and operator of the short-term rental property
  - b. Address of the short-term rental property
  - c. Town business license number
  - d. For operators that are a lessee or sublessee, an attestation that the property owner has granted permission for use of such property as a

short-term rental.

- e. Contact information for all owner(s), operator(s), and property management companies (if applicable), to include: names, telephone numbers, mailing addresses, and e-mail addresses. If ownership is via partnership or corporation, a list of all partners, officers, and shareholders (as appropriate) must be provided with the same contact information.
  - f. Contact information for the twenty-four (24) hour/seven (7) days a week contact who is the responsible party to address immediate concerns associated with a short-term rental, and who has the authority to act as the owner's and operator's agent.
  - g. If the property is governed by a homeowners' or condominium association, proof that authorization to operate the short-term rental was provided by the homeowners' or condominium association.
  - h. Certification that Town prepared STR training information has been reviewed annually.
  - i. Certification that adjacent property owners have been notified that an application for a STR zoning permit has been submitted.
3. Short-term rental zoning permits will be valid for one year (1 yr) and may be renewed each subsequent year, if there were no permit violations, and upon approval of the associated annual business license and re-inspection.
  4. Any change to information on the (STR) zoning permit application will require notification to the Planning Department within ten (10) business days.
  5. Any change in ownership of the property or short-term rental owner or operator will require a new application for the business license, short-term rental zoning permit, and inspection within twenty (20) business days.
  6. An owner (which includes, but is not limited to, corporations or partnerships, and entities or individuals that are stockholders, members or partners in corporations, companies, or partnerships) may only operate up to five (5) short-term rental units within the entire town.
  7. An operator is not prohibited from offering a property as a short-term rental solely on the basis that such operator is a lessee or sublessee, provided that the property owner has granted permission for such property's use as a short-term rental. However, a lessee or sublessee is limited to one (1) short-term rental within the town. An operator will be required to meet any subleasing requirements, if any, from any applicable homeowner's or condominium association.

C. Additional Requirements

1. Every short-term rental is required to submit transient occupancy tax (TOT) in accordance with [Town Code Chapter 18, Article V.](#)
2. Short-term rentals are only permitted in those districts as specified in Article III.
3. Simultaneous short-term rentals under separate contracts in the same dwelling are prohibited.

4. Commercial gatherings providing direct or indirect compensation, including but not limited to luncheons, banquets, parties, weddings, charitable fund-raising, commercial or advertising activities, or other similar occurrences are prohibited.
5. Occupancy: There shall be no more than two (2) lodgers per bedroom, plus two; with the maximum number of overnight lodgers per dwelling being no greater than ten (10). Occupancy shall not exceed any limit set by the Virginia Uniform Statewide Building Code (VA USBC) or local building official. This shall be identified as the Base Occupancy for STRs (BOSTR). For the purpose of the BOSTR, an occupant shall not include any person two years (2 yrs) of age or under.

Occupancy of greater than above may be approved, provided the property can accommodate sufficient off-street parking consisting of one (1) spot for every two (2) additional lodgers over the base occupancy for STRs (BOSTR), the property meets any other life safety requirements as may be reasonably required for such higher occupancy, and the property will not exceed the VA USBC or local building code official limitations.

The town retains the right to investigate violations and complaints of permit violations, and to periodically contact STR lodgers to determine occupancy. If town investigators determine that a violation has occurred, notice of such violation will be provided to the STR zoning permit holder or agent who will be responsible to cure the violation.

6. The business license and emergency information must be conspicuously posted inside each rental, including the twenty-four/seven (24/7) contact information for the STR responsible party.
7. Signage is to comply with Article V, Section 11.1.
8. Refuse requirements: one (1)- and two (2)-bedroom dwelling units used as short-term rental units will require one (1) trash receptacle; three (3) or more-bedroom units will require two (2) receptacles; five (5) or more bedrooms will require three (3) receptacles. Owners and operators are required to maintain the receptacles so that they do not overflow.
9. Lodgers and their guests will be required to observe noise requirements contained in [Town Code Chapter 20, Article I, Section 20-3](#).
10. Safety Equipment: Operable smoke detectors, fire extinguishers, and carbon monoxide detectors shall be present in compliance with the Virginia Uniform Statewide Building Code.
11. Under no circumstances shall the issuance of a certificate of zoning compliance (permit for short-term rental) by the Administrator (Town) be construed as abrogating, nullifying or invalidating any other provision of Federal, State or local law: any deed covenant or property right; or any homeowners' or condominium association bylaw, or rule.

#### D. Inspections

1. An initial inspection will be required for all short-term rentals in

accordance with [Town Code Chapter 8, Section 8-4](#).

2. An annual re-inspection by the Code Official or designee is required when filing for a short-term rental business license renewal.
3. The Building Code Official or designee maintains the right to inspect a short-term rental, based on complaints or reasonable suspicion, to verify that the rental is being operated in accordance with the Virginia Uniform Statewide Building Code, the permit, and other applicable laws and regulations.

E. Violations

1. A Short-Term Rental (STR) zoning permit may be denied for any of the following violations:
  - a. Failure to obtain/maintain a town business license
  - b. Failure to pay all town real property taxes
  - c. Failure to pay all business taxes from the prior year
  - d. Failure to file and pay (if applicable) payment of transient occupancy taxes due the town for the previous three (3) months or more
  - e. Falsifying town forms or applications
  - f. Other applicable town zoning violations
  - g. Failure to provide responsive actions to issues raised to the twenty-four seven (24/7) contacts, as determined through town investigations.
  - h. Two (2) violations of safety/building code requirements within the same calendar year, that are not cured following reasonable notice.
  - i. Two (2) violations of occupancy limits within the same calendar year, that are not cured following reasonable notice.

Reasonable notice is satisfied when an authorized town official notifies the zoning permit holder or agent of a condition violating requirements of this section, and twenty-four hours (24 hrs.) pass without resolution of the violation.

Note: individual nuisance or noise violations will be issued directly to the offending party in addition to any consequence to the zoning permit holder.

Violations may be investigated by the Town Manager, Treasurer, Zoning Administrator, Building Code Official, Police Chief or their designees as appropriate. Once investigated, violations pursuant to this section will be issued by the Zoning Administrator.

2. An owner or operator, whose Short-Term Rental (STR) zoning permit has been denied pursuant to this Section, shall not be eligible to obtain another STR zoning permit for the subject short-term rental for the entire succeeding calendar year. Thereafter, the owner or operator will be required to apply for a new business license, STR zoning permit, and an inspection.

3. Before the denial of Short-Term Rental (STR) zoning permits is made effective, the town shall give written notice to the short-term rental owner or operator as noted on the STR zoning permit. The notice of permit denial under the provisions of the section shall contain:
  - a. A description of the violations constituting the basis of the denial, suspension or revocation;
  - b. If applicable, a statement of acts necessary to correct the violation(s); and
  - c. A statement that the owner may have a right to appeal the notice of a permit denial within thirty (30) days in accordance with the [Code of Virginia Section 15.2-2311 \(A\)](#) and that the decision of permit denial shall be final and unappealable if not appealed within thirty (30) days.

# **Resolution of Intent**

## **#20251016**



# Municipal Corp. of Cape Charles

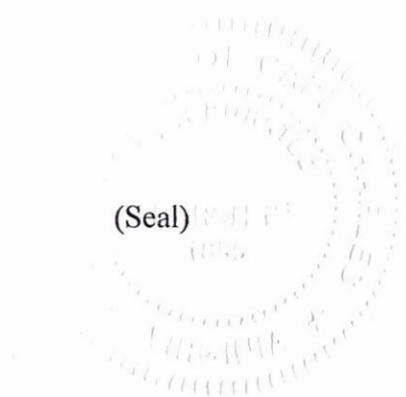
The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the "Town"), hereby certifies that:

1. A meeting of the Council of the Town (the "Council") was duly called and held on October 16, 2025 (the "Meeting").
2. Attached hereto is a true, correct and complete copy of Resolution of Intent 20251016 (the "Resolution") of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council participating at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

Member Name	Present	Absent	Voting		
			Yes	No	Abstaining
Adam Charney, Mayor		X			
Tara Ashworth	X		X		
Andy Buchholz	X		X		
Ken Butta		X			
Paul Grossman	X		X		
Tammy Holloway	X		X		
Clayton Newman	X		X		

4. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 16<sup>th</sup> day of October 2025.



*Lesley Hune*  
 \_\_\_\_\_  
 Clerk of the Council  
 Town of Cape Charles, Virginia

PROPOSED COMPREHENSIVE PLAN AMENDMENT & ZONING TEXT AMENDMENT 2025-02 APPLICATION FROM TOWN OF CAPE CHARLES TO AMEND ARTICLE IV, SECTIONS 4.1(J)(2)(a) AND 4.14(B)(NEW ITEM 4)

WHEREAS, § 15.2-2286 (A) (7) of the Code of Virginia requires that amendments to a zoning ordinance shall be initiated by a resolution of the local governing body; a motion of the planning commission; or in the case of zoning district map amendments, by application of the landowner or the landowner’s authorized agent; and

WHEREAS, Section 15.2-2285 (B) of the Code of Virginia provides that no zoning ordinance shall be amended or re-enacted unless the governing body has referred the amendment or reenactment to the local planning commission for its recommendation; and

WHEREAS, the proposed Zoning Text Amendment, if approved, would not be consistent with the Town’s Comprehensive Plan; therefore a Comprehensive Plan Amendment has been recommended by the Planning Commission for Town Council to determine if they will initiate the public hearing process for this Comprehensive Plan Amendment which is proposed as follows:

Cape Charles Comprehensive Plan Changes

Housing – Accessory Dwelling Units (pg.41)

*The Town of Cape Charles adopted ordinances in February 2019 that permitted accessory dwelling units under certain conditions, with adequate safeguards to protect the character of the existing residential neighborhood. This strategy is intended to develop new, moderate-cost rental housing while preserving the large, older homes and allowing more flexibility for elderly homeowners to stay in their homes. Among the conditions of approval for accessory apartments is that the accessory dwelling unit be “clearly subordinate to” the main unit. This is achieved by requiring that the unit be less than a specified percentage of the original house’s square footage. In addition, these units cannot be rented for less than 30-day length stays in order to foster longer term residences (as opposed to summer tourist related weekly rentals).*

WHEREAS, the Cape Charles Town Council finds that the public necessity, convenience, general welfare, and good zoning practice requires that a zoning text amendment be considered, as a result of staff input to amend the following:

Section 4.1 (J)(2)(a): *Length of Stay –An Accessory Dwelling may either be rented as a short-term rental or long-term rental; by An Accessory Dwelling Unit may not be rented as a short-term rental. An Accessory Dwelling Unit may be occupied by any person for no less than 30 consecutive calendar days, either paying a fee for such occupancy at his/her own expense or at the expense of another thirty (30) day rental or greater. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles, the owner of the subject lot of record upon which the Accessory Dwelling Unit sits shall provide occupancy documentation and/or information as requested in writing. If an Accessory Dwelling Unit is going to be rented for less than thirty (30) days (Short-Term Rental), the Owner must comply with Section 4.14 of the Cape Charles Zoning Ordinance.*

Add new section in Section 4.14 (STRs) (B) (new item 4):

*A property with a legal Accessory Dwelling Unit (ADU) in accordance with Section 4.1 (J) may apply for only the primary dwelling unit or accessory dwelling use to receive an annual Short Term Rental*

*Zoning Permit; there will be no allowance for both dwelling structures to be utilized as an STR Term Rental in the same calendar year.. If the ADU is applying for an STR Zoning Permit, the requirements outlined in the STR ordinance must be met to establish # of applicable bedrooms and occupancy for the STR. The ADU is prohibited from the plus two occupancy allowance contained in Section 4.14 (C) (5)*

**WHEREAS**, said proposed revisions to Sections 4.1 & 4.14 would provide for increased opportunity for Short Term Rentals to be permissible in Accessory Dwelling Units;

**WHEREAS**, the Cape Charles Town Council will need to also submit a Comprehensive Plan Amendment for public hearing in advance of the Zoning Text Amendment public hearing

**NOW, THEREFORE, BE IT RESOLVED** that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Comprehensive Plan as stated above and the Cape Charles Zoning Ordinance to amend Section 4.1 (J)(2)(a) and Section 4.14 (B)(new item 4) regarding Accessory Dwelling Units and allowing Short Term Rentals to be an allowable use in said structure type.

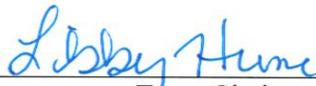
Said Comprehensive Plan Amendment and Zoning Text Amendment 2025-02 is referred to the Cape Charles Planning Commission to convene the requisite public hearings and public notifications, which may be done jointly between the Cape Charles Planning Commission and Cape Charles Town Council and for the Cape Charles Planning Commission to prepare its recommendation on said Comprehensive Plan Amendment and Zoning Text Amendment 2025-02 for Cape Charles Town Council’s consideration.

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Adopted by the Town Council of the Town of Cape Charles on October 16, 2025

By:   
Vice Mayor Buchholz

Attest:

  
Town Clerk

**2026 Planning Commission Meeting Dates**

*\*A completed application is defined as all documents listed under the Permit Checklist; this includes payment of fees.\**

*Meetings will take place at 6:00 pm in the Cape Charles Civic Center*

Thursday, November 6 <sup>th</sup> , 2025	Tuesday, January 6 <sup>th</sup> , 2026
Thursday, December 4 <sup>th</sup> , 2025	Tuesday, February 3 <sup>rd</sup> , 2026
Thursday, January 1 <sup>st</sup> , 2026	Tuesday, March 3 <sup>rd</sup> , 2026
Thursday, February 5 <sup>th</sup> , 2026	Tuesday, April 7 <sup>th</sup> , 2026
Thursday, March 5 <sup>th</sup> , 2026	Tuesday, May 5 <sup>th</sup> , 2026
Thursday, April 2 <sup>nd</sup> , 2026	Tuesday, June 2 <sup>nd</sup> , 2026
Thursday, May 7 <sup>th</sup> , 2026	Tuesday, July 7 <sup>th</sup> , 2026
Thursday, June 4 <sup>th</sup> , 2026	Tuesday, August 4 <sup>th</sup> , 2026
Thursday, July 2 <sup>nd</sup> , 2026	Tuesday, September 1 <sup>st</sup> , 2026
Thursday, August 6 <sup>th</sup> , 2026	Tuesday, October 6 <sup>th</sup> , 2026
Thursday, September 3 <sup>rd</sup> , 2026	Tuesday, November 10 <sup>th</sup> , 2026
Thursday, October 1 <sup>st</sup> , 2026	Tuesday, December 1 <sup>st</sup> , 2026

**Town of Cape Charles  
Planning Commission  
By-Laws**

ADOPTED: October 5, 2021  
REVISED: October 5, 2021  
REVISED: January 11, 2024  
AMENDED: February 6, 2024

ARTICLE ONE  
AUTHORIZATION

- 1-1 This commission, established in conformance with the resolution passed by the Cape Charles Town Council on October 12, 1976, has adopted the following articles in order to facilitate its powers and duties in accordance with the provisions of Section 15.2-2210 and 15.2-2212, Code of Virginia, 1950, as amended.
- 1-2 The official title of this commission shall be the “Town of Cape Charles Planning Commission.”

ARTICLE TWO  
PURPOSE

- 2-1 The purpose of the Cape Charles Planning Commission (the “Commission”) is to serve in an advisory capacity to the Town Council by preparing and/or reviewing plans, ordinances, capital improvement programs and other documents for consideration by the Town Council and to carry out activities as designated by the Town Council.

ARTICLE THREE  
Membership

- 3-1 This Planning Commission shall consist of seven (7) members. One (1) member shall be a representative of the Town Council. The remaining six (6) members shall be referred to as appointed members.
- 3-2 The qualifications of the six (6) appointed members shall be that each is a resident of the Town, qualified by knowledge and experience to make decisions on questions of community growth and development, provided that at least one-half (1/2) of the members so appointed shall be owners of property within the Town.
- 3-3 The term of the representative from the Town Council shall be for tenure of office.
- 3-4 All other Commissioners shall be appointed for a term of four (4) years; the term of office shall commence on November 1 and expire 4 years hence on October 31.
- 3-5 Any vacancy in membership shall be filled by appointment of Town Council and shall be for the unexpired term only.
- 3-6 Members of the Commission may be removed by the Town Council for malfeasance in

office or poor attendance as determined in the sole discretion of the Council. A Commissioner may be removed without limitation in the event that the Commission member is absent from any three consecutive meetings of the Commission or is absent from any four meetings of the Commission within any twelve-month period.

- 3-7 Members of the Commission shall attend and fulfill the requirements of the Virginia Certified Planning Commissioners Program within two calendar years of their appointment.
- 3-8 The Town Council may provide for the payment of expenses incurred by Commission members in the performance of their official duties and for compensation for service. *Note: Town Council has established a \$25 monthly meeting rate as of 07/2021; this rate will automatically be adjusted if Town Council adopts new meeting rates.*

ARTICLE FOUR  
OFFICERS AND THEIR SELECTION

- 4-1 The officers of the Commission shall consist of a Chair, a Vice-Chair, and a Secretary. The Chair and Vice-Chair shall be elected by the membership. The Secretary shall be the Zoning Administrator, Planning Director or their designee.
- 4-2 The elected officers of the Planning Commission shall be elected for a one (1) year term by the Commission from the members at the first regular meeting after November 1 each year.
- 4-3 A candidate receiving a majority vote of a quorum of the Commission shall be duly elected. He shall take office immediately and serve for one (1) year or until his successor shall take office.
- 4-4 Should the Chair and Vice-Chair be absent at any meeting, the member with the most seniority on the Commission, alphabetically, shall preside as temporary Chair until the Chair or Vice-Chair is present.
- 4-5 Vacancies in offices shall be filled immediately by regular election procedures at the next meeting after such vacancy has occurred.

ARTICLE FIVE  
DUTIES OF OFFICERS

- 5-1 The **Chairman** shall be an appointed member of the Commission and shall:
  - 5-1.1 Preside at all meetings.
  - 5-1.2 Appoint committee chairmen and members.
  - 5-1.3 Be informed immediately of any official communications and report the same at the next regular Commission meeting.
  - 5-1.4 Rule on all procedural questions.
  - 5-1.5 Carry out other duties as are assigned by the Commission.

5-2 The **Vice Chairman** shall be an appointed member of the Commission and shall:

- 5-2.1 Act in the absence or inability of the Chairman.
- 5-2.2 Have the power to function in the same capacity as the Chairman in cases of the Chairman's inability to act.

5-3 The **Secretary** shall:

- 5-3.1 Keep a written record of all business transacted by the Commission.
- 5-3.2 Notify all members of all meetings.
- 5-3.3 Keep a file of all official records and reports of the Commission.
- 5-3.4 Certify all maps, records, and reports of the Commission.
- 5-3.5 Attend to the correspondence of the Commission.
- 5-3.6 Prepare and be responsible for the publishing of advertisements and public notices relating to all public hearings and public meetings.
- 5-3.7 Keep a set of minutes of the Commission meetings, which, after approval by the Commission, shall be retained in the Department of Planning & Zoning, and posted on the Town website.
- 5-3.8 Forward Commission recommendations to the Town Council along with a summary explanation of the Commission's vote and a summary explanation of any difference(s) between a staff recommendation and commission recommendation on a given matter within five days.

5-4 **Planning Commission** shall, from their own ranks:

- 5-4.1 Appoint a representative to Historic District Review Board (HDRB). Said term on the HDRB shall run concurrent with the term of the Planning Commission member.
- 5-4.2 Appoint two (2) representatives to Harbor Area Review Board (HARB). Said term on the HARB shall run concurrent with the term of the Planning Commission member.
- 5-4.3 Appoint a representative to Board of Zoning Appeals (BZA). Said term on the BZA shall run concurrent with the term of the Planning Commission member.

ARTICLE SIX  
COMMITTEES

6-1 Committees, standing or special, may be appointed by the Chairman, to serve as needed. Such committees shall be subject to the approval of a majority vote of the Commission.

ARTICLE SEVEN  
MEETINGS

7-1 Regular meetings of the Commission shall be held on the first Tuesday of each month in the Cape Charles Civic Center at 6:00 p.m. When a meeting date falls on a legal holiday, an alternative date shall be designated by the Commission. Meetings may be cancelled in advance by a majority vote of those present at a previous meeting. If the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that weather or other

conditions are such that it is hazardous for Commission members to attend a regularly scheduled meeting, the meeting shall be continued to the following Tuesday at 6:00 P.M. in the Cape Charles Civic Center. Such finding shall be communicated to the members of the Commission and the press and posted on the Town's website as promptly as possible. All hearing and other matters previously advertised shall be conducted at the continued meeting, and no further advertisement is required. Any regular meeting may be cancelled by the Chairman, or the Vice Chairman if the Chairman is unable to act, if there is no new business. The Secretary shall notify the members of the Commission of the cancelled meeting.

- 7-2 Special meetings or work sessions shall be called at the request of the Chairman or at the request of a majority of the membership.
- 7-3 Except as provided for in Section 2.2-3711, Code of Virginia, 1950, as amended (Virginia Freedom of Information Act), all meetings, hearings, records, and accounts of the Commission shall be open to the public. There shall be a Citizen Comment Period at each of the regular Planning Commission meetings. The Citizen Comment Period will allow a member of the Public three (3) minutes to speak about any planning matter, except agenda items scheduled for a Public Hearing. All public participation must comply with the Guidelines for Citizen Participation, as adopted by the Town Council on July 22, 2021, and which are affixed as Appendix A to these Bylaws.
- 7-4 Three or more of the members of the Commission shall constitute a quorum. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.
- 7-5 No member present shall abstain from voting unless such member has a conflict of interest in the matter being voted upon. A "conflict of interest" shall exist when there is an actual conflict: 1) pursuant to the Virginia State and Local Government Conflict of Interests Act (§ 2.2-3100 et. seq. of the Code of Virginia, or 2) pursuant to Town of Cape Charles Code of Ethics & Meeting Rules of Order, adopted by Town Council on July 22, 2021, and which is affixed as Appendix B to these Bylaws or 3) as stated by the Commission member unless objected to by a majority vote of the members of the Commission with such member asserting such conflict of interest not permitted to vote on such matter.
- 7-6 Commission members are permitted to meet with applicants outside of a Planning Commission meeting and Commission members shall publicly disclose any meetings at the next available Commission meeting by providing names of those persons in attendance and a summary of the reason(s) for such meeting, topics of discussion and any conclusions or findings as a result of the meeting.
- 7-7 The Secretary, in reporting votes of the Commission to the Town Council, shall indicate the recorded vote including any abstentions and absences.

ARTICLE EIGHT  
ORDER OF BUSINESS

- 8-1 The order of business for a regular meeting shall be:
  - 8-1.1 Call to order by the Chairman.
  - 8-1.2 Roll call; determination of a quorum.
  - 8-1.3 Invocation and Pledge of Allegiance.
  - 8-1.4 Consent Agenda: A) Acceptance of the Agenda; B) Presentation of the minutes; and C) Other
  - 8-1.5 Public Hearings.
  - 8-1.6 Unfinished business.
  - 8-1.7 New business.
  - 8-1.8 Report of officers and committees.
  - 8-1.9 Citizen Comment Period.
  - 8.1.10 Standing Staff Reports:
    - A) Subdivision Agent; and B) Board of Zoning Appeals Applications received, pursuant to Section 2.2-3711 of the Code of Virginia
  - 8.1.11 Adjournment.
- 8-2 The first item of business for the first regular meeting after November 1 of each year shall be the election of new officers.
- 8.3 Parliamentary procedures in the Commission meetings shall be governed by Robert's Rules of Order, specifically by the provisions which pertain to the Procedure in Small Boards. The Chair may speak, make motions and vote on all matters.
  - 8-3.1 Motions shall be restated before a vote is taken.
  - 8-3.2 A tie vote on any motion means the defeat of the motion for a lack of a majority vote.
- 8.4 The Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.
- 8.5 The Commission shall retain the option to invite public comment by those present at a business meeting at such times as the Commission deems necessary.

ARTICLE NINE  
HEARINGS

- 9-1 The Commission, in addition to those required by law, following Town Council referral, shall hold public hearings.
- 9-2 Notice of a hearing shall be published in a newspaper having general circulation in the area once a week for two (2) successive weeks specifying the time and place of hearing at which persons affected may appear and present their views, not less than five (5) days nor more than twenty-one (21) days after final publication, or as otherwise set forth in the Code of Virginia. Non-legal matters, or informational meetings not covered by the Code

of Virginia, but called by the Commission, may be advertised once in a/any paper deemed appropriate by the Commission for the meeting purpose.

- 9-3 The procedures followed for a public hearing on any matter shall be:
- 9.3.1 The legal advertisement is read, and the public hearing is opened.
  - 9.3.2 The matter/case before the Commission shall be summarized by the Planning Director/Zoning Administrator. Presentations by staff shall be limited to fifteen (15) minutes unless additional time is authorized by the Commission.
  - 9.3.3 The applicant, or their designated agent and/or legal representative, may make a presentation, combined total of fifteen (15) minutes, unless additional time is authorized by the Commission.
  - 9.3.4 The Commission may recall a staff member or applicant to obtain specific information or ask additional questions regarding the matter or case.
  - 9.3.5 Public Comments: Members of the public shall have three (3) minutes to speak or submit written comments in accordance with the Guidelines for Citizen Participation (Appendix A).
  - 9.3.6 The applicant and staff are each provided an opportunity to provide a rebuttal or to clarify information in response to public comments, limited to five (5) minutes.
  - 9.3.7 Staff recommendation is presented.
  - 9.3.8 If the Planning Commission does not require additional information, then the Public Hearing is closed.
  - 9.3.9 Planning Commission opens discussion on the matter and entertains votes for the recommendation and disposition of the matter.

## ARTICLE TEN CORRESPONDENCE AND APPLICATION INFORMATION

- 10-1 The Secretary shall draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.
- 10-2 The Secretary shall communicate by telephone or other means when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.
- 10-3 A complete application from an applicant for consideration of Commission action shall be submitted generally to the Secretary not less than sixty (60) days preceding the meeting proposed for such consideration. Depending on the scope of work the Secretary may determine additional time is required for application review before such application is scheduled for consideration by the Commission and the applicant will be notified, in writing, of such action(s) and also shall be advised when an application may be considered complete and may be scheduled for Commission action.
- 10-4. All official papers and plans involving the authority of the Commission shall bear the signature of the Secretary.

ARTICLE ELEVEN  
AMENDMENTS

11-1 These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) day's prior notice.

ATTACHMENTS:

- Appendix A - Town of Cape Charles Guidelines for Citizen Participation
- Appendix B - Town of Cape Charles Code of Ethics & Meeting Rules of Order
- Appendix C - Town of Cape Charles Policy for Electronic Participation in Planning Commission Meetings

## **Town of Cape Charles Guidelines for Citizen Participation**

Town Council meetings are open to the public, except when the Council invokes the provisions of the Virginia Freedom of Information Act to discuss an authorized topic under a closed (Executive) session. A period of Public Comment shall be provided as part of the Agenda for the Council's regular monthly meetings. The Public Comment period is an obligation of the Council to provide members of the public an opportunity to address the Council on legitimate matters of town business. This period shall be governed by the following provisions:

### **Eligibility**

Only those citizens with standing in the Town of Cape Charles will be provided the opportunity to provide input during the Public Comment period. Citizens with standing include full-time residents, property owners, and business owners within the corporate boundaries of the Town of Cape Charles. State, federal, and county officials representing/serving the Town of Cape Charles are also eligible. When eligibility is called into question, input may be provided upon affirmative vote of the Council.

### **Registering**

Persons having an interest in making in-person comments to the Town Council during the Public Comment period must register on a sign-up sheet, including their name and basis for standing, indicating the item or topic on which they wish to speak. The sign-in sheet is available at the main entrance to the Council meeting and must be completed prior to the start of the meeting. The Mayor will recognize speakers at the appropriate time.

Persons having an interest in providing written comments to the Town Council during the Public Comment period must provide such comments to the Town Clerk no later than 60 minutes prior to the start of the meeting. Written comments must include a full name, basis for standing, and the agenda item or topic on which they wish to comment. The Clerk will read authorized comments into the record following all in-person speakers during the Public Comment period.

Members of Council are not permitted to sign-up and make comment during the Public Comment period unless an agenda item being considered has a direct impact upon the Council member or his/her interests, they have declared a potential conflict of interest, and the remaining Council members have voted to excuse that Council member from official action on the related item.

### **Regulations:**

#### **Cell Phone and Recordings**

- Ringers on cell phones or pagers shall be turned off during the time that persons are at a Town Council meeting.
- The taking of photographs and video or audio recordings of a speaker or the activities during a meeting of Town Council shall be no closer than the front row of seating or other location designated by the Mayor or presiding officer to avoid disruption to the meeting and to promote public safety. The photographer or recorder shall take steps to avoid obstructing the aisles or other areas for any length of time in such a manner as to prevent other citizens from taking photographs, or to block the view of other citizens attending the meeting. No flashes or lighting devices may be used by photographers or operators of video recording equipment.

## Speaking

When a speaker is called by the Mayor or presiding officer, the following is required:

- Speakers shall speak into the microphone to ensure that their name and remarks are heard and recorded as a part of the record of the meeting.
- Speakers shall state their full name and basis for standing and topic to which they are speaking.
- If a speaker represents a group or organization, the speaker shall indicate the name of the organization and the speaker's relationship to the group or organization. Speakers may ask others from their group or organization to stand at their seats to be recognized while the group's or organization's name is announced, but non-speakers or individual members are not permitted to stand with the speaker at the podium and for safety reasons, no members of the group or organization are permitted to stand in the aisles or doorways at Town Council meetings. Those members of a group or organization who do stand when the name of the group or organization is announced shall then be seated.
- Speakers shall address remarks to the Mayor and members of Council and not to the audience.
- Speakers shall state their position, give the facts to substantiate their position, and relate the concerns they believe the Town Council should consider.
- Speaker's comments will be made part of the record and a written copy should be delivered to the Town Clerk for inclusion. If other supportive material is available, it should also be delivered to the Town Clerk for the record.
- Speakers shall refrain from campaigning for public office, personal attacks upon members of the Town Council, Town employees or officials, or any other person.
- Speakers shall refrain from words or statements which, from their usual construction and common acceptance, are construed as insults or which have a tendency to cause an act of violence or a breach of the peace.
- Speakers shall refrain from abusive language, obscenity, vulgarity, and profanely cursing or swearing.
- Speakers shall refrain from actions that would interrupt the public meeting.
- All comments must come directly from the speaker.

## Time limitations for remarks

- In-person speakers shall confine their remarks to no more than three (3) minutes. Speakers will be advised when their three (3) minutes have concluded.
- Persons providing written input must limit their comments to no more than can be read by the Town Clerk within three (3) minutes. Written comments provided beyond what can be read during the allotted time will not be entered into the record.
- Speakers cannot "yield," "transfer" or "designate" their time to another speaker in an effort to provide another speaker more than the allotted three (3) minutes.
- The Mayor or other presiding officer shall have the right to limit redundant remarks, as well as the overall time provided for remarks based on consideration of the time available and the need to complete the meeting efficiently.
- After a speaker has concluded his or her remarks, the speaker shall be seated.

## Decorum and order

- For safety reasons, petitioning, picketing, displaying signs or posters, solicitation, demonstrating, pamphlet distribution, conducting polls, and blocking of the entryway shall not be permitted at a Town Council meeting or within one hundred (100) feet of any doorway to the meeting location.
- These guidelines do not preclude speakers, when addressing the Town Council, from delivering to the Council members by way of the Town Clerk written materials including reports, statements, exhibits, letters, or signed petitions. Nor do these guidelines preclude those addressing the Town Council from using a chart or graph during their remarks.
- Speakers and members of the audience shall be respectful of others, even if they do not agree with others' comments.
- The Mayor or other presiding officer shall preserve decorum and shall decide all questions of public order.
- At the request of the Mayor or Town Manager, one or more persons, including Town police officers shall act as sergeant-at-arms or sergeants-at-arms at all Town Council meetings. The sergeant-at-arms or sergeants-at-arms shall, under the direction of the Mayor or other presiding officer, have charge of the Council meeting location, and shall prevent disorder or interruption of the business of Town Council.
- Applause shall be permitted only during awards and presentations. Flash photography will be permitted at this time.
- Violation of these rules by speakers or members of the audience shall enable the Mayor or other presiding officer to rule the speaker or member of the audience out of order and by directive to have the speaker or member of the audience removed from the meeting, if necessary, and to take such other steps the Mayor or other presiding officer deems appropriate. The Mayor's or other presiding officer's decision to remove or rule a speaker or member of the audience out of order shall be final. One (1) warning will be given and if not heeded, the speaker or member(s) of the audience shall be escorted from the meeting.
- Any citizen is welcome to address their concerns informally with the Mayor, Town Council or Town Manager at any time outside of a Town Council meeting.

## Town Council Response

Council members or Town employees shall not respond to questions posed nor address or rebut speaker's statements made during the Public Comment period. The Council, at its discretion, may direct matters raised during the Public Comment period be placed on the Agenda of a future meeting.

The Town Council hopes these Guidelines will encourage the greatest possible participation by citizens in the Town Government.

## Applicability

While these guidelines reference the Town Council specifically, they shall also apply to all Town boards, commissions, and committees as appropriate.

**Thank you** for your interest and participation in your Town Council meeting. The Mayor and Town Council invite and encourage you to attend whenever possible because good, responsive government depends on the interest and involvement of all citizens.



## Appendix B

# Town of Cape Charles

## Code of Ethics & Meeting Rules of Order

Adopted July 22, 2021

### Preamble

The citizens and businesses of the Town of Cape Charles, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of representative government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial, and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Town of Cape Charles Town Council has adopted this Code of Ethics and Rules of Order for members of the Town Council and of the Town's boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operations.

### Code of Ethics

#### 1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Cape Charles and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Town of Cape Charles Town Council, boards, commissions, and committees.

#### 2. Comply with the Law

Members shall comply with the laws of the nation, the Commonwealth of Virginia, and the Town of Cape Charles in the performance of their public duties. These laws include but are not limited to the United States and Virginia Constitutions; the Charter of the Town of Cape Charles; laws pertaining to conflicts of interest, election campaigns, employer responsibilities, open processes of government; and Town ordinances and policies.

#### 3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct or language, personal charges or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, committees, the staff, or the public.

4. Respect for Process

Members shall perform their duties in accordance with the processes and Rules of Order established by the Town Council; they shall respect the deliberation of public policy issues of other bodies, the meaningful involvement of the public, and the Town staff's implementation of policy decisions of the Town Council.

5. Conduct of Public Meetings

Members shall prepare themselves for public business; listen courteously and attentively to all public discussions before the body; and focus on the issues at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Town Council or boards, committees, and commissions, which they may have received from sources outside of the public decision-making process.

8. Gifts and Favors

A member should never accept for himself or herself or for family members, gifts, favors, or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

9. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

10. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as Town staff time, equipment, supplies, or facilities, for private gain or personal purposes.

11. Advocacy

Members shall represent the official policies or positions of the Town Council, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When representing their individual opinions and positions in any venue, members shall explicitly state they do not represent their body of Town of Cape Charles, nor will they allow the inference that they do.

12. Policy Role of Members

The Town Council determines the policies of the Town with the advice, information, and analysis provided by the public boards, commissions, committees, and Town staff. The Town Council delegates authority for the administration of the Town to the Town Manager.

Members, therefore, shall not interfere with the administrative functions of the Town or the professional duties of Town staff, nor shall they impair the ability of staff to implement Town Council policy decisions. Inquiries to staff shall be made through the Town Manager or the appropriate department manager or director as authorized by the Town Manager.

13. Independence of Town Council and Commissions

Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, members of the Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

14. Positive Workplace Environment

Members shall support the maintenance of a positive and constructive workplace environment for Town employees, citizens, and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees and in no way create the perception of inappropriate direction to staff. All requests for staff resources must be approved by the Town Manager.

15. Implementation

Ethical standards shall be included in the regular orientations for candidates for the Town Council, applicants to boards, committees, commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Town of Cape Charles Code of Ethics and Rules of Order. In addition, the Town Council, boards, committees, and commissions, shall annually review the Code of Ethics and Rules of Order, and the Town Council shall consider recommendations from boards, committees, and commissions to update it as necessary.

16. Compliance and Enforcement

The Town of Cape Charles Code of Ethics expresses standards of ethical conduct expected of Members of the Town of Cape Charles Town Council, boards, committees, and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees, and commissions and the Mayor of the Town of Cape Charles have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Ethics are brought to their attention.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Town Council, board, committee, or commission decision. However, it may be considered when the Town Council is determining the suitability of any person to serve in any appointed position.

## Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest and shall disclose any substantial organizational responsibility or personal business relationship to the parties in any matter coming before them. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts are determined to exist. This paragraph is not intended to unduly restrict members who have minor business or professional dealings with clients whose matter comes before them.

### 1. Abstention

As elected or appointed officials, members have a duty/obligation to represent their constituents in all public matters coming before their body. It is not appropriate for individual members to decide in which matters they should abstain. If a member believes they have a conflict of interest on any matter before their body, they are REQUIRED to disclose it before deliberations on that business begins. However, it shall be up to the remaining members of that body to determine if an actual conflict exists and if the member disclosing the potential conflict can be excused from participating in the business. If the body votes to allow the member to recuse him/herself, that member will not participate in any of the discussions or vote related to that business. Failing a vote to allow recusal, the member shall participate as normal.

### 2. Representation of Third-Party Interests

In keeping with their role as stewards of the public interest, members of the Town Council shall not appear on behalf of the private interests of third parties before the Town Council or any board, committee, commission, or proceeding of the Town; nor shall members of boards, committees, or commissions appear before their own bodies or before the Town Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies. This provision should not unduly restrict a member's participation who is associated with, but not representing, community or non-profit organizations serving the Town, whose matter comes before them.

## Meeting Rules of Order

The following rules of order are to serve as a non-binding guide to the conduct of business. It is the duty of the Mayor or other presiding officer to conduct meetings in accordance with the Code of Virginia, the Town Charter, applicable Bylaws, and in a manner intended to promote open, civil, and fair discussion of all issues.

### 1. Meeting Types

All meetings of the Town of Cape Charles fall under the provisions of the Virginia Freedom of Information Act (FOIA). All members will receive training on VA FOIA requirements upon initial appointment, as well as periodic refreshers. The Town Clerk will ensure FOIA training is completed, and that all records of the training are maintained. This document is not to be considered a substitute for FOIA training and offered only as a summary overview.

The public must be provided notice and access to all Town meetings.

- **Regular Meeting:** Meetings required by Charter or Bylaws to occur on a regular interval to conduct the primary business of the body. These meetings are conducted more formally, with established procedure. The Mayor or presiding officer will enforce these procedures to ensure proper decorum and efficient flow of business. Agendas will include a public comment period on any topic in accordance with public comment procedures established by the Town Council.
- **Special Meeting:** Meetings to conduct official business of the body that are deemed necessary in addition to Regular Meetings. Special Meetings are also conducted formally but may not include all Regular Meeting agenda items. Public comments will be permitted but limited to only business items on the agenda. Special meetings may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.
- **Work Session:** Informal meetings of the body that allow for relaxed procedure enabling freer flowing discussion. No official action may be taken during a work session, however determining consensus on items to be brought forward to a Regular or Special meeting is appropriate. Work Sessions are generally used for (but not limited to) brainstorming, information gathering, planning efforts, budget review, or when more time is needed on a particular item than is typically afforded during formal meetings. The public must be permitted the opportunity to observe work sessions but are not typically permitted an opportunity to provide comments. The Mayor or presiding officer may on special circumstance, allow public comment. Work sessions may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.
- **Closed Session:** Closed Sessions (Executive Sessions) are authorized by FOIA to discuss certain confidential matters limited to specific purposes, while using very specific procedures. Though a portion of this meeting is closed to the public, other portions are open. The public must be permitted to be observe the motion to go into Closed Session as well as the certification upon leaving the Closed Session.
- **Public Hearing:** Public Hearings are intended to solicit public feedback on specific topics. These topics will be advertised in advance. Input may be made in person or in writing. All comments will adhere to the Town Council approved guidelines. Comments will be directed to the body and not to any individual. Members shall not respond to questions posed nor address or rebut speaker's statements made during the Public Hearing.
- **Town Hall Meeting:** An informal meeting where no official action is taken. A Town Hall Meeting is essentially a Work Session that involves the public. These meetings are typically focused on one or two topics and encourages dialog between members and the public. A primary goal of a Town Hall meeting is to provide decision makers with in-depth public perspectives prior to taking an official action.

- **Social or Community Events:** These are gatherings where no official business is conducted, but where Town issues may be informally discussed. If more than two members will be present in their capacity as a Town official, the gathering should be posted. There are no agendas or minutes associated with these functions.

## 2. Motions

- **Unanimous Consent:** Routine business is typically conducted by unanimous consent. This is an informal process that allows business to be conducted expeditiously. The procedure is for the presiding officer to ask whether anyone objects to a particular action and then to state, "Hearing no objection the action will be taken by unanimous consent." Note that even when a member is not in favor of a particular action the member may chose not to object in the interest of moving the agenda forward. In other words, unanimous consent does not mean that everyone was actually in favor of the action. If anyone objects, then the action must be addressed with a formal motion and vote.
- **Main Motion:** This is the motion that brings business before the council or other body. Such motions should be stated in a concise form and should generally be in writing to avoid misunderstandings. It must be seconded and when voted upon will ordinarily require a simple majority vote. There are circumstances where a super majority may be required. such as in the disposition of real estate. Before voting on the motion the presiding officer should call for discussion. The presiding officer should allow for discussion until it terminates by *unanimous consent* or is formally terminated by a subsidiary motion (discussed below).

When the motion is ripe for a vote the presiding officer should call for "all in favor" and then "all opposed." The presiding officer should then clearly state either the "motion passes" or the "motion fails." Generally, in the event of a tie the presiding officer may cast the deciding vote. The Town Charter expressly allows the Mayor to vote in the event of a tie. Any member may request a roll call vote.

- **Subsidiary Motions:**
  - **Motion to Postpone Indefinitely** (sometimes incorrectly called a motion to table): Normally used to put aside business that is not ripe for consideration. such as when further study is required. It requires a second. is debatable and is not amendable.
  - **Motion to Amend:** This is a motion to amend the wording and sometimes the meaning of the main motion. It requires a second and is debatable. It is also amendable *one time*. Note that a vole to adopt the amendment is not a vote on the main motion. Once the motion to amend is adopted the amended main motion must then be voted on as well. Often. simple motions to amend are adopted by unanimous consent. Also. note that whether the member that offered the original motion is willing to accept the proposed amendment or not is irrelevant. It must still be seconded and voted upon or adopted by unanimous consent.

- Motion to Refer: This is a motion to refer a matter to a committee or other body for action. In effect, when the motion is to refer the matter to a "workshop, it is a motion to refer the matter to a committee comprised of the entire council or other body (a committee of the whole). It requires a second and is debatable.
- Postpone to a Certain Time: Used when a matter is best considered at a different time to allow for the orderly conduct of business. It requires a second and is debatable.
- Motion to Limit Debate: Used to put a limit on the time permitted for debate of a motion. It requires a second, is not debatable and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion to limit debate does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.
- Motion of the Previous Question (often referred to as "a motion to call the question" or "motion to bring the matter to a vote"): Used to end debate and bring the pending motion to a vote. It requires a second, is not debatable, and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion of the previous question does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.
- Motion to Lay on the Table (often confused with a motion to postpone indefinitely): Used to temporarily interrupt pending business so that another matter can be considered first. It requires a second and is not debatable. This is often done by unanimous consent to move business forward.
- Motion to Recess: This is a motion to take a short break in the proceeding. It requires a second and is not debatable.
- Motion to Adjourn: This motion closes the meeting. It requires a second and is not debatable.

### 3. Agenda

The presiding officer should make a reasonable effort to conduct business in accordance with a consent agenda. The agenda should be organized to promote the orderly conduct of business. If the members cannot agree on the agenda, it should be presented by motion and subject to a vote. Keep in mind that even after an agenda is approved it can be amended. Often that is done by unanimous consent at the suggestion of the presiding officer to expedite the meeting. The procedure is for the presiding officer to state, "Is there any objection to amending the agenda [explain]. Hearing no objection, the agenda is so amended by unanimous consent."

4. Other Issues

- Mayor’s Veto: The Town Charter provides the Mayor with "the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and meeting." With a six-member council the override requires a vote of four members if all are present and voting.
- Quorum: The Town Charter provides that "four members of the town council shall constitute a quorum for the transaction of business at any meeting." The bylaws of other bodies establish the number of members required for a quorum. The Code of Virginia provides that if a member is disqualified due to a conflict of interest "the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members." 2.2-3112.C.

**Acknowledgement**

I \_\_\_\_\_ (printed name), a sitting member of  
 \_\_\_\_\_ (body), hereby certify that I have  
 been given a copy, read, understand, and will abide by the above Town of Cape Charles Code of  
 Ethics & Meeting Rules of Order, adopted on July 22, 2021.

\_\_\_\_\_ (signature)

\_\_\_\_\_ (date)

**APPENDIX C  
TOWN OF CAPE CHARLES  
POLICY FOR REMOTE PARTICIPATION IN  
PLANNING COMMISSION MEETINGS Adopted  
February 6, 2024**

Pursuant to the Code of Virginia Section 2.2-3708.2 and 2.2-3708.3, the Cape Charles Planning Commission adopts the following to allow for remote participation or electronic participation in meetings of the Planning Commission:

The following provisions qualify for an individual member of a public body to use remote participation in meetings:

- i) a temporary or permanent disability or other medical condition that prevents the member’s physical attendance;
- ii) a family member’s medical condition that requires the member to provide care for such family member that prevents the member’s physical attendance;
- iii) the member’s principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
- iv) a personal matter.

1. On or before the day of a meeting, the Planning Commission Member shall notify the Chairman that he/she is unable to attend the meeting due to:
  - a. A temporary or permanent disability or other medical condition. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member’s physical attendance, along with the remote location from which the absent member participated.
  - b. A family member’s medical condition. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to a family member’s medical condition that required the member to provide care for such family member, preventing the member’s physical attendance, along with the remote location from which the absent member participated.
  - c. Principal residence is more than 60 miles from the meeting location. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to the distance between the member’s principal residence and the meeting location.
  - d. A personal matter. The member must specifically identify the nature of the personal matter which shall be recorded in the minutes of the meeting, along with the remote location from which the absent member participated.

Participation by a member pursuant to this subdivision is limited to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. A quorum of the Planning Commission must be physically assembled at the primary meeting location.
3. The Planning Commission members present at the physical location must approve the electronic participation by a majority vote.
  - a. If the absent member’s remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes of the meeting.
4. Arrangements must be made for the voice of the remote participant to be heard by all persons at the primary meeting location.