



Town Council Public Hearing & Regular Meeting

April 16, 2026 at 6:00 PM

Cape Charles Civic Center - 500 Tazewell Avenue


Agenda

1. **Call to Order**
 - A. Roll Call
 - B. Establish Quorum
2. **Moment of Silence and Pledge of Allegiance**
3. **Public Hearing: (3 minutes per speaker)**
 - A. Zoning Text Amendment (ZTA) 2026-01 – Chesapeake Bay Preservation Act
4. **Close Public Hearing**
5. **Public Comments (3 minutes per speaker for topics not subject to this evening's public hearing)**
6. **Recognition of Visitors / Presentations / Recognitions**
 - A. Eastern Shore Rail Trail Update - Ron Wolff, Executive Director
 - B. National Building Safety Month Proclamation
 - C. National Police Week Proclamation
 - D. National Public Works Week Proclamation
 - E. Recognition of Employees with Significant Anniversaries
7. **Consent Agenda**
 - A. Approval of Agenda Format
 - B. Approval of Minutes
 - C. Approval of February 2026 Financial Report
8. **Unfinished Business:**
 - A. Beachfront Master Plan - Presentation of Final Plan & Discussion of Next Steps
 - B. 2026 Community Strategic Plan
 - C. Zoning Text Amendment (ZTA) 2026-01 – Chesapeake Bay Preservation Act
 - D. Zoning Text Amendment (ZTA) 2026-02 – Article VIII (Historic District Overlay), Appendix A (Definitions) & Design Guidelines
9. **New Business:**
 - A. Grounds Maintenance Service Contract Award
10. **Town Manager Comments**
11. **Mayor & Council Comments (5 minutes per speaker)**

12. Announcements

- A. April 24, 2026 - Blessing of the Fleet
- B. May 7, 2026 Town Council Work Session
- C. May 21, 2026 Town Council Regular Meeting

13. Adjournment

	Agenda Title:	Agenda Date:
	Zoning Text Amendment (ZTA) 2026-01 – Chesapeake Bay Preservation Act	April 16 th , 2026
	Subject/Proposal/Request:	
	Zoning Text Amendment (ZTA) 2026-01 application to amend the Chesapeake Bay Preservation Act Overlay Ordinance (Town Code Chapter 32, Section VII (CBPA Overlay), Appendix A (Definitions), and Appendix C (Site Plan Ordinance))	
Town of Cape Charles	Attachments:	For Council:
	<ol style="list-style-type: none"> 1) Article VII (Chesapeake Bay Preservation Act Overlay Ordinance), Appendix A (Definitions), Appendix C (Site Plan Ordinance) 2) Comprehensive Plan Chapter 7 (Environment) 3) Zoning Text Amendment Application (ZTA2026-01) 4) Planning Commission Staff Report and Minutes of Public Hearing 	Action: X Information:
	Staff Contact(s):	Reviewed by:
	Katie Nunez, Director of Planning & Zoning Administrator	Rick Keuroglan, Town Manager

Background: Since early 2024, staff and the Planning Commission have been working on revising Article VII (Chesapeake Bay Preservation Act Overlay Ordinance) of the Town Zoning Ordinance due to legislative changes to the Chesapeake Bay Preservation Act (CBPA) made by the General Assembly.

The proposed Zoning Text Amendment was then submitted to DEQ staff for review. They provided comments and edits back to the Town, which were shared with the Planning Commission, who finalized their development of ZTA 2026-01 in late summer 2025. Staff then finalized the document in late fall 2025. Additionally, changes in Appendix A (Definitions) and Appendix C (Site Plan Ordinance) were incorporated.

Notably, DEQ stated that the Town of Cape Charles must revise its Comprehensive Plan to include the required mapping features—such as locations of CBPA areas, shoreline and streambank erosion issues, and current and potential water pollution sources—as well as necessary implementation measures and an overlay map layer showing the Resource Protection Area (RPA) and Resource Management Area (RMA) on the Town’s Zoning Map.

To fulfill the above request, I have been collaborating with Civic Vanguard, Northampton County’s GIS vendor, to create town-specific zoning layers. This includes mapping the RPA

and RMA of the CBPA and negotiating a cost-sharing agreement with Northampton County to host these data layers within their GIS system.

At the March 19th, 2026, regular meeting, Town Council adopted Resolution 20260319, referring this application back to the Cape Charles Planning Commission to convene the requisite public hearings to amend Cape Charles Zoning Ordinance Article VII, Appendix A, and Appendix C.

After referring the above ZTA application back to the Planning Commission, the Planning Commission held an advertised public hearing on April 7th, 2026, at 6:00 pm in the Cape Charles Civic Center. During their meeting, the Planning Commission found that the proposed amendments are consistent with the intent and purpose of the Zoning Ordinance and do not conflict with established performance criteria. After a brief discussion, the Planning Commission provided the motion below:

Motion made by Commissioner McDonald, seconded by Commissioner Newman to recommend to the Town Council to approve Zoning Text Amendment (ZTA) 2026-01: Application from the Town of Cape Charles to amend Town Code Chapter 32, Article VII (Chesapeake Bay Preservation Area Overlay District) and related updates to Appendix A (Definitions) and Appendix C (Site Plan Ordinance) to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Act.

The motion passed unanimously.

Staff Analysis:

Comprehensive Plan Review:

The proposed amendments align with Chapter 7 (Environment) of the Town’s Comprehensive Plan, which sets goals to protect natural resources, improve coastal resilience, and enhance the Chesapeake Bay’s water quality, among other objectives. Approval of ZTA 2026-01 advances these policy goals by aligning the Zoning Ordinance with current state law requirements.

Zoning Ordinance Review:

Staff has thoroughly reviewed the proposed Zoning Text Amendments in accordance with the applicable provisions of the Zoning Ordinance. The proposed amendments are consistent with the Ordinance’s intent and purpose. The changes provide clarity and ensure that the Town’s Zoning Ordinance complies with applicable state laws regarding the Chesapeake Bay Preservation Act.

Item Specifics: Town Council reviews the proposed Zoning Text Amendments for Article VII, Appendix A, and Appendix C of the Town Code Zoning Chapter.

Recommendation: I am recommending that the Town Council vote to approve the Zoning Text Amendments to Article VII, Appendix A, and Appendix C of the Town Code Zoning Chapter as presented.



PROCLAMATION 20260416A

BUILDING SAFETY MONTH — MAY 2026

WHEREAS, the Town of Cape Charles is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike; and

WHEREAS, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

WHEREAS, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play, and

WHEREAS, these modern building codes and standards include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities’ largely unknown protectors of public safety—our local code officials—who assure us of safe, sustainable and affordable buildings that are essential to our prosperity, and

WHEREAS, “Built to Last” the theme for Building Safety Month 2026 encourages us all to get involved and raise awareness about building safety on a personal, local and global scale, and

WHEREAS, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local, state, tribal, territorial, and federal building safety and fire prevention departments, in protecting lives and property.

NOW, THEREFORE, be it proclaimed that the Cape Charles Town Council hereby proclaims the month of May 2026 as Building Safety Month.

Adopted by the Town Council of Cape Charles on this 16th day of April 2026.

Andy Buchholz, Vice Mayor

ATTEST:

Libby Hume, Town Clerk



**TOWN OF CAPE CHARLES
PROCLAMATION #20260416B
TO RECOGNIZE NATIONAL PEACE OFFICERS' MEMORIAL DAY
AND NATIONAL POLICE WEEK 2026**

To recognize National Police Week 2026 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are more than 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Cape Charles Police Department; and

WHEREAS, since the first recorded death in 1786, 24,775 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

WHEREAS, 363 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 109 officers killed in 2025 and 254 officers killed in previous years; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 38th Candlelight Vigil, on the evening of May 13, 2026; and

WHEREAS, the Candlelight Vigil is part of National Police Week, which will be observed this year May 11th-16th; now

THEREFORE, BE IT PROCLAIMED, that the Cape Charles Town Council formally designates May 15, 2026 as Peace Officers' Memorial Day in honor of all fallen officers and their families and U.S. flags should be flown at half-staff; and

BE IT FURTHER PROCLAIMED that Cape Charles Town Council will observe May 10-16, 2026, as National Police Week in the Town of Cape Charles, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Adopted by the Town Council of Cape Charles on this 16th day of April 2026.

Andy Buchholz, Vice Mayor

ATTEST:

Libby Hume, Town Clerk



PROCLAMATION 20260416C

National Public Works Week
May 17-23, 2026
"Rooted in Service, Powered by Community"

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to public health, high quality of life, and well-being of the people of the Town of Cape Charles; and

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the Town of Cape Charles to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2026 marks the 66th annual National Public Works Week sponsored by the American Public Works Association; now

BE IT RESOLVED, that the Cape Charles Town Council does hereby designate the week of May 17-23, 2026, as National Public Works Week, and urges all citizens to join with representatives of the American Public Works Association and government agencies to pay tribute to our public works professionals and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

Adopted by the Town Council of Cape Charles on this 16th day of April 2026.

Andy Buchholz, Vice Mayor

ATTEST:

Libby Hume, Town Clerk



DRAFT
TOWN COUNCIL
Strategic Planning Workshop
Trinity UMC Fellowship Hall, 410 Tazewell Avenue
March 12, 2026
12:30 PM – 5:00 PM

CALL TO ORDER

Vice Mayor Andy Buchholz called the Town Council Work Session to order at approximately 12:30 p.m.

Chairman Bill Stramm called the Planning Commission Work Session to order.

ROLL CALL

Council members in attendance: Vice Mayor Buchholz, Councilmen Butta, Grossman and Newman, and Councilwoman Holloway. A quorum was established. Mayor Charney and Councilwoman Ashworth were not in attendance.

Planning Commissioners in attendance: Bill Stramm, Bill Ashworth, Alan Clark, Ian McDonald, Clayton Newman, and Libby Wright. A quorum was established. Jim Holloway was not in attendance.

Organization representatives in attendance: Gerry Taylor from Cape Charles Main Street, Mark Usry from Citizens for Central Park, Ed Wells from the Cape Charles Historic District Civic League.

Staff members in attendance: Town Manager Rick Keuroglan, Project Manager Bob Panek, Planning & Zoning Director Katie Nunez, Public Works Manager Ralph Bowen, Code Official Jeb Brady, Harbor Master Paula Davis, Assistant to the Town Manager Pam Endlein, Town Clerk Libby Hume, Human Resources Director Jodi Outland, Planning & Zoning Assistant Tracy Outten, Library Manager Sharon Silvey, Treasurer Marion Sofield, Planning & Zoning Administrative Assistant Jack Steinmayer.

There were two (2) members of the public in attendance.

Rick Keuroglan welcomed everyone, adding that today’s goal was to get everyone’s feedback on the items to be discussed, but when it came to the discussion regarding the Town’s priorities, only Council members would be participating.

Bob Panek and Katie Nunez reviewed the 2025 Town Priorities List (Appendix B) and provided updates for each item. (Please see attached.)

Rick Keuroglan reviewed the Summary of Community Survey Comments related to possible priority items and introduced two additional items for consideration for the Priority List. (Please see attached.)

Rick Keuroglan went on to review the CAPE Values that were adopted by Town Council on February 19, 2026. (Please see attached.)

There was much discussion regarding the sections of the 2025 Community Strategic Plan: Our Community Values, Our Vision, Our Goals, Our Objectives, and the Ongoing Town Priorities List.

Once all the changes discussed during today’s meeting were incorporated, the plan would be provided for Council review. Council would then vote on the proposed plan and annual project priority list during an upcoming regular meeting.

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

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

The work session was adjourned at 4:55 p.m.

Andy Buchholz, Vice Mayor

Libby Hume, Town Clerk

DRAFT

March 12, 2026 Strategic Planning Workshop

Community Strategic Plan

Appendix B 2025 Ongoing Town Priorities List PROGRESS/STATUS REPORT

RED: 2025 PRIORITY PROJECT WAS COMPLETED IN 2025

- Library building sale/upgrades – completed December 2025. Work continues by developer on the residential condominium unit.
- Publish recently adopted Zoning Ordinances to online platform – completed with minor exception. Our vendor, MuniCode, has not published the zoning map as part of the codification of the zoning ordinance (which now sits as Chapter 33 of the Town Code).

BLUE: 2025 PRIORITY LIST – PROGRESS ONGOING IN 2025 & NOW 2026 (GREEN: STATUS REPORT ON PRIORITY PROJECT)

1. Develop New Municipal Center
Site Selected for 7 lots on Randolph & Fig; engineered building plans are being updated with anticipated bid issuance in March 2026 and bids due in April/May 2026 for Town Council review and possible vote to award construction contract.
2. Develop New Downtown Restrooms and Visitors Center
Temporary Bathroom Trailer purchased & delivered to Town. Being prepped for placement. “Silver Bullet” will be removed from Mason Avenue.

Permanent Bathroom Location at 7 Strawberry Street (former Betis Building) selected. Lease with property owner (Cape Charles Ventures, LLC – David Gammino) is in place to include renovation of building interior for agreed upon public bathrooms layout by property owner. Work planned to be completed by July 1, 2026.

Visitors Center – Space available within the Permanent Bathroom building at 7 Strawberry Street for rack cards and other informational material provided by Main Street.
3. Work with developers/agencies to facilitate workforce housing
Request for Proposals issued fall 2025; 4 proposals received. Workforce Housing Committee has reviewed the proposals. A recommendation with supporting documentation will be provided to Town Council for a closed session meeting in March 2026 with possible action/vote by Town Council in April 2026.
4. Develop beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.) VBH will be presenting the final beachfront master plan document to the Town Council at the March 19, 2026 meeting for adoption.

Community Strategic Plan

PRIORITY ITEMS TO BE STARTED AS SOON AS TIME/RESOURCES ARE AVAILABLE:

LIGHT BLUE: ITEMS ADVANCED AS STAFF CAPACITY OPENED UP TO WORK ON – 2025/2026 (GREEN: STATUS REPORT ON PRIORITY PROJECT)

1. Develop harbor/RR area conceptual master plan, new design guidelines, and Article IX update

Engaged consultant (The Berkley Group) in October 2025 with projected completion of planning process by end of 2026 with presentation of a master plan for Town Council adoption. As of 2/19/2026, we supplemented planning process with addition of a Design Competition to bring vision to the Master Plan.

2. Develop an implementable sidewalk infill program

FY2026 budget includes \$100,000 for sidewalk infill. Cape Charles Historic District Civic League developed a priority list of infill segments. Invitation for Bids (IFB) issued on 1/22/2026, amended on 2/2/2026. Town Council approved award of contract on 2/19/2026 to Jimenez Builders, LLC:

- a. Infill of gaps on the west side of Fig Street from Randolph to Madison Aves
- b. Infill of gaps on the north side of Madison Avenue from Fig St to Bay Ave
- c. Infill of gap on the west side of Fig Street from Madison to Jefferson Avenue

Work has started and is expected to take about 45 days to complete.

3. Mason Ave & Strawberry Street Electrical Upgrade

a. An Invitation for Bid (IFB) has been advertised for electrical upgrades for the section of Mason Avenue between Harbor Avenue and Bay Avenue. The base bid will include conduit, wiring, underground junction boxes, power pedestals for tree lighting, and installation of our standard streetlights. The IFB includes a bid alternate for similar improvements from Harbor Avenue to Pine Street. This will include an additional streetlight and power pedestals. Two large trees will need to be removed and replaced with appropriately sized trees. Executed a contract with our approved sole-source vendor for the streetlights. Bids are due March 18, with Town Council vote to approve approve contract award in April 2026.

b. Staff will develop a Request for Proposals (RFP) for engineering design services regarding installation of electrical service and streetlights for Strawberry Street between Mason Avenue and Randolph Avenue. This will be a FY2027 project.

During the survey of the downtown area to identify electrical upgrade requirements, staff noted that there were several segments of missing ADA compliant curb ramps that should be addressed to improve pedestrian accessibility, especially prior to any conduit work for electrical upgrades. On 2/19/2026, Town Council voted to authorize staff to construct the following: 1) 2 handicap ramps at the handicap parking spaces on the north side of Mason Avenue; and 2) a handicap ramp at the Strawberry St. intersection on Mason Avenue. Staff will prepare an IFB for this work, with anticipated issuance in mid-March.

Community Strategic Plan

- 4. **Review efficiency of current planning and zoning processes and fees**
 Review in progress of proposed revisions to Zoning Ordinance Article VIII (Historic District Overlay) and development of new Appendix G to the Design Guidelines that outlines categories of work for building improvements and identifying what approvals, if any, are required by staff, Planning Commission and Historic District Review Board – anticipated review and public hearing process on this in May 2026.

 Zoning Fees will be discussed and reviewed as part of the FY2027 budget proces

2025 PRIORITY ITEMS THAT WORK HAS NOT COMMENCED

- 1. Pursue development of a shared revenue agreement with the County.
- 2. Develop a town-wide parking plan to include a parking capacity inventory and recommendations for possible parking area expansions or improvements.
- 3. Develop metrics and review short term rental ordinances/codes to determine if changes or updates are needed
- 4. Develop a plan to address coastal resiliency, to include RAFT recommendations

NOTE: Refer to the Town's FY26 Capital Asset Management Plan (CAMP) to see a five-year schedule of proposed capital projects.

FY 2026–2027 Strategic Priority Candidates

Action Items/Projects from Survey:

- Safer Walkway (Path from Mason Ave to Shanty)
- ADA Accessibility for Docks
- Water Fountains in Central Park
- Bike Racks in Central Park
- Additional Picnic Tables / Benches in Central Park
- Add Basketball / Volleyball Courts in Central Park
- Playground Upgrades in Central Park
- Message Board / Kiosk in Central Park
- Address Restroom problems in Central Park
- Add a Dog Park in Central Park
- ADA Mats at the Beach
- Additional Restrooms at the Beach
- Parking concerns at the Beach
- Create a new service for Curbside Recycling
- Coordinate with VDOT to address localized flooding concerns
- Sidewalk Improvements / Infill
- Benches along sidewalks
- Boat / Camper Parking
- Mason Ave Parking Signs
- Update Downtown Restrooms

Strategic Advice for the Retreat

A project **should** rise to the Council Priority Level if it:

- Requires policy direction or funding allocation
- Requires multi-department coordination
- Impacts long-term planning or capital investment
- Reflects strong survey support
- Cannot be handled through routine operations

A project **should not** rise to the Council Priority Level if it can be handled through:

- Public Works - Work Orders
- Existing master plans
- Pending leases
- Standard maintenance

Not every good idea rises to the level of a strategic priority. Some are operational. Some are future-phase. Our job today is to determine what requires Council-level focus in the coming year. This protects us from overload.

Assessment of Survey Action Items for the Priority List:

Public Space Accessibility & Mobility

1. **ADA Beach Accessibility (Seasonal Beach Mats)**
Purpose: Improve accessibility to the Town beach.
Scope May Include:
 - Purchase/install seasonal ADA beach mats
 - Identify best location
 - Develop maintenance planWhy It's Strategic: High visibility, equity-aligned, achievable within one fiscal year.

2. **Sidewalk Improvements & Infill**
Purpose: Continue improving pedestrian safety and walkability.
Status: Ongoing Town Priority
Why It's Strategic: Long-term infrastructure investment with strong community support.

3. **Dock ADA Accessibility Assessment**
Purpose: Evaluate feasibility of improving accessibility at Town docks.
Scope: Engineering/feasibility study only (not construction).
Why It's Strategic: Planning-level decision needed before funding commitments.

Recreation & Community Amenities

1. **Dog Park Feasibility Study**
Purpose: Assess viability and location options.
Scope: Site analyses, maintenance implications, Events compatibility.
Why It's Strategic: High survey interest, requires land-use evaluation.

2. **Recreation Courts Feasibility (Basketball/Volleyball)**
Purpose: Evaluate adding courts at Central Park or alternate location.
Scope: Space, cost, operational impact study.
Why It's Strategic: Expands youth and family amenities.

Infrastructure & Environmental Coordination

1. **Boat / Camper Parking Strategy**
Purpose: Address seasonal and long-term parking pressures.
Status: Can be added to the Ongoing Priority
Why It's Strategic: Tourism, resident quality-of-life, and enforcement impacts.

2. **VDOT Localized Flooding Concerns**
Purpose: Work with VDOT to assess flooding and drainage concerns.
Scope: Joint review, advocacy, improvement planning.
Why It's Strategic: Responds to community concern while recognizing ownership realities.

Additional items to be considered for the Priority List (Town Manager’s Assessment):

1. Workforce Stability & Organizational Capacity

Purpose: Ensure the Town has the staffing capacity to execute Council priorities.

Scope May Include:

- Refine the Position Evaluation System (PES) and adjust grades accordingly and recommend Compensation budget to Council FY2026-2027 Budget Year.
- Analyze regional competition and market-rate wages for roles.
- Create a plan to incentivize and reward performance with merit increases.
- Determine Department staffing capacity.
- Work with Davenport to create a sustainable funding phased plan.

Why It’s Strategic: Every priority depends on stable, experienced staff.

2. Accawmacke Plantation Planned Unit Development (PUD) Amendment with Bay Creek and the Town

Purpose: Ensure PUD, which was last amended on 7/24/2006, is current regarding zoning text and is in alignment with the Town’s zoning ordinance regarding Chesapeake Bay Preservation Act (CBPA), Stormwater, Erosion and Sediment Control, Short-Term Rentals (STR’s), Signs, and other identified updates/changes. Also to amend the PUD Zoning Maps to align with the current developer’s intentions and plans for development.

Scope May Include:

- Review STR policies that may need to be updated and amended.

Why It’s Strategic: Our Staff has been working diligently on this matter and needs to be reflected in the Priority List.

What CAPE Values Framework Stands For

- C – **Community Engagement** – We listen before we decide.
- A – **Accountability** – We do what we say we’ll do.
- P – **Professionalism** – We act with integrity and consistency.
- E – **Excellence** – We strive for quality and continuous improvement.

Just as our Cape protects this community, CAPE protects our culture.

Why CAPE Matters to Staff

- Provides clarity and shared language
- Encourages pride in public service
- Reinforces positive behaviors already happening
- Supports consistency across departments

CAPE gives staff a common compass. It affirms the good work already happening and raises the bar for how we show up every day.

Why CAPE Matters to Council

- Aligns staff execution with Council vision
- Reinforces ethical governance
- Creates consistency in service delivery
- Supports long-term organizational stability

Council sets policy and vision. Staff carry it out. CAPE strengthens the bridge between those two roles.

Why CAPE Matters to the Community

- Builds trust
- Encourages transparency
- Promotes professionalism
- Sets expectations for service quality

Residents may never read our policies, but they will experience our culture. CAPE ensures that experience reflects the best of Cape Charles.

What CAPE Is NOT

- A disciplinary tool
- A performance weapon
- A political statement
- A rebranding effort
- A mandate to change personalities

CAPE is not about forcing conformity, or a license for micromanagement. It is not about discipline. It is not about adding bureaucracy. It is about elevating what we already value. It’s not about perfection. It’s about intention.

What CAPE IS

- A shared leadership compass
- A cultural anchor
- A commitment to continuous improvement
- A service mindset
- A reflection of who we already are at our best

CAPE doesn’t change who we are. It clarifies it. It reminds us how we lead, how we serve, and how we move forward together. When values are clear, trust grows.



*The Town of Cape Charles
Community Strategic Plan*

2026 DRAFT

REV 3.31.2026



Community Strategic Plan

What is a **Strategic Plan**, and what makes it different than our **Comprehensive Plan**? These are great questions, and understanding this difference is critical to any evaluation of this document.

A **Comprehensive Plan** is required by Virginia Administrative Code, which prescribes a detailed set of requirements. A Comprehensive Plan is a lengthy, intricate document that can take a very long time to create. Due to its complexity and the length of time needed to develop it, the average citizen does not typically take the time to study a Comprehensive Plan in detail.

Strategic Plans on the other hand are much nimbler; they can be customized to any particular need of a community and are more easily digestible by members of the public. Strategic Plans also happen quicker, which facilitates more interest and better participation by community members. Our Strategic Plan shares the same community values and vision as our Comprehensive Plan but can be updated annually if desired, making the Strategic Plan a living document; flexible enough to react to current community developments in real time. This makes the Strategic Plan an ideal implementation tool for our Comprehensive Plan.

Both the Comprehensive and Strategic Plans start broad and then become more specific. They begin with the values that are important to us and define us as a community. These values inspired our vision; a brief statement that looks to the future; is a source of inspiration; and serves to identify the ideals or characteristics we desire in our future.

The vision and its supporting goals represent the long-term view. The specific strategies needed to attain these goals are more short-term in nature and are considered objectives. They are the distinct, measurable deliverables that are affordable and implementable actions the Town can work into its next annual budget.

Following a three-year development period, the Town Council approved the most current Comprehensive Plan in December of 2022. The Strategic Plan will now start tackling the many discrete goals/objectives in the Comprehensive Plan by determining current priorities to assist with developing annual work plans.

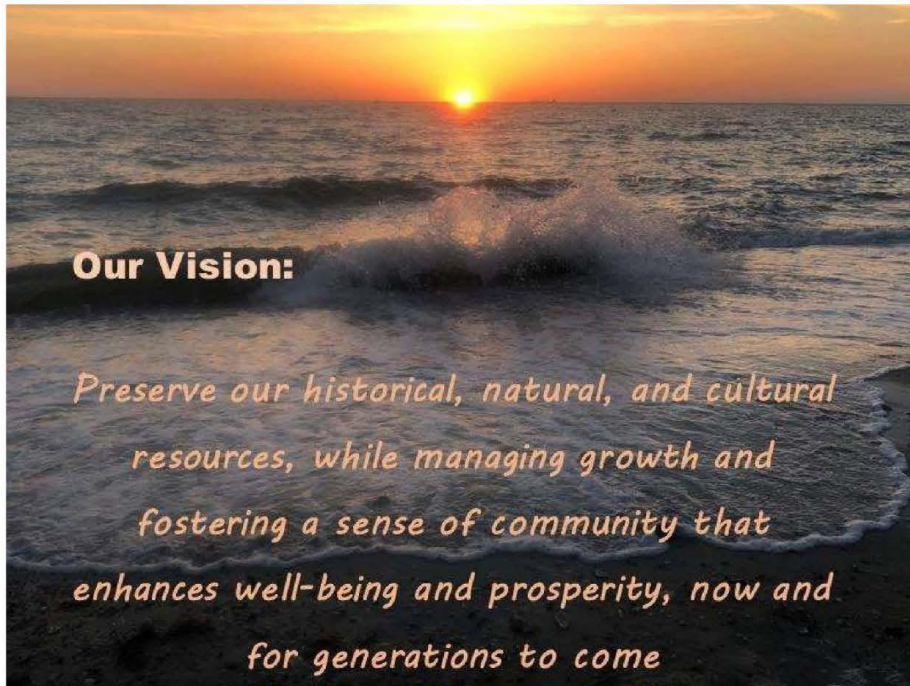
While goals are longer term and subject to ongoing metrics, the Strategic Plan objectives are more fluid. As some objectives are completed, others may be added, contributing to the living nature of this document. Therefore, the objectives listed here should not be considered the definitive or complete list, but rather what is considered important or desirable to tackle first.

Community input to the annual Strategic Plan update is critical, and it will be solicited from annual community surveys and public input sessions.

Community Strategic Plan

Our Community Values:

- 1) Sense of Community
- 2) Heritage- Traditional
- 3) Diversity- Tolerance -Respect
- 4) Adaptability
- 5) Environmental Stewardship



Community Strategic Plan

Our Goals*:

- **To retain the small-town character of Cape Charles (GOAL #1)**
 - o Metric: citizen confirmation in annual survey
- **To protect and maintain the beachfront (GOAL #2)**
 - o Metric: no degradation via annual beach survey
- **To protect and maintain the harbor (GOAL #3)**
 - o Metric: maintain/increase occupancy
- **To protect, support and maintain Central Park (GOAL #4)**
 - o Metric: maintain/increase appearance and usage
- **To promote environmental stewardship (GOAL #5)**
 - o Metric: develop implementable plans
- ~~• **To retain and expand businesses in a business friendly environment (GOAL #6)**~~
 - ~~o Metric: increase in business licenses, increase in business related revenues, and data from building permits issued and an annual questionnaire on employment~~
- ~~• **To enhance the visitor experience in Cape Charles (GOAL #7)**~~
 - ~~o Metric: maintain/increase visitation and tourism related revenues~~
- **To advance workforce housing options (GOAL #8 6)**
 - o Metric: increase in more affordable housing units
- **To meet our residents' expectation for Town services (GOAL #9 7)**
 - o Metric: citizen confirmation in annual survey

***Not in any particular order**

Community Strategic Plan

Our Objectives:



- **Retain the small-town character of Cape Charles: (GOAL #1)**
 - ~~Encourage a sense of engagement and inclusion among our community service organizations:~~
 - a) ~~Town boards and commissions chairpersons to provide an annual briefing to Council~~
 - b) ~~Celebrate volunteer appreciation, to include a volunteer of the year award during the annual Town Council Ice Cream Social—invite all board/commission members and civic groups~~
 - c) ~~Hold an annual strategic plan forum to get input from the public and civic groups~~
 - d) ~~Quarterly recognition of board/commission members or other volunteers in the Gazette, on Facebook, and during Regular Council meetings~~
 - e) ~~Invite local civic groups, as appropriate, to participate in Town working groups~~

~~Note: Current Cape Charles Civic Groups — Friends of the Library, Citizens for Central Park, Cape Charles Main Street, Cape Charles Rotary, Cape Charles Historical Society, Cape Charles Rosenwald School Restoration Initiative, Cape Charles Yacht Club, New Roots Youth Garden, GEAR, Arts Enter, CC Historic District Civic League, Vacation Rental Home Owners Association, Bay Creek Community Association~~

- a. Encourage Citizen Engagement:
 - i. Maintain Facebook event postings for public events
 - ii. Provide routine reporting of Town business and outcomes
 - iii. ~~Promote subscription to notifications and other sources of information~~
 - iv. Publish Strategic Plan "report card" prior to the annual Community Survey
 - v. Involve citizens in committee projects/committees where appropriate

Community Strategic Plan

- b. Maintain/improve walkability:
 - i. Complete multi-use path between historic district, harbor, and Bay Creek
 - ii. Promote improvements to, and additions to sidewalks
 - a. Press for state maintenance
 - ~~b. Explore ordinance changes for rehabilitation and recalc~~
 - ~~b. Identify specific strategies and prioritization for~~ **Prioritize** sidewalk infill and provide capital funding as available
 - iii. Support Rails to Trails project
- c. Promote and encourage unique community events:
 - i. Promote centralized calendar of events (sharing information)
 - ii. Pursue Northampton County Infrastructure Grants to support events
- d. Promote the arts, entertainment, and recreation:
 - i. Provide services and venues at low or no cost to local non-profits
 - ii. Evaluate ways to provide volleyball/basketball courts; work with the YMCA to promote available scholarships
 - iii. **Encourage a public arts league that will develop guidance and promotions for the public arts and provide recommendations to the Town Council when appropriate**
Town Council will create a policy regarding public art. (murals, statues, graphic signs)
- ~~e. Evaluate short term rental (STR) regulations~~
 - ~~i. Develop metrics to monitor STR regulation effectiveness~~
 - ~~ii. Evaluate STR regulations to determine if tweaks or changes are required~~
- ~~f. Manage tourism benefits and impacts to ensure a healthy balance between a quality of life for our residents and the quality of place for our visitors~~
 - ~~i. Develop a visitor pledge to communicate the important values of responsible behavior to visitors~~
 - ~~ii. Improve accessibility for people of all age groups and abilities~~
- e. Foster a safe golf cart culture:
 - i. Better and more signage
 - ii. Better enforcement (information to rentals and better reporting)
 - iii. Designate golf cart parking spots
 - iv. Foster positive relationship and meet annually with golf cart rental companies
 - v. Evaluate better connectivity options between Bay Creek and the balance of the Town
- **Protect and maintain the beachfront: (GOAL #2)**
 - a. Develop and **Approve the** beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.) to include specific parameters for beach and dune management, detailing desired size and characteristics of both

Community Strategic Plan

- b. Continue annual surveys and sand replenishment budget
 - c. ~~Evaluate survey data to determine erosion protection strategy~~
 - c. Improve accessibility to the Town beach by identifying best location for seasonal beach mats, purchasing mats, and developing a maintenance plan
- **Protect and maintain the harbor: (GOAL #3)**
 - a) As part of larger area planning efforts, develop criteria to promote a healthy balance of commercial and recreational uses
 - b) ~~Implement long term major maintenance and replacement plan~~
 - a) Develop an improvement plan for long-term major harbor infrastructure
 - b) Survey all boaters for needed services and slips.
- **Protect, support and maintain Central Park: (GOAL #4)**
 - a. In collaboration with Citizens for Central Park (CCP), promote an attractive, yet sustainable, multi-function public park
 - b. Implement long-term maintenance, **enhancement**, and replacement plan
 - c. ~~Provide in-kind staffing support for community programming efforts~~
 - d. ~~Work with CCP to add handicapped parking to the park~~
- **Promote environmental stewardship: (GOAL #5)**
 - a) Have the Planning Commission develop a **an implementable coastal resiliency plan, to include the Resilience Adaptation Feasibility Tool (RAFT) recommendations and VIMS-Comprehensive Coastal Resource Management Portal and determine strategies for implementation**
 - b) Review adequacy of existing/previous public green/open space infrastructure plans and develop an updated implementable plan **that includes evaluation of medians being reshaped to capture stormwater and planting more swales and trees**
 - c) Have the Planning Commission update tree ordinance to protect, improve, and financially support our tree canopy and other natural and designed landscapes
 - ~~**Retain and expand businesses in a business-friendly environment: (GOAL**~~
 - a) ~~In collaboration with Cape Charles Main Street (CCMS) develop a public/private effort to guide business development and help remove obstacles~~
 - i. ~~Review ordinances, regulations, and processes to identify business impediments~~
 - ii. ~~Distribute the CCMS business tool kit to assist with common questions/concerns~~
 - i. ~~Support the economic vitality of the commercial district by having Mainstreet do a market study and recommend incentives to attract appropriate businesses to fill vacancies KN market study to goal 1~~
 - b) ~~Improve business access to workforce resources:~~
 - i. ~~Develop programs with high schools, the Eastern Shore Community College (ESCC), and the restored Cape Charles Washington-Rosenwald School~~
 - ii. ~~Support CCMS Job Fairs through Cape Charles Main Street, Eastern Shore Chamber of Commerce, and/or Eastern Shore Tourism~~

Community Strategic Plan

~~c) Develop internships and apprenticeships (Dept of Labor & Industry - DOLI)~~

- ~~To enhance the visitor experience in Cape Charles: (GOAL#7)~~
 - ~~i. In collaboration with Cape Charles Main Street (CCMS), identify the needs of visitors to the Cape Charles commercial district~~
 - ~~ii. In collaboration with CCMS, continue plans to build and fund a visitors' welcome center and restrooms in the commercial district~~
 - ~~iii. Work with CCMS to measure and increase traffic and engagement in social media channels and the Cape Charles Virginia's Cape (CCVC) website~~
 - ~~iv. Work with CCMS, Town staff, and other organizations to enhance the process for submitting events for posting on the CCVC website~~
- Advance a variety of housing options: (GOAL#8- 6)
 - ~~a) Explore the viability of a workforce housing ordinance related to Planned Unit Developments (PUDs); pursuant to VA Code Sec 15.2-2305.1~~
 - a) Work with developers on workforce housing projects
 - ~~b) Promote the ability of accessory dwelling units to be long term housing~~
 - ~~c) Evaluate incentives for the use of accessory dwellings units as long term housing~~
 - b. Stay informed about Northampton County efforts and have an annual meeting with Northampton County BOS and TC
- Meet our residents' expectation for Town services: (GOAL#9 7)
 - a) Establish modern municipal facilities
 - i. Ensure safe/effective workplaces
 - ii. Develop an accessible and efficient Town Hall
 - iii. Strive to centralize resources
 - iv. Evaluate the need and viability of temporary office space for town staff until a new town hall can be built
 - ~~v. Continuing citizen concern reporting system~~
 - vi. Add permanent restroom to Strawberry Street
 - b) Manage smart growth and development, ensuring our town services are adequate and our small-town character remains balanced against increasing needs for services/infrastructure
 - i. Perform analysis of public service needs as a function of anticipated growth
 - ii. Evaluate potential financial impacts on municipal budgets
 - iii. Develop proffer policy to pay for impacts of future developments
 - c) Conduct master planning for potential development of the old railroad property and surrounding harbor areas
 - d) Develop a town-wide parking capacity inventory and develop recommendations for

Community Strategic Plan

possible expansions or improvements

- e) ~~Continue employee training (cross training, customer service training, etc.)~~
- f) ~~Continue citizen concern reporting system~~
 - a) ~~Promote citizen use of "Report a Concern" on Town website~~
 - b) ~~Follow up public comments expressed during council meetings and through emails received from citizens~~
- g) ~~Evaluate the need and viability of additional services~~
 - a) ~~Recycling, when feasible~~
 - b) ~~Electric vehicle charging stations, when feasible~~
- h) ~~Evaluate the need and viability of temporary office space for town staff until a new town hall can be built~~

Implementation:

Any plan is only as good as its implementation strategy. Our current Comprehensive Plan identified this Strategic Plan as its implementation tool. That was because this plan is reviewed annually and can be updated as needed to react in real time to current conditions. However, that does not mean that it is possible for all the objectives in this plan to be accomplished immediately or concurrently. Therefore, the Strategic Plan must be seen as a multi-year planning tool, which is updated each year.

Successful implementation depends on many things, including Political Will, money, staff capacity, and the time to do the work; with each of these representing their own unique challenges.

Political Will was demonstrated by the Mayor and Town Council through their participation in the development of this Strategic Plan. However, this Will can only be sustained with public support. The Strategic Plan cannot be seen as the Town Council's plan but rather must be perceived as the community's plan. This public buy-in will be sought via annual public meetings to obtain input and address any questions/concerns; as well as using an annual community survey to gain insights and collect data over time regarding community needs and satisfaction.

The Town's fiscal situation has improved significantly since the first Strategic Plan was adopted in 2021. While this does not mean we can fund everything at once, it does mean that we can now begin to put together a reasonable, prioritized spending plan.

While money may be less of an issue, the staff resources necessary to carry out this work remains constrained. Town staff are typically fully engaged in their routine day-to-day duties, which does not afford much additional capacity to take on new objectives. Staff workspace is an additional constraint. If more staff were hired, there is currently insufficient space to house them. While volunteer resources can often help, volunteers cannot be counted upon to shoulder the sole responsibility for specific actions. Volunteer help is an excellent force multiplier but should not be counted upon as the primary resource in formal implementation planning. Therefore, expectations must remain reasonable, so that annual work plans don't become impractical.

Community Strategic Plan

Work Plans:

The Strategic Plan was referenced during this year's annual update to the Town's ongoing project priority list. That list, along with this plan will be used in the development of the next Town budget {FY27 - which begins on July 1). That budget is what will establish the resources and expectations for Town work plans in the coming year. A good faith effort will be attempted to work on those objectives which receive sufficient resources in the next budget. However, since this is a multi-year plan, we must accept that some objectives contained herein will not be scheduled until FY28 or beyond.

Please refer to Appendix B to see the current ongoing Town project list and how objectives have been prioritized for the coming year.



Appendix A
Cape Charles Comprehensive Plan Summary of Objectives and Strategies

A) Housing

- 1 Pursue additional supply and diversity of housing
2 Encourage workforce housing
3 Participate in Housing Finance Programs
4 Promote manufactured housing
5 Address STR impacts on housing

B) Economy

- 1 Seek healthy balance - residents & tourists
2 Attract families with children
3 Strengthen household economic wellbeing
4 Promote and expand business
5 Promote diverse economic benefits for the harbor
6 Expand local manufacturing base
7 Promote traditional water based economic activities
8 Study chains of activities to identify gaps in a visitor's day
9 Identify placemaking opportunities
10 Update Bay Creek Planned Unit Development (PUD)

C) Transportation

- 1 Reduce traffic congestion
2 Enhance walkability
3 Maintain safe golf cart operations
4 Increase parking
5 Identify and maintain alleys and easements
6 Promote affordable public transportation
7 Complete multi-use path between historic district, harbor, and Bay Creek
8 integrate harbor area with other trail/path networks
9 Support Rails to Trails

Community Strategic Plan

D) Environment

- 1 Enhance Chesapeake Bay water quality
- 2 Promote strong aesthetics and limit litter
- 3 Ensure high quality drinking water (Now Virginia American Water)
- 4 Maintain long-term viability of beach and harbor
- 5 Promote coastal resiliency
- 6 Protect wetlands
- 7 Implement Coastal Resources Management guidance
- 8 Develop recommendations to improve resiliency to storm events
- 9 Assess feasibility of recycling
- 10 Protect and promote tree canopy
- 11 Evaluate Inflow & Infiltration (I&I) to sewer (Now Virginia American Water)

E) Facilities & Services

- 1 Pursue amenities for town facilities
- 2 Create modernized municipal facilities
- 3 Create multi-use recreation field
- 4 Ensure effective water & sewer utilities (Now Virginia American Water)
- 5 Develop policy for paying for facility expansions
- 6 Develop proffer policy to pay for impacts of future developments
- 7 Pursue arts, public events, etc.

Community Strategic Plan

Appendix B

2025 2026- Ongoing Town Priorities List

1. Develop New Municipal Center
2. Develop New Downtown Restrooms and Visitors Center
- ~~3. Library building sale/upgrades—completed December 2025. Work continues by developer on the residential condominium unit.~~
3. Work with developers/agencies to facilitate workforce housing
- ~~5. Publish recently adopted Zoning Ordinances to online platform—completed with minor exception. Our vendor, MuniCode, has not published the zoning map as part of the codification of the zoning ordinance (which now sits as Chapter 33 of the Town Code).~~
4. Develop Approve beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.) and determine next steps for grant writing. Implement the dune management plan, and install 2 ADA Beach Mats.

PRIORITY ITEMS TO BE STARTED AS SOON AS TIME/RESOURCES ARE AVAILABLE:

1. Pursue development of a shared revenue agreement with the County.
2. Develop harbor/RR area conceptual master plan, new design guidelines, and Article IX update
3. Develop an implementable sidewalk infill program (Move Up)
4. Mason Ave & Strawberry Street Electrical Upgrade (Move Up)
5. Review efficiency of current planning and zoning processes and fees
6. Develop a town-wide parking plan to include a parking capacity inventory and make recommendations for possible parking area expansions or improvements.
- ~~7. Develop metrics and review short-term rental ordinances/codes to determine if changes or updates are needed~~
7. Develop a plan to address coastal resiliency to include RAFT recommendations
8. Create a Workforce Stability & Organizational Capacity Plan
9. Accawmacke Plantation Planned Unit Development Amendment with Bay Creek and the Town
10. Develop a Continuity of Operations Plan
11. Pursue improved communications and project coordination with VDOT
12. Develop a plan with Northampton County to address fire capital equipment needs and a funding plan

NOTE: Refer to the Town's FY26 Capital Asset Management Plan (CAMP) to see a five-year schedule of proposed capital projects.



DRAFT
TOWN COUNCIL
Regular Meeting
February 19, 2026

Cape Charles Civic Center, 500 Tazewell Avenue
6:00 p.m.

CALL TO ORDER

Vice Mayor Andy Buchholz called the Town Council Regular Meeting to order at approximately 6:00 p.m.

ROLL CALL

Council Members in attendance: Vice Mayor Buchholz; Councilmen Butta, Grossman and Newman; Councilwomen Ashworth and Holloway. Mayor Charney was not in attendance. A quorum was established.

Staff in attendance: Town Manager Rick Keuroglan, Project Manager Bob Panek, Planning & Zoning Director Katie Nunez, Assistant Treasurer Adrian Oei, Police Sergeant Juana Diaz, Assistant to the Town Manager Pam Endlein, and Town Clerk Libby Hume.

Others in attendance: Bill Stramm-Chairman of the Planning Commission and Board of Zoning Appeals, and John Schoeneck-Chairman of the Wetlands and Coastal Dune Board.

There were 8 members of the public in attendance.

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Council observed a moment of silence followed by the Pledge of Allegiance.

RECOGNITION OF VISITORS / PRESENTATIONS / RECOGNITIONS

A. National Library Week Proclamation

Vice Mayor Buchholz read the Proclamation into the record recognizing libraries as essential community resources.

Motion made by Councilman Grossman, seconded by Councilwoman Ashworth, to adopt Proclamation 20260319 – National Library Week – April 19-25, 2026 – “Find Your Joy.” The motion was approved by unanimous vote.

PUBLIC COMMENTS

Ms. Miele provided detailed concerns regarding Myrtle Landing Apartments including structural deficiencies, water intrusion, and code enforcement issues. She requested formal clarification and response from the town. (Please see attached.)

Councilwoman Ashworth asked follow-up questions regarding the condition of the property before and after renovations. Ms. Miele responded that issues were present upon her arrival in 2024 and appeared ongoing.

Teri Conte, resident

Ms. Conte addressed Council regarding the speed limit on the roadway connecting the Bay Creek development to the historic district. She requested consideration of reducing the speed limit from 35 mph to 25 mph for a short segment, citing increased residential use, golf cart traffic, and minimal traffic volume.

Council discussion included safety concerns for truck traffic, and prior coordination with the Bay Creek development on the existing golf cart path. Councilwoman Ashworth suggested that the Bay Homeowners Association (HOA) formally engage with the Town regarding this issue which was supported by Councilwoman Holloway. Vice Mayor Buchholz emphasized that the Bay Creek development and the Town were part of the same community.

CONSENT AGENDA

A. Approval of Agenda Format

Motion made by Councilman Butta, seconded by Councilwoman Holloway, to amend the agenda adding Item 9C – Resolution Confirming Town Hall’s Physical Address. The motion was approved by unanimous vote.

B. Approval of Minutes

- January 15, 2026 Town Council Executive Session
- January 16, 2026 Town Council Public Hearing & Regular Meeting

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to approve the minutes as presented. The motion was approved by unanimous vote.

C. Approval of December 2025 Financial Report

Motion made by Councilman Grossman, seconded by Councilwoman Ashworth, to approve the January 2026 Financial report as submitted. The motion was approved by unanimous vote.

UNFINISHED BUSINESS

There was not unfinished business to review.

NEW BUSINESS

A. *Cape Charles Boards – Annual Reports*

Planning & Zoning Director Katie Nunez stated that it was the time of year for the annual reports from all of the boards staffed by the planning & zoning department, and some of the chairmen were in attendance this evening to present their reports.

Bill Stramm, Chairman of the Planning Commission and Board of Zoning Appeals, presented the reports for those two boards. (Please see attached.)

John Schoeneck, Chairman of the Wetlands & Coastal Dune Board, presented their report. (Please see attached.)

Katie Nunez presented the reports for the Historic District Review Board and Harbor Area Review Board. She also read a statement from Harbor Area Review Board Chairman Stuart Smith who was unable to attend. (Please see attached.)

B. *Zoning Text Amendment (ZTA) 2026-01 - Chesapeake Bay Preservation Act*

Katie Nunez presented the proposed zoning text amendment to align the Town ordinance with updated state Chesapeake Bay preservation requirements. The amendments focused on environmental protection standards, stormwater management, and development regulations within designated resource protection areas. There were also changes in the Definitions (Appendix A) and Site Plan Ordinance (Appendix C).

Motion made by Councilman Grossman, seconded by Councilwoman Ashworth, to adopt Resolution of Intent 20260319 Proposed Zoning Text Amendment 2026-01 Application from the Town of Cape Charles to Amend Article VII (Chesapeake Bay Preservation Act Overlay District), Appendix A (Definitions), and Appendix C (Site Plan Ordinance). The motion was

approved by unanimous vote. Roll call vote: Ashworth, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes; Newman, yes.

D. Resolution Confirming the Town Hall's Physical Address

Town Clerk Libby Hume informed Council that she was notified on Monday, March 16th, that SAM.gov, the U.S. Government's System for Award Management for federal contracts and grants, was requiring a resolution adopted by Council to confirm our physical address. Staff submitted various documents with our new address but had been unsuccessful in getting the address updated in the system.

Motion made by Councilman Grossman, seconded by Councilman Butta, to adopt Resolution 20260319B Confirming the Official Physical Address of Cape Charles Town hall as 412 Tazewell Avenue, Cape Charles, Virginia 23310. The motion was approved by unanimous vote. Roll call vote: Ashworth, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes; Newman, yes.

TOWN MANAGER COMMENTS

Town Manager Rick Keuroglan commented as follows: i) He spent time with staff this week reviewing the Strategic Planning notes. He had a draft of the plan but was having several department heads review it prior to sending it to Council; ii) Project Manager Bob Panek provided an update on the Mason Avenue Electrical Upgrade Phase 1 project and distributed a status report which included cost estimates for the various work involved with the project along with maps showing the locations of the light poles and power pedestals. (Please see attached.) He added that the cost was within the town manager's approval authority, but they wanted to brief Council prior to awarding the contract; iii) Rick Keuroglan stated that the lease was signed for the new public bathrooms. The buildout costs were expected to be less than \$250K and the target date for opening was July 1st. The owner would deliver the plans for building permit review soon. In the meantime, the new trailer was delivered and was expected to be set up at the current location of the "Silver Bullet" by April 1st. The Silver Bullet would be reconditioned and most likely placed at the north end of the beach. It would be relocated for various events as needed; iv) There were no staff changes in the last 30 days with the exception of Jeremiah Camp, our seasonal public works maintenance employee, who started back on March 17th for the season; v) Training & Development: Michelle Walsh, Katie Lewis and Jessica Upshur from the Finance Department were currently attending the 2026 FMS (Financial Management Software) Users' conference in Myrtle Beach, SC. Jodi Outland completed a training class on Disability Rights in the Workplace presented by the Equal Employment Opportunity Commission (EEOC). She also took a webinar on Crisis Communications hosted by the Virginia Risk Sharing Association (VRSA-the Town's insurance carrier). Pam Endlein attended the Crisis Communications webinar as well. Casey Quilter, the Town's inspector and Zoning Compliance Officer, attended a 3-day class for the Virginia Department of Housing Property Maintenance Inspection Module in Northern Virginia. Library staff participated in several webinars and classes in the past month including AI Tools in Marketing, Library Programming for Autistic Children and Emergency Drills. They also attended the Social Media training at the Impact Center. The Cape Charles Police Department also attended a lengthy list of training such as Kingpin to Educator, De-escalation, Cultural Diversity, Human Trafficking, Autism, Bomb Threat Management and more excellent courses; vi) On Monday, he would be meeting with department heads for the final round of budget requests; vii) He thanked Ms. Miele for coming in to share her comments. He met with her formally along with Code Official Jeb Brady and Zoning Administrator Katie Nunez to discuss the situation. He also contacted our attorney to talk through it and VRSA to make them aware of the situation as well. The Town requested a meeting with Myrtle landing's property management but had not heard back. The Code Official sent a request to property management to inspect Ms. Miele's unit and was awaiting their permission to enter the property. At this point, there was nothing that the Town could do. There was not enough evidence from the exterior that would give us the jurisdiction to move forward. Code Official Jeb Brady contacted the Department of Housing and Urban Development (HUD) whose representatives had

performed physical inspections of the exterior on two different occasions and closed the complaint account both times as they did not find anything that would necessitate a violation.

Rick Keuroglan added that Council has several meetings coming up and he wanted to gauge their capacity for a meeting as there were a number of items that needed to be reviewed. Libby Hume stated that the Budget Work Session, along with a presentation from Davenport & Company, were scheduled for April 2nd. The Planning & Zoning Director had three items that she wanted Council to review during that same evening – Mobile Food or Beverage Vending Unit Ordinance, Special Event Policy and Short-Term Rental Ordinance changes.

Councilman Grossman stated that the budget review by itself took time and April 2nd would be a long night with just the budget and presentation. He suggested a separate meeting be scheduled for the three other items. The other Council members were in agreement, so a work session was scheduled for Thursday, April 9th, to review those items.

MAYOR & COUNCIL COMMENTS

Councilman Grossman commented as follows: i) he provided legislative updates from Richmond. One item dealt with faith communities which would strip the Town's ability to control what was built on those sites, including any ordinance related to setbacks, etc. In Virginia, faith communities owned over 74K acres encompassing 22K parcels, which could be a rich environment for housing. This was still being discussed; ii) A traffic study along route 13 from the YMCA to south of Food Lion had been on the Northampton County Board of Supervisors' agenda. A response was received from the Virginia Department of Transportation (VDOT) stating that they were not looking to reduce the speed limit in the area until further development occurred.

Councilman Newman noted that any request to reduce the speed limit along Cassatt Parkway would have to go through VDOT. He added that he reached out to some people on the Bay Creek HOA and was told that there was a request for proposals out now for the construction of the golf cart path from the Bay Creek development into the historic district. They were trying to resolve an insurance-related issue associated with building the path.

Vice Mayor Buchholz stated that the Bay Creek development was part of the Town and we needed better communication between the Town and the Bay Creek HOA. The Town took care of the historic district, and we should be talking to Bay Creek about this issue. Councilwoman Holloway added that the Bay Creek developer built and paid for the current pathway from Mason Avenue to The Shanty which the Town maintained and agreed that the Town should be talking to Bay Creek about the golf cart path. Vice Mayor Buchholz added that the Council could adopt a resolution to request the speed limit reduction on the portion of Cassatt Parkway from Bay Creek to Old Cape Charles Road and submit it to VDOT and it would save everybody some money and resolve the issue.

Councilwoman Holloway commented as follows: i) The rescheduled Tourism Summit would be held on March 30th at the Impact Center. There would be over 100 attendees from up and down the Shore. We were super excited to be using the Impact Center. She added that if anyone had not yet been to the Impact Center, they would be hosting a lot of different events so she suggested keeping an eye out for the announcements; ii) ChamberFest would be held later in May and this year they were scheduling events on both Friday and Saturday. There would be a concert on Friday night and activities all day on Saturday; iii) She was representing the Tourism Commission on the Eastern Shore Chamber of Commerce Board. She participated in her first meeting today and there was a lot of great discussion.

Councilman Butta announced that the Northampton County Job Fair was scheduled for April 4th at the Impact Center beginning at 9:30 a.m. To date, there were about 20 employers signed up. It would

be advertised in the Eastern Shore Post and on the radio. If anyone was looking for a full or part-time employment, please stop by and talk to some of the employers.

ANNOUNCEMENTS

- March 21, 2026 – Cape Charles Day
- April 2, 2026 – Town Council Budget Work Session
- April 16, 2026 – Town Council Regular Meeting
- April 16 2026 – Town Council Budget Work Session following the Regular Meeting

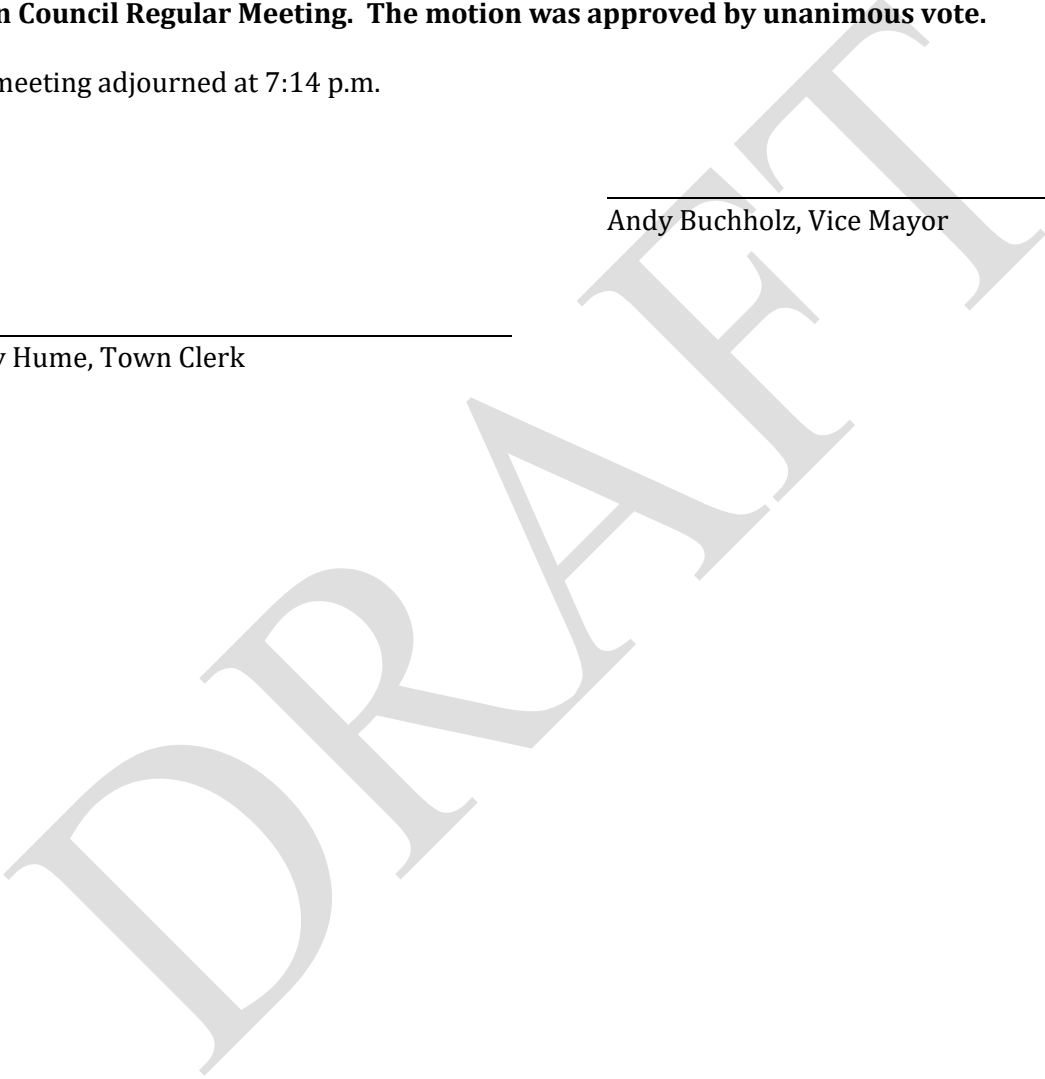
ADJOURNMENT

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

The meeting adjourned at 7:14 p.m.

Andy Buchholz, Vice Mayor

Libby Hume, Town Clerk



Attachments from March 19, 2026 Town Council Regular Meeting

Public Comments

Cheryl Miele

Good evening,

My name is Cheryl Miele, and I am a resident of Myrtle Landing. On Friday, March 13th, during a meeting with Town Manager Rick Keruglian, Housing Official Katie Nunez, and Building Official Jeb Brady, Town Manager Rick Keruglian stated to me that the Town does not have jurisdiction over Myrtle Landing due to its HUD status and because the property is grandfathered from the 1980s.

I understand that grandfathering may limit requiring full retrofit to current stormwater design standards. However, grandfathering does not eliminate the Town's authority to address current safety and maintenance conditions under the Virginia Maintenance Code and the Virginia Uniform Statewide Building Code. At Myrtle Landing, current conditions include:

- Standing water hazards on walkways
- Water intrusion into units
- Pest entry through openings
- Indicators of structural movement, including:
 - Doors out of alignment
 - Gaps
 - Floor settlement

These are present safety and maintenance issues, not requests for new code upgrades.

Myrtle Landing provides housing for senior citizens and individuals with disabilities. These residents are particularly vulnerable to unsafe conditions, and state-mandated safety standards exist to protect them.

I have reviewed public land and regulatory records related to this property. This property is set up with multiple layers of ownership across different entities. That structure provides liability shielding and distributes tax benefits, but it also creates fragmented oversight and dilutes responsibility.

In plain terms, it makes it harder to clearly identify who is responsible, which creates gaps that can be taken advantage of and allows problems to go unaddressed.

In this situation, no single responsible party has been clearly identified for oversight, despite multiple agencies being involved. That lack of clear accountability is part of the problem and contributes to the conditions that currently exist.

Myrtle Landing is also a Low-Income Housing Tax Credit property, or LIHTC, subject to federal and state habitability requirements, including 26 U.S. Code Section 42 and federal physical condition standards under 24 CFR 5.703. These requirements mandate safe and sanitary conditions and do not replace local enforcement.

Public officials have a responsibility to understand the scope of their authority when residents raise safety concerns. When questions arise, it is the responsibility of Town leadership to seek clarification and act accordingly.

Based on the applicable codes and conditions present, the Town does have authority to address current safety and maintenance issues at Myrtle Landing under the Virginia Maintenance Code and the Uniform Statewide Building Code. Continued statements to the contrary create confusion and delay necessary action.



Given that, I am asking:

If the Town maintains that its role is limited, then what steps has the Town taken to coordinate with the appropriate agencies, including HUD and Virginia Housing, or other responsible entities, to ensure that these safety conditions are addressed? Additionally, for the record, I am requesting clear clarification of administrative oversight.

Does Town Manager Rick Keruglian have administrative oversight over the Building Official, Jeb Brady, including supervision and enforcement practices? If not, please identify the specific person, entity, or governing body responsible for oversight of code enforcement within the Town.

If this role is not under Town authority, please also clarify who employs or contracts for this position.

I request that this statement and any response be entered into the public record and that a written response be provided within five business days.

Thank you.

**MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
January 31, 2026**

Cash on Hand	12/31/2025	1/31/2026	Increase/ (Decrease)
Atlantic Union Bank Checking Account	\$29,173	\$198,769	\$169,596
Atlantic Union Bank Money Market Account	\$15,201	\$15,201	\$0
LGIP Account 1 - 0565 - Unrestricted	\$122,934	\$123,334	\$399
LGIP Account 2 - 0195 - Unrestricted	\$390,745	\$392,015	\$1,270
Virginia Investment Pool Liquidity Unassigned - 5003	\$16,989,460	\$17,044,991	\$55,531
Virginia Investment Pool 1-3 Year Unassigned 0001	\$1,135,076	\$1,137,335	\$2,259
Taylor Bank Operating Cash Account	\$501,034	\$295,666	-\$205,368
Taylor Bank Sweep Account	\$2,014,358	\$2,017,523	\$3,165
Total Cash On Hand	\$21,197,982	\$21,224,834	\$26,852

Restricted and Reserved Cash Balances	12/31/2025	1/31/2026	Increase/ (Decrease)
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,120	\$30,120	\$0
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$0	\$0	\$0
Total Cash Held in Reserve	\$30,551	\$30,551	\$0
Total Cash - All Accounts	\$21,228,533	\$21,255,385	\$26,852

MUNICIPAL CORPORATION OF CAPE CHARLES
 TREASURER'S REPORT
 January 31, 2026

REVENUE VS. EXPENDITURES

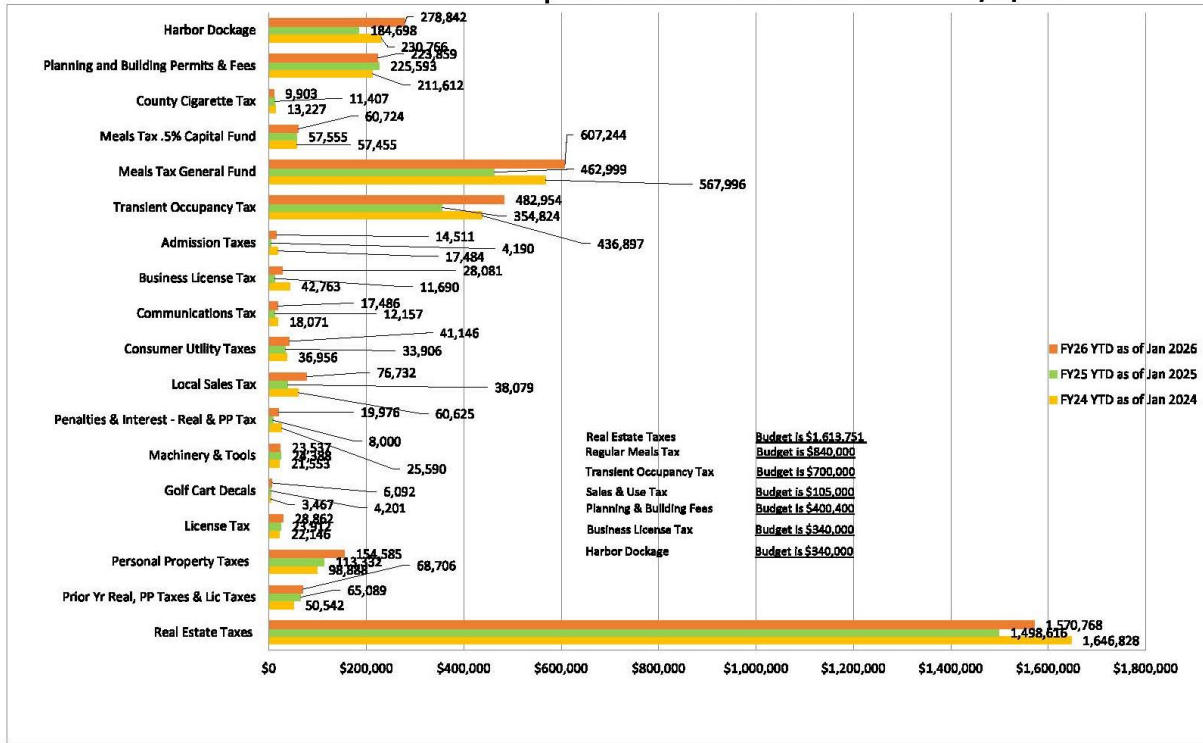
FUND	CURRENT MONTH	CURRENT YEAR-TO-DATE	ANNUAL BUDGET	% REALIZED/ EXPENDED FY26
GENERAL Fund				
REVENUE	\$411,236	\$4,284,023	\$5,870,099	72.98%
EXPENDITURES	\$325,579	\$3,010,910	\$5,870,099	51.29%
NET	\$85,657	\$1,273,113	\$0	
GENERAL Capital Fund				
REVENUE	\$4,559	\$1,560,724	\$6,837,456	22.83%
EXPENDITURES	\$345,430	\$2,891,653	\$6,837,456	42.29%
NET	(\$340,871)	(\$1,330,929)	\$0	
GENERAL Debt Service Fund				
REVENUE	\$0	\$1,595,121	\$1,655,121	96.37%
EXPENDITURES	\$0	\$1,510,886	\$1,655,121	91.29%
NET	\$0	\$84,235	\$0	
GENERAL Special Activities Fund				
REVENUE	\$0	\$0	\$0	0.00%
EXPENDITURES	\$0	\$0	\$0	0.00%
NET	\$0	\$0	\$0	
PUBLIC UTILITIES Fund				
REVENUE	\$210	\$83,193	\$80,000	103.99%
EXPENDITURES	\$0	\$80,042	\$80,000	100.05%
NET	\$210	\$3,151	\$0	
HARBOR Fund				
REVENUE	\$29,534	\$972,043	\$1,000,631	97.14%
EXPENDITURES	\$163,090	\$639,528	\$1,000,631	63.91%
NET	(\$133,557)	\$332,515	\$0	
SANITATION Fund				
REVENUE	\$92,309	\$191,821	\$381,177	53.11%
EXPENDITURES	\$46,456	\$235,071	\$381,177	65.08%
NET	\$45,853	(\$43,250)	\$0	



FY 26 Capital Improvement Project Tracking Report

As of:	% of Current	FY26	QTR 1	QTR 2	QTR 3	QTR 4	FY26 YTD	(Over)/Under
1/31/2026	Year Budget	Budgeted	Expended	Expended	Expended	Expended	Expended	Budget
General Capital Fund								
Municipal Space Replacement	2%	\$3,087,981.00	\$ 2,004	\$ 23,753	\$ 21,298	\$ -	\$ 47,055	\$ 3,040,926
ADA Parking	59%	\$49,000.00	\$ 5,667	\$ 2,710	\$ 20,750	\$ -	\$ 29,127	\$ 19,873
Library Repair & Renovation	95%	\$ 310,000	\$ 610	\$ 5,369	\$ 289,324	\$ -	\$ 295,303	\$ 14,687
Beachfront Revitalization	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,000
Beach Restroom/Bathhouse	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,000
Sidewalk Infill	0%	\$ 100,000	\$ -	\$ -	\$ 78	\$ -	\$ 78	\$ 99,922
Mason Ave. Electrical	0%	\$ 164,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164,000
Keck Wells Water Line Return	19%	\$ 565,000	\$ -	\$ 105,000	\$ -	\$ -	\$ 105,000	\$ 460,000
Subtotal		\$ 4,365,981.00	\$ 8,281	\$ 136,832	\$ 331,450	\$ -	\$ 476,563	\$ 3,429,418
Harbor Fund								
Fuel Tank Improvements	0%	\$ 34,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34,000
Fixed Dock Rehab	0%	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25,000
Replace Boardwalk With Synthetic Decking	44%	\$ 137,000	\$ 11,785	\$ 13,988	\$ 34,033	\$ -	\$ 59,806	\$ 77,194
Subtotal		\$ 196,000	\$ 11,785	\$ 13,988	\$ 34,033	\$ -	\$ 59,806	\$ 136,194
TOTAL		\$ 4,561,981	\$ 20,066	\$ 150,820	\$ 365,483	\$ -	\$ 536,369	\$ 3,565,612

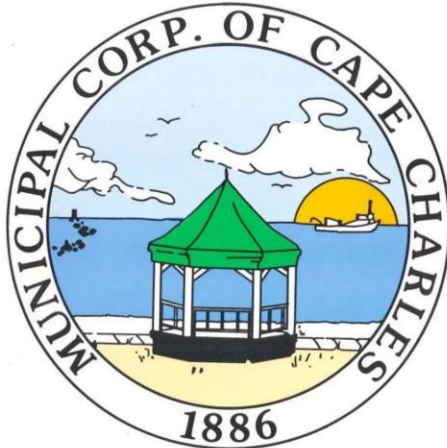
Specific Sources of Revenue as of 1/31/2026



FY 26 Real Time Project Tracking Report

As of:
3/10/2026

	% of Budget	FY26 Budgeted	FY26 YTD Expended	(Over)/Under Budget
Restroom Trailer	99%	\$ 70,000	\$ 69,232.00	\$ 768.00
Interim Town Hall Costs				
Moving Costs				
Repairs & Improvments			\$ 35,312.97	
Information Technology & Computer Hardware			\$ 52,317.59	
Furnishings			\$ 41,059.51	
Contingency			\$ 7,689.93	
Subtotal	107%	\$ 127,500	\$ 136,380.00	\$ (8,880.00)
Lease	69%	\$ 62,019	\$ 42,582.00	
Total	94%	\$ 189,519	\$ 178,962.00	\$ 10,557.00



**Town of Cape Charles
Planning Commission**

Annual Report
(January 2025-December 2025)

Bill Stramm,
Chairman

Katie Nunez,
Director of Planning/Zoning Administrator
& Subdivision Agent

March 10, 2026:

Mayor Charney & the Cape Charles Town Council:

On behalf of the Cape Charles Planning Commission, I am pleased to provide you with the 2025 Annual Report of the Planning Commission, as required by *Section 15.2-2221 of the Code of Virginia, as amended, which prescribes the duties of the local planning commission. The duties include a requirement to provide an annual report to the local governing body concerning the operation of the commission and the status of planning in its jurisdiction*

In 2025, the Planning Commission addressed several applications that were submitted, from rezoning applications to conditional use permit applications and re-zoning text amendment considerations.

A significant portion of our time was devoted to a full review of proposed changes to the Chesapeake Bay Preservation Act (CBPA) Overlay ordinance as a result of state changes to this law and newly developed regulations to assist localities in the enforcement and administration of the CBPA.

The specifics of these applications and discussions are detailed below.

Staff finished the editing of the approved Zoning Ordinance rewrite and completed the codification of this document into the Town Code, which was launched in December 2025.

Therefore, the Town’s Zoning Ordinance is now Chapter 32 of the Town Code, which is found on the Home Page of the Town Website: [Code of Ordinances | Cape Charles, VA | Municode Library](#)

Staff was able to initiate the selection of a planning consultant, the Berkley Group, to oversee the master planning process for the Railroad and Harbor area. This contractual work was kicked off at a Town Council meeting on December 2, 2025, and will continue through all of 2026.

Staff will be working on developing the proposed zoning text amendment changes to the Accawmacke Plantation (Bay Creek) Planned Unit Development ordinance in 2026, with the anticipated public hearings occurring in late summer/early fall.

In 2025, the Planning & Zoning staff was not able to commence any of the IT projects, so we will be working on these in 2026, which include (1) GIS Mapping Software and (2) Permitting Software for the planning & zoning issued permits.

2025 Planning Commission Members

<i>Name</i>	<i>Representation</i>	<i>Term of Appointment</i>	<i>Notes</i>
Bill Stramm, Chair	At-Large Member	11/1/2022 – 10/31/2026	Re-elected in February 2025 as Chair
Bill Ashworth, Vice-Chair	At-Large Member HARB Rep.	11/1/2024 – 10/31/2028	Elected in February 2025 as Vice-Chair
Libby Wright	At-Large Member HDRB Rep.	2/11/2024 – 10/31/2027	-
Clayton Newman	At-Large Member Town Council Rep.	1/16/2025 – 12/31/2028	-
Shannon Smith	At-Large Member HARB Rep.	1/1/2023 – 10/31/2025	-
Jim Holloway	At-Large Member BZA Rep.	11/1/2022 – 10/31/2027	-
Ian McDonald	At-Large Member	6/7/2024 – 10/31/2028	-

NOTE: The Planning Commission appoints its members to serve as their designee on the following Town Boards:

Historic District Review Board – 1 Appointment

- Libby Wright, term of appointment is: 2/1/2024 - 10/31/2027

Board of Zoning Appeals – 1 Appointment

- Jim Holloway, term of appointment is 11/1/2022-10/31/2027

Harbor Area Review Board – 2 Appointments

- Bill Ashworth, term of appointment is 11/1/2024-10/31/2028
- Shannon Smith, term of appointment is 1/2023 – 10/31/2025

2025 Planning and Zoning Staff

Katie Nunez, Director of Planning & Zoning Administrator & Subdivision Agent
 Tracy Outten, Planning/Zoning Assistant, Preservation & Zoning Administrator
 Jack Steinmayer, Zoning Compliance Officer & Planning & Zoning Administrative Assistant

2025 Planning Commission Meetings

For 2025, Bill Stramm and Bill Ashworth were elected unanimously in February 2025 as Chair and Vice-Chair, respectively.

<u>2025 Attendance</u>													
Blue highlighted dates are Work Sessions.													
Purple highlighted dates are Public Hearings.													
Green highlighted dates are Joint Public Hearings with the Town Council.													
Orange highlighted dates are Joint Work Sessions with the Town Council.													
P = Present; A = Absent; V = Vacant													
	1/7/2025	2/4/2025	3/4/2025	4/1/2025	4/10/2025	5/6/2025	6/3/2025	7/1/2025	8/5/2025	9/2/2025	9/22/2025	10/7/2025	12/2/2025
Bill Stramm	Cancelled	P	P	Cancelled	P	Cancelled	P	P	P	Cancelled	P	P	Cancelled
Bill Ashworth		P	P		p		P	A					
Shannon Smith		P	P		P		A						
Jim Holloway		P	P		P		A						
Elizabeth Wright		P	P		P		P						
Ian McDonald		P	A		P		P						
Clayton Newman		A	P		p		P						

In 2025, the Planning Commission held 3 Regular Session Meetings; 4 Public Hearings, 1 Work Session; 0 Joint Work Sessions with Town Council; and 0 Joint Public Hearings with Town Council.

LISTING BY MEETING DATE OF TOPICS/ITEMS ADDRESSED AT THE MEETING

1/7/2025: The Planning Commission Regular Meeting was cancelled.

2/4/2025: The Planning Commission held a public hearing for a Conditional Use Permit (CUP 2025-01): application from Jon Dempster, who was requesting to locate a non-conforming fence of 6 feet in height to serve as screening for 3 propane tanks to be located to the left of the handicapped access door, facing Mason Avenue.

3/4/2025: The Planning Commission held a public hearing for a Conditional Use Permit (CUP 2025-02): application from Donna and Gregory Kohler, 711 Tazewell Avenue/302 Fig Street (Fig Street Inn), to amend a previously approved Bed & Breakfast Conditional Use Permit to request to add to its allowed commercial uses, the following: bicycle rental; gift shop; and an EV charging station.

4/1/2025: The Planning Commission Regular Meeting was cancelled.

4/10/2025: The Planning Commission held public hearings for a Zoning Map Amendment (ZMA) 2025-01: application from Seabreeze Associates, LP, to Conditionally Rezone with proffers 201-209 Washington Avenue (Tax Map #83A1-3-B2 & #83A1-3-3) from Residential-1 (R-1) to Residential-3 (R-3) and a Zoning Text Amendment (ZTA) 2025-01: application from the Town of Cape Charles to amend Article III, Section 3.3 (E) of the Cape Charles Zoning Ordinance by deleting the provision requiring a 3-acre lot minimum for a Multi-Family Project Development.

5/6/2025: The Planning Commission Regular Meeting was cancelled.

6/3/2025: The Planning Commission held its regular meeting to review proposed changes to the Cape Charles Zoning Ordinance Section VII – Chesapeake Bay Preservation Act – markup of Model Ordinance as a result of state law changes, as well as proposed edits to the Definitions Chapter (Appendix A) and the Site Plan Ordinance (Appendix C). Furthermore, the Planning Commission also reviewed proposed changes to the Cape Charles Zoning Ordinance Section VIII – Historic District Overlay Ordinance regarding the review process for three categories of work: Routine Maintenance, Minor Work, Major Work, and the proposed addition of a new Appendix to the Historic District Guidelines.

7/1/2025: The Planning Commission held its regular meeting to continue to review proposed changes to the Cape Charles Zoning Ordinance Section VII – Chesapeake Bay Preservation Act – markup of Model Ordinance as a result of state law changes, as well as proposed edits to the Definitions Chapter (Appendix A) and the Site Plan Ordinance (Appendix C). The Planning Commission also continued its review of the proposed changes to Cape Charles Zoning Ordinance Section VIII – Historic District Overlay Ordinance regarding the review process for three categories of work: Routine Maintenance, Minor

Work, Major Work, and the proposed addition of a new Appendix to the Historic District Guidelines.

8/5/2025: The Planning Commission held a public hearing for a Conditional Use Permit (CUP 2025-03): application for a Comprehensive Sign Plan for Dreams by the Water Subdivision. Furthermore, the Planning Commission finalized its review of incorporating changes to the Draft Zoning Text Amendment of Cape Charles Zoning Ordinance Article VII – Chesapeake Bay Preservation Ordinance to finalize for submission to the Town Council to commence the Public Hearing process on said Zoning Text Amendment.

9/2/2025: The Planning Commission Regular Meeting was cancelled.

9/22/2025: The Planning Commission held a work session for a discussion about the Accessory Dwelling Unit (ADU) Ordinance and whether it should be expanded to allow Short-Term Rentals (either by right or by conditional use permit) pursuant to a request forwarded from the Town Council that was received by the Historic District Civic League.

10/7/2025: The Planning Commission held its regular meeting to discuss and review proposed Zoning Ordinance and Comprehensive Plan changes to Accessory Dwelling Units regarding being allowed as STRs. Furthermore, the Planning Commission was notified of ongoing county discussions regarding Zoning changes to the Town Edge.

12/2/2025: The Planning Commission Regular Meeting was cancelled.

I. **Comprehensive Plan** – No changes were made to the Comprehensive Plan in 2025.

II. **Town Zoning Ordinance (2025)** – No changes were made to the Zoning Ordinance in 2025.

III. **Zoning Text Amendments (2025)**

A. Zoning Text Amendment (ZTA) 2025-01: application from the Town of Cape Charles to amend the Cape Charles Zoning Ordinance Article III, Section 3.3. (E) – Residential-3 Multi-Family District R-3 by removing the 3-acre minimum land requirements for a Multi-Family Project Development.

For Multi-Family Project Development

For Townhouses	3-Acre Minimum
Minimum Lot Size (lot area pre-dwelling unit) (sf)	1,500 (sf)
Front Yard (no parking in front yard) (ft)	30'
Front Yard (parking in front yard) (ft)	35'
Side Yard between separate structures	25'
Side Yard between end structure and side property line	35'
Rear Yard (no parking in rear) (ft)	20'
Rear Yard (parking in rear) (ft)	35'
Maximum Building Height	40'
Maximum Lot Coverage	45%
Maximum Lot Width (ft)	100'

At their meeting on April 17th, 2025, Town Council voted 5-1, with Councilwoman Holloway dissenting, to adopt Ordinance 20250417A – Amending the Cape Charles Zoning Ordinance Article III – District Regulations, Section 3.3 – Residential Multi-Family District Requirements.

IV. Conditional Use Permits (2025)

A. Conditional Use Permit (CUP) 2025-01: application from Jon Dempster at 133 Mason Avenue. This property is located in the Commercial-1 Zoning District and is seeking to locate a fence of 6 feet in height to serve as screening for 3 propane tanks proposed to be located to the left of the handicapped access door, facing Mason Avenue. *On February 4th, 2025, the Planning Commission voted unanimously to recommend the Conditional Use Permit Application for Town Council approval.*

At the February 2nd, 2025 Town Council Meeting, the Town Council voted unanimously to approve Conditional Use Permit 2025-01 at 133 Mason Avenue for the installation of a non-conforming 6' fence within the Commercial-1 District.

B. Conditional Use Permit (CUP) 2025-02: application from Donna and Gregory Kohler, 711 Tazewell Avenue/302 Fig Street (Fig Street Inn) (Tax Map #83A4-2-A, #83A4-2-J & #83A4-2-J) to amend a previously approved Bed & Breakfast Conditional Use Permit to request to add to its allowed commercial uses, the following: bicycle rental; gift shop; and an EV charging station. *On March 4th, 2025, the Planning Commission voted unanimously to recommend the amended Conditional Use Permit Application for Town Council approval.*

Before the March 20th, 2025, Town Council Meeting, the applicant withdrew their application.

C. Conditional Use Permit (CUP) 2025-03: application from Chris Larmore, for the review of a Comprehensive Sign Plan to place sales and marketing signage on Lots 1, 2, 3, 9, and 10 in the Dreams by the Water Subdivision, off of Washington Avenue. *The applicant did not show up at the public hearing and later withdrew the application.*

Before the August 21st, 2025, Town Council Meeting, the applicant withdrew their application.

V. Zoning Map Amendments (2025)

A. Conditional Rezoning Application (ZMA 2025-01): application from Seabreeze Associates LP, to rezone their property identified as 201-209 Washington Avenue (Tax Map #83A1-3-B2 & #83A1-3-3) from Residential-1 (R-1) to Residential-3 (R-3) with proffers. The proffered conditions are as follows:

- a. *The applicant (Seabreeze Associates, LP) is seeking to rezone their two parcels from Residential-1 to Residential-3 with the following proffer conditions.*
 - i. *The individual residential units on the property shall not be rented for periods of time of less than 30 days each;*
 - ii. *It is understood that all phases of the proposed project shall comply with all ordinances of the Town of Cape Charles;*
 - iii. *Further lawful conditions or restrictions against the Property may be required by Grantee during the detailed Site Plan review and administration by all appropriate agencies and departments of Grantee, which shall be observed or performed by the Grantor. Grantor acknowledges that additional further lawful conditions or restrictions may be imposed by Grantee as a condition of approvals, including but not limited to final site plan approval;*
 - iv. *All references hereinabove to zoning districts and to regulations applicable thereto refer to the Town Zoning Ordinance of the Town of Cape Charles, in force as of the date the conditional rezoning amendment is approved by the Grantee;*
 - v. *The Grantor conveys and agrees that:*
 - 1. *The foregoing conditions are reasonable;*
 - 2. *The Zoning Administrator of the Town of Cape Charles, VA, shall be vested with all the necessary authority on behalf of the governing body of the Town of Cape Charles, VA, to administer and enforce the foregoing conditions and restrictions specified in this agreement, including (i) the ordering in writing of the remedying of any noncompliance with such conditions, (ii) the bringing of legal action of suit to ensure compliance with such conditions, including mandatory or prohibitory injunction, abatement, damages or other appropriate action, suit or proceeding;*
 - 3. *Failure to meet all conditions shall constitute cause to deny the issuance of any of the required building or occupancy permits as may be appropriate; and*
 - 4. *The Zoning Map shall show by an appropriate symbol on the Map the existence of conditions attaching to the zoning of the subject Property on the Map and that the ordinance and conditions may be readily available and accessible for public inspection in the office of the Planning & Zoning Department, and that this Agreement shall be recorded in the Clerk's*

*Office of the Circuit Court of the County of Northampton,
Virginia and indexed in the name of the Grantor and Grantee.
After discussion, the Planning Commission voted unanimously to recommend
to the Town Council to approve the Conditional Rezoning (ZMA2025-01) of
201-209 Washington Avenue (Tax Map #83A1-3-B2 & #83A1-3-3) from
Residential-1 (R-1) to Residential-3 (R-3) with the proffers provided by the
applicant.*

***At their April 17th, 2025, Public Hearing and Regular Meeting, the Town
Council adopted Ordinance 20250417B to conditionally amend the Cape
Charles Zoning Map to show Tax Map #83A1-3-B2 & #83A1-3-3 has been
rezoned from Residential-1 (R-1) to Residential-3 (R-3).***



Town of Cape Charles
Board of Zoning Appeals

2025 Annual Report
(January 1, 2025-December 31, 2025)

Bill Stramm
Chairman

Elise McMath
Vice Chairwoman

2025 Board of Zoning Appeals Members

<i>Name</i>	<i>Representation</i>	<i>Term Expiration</i>	<i>Notes</i>
Dolores Blackburn	Member Chairwoman	10/31/2026	Resigned 09/2025
Jim Holloway	Member Vice-Chair	10/31/2027	Resigned 01/2025
Bill Stramm	Member	10/31/2026	PC Representative Appointed Chair at 12/9/2025 Meeting
Pete Baumann	Member	10/31/2027	
Laura Weigand	Member	10/31/2026	
Elise McMath	Member	10/31/2028	Appointed to fill Jim Holloway's vacant seat, Appointed Vice-Chair at 12/9/2025 Meeting
Brian Murphy	Member		Appointed to fill Dolores Blackburn's empty seat

2025 Staff

Katie Nunez, Director of Planning & Zoning Administrator & Subdivision Agent
(July 2022 to present)

Tracy Outten, Planning & Zoning Assistant, Preservation & Zoning Administrator
(October 2016 to present)

Jack Steinmayer, Zoning Compliance Officer & Planning & Zoning Administrative Assistant
(June 2024 to present)

I. Introduction

Section 15.2-2308.C of the Code of Virginia states the following: **“The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once a year.”**

II. Board and Staff Updates

A. Board Membership 2025

After Jim Holloway tendered his resignation in January 2025 due to his full-time job requiring in-person attendance, his position was filled by Planning Commissioner Bill Stramm.

Elise McMath was appointed to fill a vacancy to bring the board back to five members. The Town Council also appointed Brian Murphy as the alternate in case there are any more changes. Both Elise and Brian have since undergone staff-led orientation on January 13, 2025.

B. Staff Changes 2025

There have been no changes in staff during 2025.

C. Education

Katie Nunez continues to maintain her annual certification as a Certified Zoning Official through the Virginia Association of Zoning Officials (VAZO)

The two new members (Elise McMath and Brian Murphy) will need to take the Board of Zoning Appeals Certified Program during 2026 since we are looking to have all members complete this course within the first two years of appointment.

III. Meetings - Variances, Exceptions, and Appeals

The Board of Zoning Appeals held 6 Meetings.

	2025 Attendance Record					
	P= Present A= Absent V= Vacant					
	3/11/2025	4/8/2025	5/6/2025	5/13/2025	10/14/2025	12/9/2025
Dolores Blackburn	P	P	P	P	V	V
Pete Baumann	P	V	P	P	P	P
Bill Stramm	P	P	P	P	V	P
Laura Weigand	P	P	P	P	X	A
Elise McMath	P	P	P	P	X	P

Board of Zoning Appeals Regular Meetings and Public Hearings for 2025

March 11th, 2025 Meeting

Discussion with the developer of Dreams by the Water (10-lot subdivision on Washington Avenue, Tax Maps #83A1-21-1 through #83A1-21-10) regarding the Zoning Ordinance and front and rear setback requirements relative to proposed housing styles and sizes to determine whether the BZA would consider variance applications for all lots. *The Board of Zoning Appeals agreed to hear the requested variance applications for lots 83A1-21-1 through 83A1-21-10 regarding the front and rear setback requirements.*

April 8th, 2025 Meeting

Application from Greg and Emily Gentry appealing a decision from the Zoning Administrator dated February 4th, 2025, which provided a Zoning Determination concerning 542 Jefferson Avenue that stated:

- (i) **The Accessory Building is a legal, non-conforming use as an Accessory Dwelling Unit (ADU), and Short-Term Rentals are not permissible in the ADU and;**
- (ii) **This lot does not have 2 principal houses but a main house and an Accessory Dwelling Unit.**

The applicant is seeking to have 2 primary residences on this property and is appealing the Zoning determination letter, citing section 4.14 and 4.2 (J) of the Cape Charles Zoning Ordinance.

Said appeal application is authorized pursuant to Cape Charles Zoning Ordinance Section 2.6.2 (C) and 2.6.4. *As of 12/29/2025, the Cape Charles Zoning Ordinance has been integrated into the Town Code. The new section citations are as follows for Chapter 32, Article II, Section 32-41 and Section 32-43, respectively.*

The Board of Zoning Appeals tabled the application until title work could be conducted on the property.

Application from Bay Creek Resort, LLC., for a variance from the Accawmacke Plantation Planned Unit Development (PUD) Section 9.9 for a fence over the allowable 6’ height requirement at 111 Palmer Way. *After discussion, the Board of Zoning Appeals voted to approve the variance application submitted by Bay Creek Development for a variance to allow for a fence greater than 6’ according to Accawmacke Plantation Planned Unit Development Section 9.9.*

Application(s) from Chris Larmore, Developer of Dreams by the Water Subdivision on Washington Avenue, for a variance from the Cape Charles Zoning Ordinance Section 3.1 (E) to reduce the front and rear setbacks by 10’ for lots 83A1-21-1 through 83A1-21-10. *After discussion, the Board of Zoning Appeals voted unanimously to approve the 10’ reduction in the front yard setbacks and to deny the 10’ reduction in the rear yard setback.*

May 6th, 2025 Meeting

Discussion with Town Manager John Hozey, regarding Greg and Emily Gentry’s application appealing a decision from the Zoning Administrator dated February 4th, 2025, which provided a Zoning Determination concerning 542 Jefferson Avenue that stated:

- (i) The Accessory Building is a legal, non-conforming use as an Accessory Dwelling Unit (ADU), and Short-Term Rentals are not permissible in the ADU and;
- (ii) This lot does not have 2 principal houses but a main house and an Accessory Dwelling Unit.

A discussion was held between the Board of Zoning Appeals and Town Manager John Hozey to explain the board’s responsibilities.

May 13th, 2025 Meeting

Application from Greg and Emily Gentry appealing a decision from the Zoning Administrator dated February 4th, 2025, which provided a Zoning Determination concerning 542 Jefferson Avenue that stated:

- (i) The Accessory Building is a legal, non-conforming use as an Accessory Dwelling Unit (ADU), and Short-Term Rentals are not permissible in the ADU and;
- (ii) This lot does not have 2 principal houses but a main house and an Accessory Dwelling Unit.

The applicant is seeking to have 2 primary residences on this property and is appealing the Zoning determination letter, citing section 4.14 and 4.2 (J) of the Cape Charles Zoning Ordinance.

Said appeal application is authorized pursuant to Cape Charles Zoning Ordinance Section 2.6.2 (C) and 2.6.4. ***As of 12/29/2025, the Cape Charles Zoning Ordinance has been integrated into the Town Code. The new section citations are as follows for Chapter 32, Article II, Section 32-41 and Section 32-43, respectively.***

After discussion, the Board of Zoning Appeals voted to uphold the Zoning Administrator's decision and deny the use of an ADU as an STR at 542 Jefferson Avenue, in a unanimous vote.

October 14th, 2025 Meeting

Application from Martin Mayer, for a variance from Article 3 Section 3.2 of the Cape Charles Zoning Ordinance to allow for a rear deck to extend 1.5' into the side setback and 5' into the rear setback. *After discussion, the Board of Zoning Appeals voted unanimously to approve the variance application to allow for a rear deck to extend 1.5' into the side setback and 5' into the rear setback.*

December 9th, 2025 Meeting

Application from Derek Roncaioli appealing a decision from the Zoning Administrator dated October 3rd, 2025, which provided a Zoning Determination letter, which was further amended on November 10th, 2025, regarding licensing a houseboat as a Short-Term Rental (STR) in the Harbor-Commercial (C-1) District that stated:

- (i) **The houseboat is not a structure and is not exclusively used for human habitation; therefore, it does not fit the definition of a Short-Term Rental and**
- (ii) **The houseboat is a non-navigable, floating home; therefore, it is not within the US Coast Guard's jurisdiction and falls under the Town's zoning jurisdiction. The Town's Zoning Ordinance Section 3.8 does not permit single-family homes in the Harbor Commercial District (HAR-C).**

The applicant is seeking to utilize their houseboat as an STR and is appealing the Zoning Determination letter, citing section 4.14 (B).

Said appeal application is authorized pursuant to Cape Charles Zoning Ordinance Section 2.6.2 (C) and 2.6.4. ***As of 12/29/2025, the Cape Charles Zoning Ordinance has been integrated into the Town Code. The new section citations are as follows for Chapter 32, Article II, Section 32-41 and Section 32-43, respectively.***

After discussion, the Board of Zoning Appeals voted to uphold the Zoning Administrator's decision and deny the use of the houseboat anchored in the Cape Charles Harbor to be used as an STR.



Town of Cape Charles
Wetlands and Coastal Dune Board
2025 Annual Report

John Schoeneck
Chairman

William "Bill" Robertson
Vice - Chairman

2025 Wetlands and Coastal Dune Board Members

Name	Representation	Term of Appointment	Notes
Jay Schoeneck	Chairman	11/13/2021 - 11/12/2026	Elected as Chairman in June 2023
William "Bill" Robertson	Vice-Chair	11/13/2019 - 11/12/2029	Elected as Vice - Chair in June 2023
Mike Hudson	Member At-Large	11/13/2022 - 11/12/2027	-
Elizabeth "Liz" Pruitt	Member At-Large	11/13/2023 - 11/12/2028	-
Alan Clark	Member At-Large	12/16/2024 - 11/12/2025	Filling the position held by Patricia James, who resigned in early 2023

2025 Staff

Katie Nunez, Director of Planning/Zoning Administrator & Subdivision Agent
 Tracy Outten, Planning/Zoning Assistant, Preservation & Zoning Administrator
 Jack Steinmayer, Zoning Compliance Officer & Administrative Assistant

2025 Member Attendance

	8/20/2025	9/17/2025	10/8/2025
Jay Schoeneck	Cancelled	P	Cancelled
William Robertson		P	
Mike Hudson		P	
Elizabeth Pruitt		A	
Alan Clark		P	

In 2025 the Wetlands and Coastal Dune Board held 1 Regular Session Meeting.

I. Introduction

Section 28.2-1304 of the Code of Virginia states the following: “The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year and shall forward a copy of each report to the Virginia Marine Resources Commission”.

This board met infrequently during 2025 due to lack of applications filed that required review by the Board.

II. Board Updates

The board remained consistent throughout the 2025 calendar year.

III. Staffing Updates

Staffing has remained consistent throughout the 2025 calendar year.

IV. Meeting Information

9-17-2025

A. VMRC JPA 2025-1484 – Application from Coastal Precast Systems, LLC, to construct a 120-foot-wide by 462-foot-long concrete launching ramp that impacts 0.34 acres of jurisdictional waters. Coastal Precast Systems, LLC, proposes to retain the structure permanently after completion of the Francis Scott Key Bridge Components. Additionally, CPS will install six (6) temporary 54” moorings with signage around the launch ramp to warn vessels of the underwater structure. Due to postage requirements not being met (20-day memorandum), the Wetlands and Coastal Dune Board had to postpone the public hearing for this application. As of 10/6/2025, Christopher Frye of Coastal Precast Systems, LLC, submitted a Section 408 form to the United States Army Corps of Engineers (USACE), as the contractor constructing the Francis Scott Key Bridge, notified CPS that significant changes would be required.

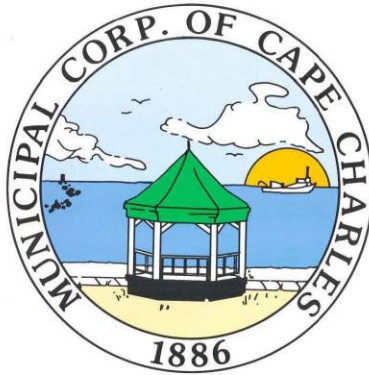
At this meeting, the Wetlands and Coastal Dune Board elected John Schoeneck as Chairman and William Robertson as Vice-Chair. The Board also reviewed its By-Laws.

Administrative Approvals

- A. VMRC JPA 2025-0501 – Application from Kevin and Susan Defriest to construct a private open-pile, 103-foot pier with a 16-foot by 12-foot L head, a 14-foot aluminum gangway, and an 8-foot by 16-foot floating docking serving 89 Creekside Lane. The Wetlands and Coastal Dune Board reviewed the application and affirmed the by-right dock application. The application was approved administratively.**

- B. VMRC JPA 2025-2156 – Application from Randolph and Sigrun Lucas to construct a 175'x5' dock, 12'x16' L head, 9'x8' floating dock, and 3'x16' steel ramp to access the floating dock using marine-treated 2x8s serving 95 Creekside Lane. The Wetlands and Coastal Dune Board reviewed the application and affirmed the by-right dock application. The application was approved administratively.**

- C. VMRC JPA 2025-2525 – Application from Leslie Gallagher to construct an 80' x 4' wide beach access walkway at 628 Carousel Place. The Wetlands and Coastal Dune Board reviewed the application and affirmed the by-right beach access walkway application. The application was approved administratively. The application was submitted in 2025, but was not approved until 2026 due to delays in receiving the required zoning paperwork.**



Town of Cape Charles
Historic District Review Board

2025 Annual Report

(January 1, 2025 - December 31, 2025)

Kathy Glaser
Chairwoman

Elizabeth Wright
Vice Chairman

2025 Historic Review Board Members

NAME	REPRESENTATION	Term Expiration	NOTES
Kathy Glaser	Member Chairwoman	1/8/2026	
Martin Mayer	Member	1/8/2025	Term Ended
Patricia James	Member	1/8/2027	Resigned 10/2025, position still vacant
Elizabeth Wright	PC Rep Vice-Chairwoman	10/31/2027	Appointed by PC 2/6/2024
Joan Cooper	Member	1/8/2028	Appointed 12/19/2024
Kenneth Monarch	Member	1/8/2029	Appointed 1/8/2025 – filled Martin Mayer’s vacancy

2025 Staff

Katie Nunez, Director of Planning & Zoning Administrator & Subdivision Agent
 Tracy Outten, Planning/Zoning Assistant, Preservation & Zoning Administrator
 Jack Steinmayer, Zoning Compliance Officer & Planning & Zoning Administrative Assistant

I. Introduction

Section 2.2-3700 of the Code of Virginia states that all public body or bodies shall keep a full public record of its proceedings, and the Historic Area Review Board qualifies. As part of that requirement, the Historic Area Review Board will also prepare and submit a report of its activities to the governing body (Town Council) at least once a year.

The “Town Council-prepared” Annual Report is meant to provide a detailed report on the departmental staffing, ongoing education of both staff and Board members, and breakdown of the types of applications and activities occurring in the Historic District.

Additionally, the Town was designated as a Certified Local Government (CLG) Community on March 12, 2007, pursuant to the National Historic Preservation Act of 1960 and further amended in 1980. This designation establishes a partnership between the Town, the National Parks Service and the Virginia Department of Historic Resources (DHR). A requirement of this designation is for the Town to complete an annual survey or report on forms provided by DHR. The intent of this survey is to verify activity level within the Historic District, compliance of Board appointments with the minimum criteria of background/education of said Board members, continuing education compliance for Board members and staff, update on any zoning ordinance revisions or historic district guidance documents and an audit of Historic District Review Board minutes.

The CLG Annual Report was done for the time period of October 1, 2024 thru September 30, 2025 (EXHIBIT A).

II. Board and Staff Updates

A. BOARD MEMBERSHIP 2025:

Member Martin Mayer’s term ended on 1/8/2025, and he no longer wanted to serve on the Historic District Review Board. The Town Council appointed two new members to the Historic District Review Board, Joan Cooper on 12/19/2024 and Kenneth Monarch on 1/8/2025. Patricia James resigned from the Board in October 2025. This appointment is still vacant.

B. STAFF CHANGES 2025:

No staff changes occurred in the Planning and Zoning Department this year.

III. EDUCATION

The CLG designation requires that continuing education must occur annually for both the staff and Board members, which is relevant to the Historic District Overlay. To that end, the following training, education and seminars were attended as noted:

<u>Name of Class/ Training/ Seminar</u>	<u>Duration of Training</u>	<u>Provider of Training</u>	<u>DATE</u>	<u>Participants</u>
Historic Resource Surveys: Unlocking the Foundation of Preservation - Webinar	1.5 hours	NAPC	1/30/2025	Tracy Outten
Deconstruction vs Demolition: Protecting Heritage & the Environment – Webinar	1.5 hours	NAPC	3/27/2025	Tracy Outten Joan Cooper Kathy Glaser Elizabeth Wright
Through the Pane Pt. 1: Understanding Historic Windows: Evolution, Assessment & Repair – Webinar	1.5 hours	NAPC	4/17/2025	Katie Nunez Tracy Outten
Through the Pane Pt. 2: Managing Window Replacement: Lessons from Local Preservation Programs – Webinar	1.5 hours	NAPC	4/29/2025	Katie Nunez
Engaging Local Decision-Makers to Support Historic Preservation – Webinar	1.5 hours	NAPC	5/29/2025	Tracy Outten Joan Cooper
Creating & Updating Historic Design Guidelines – Webinar	1.5 hours	NAPC	6/26/2025	Tracy Outten Kenneth Monarch
1. Understanding & Updating Local Preservation Ordinances – Webinar 2. Tough Cases in the Application of the Secretary of the Interior’s Standards for Rehabilitation – Webinar 3. Selecting your Preservation Priorities? What is Essential & Where can you be more Flexible? – Webinar	4.75 hours	NAPC	8/20/2025	Katie Nunez Tracy Outten Kathy Glaser Patricia James Elizabeth Wright
1. Best Practices for Meeting Procedures, COAs & Staff Reports – Webinar 2. Conservation Districts, Easements, Zoning & Other Tools for Historic Preservation – Webinar 3. Community Outreach Strategies – Webinar	4.5	NAPC	8/21/2025	Katie Nunez Tracy Outten Kathy Glaser Patricia James Elizabeth Wright

Section 9, Item A.

1. Best Practices for Meeting Procedures, COAs & Staff Reports – Webinar 2. Conservation Districts, Easements, Zoning & Other Tools for Historic Preservation – Webinar	3.0	NAPC	8/21/2025	Joan Cooper
1. Selecting your Preservation Priorities? What is Essential & Where can you be more Flexible – On-Demand Webinar 2. Best Practices for Meeting Procedures, COAs & Staff Reports – On-Demand Webinar 3. Conservation Districts, Easements, Zoning & Other Tools for Historic Preservation – On-Demand Webinar	4.5	NAPC	8/22/2025	Kenneth Monarch
Integrating Preservation into Municipal and Planning Processes	1.5	NAPC	10/30/2025	Tracy Outten Kenneth Monarch
Design Review Roundtable – Additions	1.5	NAPC	11/13/2025	Tracy Outten

IV. MEETINGS

HISTORIC DISTRICT REVIEW BOARD MEETING 2025

	<u>2025 Attendance Record</u>									
	P = Present			A = Absent			V = Vacant			
	1/31/2025	2/18/2025	3/18/2025	4/15/2025	5/20/2025	6/17/2025	7/15/2025	9/16/2025	10/15/2025	12/16/2025
Joan Cooper	P	P	P	A	P	P	P	P	P	P
Kathy Glaser	P	P	A	P	P	P	P	A	P	P
Patricia James	A	P	P	P	A	P	P	P	V	V
Ken Monarch	P	P	P	P	P	P	P	P	P	A
Elizabeth Wright	P	P	P	P	P	A	P	A	P	P

The Historic District Review Board reviewed and reached decisions on individual property applications for some level of renovation or rehabilitation or other improvements to their property as well as application for new single-family residences on the infill lots. The types of applications received and acted upon by the HDRB are broken out below and finally followed by a summary table for the calendar year.

The last table for the calendar year is the listing of applications that could and were reviewed administratively by the Zoning Administrator.

PUBLIC HEARINGS AND DECISIONS HISTORIC DISTRICT AREA REVIEW BOARD 2025			
TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
<u>FENCE INSTALLATION</u>	2/18/2025	113 Mason Avenue	Approved
	5/20/2025	201 Tazewell Avenue	Approved
TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
<u>RENOVATION, MINOR</u>	NO Applications Filed in 2025		
TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
<u>MODIFICATION OF APPROVED CERTIFICATE OF APPROPRIATENESS (COA)</u>	NO Applications Filed in 2025		

TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
RENOVATIONS, ADDITIONS & NEW CONSTRUCTIONS	1/31/2025	215 Monroe Avenue	Approved
	2/18/2025	603 Monroe Avenue	Approved
	3/18/2025	1 Monroe Avenue 1 Monroe Avenue 208 Bay Avenue 509 Harbor Avenue 509 Madison Avenue	Approved (renovations) Denied (staining masonry) Approved Approved After the Fact Approval
	4/15/2025	505 Harbor Avenue 502 Plum Street 314 Tazewell Avenue Lot 547 on Mason Avenue	Approved Approved Approved Approved
	5/20/2025	201 Tazewell Avenue 201 Mason Avenue Unit B	Approved Approved
	6/17/2025	209 Monroe Avenue 601 Tazewell Avenue 425 Randolph Avenue Lot 104 on Washington Avenue	Denied Approved Approved Approved
	7/15/2025	115 Mason Avenue 629 Jefferson Avenue 607 Madison Avenue	Approved Approved Approved
	9/16/2025	108 Monroe Avenue 552 Monroe Avenue 216 Washington Avenue 116 Pine Street Lot 20 on Washington Avenue	Approved Approved Approved Approved Approved
	10/15/2025	439 Mason Avenue 115 Unit 202 Mason Avenue 550 Madison Avenue 537 Mason Avenue 600 Monroe Avenue 114 Fig Street Lot F on Strawberry Street	Approved Approved Approved Approved Approved Approved Approved
	12/16/2025	618 Monroe Avenue	Approved

TYPE OF APPLICATION	MEETING DATE	PROPERTY ADDRESS	HDRB DECISION
OTHER	3/18/2025	Lot X on Mason Avenue	Approved

SUMMARY of HDRB MEETINGS FOR 2025					
MEETING DATE	Fence Installation	Renovation, Minor	Modification to Approved COA	Renovations, Additions & New Construction	Other
1/31/2025	-	-	-	1	-
2/18/2025	1	-	-	1	-
3/18/2025	-	-	-	5	1
4/15/2025	-	-	-	4	-
5/20/2025	1	-	-	2	-
6/17/2025	-	-	-	4	-
7/15/2025	-	-	-	3	-
9/16/2025	-	-	-	5	-
10/15/2025	-	-	-	7	-
12/16/2025	-	-	-	1	-
TOTAL APPROVED	2	-	-	30	1
APPROVED AFTER THE FACT	-	-	-	1	-
DENIED	-	-	-	2	-
HDRB TOTAL APPLICATION	2	0	0	33	1
HDRB OVERALL TOTAL APPLICATION 2025	36 Applications				

ADMINISTRATIVE APPROVAL 2025		
MEETING DATE	PROPERTY ADDRESS	TYPE OF APPLICATION
1/31/2025	504 Bay Avenue 627 Jefferson Avenue 214 Washington Avenue	Roof Replacement Roof and Siding Replacement Pergola Installation
2/18/2025	555 Monroe Avenue 332 Randolph Avenue	One Wood Windowsill Repair or Replacement Siding and Gutter Removal, Repair, and Replacement
3/18/2025	504 Jefferson Avenue 534 Jefferson Avenue 512 Monroe Avenue 603 Monroe Avenue 217 Randolph Avenue 219 Randolph Avenue 550 Randolph Avenue 111 Tazewell Avenue 621 Tazewell Avenue 645 Tazewell Avenue	Wood Fence Installation Wood Fence Installation Construct a new Rear Addition Existing Accessory Structure size increase Roof Replacement and Chimney Flashing Replacement Construct a new Rear Addition Roof Replacement Same material Front Walkway and Step Replacement Accessory Structure Installation Widows Walk Wood Railing and Rear Balcony Wood Flooring and Balustrades Replacement

ADMINISTRATIVE APPROVAL 2025		
MEETING DATE	PROPERTY ADDRESS	TYPE OF APPLICATION
4/15/2025	537 Jefferson Avenue 3 Madison Avenue 411 Madison Avenue 3 Randolph Avenue 234 Tazewell Avenue 415 & 417 Tazewell Avenue	Rear Wood Fence Installation Wood Fence Installation River Rock and Paver Installation Roof Replacement and Chimney Flashing Replacement Wood Fence Installation Existing Accessory Structure Renovation
5/20/2025	525 Jefferson Avenue 535 Jefferson Avenue 500 Monroe Avenue 217 Randolph Avenue 541 Randolph Avenue 814 Randolph Avenue 652 & 654 Tazewell Avenue	Same Material Front Porch and Side Stoop Replacement Rear Roof Replacement Front Porch Roof Replacement Two-Vinyl Window Replacement Existing Accessory Structure Removal and New Replacement Front Brick Paver Walkway Installation Wood Front Porch Flooring Repair or Replacement Wood Siding Repair or Replacement
6/17/2025	616 Monroe Avenue 520 Randolph Avenue 618 Randolph Avenue	Front Step Replacement Rear Outdoor Shower Installation Wood Fence Installation
7/15/2025	325 Madison Avenue 645 Tazewell Avenue 652 & 654 Tazewell Avenue	Existing Accessory Structure Renovation Front Porch, Steps, Fascia Board, and Chimney Repairs Same Material Wood Siding Replacement
9/16/2025	501 Jefferson Avenue 512 Madison Avenue 541 Madison Avenue 547 Mason Avenue 115 Randolph Avenue 409 Randolph Avenue	Roof Replacement Modifying an Approved CoA After the Fact removal of the side chimney & wall Fence Installation Install Railing on the front steps Front and Side Porch Wood Flooring Replacement
10/15/2025	2140 Stone Road 4 Tazewell Avenue	Accessory Structure Installation Wood Fence Installation
12/16/2025	208 Bay Avenue 555 Monroe Avenue 10 Randolph Avenue 634 Randolph Avenue 300 Strawberry Street 645 Tazewell Avenue	Approved COA Modification front walkway material Wood Fence Installation Fence Screening Install around HVAC unit Construct a rear deck and Accessory Structure After the Fact Driveway Right Rear Chimney Repair and Install Chimney Cap
TOTAL APPROVED = 48		

I want to take this opportunity to thank the members of the Harbor Area Review Board for participating and supporting any actions that may come before the HARB. The Cape Charles Harbor and Harbor District are extremely important resources of Cape Charles future economy and vitality. I expect that we will see a significant increase in actions to review over the coming years and beyond. It is my hope that each of you will take time to visit the Harbor especially during our very active boating season and continue to be strong advocates for future developments aligned with our core values.

Stuart Smith
Chairman, HARB.



**Town of Cape Charles
Harbor Area Review Board
2025 Annual Report**

Stuart Smith
Chairman

2025 Harbor Area Review Board Members

<i>Name</i>	<i>Representation</i>	<i>Term Expiration</i>	<i>Notes</i>
Stuart Smith	Chairman	12/20/2026	-
Bill Ashworth	PC Rep.	10/31/2024	-
Ken Butta	TC Rep.	12/31/2026	-
Benjamin Lewis	Member At-Large	12/20/2026	-
Rob Harris	Member At-Large	12/20/2026	-
Vacant	-	-	-
Vacant	-	-	-

2025 Staff

Katie Nunez, Director of Planning/Zoning Administrator & Subdivision Agent
 Tracy Outten, Planning/Zoning Assistant, Preservation & Zoning Administrator
 Jack Steinmayer, Zoning Compliance Officer, Planning & Zoning Administrative Assistant

There were no meetings held in 2025.



I. Introduction

Section 2.2-3700 of the Code of Virginia states that all public body or bodies shall keep a full record of its proceedings, and the Harbor Area Review Board qualifies. As part of the requirement, the Harbor Area Review Board will also prepare and submit a report of its activities to the governing body (Town Council) at least once a year.

II. Board Updates

The Board remained consistent throughout the 2025 calendar year.

III. Staffing Updates

Staffing has remained consistent throughout the 2025 calendar year.

IV. Meetings

No meetings in 2025.

March 19, 2026

Mason Avenue Electrical Upgrade, Phase 1
Status Report

Cost Element

IFB advertisement	86
VDOT permit fee	250
Streetlights (Spring City Electrical)	27,812
Expended or Obligated	28,148

Conduit, wiring, foundations, power pedestals

Base Bid – Bay Ave. to Harbor Ave.	20,500
Bid Alt.1 – Harbor Ave. to Pine St.	14,520
Bid Alt.2 – New feed from south side	1,000
Proposed Contract Total	36,020

Remove 2 trees @ #117 & #133 (estimated)	10,000
Plant 2 trees (estimated)	2,000
Concrete work (estimated)	10,000
Additional Work	22,000
 Total Estimate	 86,168

Funding

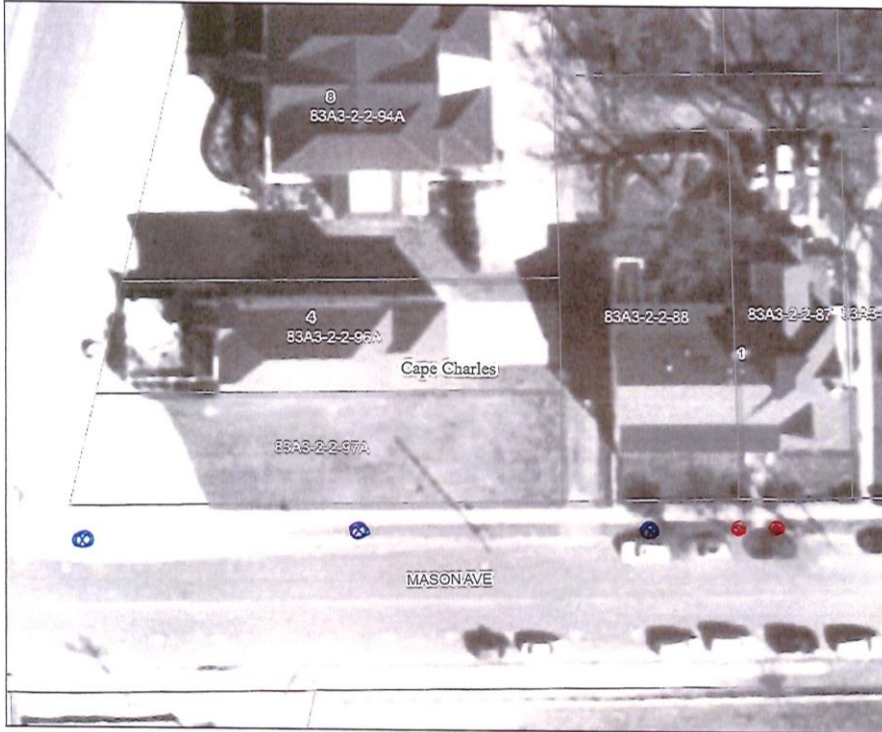
Budgeted	164,000
Reserved for three ADA ramps	-35,000
Available	129,000

Bay - Harbor West Side *Base Bid*

1" = 47'



- Address Labels
- Road Labels
- Town Labels
- County Boundary



⊗ Light Pole
⊗ Power Pedestal

Northampton County Virginia

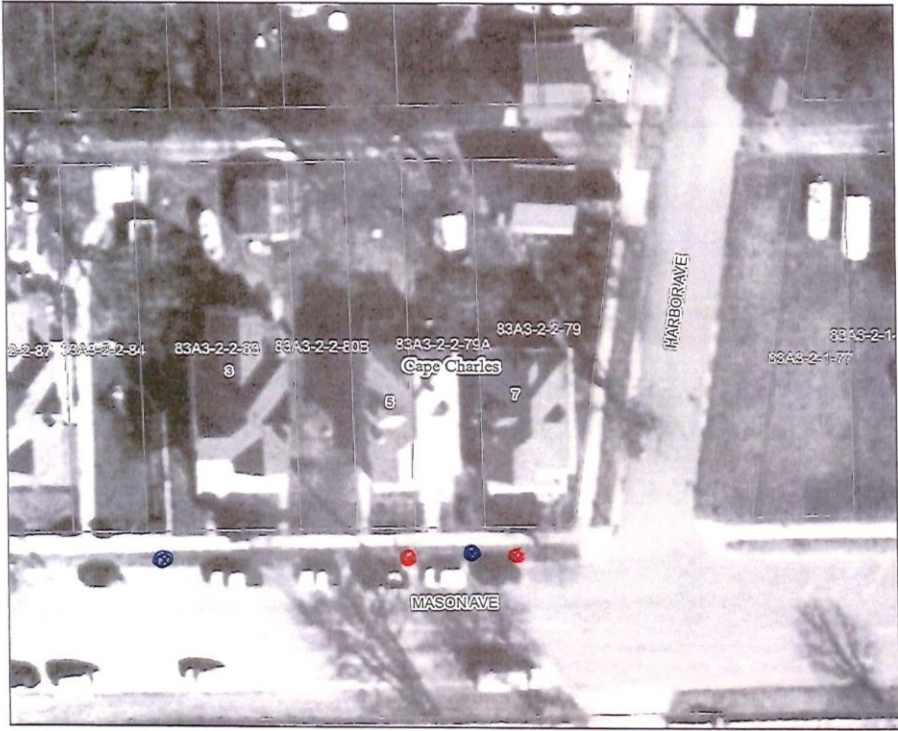
DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Northampton County is not responsible for its accuracy or how current it may be.

Bay - Harbor East Side *Base Bid*

1" = 47'



- Address Labels
- Road Labels
- Town Labels
- County Boundary



Northampton County Virginia

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Harbor - Pine West Side *Bid ALT #1*

1" = 47'



- Address Labels
- Road Labels
- Town Labels
- County Boundary



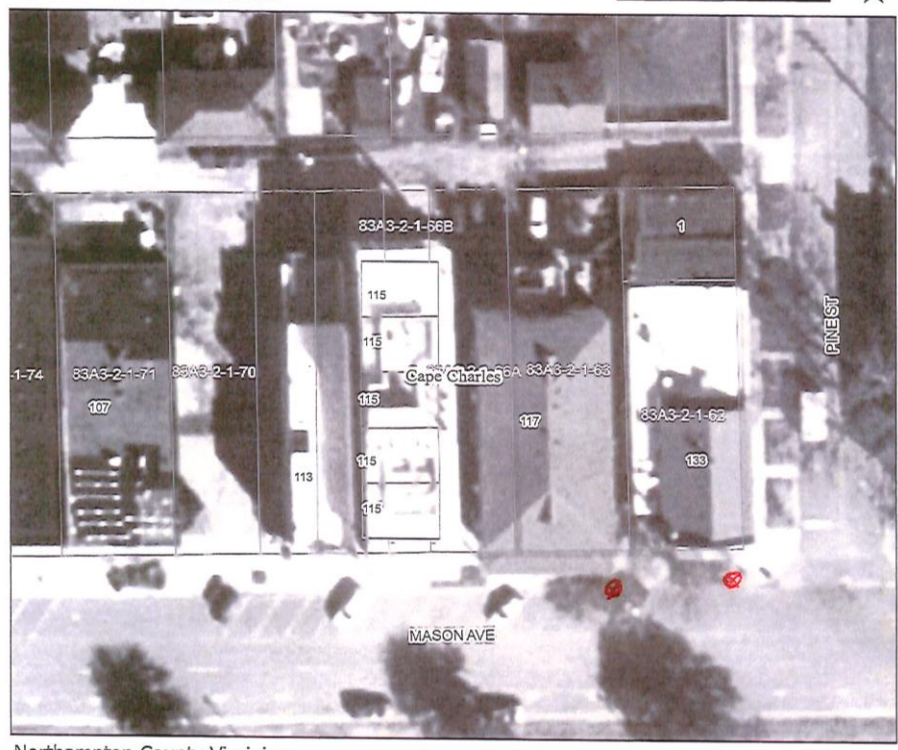
Northampton County Virginia

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Harbor - Pine East Side Bid ALT # 1



- Address Labels
- Road Labels
- Town Labels
- County Boundary

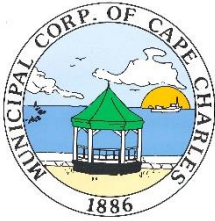


Power Pedestal

Northampton County Virginia

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DRAFT



DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center, 500 Tazewell Avenue
March 19, 2026
7:30 PM

CALL TO ORDER

Vice Mayor Andy Buchholz called the Town Council Executive Session to order at approximately 7:30 p.m.

ROLL CALL

Council members in attendance: Vice Mayor Buchholz, Councilmen Butta, Grossman and Newman, and Councilwomen Ashworth and Holloway. A quorum was established.

Others in attendance: Town Manager Rick Keuroglian, Project Manager Bob Panek, Director of Planning & Zoning Administrator Katie Nunez, Bill Stramm-Chairman of the Planning Commission, Jay Abella-Cape Charles Main Street, Jon Dempster-Northampton County District 1 Supervisor.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, and unanimously approved to go into Executive Session in accordance with Section 2.2-3711.A of the Code of Virginia, Paragraph 3 for the purpose of: Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. The motion was approved by unanimous vote.

Specifically: Review Workforce Housing Proposals for Town-Owned Property

Members of the public were asked to leave the room.

Council went into executive session at 7:31 p.m.

Motion made by Councilman Grossman, seconded by Councilwoman Ashworth, to return to open session. The motion was approved by unanimous vote.

The open portion of the meeting resumed at 8:08 p.m. There were no members of the public waiting to return to the meeting.

Certification, to the best of each member’s knowledge, that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the public body. Roll call vote: Ashworth, yes; Buchholz, yes; Butta, yes; Grossman, yes; Holloway, yes; Newman, yes.

Motion made by Councilman Grossman, seconded by Councilwoman Ashworth, that would provide for the selection of Coastal Vista Properties as a finalist to give a presentation to Council at a meeting that would be scheduled during the month of April. The motion was approved by unanimous vote.

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

The Executive Session adjourned at 8:10 p.m.

Andy Buchholz, Vice Mayor

Libby Hume, Town Clerk

MUNICIPAL CORPORATION OF CAPE CHARLES
 TREASURER'S REPORT
 February 28, 2026

Cash on Hand	1/31/2026	2/28/2026	Increase/ (Decrease)
Atlantic Union Bank Checking Account	\$198,769	\$195,022	-\$3,747
Atlantic Union Bank Money Market Account	\$15,201	\$15,259	\$58
LGIP Account 1 - 0565 - Unrestricted	\$123,334	\$123,693	\$360
LGIP Account 2 - 0195 - Unrestricted	\$392,015	\$393,158	\$1,143
Virginia Investment Pool Liquidity Unassigned - 5003	\$17,044,991	\$17,095,019	\$50,029
Virginia Investment Pool 1-3 Year Unassigned 0001	\$1,137,335	\$1,143,145	\$5,810
Taylor Bank Operating Cash Account	\$295,666	\$195,981	-\$99,685
Taylor Bank Sweep Account	\$2,017,523	\$1,569,946	-\$447,578
Total Cash On Hand	\$21,224,834	\$20,731,223	-\$493,612

Restricted and Reserved Cash Balances	1/31/2026	2/28/2026	Increase/ (Decrease)
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$30,120	\$30,120	\$0
Virginia Investment Pool Liquidity Acct#1 Facility Fees Rsrvd (Utilities)	\$0	\$0	\$0
Total Cash Held in Reserve	\$30,551	\$30,551	\$0
Total Cash - All Accounts	\$21,255,385	\$20,761,774	-\$493,612

MUNICIPAL CORPORATION OF CAPE CHARLES
 TREASURER'S REPORT
 February 28, 2026

REVENUE VS. EXPENDITURES

FUND	CURRENT MONTH	CURRENT YEAR-TO-DATE	ANNUAL BUDGET	% REALIZED/ EXPENDED FY25
GENERAL Fund				
REVENUE	\$217,703	\$4,506,936	\$5,916,265	76.18%
EXPENDITURES	\$276,296	\$3,270,956	\$5,916,265	55.29%
NET	(\$58,593)	\$1,235,980	\$0	
GENERAL Capital Fund				
REVENUE	\$2,054	\$1,562,779	\$6,837,456	22.86%
EXPENDITURES	\$63,965	\$2,976,367	\$6,837,456	43.53%
NET	(\$61,911)	(\$1,413,589)	\$0	
GENERAL Debt Service Fund				
REVENUE	\$0	\$1,595,121	\$1,655,121	96.37%
EXPENDITURES	\$0	\$1,510,886	\$1,655,121	91.29%
NET	\$0	\$84,235	\$0	
GENERAL Special Activities Fund				
REVENUE	\$0	\$0	\$0	0.00%
EXPENDITURES	\$0	\$0	\$0	0.00%
NET	\$0	\$0	\$0	
PUBLIC UTILITIES Fund				
REVENUE	\$144	\$83,336	\$80,000	104.17%
EXPENDITURES	\$0	\$80,042	\$80,000	100.05%
NET	\$144	\$3,294	\$0	
HARBOR Fund				
REVENUE	\$21,358	\$993,402	\$1,108,331	89.63%
EXPENDITURES	\$30,673	\$670,202	\$1,108,331	60.47%
NET	(\$9,315)	\$323,200	\$0	
SANITATION Fund				
REVENUE	\$2,237	\$194,058	\$361,177	53.73%
EXPENDITURES	\$32,226	\$267,297	\$361,177	74.01%
NET	(\$29,989)	(\$73,239)	\$0	

FY 26 Capital Improvement Project Tracking Report

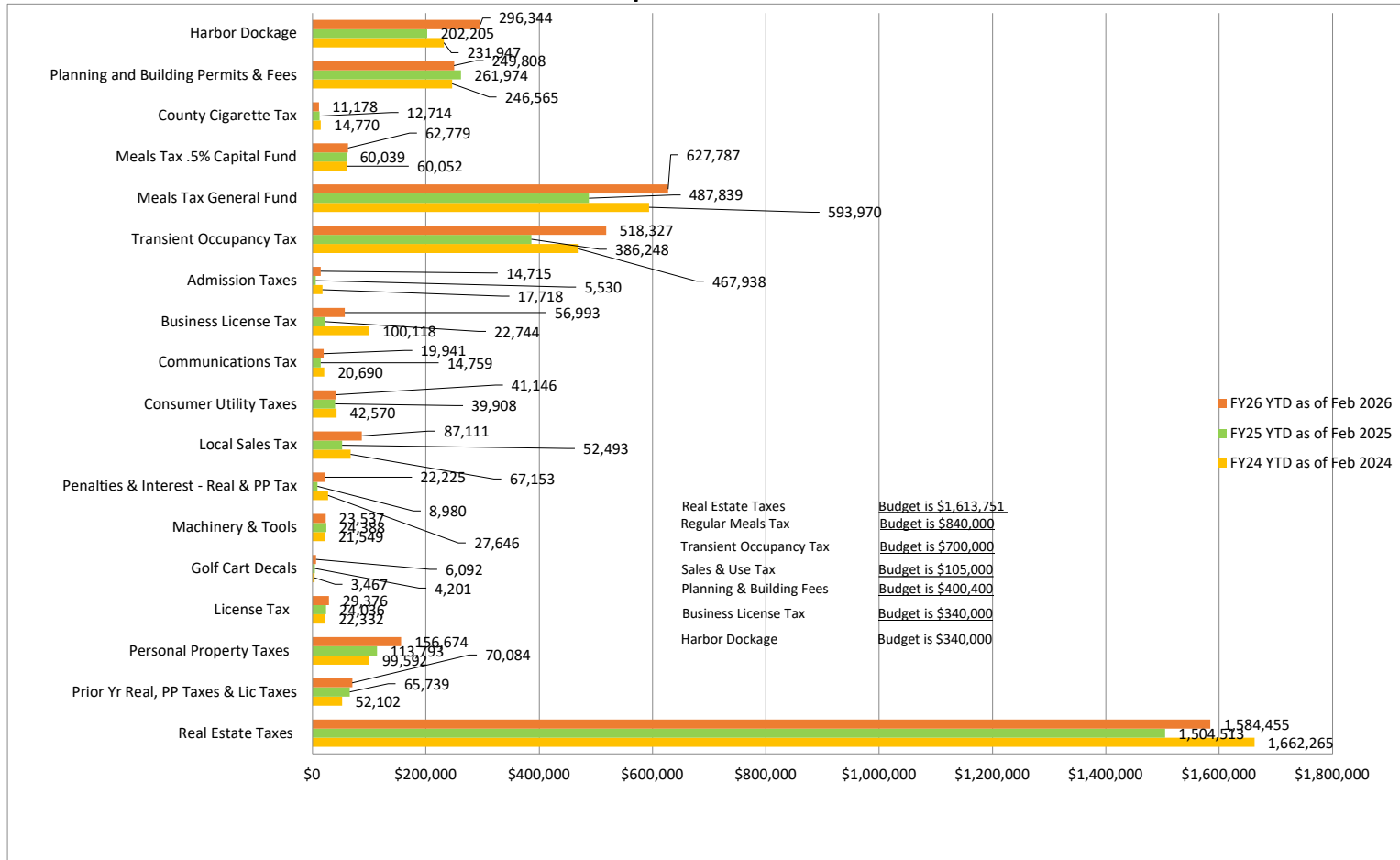
As of:
2/28/2026

	<u>% of Current Year Budget</u>	<u>FY26 Budgeted</u>	<u>QTR 1 Expended</u>	<u>QTR 2 Expended</u>	<u>QTR 3 Expended</u>	<u>QTR 4 Expended</u>	<u>FY26 YTD Expended</u>	<u>(Over)/Under Budget</u>
General Capital Fund								
Municipal Space Replacement	2%	\$3,087,981.00	\$ 2,004	\$ 23,753	\$ 34,409	\$ -	\$ 60,166	\$ 3,027,815
ADA Parking	62%	\$47,400.00	\$ 5,667	\$ 2,710	\$ 21,000	\$ -	\$ 29,377	\$ 18,023
Library Repair & Renovation	95%	\$ 310,000	\$ 610	\$ 5,369	\$ 289,324	\$ -	\$ 295,303	\$ 14,697
Beachfront Revitalization	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,000
Beach Restroom/Bathhouse	0%	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,000
Sidewalk Infill	50%	\$ 100,000	\$ -	\$ -	\$ 49,819	\$ -	\$ 49,819	\$ 50,181
Mason Ave. Electrical	0%	\$ 129,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 129,000
Keck Wells Water Line Return	19%	\$ 565,000	\$ -	\$ 105,000	\$ -	\$ -	\$ 105,000	\$ 460,000
7 Strawberry Public Restroom	0%	\$ 5,100	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,100
Mason Ave ADA Ramps	0%	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000
Subtotal		\$ 4,329,381.00	\$ 8,281	\$ 136,832	\$ 394,552	\$ -	\$ 539,665	\$ 3,329,716
Harbor Fund								
Fuel Tank Improvements	0%	\$ 34,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34,000
Replace Boardwalk With Synthetic Decking	100%	\$ 162,000	\$ 11,785	\$ 13,988	\$ 136,132	\$ -	\$ 161,905	\$ 95
Subtotal		\$ 196,000	\$ 11,785	\$ 13,988	\$ 136,132	\$ -	\$ 161,905	\$ 34,095
TOTAL		\$ 4,525,381	\$ 20,066	\$ 150,820	\$ 530,684	\$ -	\$ 701,570	\$ 3,363,811

Notice of change to Harbor projects:

Extensive additional damage was found when the last section of the harbor boardwalk near the Shanty was demolished. In order to cover the cost of the repair, \$25,000 allocated to fixed dock repair has been reallocated to the boardwalk reconstruction project. These two projects were budgeted under the same line item, so no budgetary transfer was required. Fixed dock repair will be delayed until FY27 and has been included in the budget currently in development.


Specific Sources of Revenue as of 2/28/2026



FY 26 Real Time Project Tracking Report

As of:
4/8/2026

	% of Budget	FY26 Budgeted	FY26 YTD Expended	(Over)/Under Budget
Restroom Trailer	99%	\$ 70,000	\$ 69,232.00	\$ 768.00
Interim Town Hall Costs				
Moving Costs				
Repairs & Improvments			\$ 35,312.97	
Information Technology & Computer Hardware			\$ 52,317.59	
Furnishings			\$ 41,059.51	
Contingency			\$ 7,689.93	
Subtotal	107%	\$ 127,500	\$ 136,380.00	\$ (8,880.00)
Lease	76%	\$ 62,019	\$ 47,311.00	
Total	97%	\$ 189,519	\$ 183,691.00	\$ 5,828.00

 <p>TOWN OF CAPE CHARLES</p>	Updated Community Strategic Plan Goals and Priorities		DATE April 16, 2026
	SUBJECT/PROPOSAL/REQUEST: Approval of 2026 Community Strategic Plan, Goals and Priorities		ITEM NUMBER: 8B
	ATTACHMENTS: Community Strategic Plan 2026 Draft		FOR COUNCIL: Action: X Information:
	STAFF CONTACT (s): Rick Keuroglan, Town Manager	REVIEWED BY: Rick Keuroglan, Town Manager	

Background history:

Every year, Council meets to review and update the Community Strategic Plan to determine next year’s Council Priorities. On March 12th, Council, Planning Commission, Town Staff Department Heads, and representatives of the Civic League, Citizens for Central Park, and Mainstreet met to discuss, revise, and suggest FY2026-2027 Goals, Objectives, and Priorities, which are highlighted in the attached *Community Strategic Plan 2026 Draft*. Town Staff wrote down all topics that were considered as next year’s Council Priorities, see *Appendix B* in the attached document. Council needs to determine which priority topics should be moved up and down on our list. Here is a list of all Priorities in no order. The goal is to select 4-5 high priorities and the rest to be priorities that are worked on as soon as time and resources become available.

2026 Priorities

1. Develop Harbor/RR area conceptual Master Plan, new Design Guidelines, and Article IX update.
2. Develop New Municipal Center.
3. Work with developers/agencies to facilitate Workforce Housing.
4. Develop New Downtown Restrooms.
5. Approve Beachfront Master Plan (beach, dunes, boardwalk, Love Sign area, bathhouse, etc.) and determine next steps for grant writing. Implement the dune management plan and install 2 ADA beach mats.
6. Develop a shared revenue agreement with the County.
7. Develop a plan with the County to address fire capital equipment needs and a funding plan.
8. Develop and implementable Sidewalk Infill Program.
9. Mason Ave and Strawberry Street Electrical Upgrade.
10. Review efficiency of current planning and zoning processes and fees.
11. Develop a Townwide Parking Plan to include parking capacity and parking expansions and improvements.
12. Create a Workforce Stability & Organizational Capacity Plan.
13. Amend and approve the Accawmacke Plantation Planned Unit Development with Bay Creek and the Town.
14. Develop a Continuity of Operations Plan.
15. Pursue improved communications and project coordination with VDOT.



The Town of Cape Charles Community Strategic Plan

2026 DRAFT

REV 3.31.2026



What is a **Strategic Plan**, and what makes it different than our **Comprehensive Plan**? These are great questions, and understanding this difference is critical to any evaluation of this document.

A **Comprehensive Plan** is required by Virginia Administrative Code, which prescribes a detailed set of requirements. A Comprehensive Plan is a lengthy, intricate document that can take a very long time to create. Due to its complexity and the length of time needed to develop it, the average citizen does not typically take the time to study a Comprehensive Plan in detail.

Strategic Plans on the other hand are much nimbler; they can be customized to any particular need of a community and are more easily digestible by members of the public. Strategic Plans also happen quicker, which facilitates more interest and better participation by community members. Our Strategic Plan shares the same community values and vision as our Comprehensive Plan but can be updated annually if desired, making the Strategic Plan a living document; flexible enough to react to current community developments in real time. This makes the Strategic Plan an ideal implementation tool for our Comprehensive Plan.

Both the Comprehensive and Strategic Plans start broad and then become more specific. They begin with the values that are important to us and define us as a community. These values inspired our vision; a brief statement that looks to the future; is a source of inspiration; and serves to identify the ideals or characteristics we desire in our future.

The vision and its supporting goals represent the long-term view. The specific strategies needed to attain these goals are more short-term in nature and are considered objectives. They are the distinct, measurable deliverables that are affordable and implementable actions the Town can work into its next annual budget.

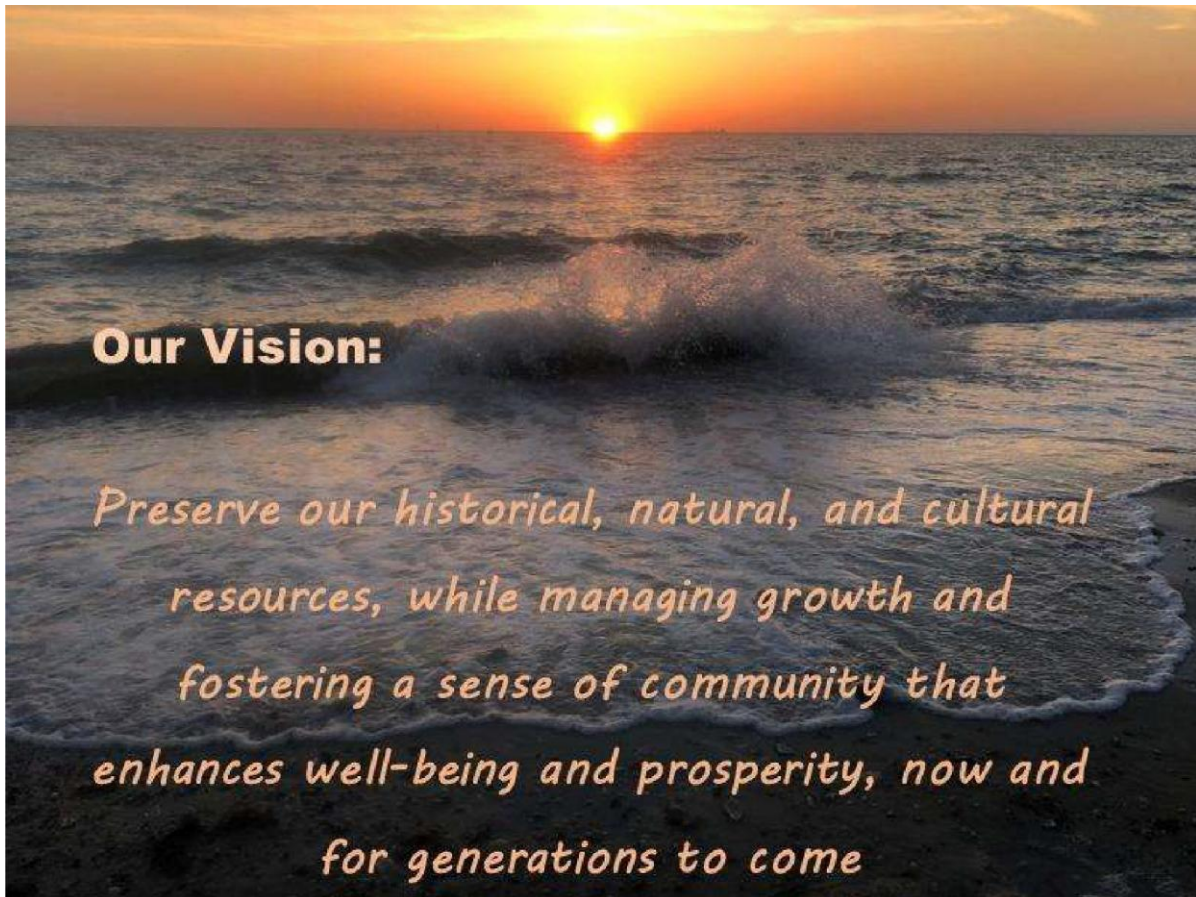
Following a three-year development period, the Town Council approved the most current Comprehensive Plan in December of 2022. The Strategic Plan will now start tackling the many discrete goals/objectives in the Comprehensive Plan by determining current priorities to assist with developing annual work plans.

While goals are longer term and subject to ongoing metrics, the Strategic Plan objectives are more fluid. As some objectives are completed, others may be added, contributing to the living nature of this document. Therefore, the objectives listed here should not be considered the definitive or complete list, but rather what is considered important or desirable to tackle first.

Community input to the annual Strategic Plan update is critical, and it will be solicited from annual community surveys and public input sessions.

Our Community Values:

- 1) Sense of Community
- 2) Heritage - Traditional
- 3) Diversity- Tolerance -Respect
- 4) Adaptability
- 5) Environmental Stewardship



Our Goals*:

- **To retain the small-town character of Cape Charles (GOAL #1)**
 - Metric: citizen confirmation in annual survey
- **To protect and maintain the beachfront (GOAL #2)**
 - Metric: no degradation via annual beach survey
- **To protect and maintain the harbor (GOAL #3)**
 - Metric: maintain/increase occupancy
- **To protect, support and maintain Central Park (GOAL #4)**
 - Metric: maintain/increase appearance and usage
- **To promote environmental stewardship (GOAL #5)**
 - Metric: develop implementable plans
- ~~• **To retain and expand businesses in a business-friendly environment (GOAL #6)**
 - Metric: increase in business licenses, increase in business-related revenues, and data from building permits issued and an annual questionnaire on employment~~
- ~~• **To enhance the visitor experience in Cape Charles (GOAL #7)**
 - Metric: maintain/increase visitation and tourism-related revenues~~
- **To advance workforce housing options (GOAL #8 6)**
 - Metric: increase in more affordable housing units
- **To meet our residents' expectation for Town services (GOAL #9 7)**
 - Metric: citizen confirmation in annual survey

***Not in any particular order**

Our Objectives:



- **Retain the small-town character of Cape Charles: (GOAL #1)**
 - ~~Encourage a sense of engagement and inclusion among our community service organizations:~~
 - a) ~~Town boards and commissions chairpersons to provide an annual briefing to Council~~
 - b) ~~Celebrate volunteer appreciation, to include a volunteer of the year award during the annual Town Council Ice Cream Social – invite all board/commission members and civic groups~~
 - c) ~~Hold an annual strategic plan forum to get input from the public and civic groups~~
 - d) ~~Quarterly recognition of board/commission members or other volunteers in the Gazette, on Facebook, and during Regular Council meetings~~
 - e) ~~Invite local civic groups, as appropriate, to participate in Town working groups~~

~~Note: Current Cape Charles Civic Groups – Friends of the Library, Citizens for Central Park, Cape Charles Main Street, Cape Charles Rotary, Cape Charles Historical Society, Cape Charles Rosenwald School Restoration Initiative, Cape Charles Yacht Club, New Roots Youth Garden, GEAR, Arts Enter, CC Historic District Civic League, Vacation Rental Home Owners Association, Bay Creek Community Association~~

- a. Encourage Citizen Engagement:
 - i. Maintain Facebook event postings for public events
 - ii. Provide routine reporting of Town business and outcomes
 - iii. ~~Promote subscription toe notifications and other sources of information~~
 - iv. Publish Strategic Plan "report card" prior to the annual Community Survey
 - v. Involve citizens in committee projects/committees where appropriate

Community Strategic Plan

- b. Maintain/improve walkability:
 - i. Complete multi-use path between historic district, harbor, and Bay Creek
 - ii. Promote improvements to, and additions to sidewalks
 - a. Press for state maintenance
 - ~~b. Explore ordinance changes for rehabilitation and resale~~
 - ~~b. Identify specific strategies and prioritization for~~ **Prioritize** sidewalk infill and provide capital funding as available
 - iii. Support Rails to Trails project
 - c. Promote and encourage unique community events:
 - i. Promote centralized calendar of events (sharing information)
 - ii. Pursue Northampton County Infrastructure Grants to support events
 - d. Promote the arts, entertainment, and recreation:
 - i. Provide services and venues at low or no cost to local non-profits
 - ii. Evaluate ways to provide volleyball/basketball courts; work with the YMCA to promote available scholarships
 - iii. **Encourage a public arts league that will develop guidance and promotions for the public arts and provide recommendations to the Town Council when appropriate**
Town Council will create a policy regarding public art. (murals, statues, graphic signs)
 - ~~e. Evaluate short-term rental (STR) regulations~~
 - ~~i. Develop metrics to monitor STR regulation effectiveness~~
 - ~~ii. Evaluate STR regulations to determine if tweaks or changes are required~~
 - ~~f. Manage tourism benefits and impacts to ensure a healthy balance between a quality of life for our residents and the quality of place for our visitors~~
 - ~~i. Develop a visitor pledge to communicate the important values of responsible behavior to visitors~~
 - ~~ii. Improve accessibility for people of all age groups and abilities~~
 - e. Foster a safe golf cart culture:
 - i. Better and more signage
 - ii. Better enforcement (information to rentals and better reporting)
 - iii. Designate golf cart parking spots
 - iv. Foster positive relationship and meet annually with golf cart rental companies
 - v. Evaluate better connectivity options between Bay Creek and the balance of the Town
- **Protect and maintain the beachfront: (GOAL #2)**
 - a. Develop and **Approve the** beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.) to include specific parameters for beach and dune management, detailing desired size and characteristics of both

- b. Continue annual surveys and sand replenishment budget
- c. ~~Evaluate survey data to determine erosion protection strategy~~
- c. Improve accessibility to the Town beach by identifying best location for seasonal beach mats, purchasing mats, and developing a maintenance plan

- **Protect and maintain the harbor: (GOAL #3)**
 - a) As part of larger area planning efforts, develop criteria to promote a healthy balance of commercial and recreational uses
 - b) ~~Implement long-term major maintenance and replacement plan~~
 - a) Develop an improvement plan for long-term major harbor infrastructure
 - b) Survey all boaters for needed services and slips.

- **Protect, support and maintain Central Park: (GOAL #4)**
 - a. In collaboration with Citizens for Central Park (CCP), promote an attractive, yet sustainable, multi-function public park
 - b. Implement long-term maintenance, enhancement, and replacement plan
 - c. ~~Provide in-kind staffing support for community programming efforts~~
 - d. ~~Work with CCP to add handicapped parking to the park~~

- **Promote environmental stewardship: (GOAL #5)**
 - a) Have the Planning Commission develop a an implementable coastal resiliency plan, to include the Resilience Adaptation Feasibility Tool (RAFT) recommendations and VIMS Comprehensive Coastal Resource Management Portal and determine strategies for implementation
 - b) Review adequacy of existing/previous public green/open space infrastructure plans and develop an updated implementable plan that includes evaluation of medians being reshaped to capture stormwater and planting more swales and trees
 - c) Have the Planning Commission update tree ordinance to protect, improve, and financially support our tree canopy and other natural and designed landscapes

- ~~**Retain and expand businesses in a business-friendly environment: (GOAL**~~
 - a) ~~In collaboration with Cape Charles Main Street (CCMS) develop a public/private effort to guide business development and help remove obstacles~~
 - i. ~~Review ordinances, regulations, and processes to identify business impediments~~
 - ii. ~~Distribute the CCMS business tool kit to assist with common questions/concerns~~
 - i. ~~Support the economic vitality of the commercial district by having Mainstreet do a market study and recommend incentives to attract appropriate businesses to fill vacancies KN market study to goal 1~~

 - b) ~~Improve business access to workforce resources:~~
 - i. ~~Develop programs with high schools, the Eastern Shore Community College (ESCC), and the restored Cape Charles Washington Rosenwald School~~
 - ii. ~~Support CCMS Job Fairs through Cape Charles Main Street, Eastern Shore Chamber of Commerce, and/or Eastern Shore Tourism~~

~~• To enhance the visitor experience in Cape Charles: (GOAL#7)~~

- ~~i. In collaboration with Cape Charles Main Street (CCMS), identify the needs of visitors to the Cape Charles commercial district~~
- ~~ii. In collaboration with CCMS, continue plans to build and fund a visitors' welcome center and restrooms in the commercial district~~
- ~~iii. Work with CCMS to measure and increase traffic and engagement in social media channels and the Cape Charles Virginia's Cape (CCVC) website~~
- ~~iv. Work with CCMS, Town staff, and other organizations to enhance the process for submitting events for posting on the CCVC website~~

• Advance a variety of housing options: (GOAL#8- 6)

- ~~a) Explore the viability of a workforce housing ordinance related to Planned Unit Developments (PUDs); pursuant to VA Code Sec 15.2-2305.1~~
- a) Work with developers on workforce housing projects
- b) Promote the ability of accessory dwelling units to be long-term housing
- ~~c) Evaluate incentives for the use of accessory dwellings units as long term housing~~
- b. Stay informed about Northampton County efforts and have an annual meeting with Northampton County BOS and TC

• Meet our residents' expectation for Town services: (GOAL#9 7)

- a) Establish modern municipal facilities
 - i. Ensure safe/effective workplaces
 - ii. Develop an accessible and efficient Town Hall
 - iii. Strive to centralize resources
 - iv. Evaluate the need and viability of temporary office space for town staff until a new town hall can be built
 - ~~v. Continuing citizen concern reporting system~~
 - vi. Add permanent restroom to Strawberry Street
- b) Manage smart growth and development, ensuring our town services are adequate and our small-town character remains balanced against increasing needs for services/infrastructure
 - i. Perform analysis of public service needs as a function of anticipated growth
 - ii. Evaluate potential financial impacts on municipal budgets
 - iii. Develop proffer policy to pay for impacts of future developments
- c) Conduct master planning for potential development of the old railroad property and surrounding harbor areas
- d) Develop a town-wide parking capacity inventory and develop recommendations for

possible expansions or improvements

- e) ~~Continue employee training (cross training, customer service training, etc.)~~
- f) ~~Continue citizen concern reporting system~~
 - a) ~~Promote citizen use of "Report a Concern" on Town website~~
 - b) ~~Follow up public comments expressed during council meetings and through emails received from citizens~~
- g) ~~Evaluate the need and viability of additional services~~
 - a) ~~Recycling, when feasible~~
 - b) ~~Electric vehicle charging stations, when feasible~~
- h) ~~Evaluate the need and viability of temporary office space for town staff until a new town hall can be built~~

Implementation:

Any plan is only as good as its implementation strategy. Our current Comprehensive Plan identified this Strategic Plan as its implementation tool. That was because this plan is reviewed annually and can be updated as needed to react in real time to current conditions. However, that does not mean that it is possible for all the objectives in this plan to be accomplished immediately or concurrently. Therefore, the Strategic Plan must be seen as a multi-year planning tool, which is updated each year.

Successful implementation depends on many things, including Political Will, money, staff capacity, and the time to do the work; with each of these representing their own unique challenges.

Political Will was demonstrated by the Mayor and Town Council through their participation in the development of this Strategic Plan. However, this Will can only be sustained with public support. The Strategic Plan cannot be seen as the Town Council's plan but rather must be perceived as the community's plan. This public buy-in will be sought via annual public meetings to obtain input and address any questions/concerns; as well as using an annual community survey to gain insights and collect data over time regarding community needs and satisfaction.

The Town's fiscal situation has improved significantly since the first Strategic Plan was adopted in 2021. While this does not mean we can fund everything at once, it does mean that we can now begin to put together a reasonable, prioritized spending plan.

While money may be less of an issue, the staff resources necessary to carry out this work remains constrained. Town staff are typically fully engaged in their routine day-to-day duties, which does not afford much additional capacity to take on new objectives. Staff workspace is an additional constraint. If more staff were hired, there is currently insufficient space to house them. While volunteer resources can often help, volunteers cannot be counted upon to shoulder the sole responsibility for specific actions. Volunteer help is an excellent force multiplier but should not be counted upon as the primary resource in formal implementation planning. Therefore, expectations must remain reasonable, so that annual work plans don't become impractical.

Community Strategic Plan

Work Plans:

The Strategic Plan was referenced during this year's annual update to the Town's ongoing project priority list. That list, along with this plan will be used in the development of the next Town budget {FY27 - which begins on July 1). That budget is what will establish the resources and expectations for Town work plans in the coming year. A good faith effort will be attempted to work on those objectives which receive sufficient resources in the next budget. However, since this is a multi-year plan, we must accept that some objectives contained herein will not be scheduled until FY28 or beyond.

Please refer to Appendix B to see the current ongoing Town project list and how objectives have been prioritized for the coming year.

Community Strategic Plan



Appendix A
Cape Charles Comprehensive Plan Summary of Objectives and Strategies

A) Housing

- 1 Pursue additional supply and diversity of housing
- 2 Encourage workforce housing
- 3 Participate in Housing Finance Programs
- 4 Promote manufactured housing
- 5 Address STR impacts on housing

B) Economy

- 1 Seek healthy balance - residents & tourists
- 2 Attract families with children
- 3 Strengthen household economic wellbeing
- 4 Promote and expand business
- 5 Promote diverse economic benefits for the harbor
- 6 Expand local manufacturing base
- 7 Promote traditional water based economic activities
- 8 Study chains of activities to identify gaps in a visitor's day
- 9 Identify placemaking opportunities
- 10 Update Bay Creek Planned Unit Development (PUD)

C) Transportation

- 1 Reduce traffic congestion
- 2 Enhance walkability
- 3 Maintain safe golf cart operations
- 4 Increase parking
- 5 Identify and maintain alleys and easements
- 6 Promote affordable public transportation
- 7 Complete multi-use path between historic district, harbor, and Bay Creek
- 8 integrate harbor area with other trail/path networks
- 9 Support Rails to Trails

Community Strategic Plan

D) Environment

- 1 Enhance Chesapeake Bay water quality
- 2 Promote strong aesthetics and limit litter
- 3 Ensure high quality drinking water (Now Virginia American Water)
- 4 Maintain long-term viability of beach and harbor
- 5 Promote coastal resiliency
- 6 Protect wetlands
- 7 Implement Coastal Resources Management guidance
- 8 Develop recommendations to improve resiliency to storm events
- 9 Assess feasibility of recycling
- 10 Protect and promote tree canopy
- 11 Evaluate Inflow & Infiltration (I&I) to sewer (Now Virginia American Water)

E) Facilities & Services

- 1 Pursue amenities for town facilities
- 2 Create modernized municipal facilities
- 3 Create multi-use recreation field
- 4 Ensure effective water & sewer utilities (Now Virginia American Water)
- 5 Develop policy for paying for facility expansions
- 6 Develop proffer policy to pay for impacts of future developments
- 7 Pursue arts, public events, etc.

Community Strategic Plan


Appendix B 2025 ~~2026~~- Ongoing Town Priorities List

1. Develop New Municipal Center
2. Develop New Downtown Restrooms and Visitors Center
- ~~3. Library building sale/upgrades – completed December 2025. Work continues by developer on the residential condominium unit.~~
3. Work with developers/agencies to facilitate workforce housing
- ~~5. Publish recently adopted Zoning Ordinances to online platform – completed with minor exception. Our vendor, MuniCode, has not published the zoning map as part of the codification of the zoning ordinance (which now sits as Chapter 33 of the Town Code).~~
4. ~~Develop~~ Approve beachfront master plan (beach, dunes, boardwalk, LOVE sign area, bathhouse, etc.) and determine next steps for grant writing. Implement the dune management plan, and install 2 ADA Beach Mats.

PRIORITY ITEMS TO BE STARTED AS SOON AS TIME/RESOURCES ARE AVAILABLE:

1. Pursue development of a shared revenue agreement with the County.
2. Develop harbor/RR area conceptual master plan, new design guidelines, and Article IX update
3. Develop an implementable sidewalk infill program (Move Up)
4. Mason Ave & Strawberry Street Electrical Upgrade (Move Up)
5. Review efficiency of current planning and zoning processes and fees
6. Develop a town-wide parking plan to include a parking capacity inventory and make recommendations for possible parking area expansions or improvements.
- ~~7. Develop metrics and review short-term rental ordinances/codes to determine if changes or updates are needed~~
7. Develop a plan to address coastal resiliency to include RAFT recommendations
8. Create a Workforce Stability & Organizational Capacity Plan
9. Accawmacke Plantation Planned Unit Development Amendment with Bay Creek and the Town
10. Develop a Continuity of Operations Plan
11. Pursue improved communications and project coordination with VDOT
12. Develop a plan with Northampton County to address fire capital equipment needs and a funding plan

NOTE: Refer to the Town's FY26 Capital Asset Management Plan (CAMP) to see a five-year schedule of proposed capital projects.

	Agenda Title:	Agenda Date:
	Zoning Text Amendment (ZTA) 2026-01 – Chesapeake Bay Preservation Act	April 16 th , 2026
	Subject/Proposal/Request:	
	Zoning Text Amendment (ZTA) 2026-01 application to amend the Chesapeake Bay Preservation Act Overlay Ordinance (Town Code Chapter 32, Section VII (CBPA Overlay), Appendix A (Definitions), and Appendix C (Site Plan Ordinance))	
Town of Cape Charles	Attachments:	For Council:
	<ol style="list-style-type: none"> 1) Article VII (Chesapeake Bay Preservation Act Overlay Ordinance), Appendix A (Definitions), Appendix C (Site Plan Ordinance) 2) Comprehensive Plan Chapter 7 (Environment) 3) Zoning Text Amendment Application (ZTA2026-01) 4) Planning Commission Staff Report and Minutes of Public Hearing 	Action: X Information:
	Staff Contact(s):	Reviewed by:
	Katie Nunez, Director of Planning & Zoning Administrator	Rick Keuroglan, Town Manager

Background: Since early 2024, staff and the Planning Commission have been working on revising Article VII (Chesapeake Bay Preservation Act Overlay Ordinance) of the Town Zoning Ordinance due to legislative changes to the Chesapeake Bay Preservation Act (CBPA) made by the General Assembly.

The proposed Zoning Text Amendment was then submitted to DEQ staff for review. They provided comments and edits back to the Town, which were shared with the Planning Commission, who finalized their development of ZTA 2026-01 in late summer 2025. Staff then finalized the document in late fall 2025. Additionally, changes in Appendix A (Definitions) and Appendix C (Site Plan Ordinance) were incorporated.

Notably, DEQ stated that the Town of Cape Charles must revise its Comprehensive Plan to include the required mapping features—such as locations of CBPA areas, shoreline and streambank erosion issues, and current and potential water pollution sources—as well as necessary implementation measures and an overlay map layer showing the Resource Protection Area (RPA) and Resource Management Area (RMA) on the Town’s Zoning Map.

To fulfill the above request, I have been collaborating with Civic Vanguard, Northampton County’s GIS vendor, to create town-specific zoning layers. This includes mapping the RPA

and RMA of the CBPA and negotiating a cost-sharing agreement with Northampton County to host these data layers within their GIS system.

At the March 19th, 2026, regular meeting, Town Council adopted Resolution 20260319, referring this application back to the Cape Charles Planning Commission to convene the requisite public hearings to amend Cape Charles Zoning Ordinance Article VII, Appendix A, and Appendix C.

After referring the above ZTA application back to the Planning Commission, the Planning Commission held an advertised public hearing on April 7th, 2026, at 6:00 pm in the Cape Charles Civic Center. During their meeting, the Planning Commission found that the proposed amendments are consistent with the intent and purpose of the Zoning Ordinance and do not conflict with established performance criteria. After a brief discussion, the Planning Commission provided the motion below:

Motion made by Commissioner McDonald, seconded by Commissioner Newman to recommend to the Town Council to approve Zoning Text Amendment (ZTA) 2026-01: Application from the Town of Cape Charles to amend Town Code Chapter 32, Article VII (Chesapeake Bay Preservation Area Overlay District) and related updates to Appendix A (Definitions) and Appendix C (Site Plan Ordinance) to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Act.

The motion passed unanimously.

Staff Analysis:

Comprehensive Plan Review:

The proposed amendments align with Chapter 7 (Environment) of the Town’s Comprehensive Plan, which sets goals to protect natural resources, improve coastal resilience, and enhance the Chesapeake Bay’s water quality, among other objectives. Approval of ZTA 2026-01 advances these policy goals by aligning the Zoning Ordinance with current state law requirements.

Zoning Ordinance Review:

Staff has thoroughly reviewed the proposed Zoning Text Amendments in accordance with the applicable provisions of the Zoning Ordinance. The proposed amendments are consistent with the Ordinance’s intent and purpose. The changes provide clarity and ensure that the Town’s Zoning Ordinance complies with applicable state laws regarding the Chesapeake Bay Preservation Act.

Item Specifics: Town Council reviews the proposed Zoning Text Amendments for Article VII, Appendix A, and Appendix C of the Town Code Zoning Chapter.

Recommendation: I am recommending that the Town Council vote to approve the Zoning Text Amendments to Article VII, Appendix A, and Appendix C of the Town Code Zoning Chapter as presented.

Town of Cape Charles Zoning Ordinance
Article VII – Chesapeake Bay Preservation Area Overlay District

Article VII - Chesapeake Bay Preservation Area Overlay District

Section 32-180: Title

This ordinance shall be known and referenced as the Chesapeake Bay Preservation Area Overlay District of the Town of Cape Charles.

Section 32.181: Findings of Fact

The Chesapeake Bay and its tributaries is one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of Cape Charles and the Commonwealth of Virginia. The health of the Bay is vital to maintaining the Town of Cape Charles' economy and the welfare of its citizens.

The Chesapeake Bay has been degraded significantly by many sources of pollution, including non-point source pollution from land uses and development. Existing high-quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. With proper management, they offer significant ecological benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. These lands together, designated by the Town Council of Cape Charles as Chesapeake Bay Preservation Areas (hereinafter CBPA), need to be protected from destruction and damage in order to protect the quality of life in Cape Charles and the Commonwealth of Virginia.

Section 32.182: Purpose and Intent

- (a) This ordinance is enacted to implement the requirements of [§ 62.1-44.15:67](#) et seq. of the Code of Virginia, 1988 as amended, (The Chesapeake Bay Preservation Act) and amends the Zoning Ordinance of Cape Charles. The intent of the Town Council and the purpose of the Overlay District is to: (1) protect existing high quality state waters; (2) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (3) safeguard the clean water of the Commonwealth from pollution; (4) prevent any increase in pollution; (5) reduce existing pollution; and (6) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Town of Cape Charles.
- (b) This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. Unless otherwise stated in the Overlay District, the review and approval procedures provided for in other applicable ordinances shall be followed in reviewing and approving

Town of Cape Charles Zoning Ordinance
Article VII – Chesapeake Bay Preservation Area Overlay District

development, redevelopment, and uses governed by this Article.

- (c) This Article is enacted under the authority of [§ 62.1-44.15:67](#) et seq., The Chesapeake Bay Preservation Act, and [§ 15.2-2283](#) of the Code of Virginia, which states that zoning ordinances may “also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in [§ 62.1-255.](#)”

Section 32.183: Areas of Applicability

- (a) The Chesapeake Bay Preservation Act Overlay District shall apply to all lands identified as CBPAs as designated by the Town Council and as shown on the Zoning District Map. Such map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Article.
- (b) The Resource Protection Area includes:
 - (1) tidal wetlands
 - (2) non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow
 - (3) tidal shores
 - (4) a one-hundred-foot (100') vegetated buffer area located adjacent to and landward of the components listed in subsections [a1](#) through [e 3](#) above and along both sides of any water body with perennial flow
- (c) The Resource Management Area is composed of ~~the following land categories: flood plains; highly erodible soils, including steep slopes; highly permeable soils; non-tidal wetlands not included in the RPA; other lands necessary to protect the quality of state waters or a minimum of one hundred feet (100') in width landward of the Resource Protection Area, whichever is greatest.~~
- (d) The Zoning District Map shows the general location of CBPAs and should be consulted by persons contemplating activities within Cape Charles prior to engaging in a regulated activity.
- (e) Portions of RPAs and RMAs designated by the Town Council as Intensely Developed Areas shall serve as [development and](#) redevelopment areas. Areas so designated shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in Section 32-189, Performance Standards.

Section 32.184: Use Regulations

Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district unless specifically modified by the requirements set forth herein.

Section 32.185: Lot Size

Lot size shall be subject to the requirements of the underlying zoning district(s) provided

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that any lot shall have sufficient area outside the RPA to accommodate an intended development in accordance with the performance standards in Section 32.189 when such development is not otherwise allowed in the RPA.

Section 32.186: Development Criteria for Resource Protection Areas

(a) Development in RPAs may be allowed only if it: (1) is water dependent, (2) constitutes redevelopment, ~~or (3) constitutes development~~ or redevelopment within IDAs, or (34) ~~constitutes redevelopment.~~ is a new use established pursuant to subsection 107(C) of this Ordinance; (5) is a road or driveway crossing satisfying the conditions set forth in subdivision 5 of this section; or (6) is a flood control or stormwater management facility. In addition, the following conditions shall apply:

- (1) A water quality impact assessment shall be required for any proposed land disturbance, development or redevelopment within RPAs and for any development within RMAs when required by the Zoning Administrator because of the unique characteristics of the site or intensity of development in accordance with the provisions of Section 7.10 of this Article.
- (2) A resiliency assessment as set forth in Section 7.10G of this Ordinance shall be required for any proposed land development during the plan of development or other project review process in the RPA.
- (3) A new or expanded water dependent facility may be allowed, provided that the following criteria are met:
 - (a) It does not conflict with the comprehensive plan;
 - (b) It complies with the performance criteria set forth in Section 32.190 of this Article;
 - (c) Any non-water dependent component is located outside of the RPA; and
 - (d) Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.
- (4) Redevelopment on isolated redevelopment sites outside of the designated IDAs shall be permitted only if there is not an increase in the amount of impervious cover and no further encroachment within the RPA and it shall conform to the Virginia Erosion and Stormwater Management Act. ~~stormwater management requirements outlined under Section 7.9 and erosion and sediment control requirements outlined under Section 7.9 of this Article.~~
- (5) Roads and driveways not otherwise exempt from the provisions of this Ordinance, as per subsection 32.193 of this Ordinance, may be constructed in or across Resource Protection Areas provided each of the following conditions are met:

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- a. The Town Zoning Administrator finds that there are no reasonable alternatives to aligning the road or driveway in or across the Resource Protection Area.
 - b. The alignment and design of the road or driveway are optimized, consistent with other requirements, to minimize encroachment into the Resource Protection Area and adverse effects on water quality.
 - c. The design and construction of the road or driveway satisfy all applicable criteria of this Ordinance, including submission of a water quality impact assessment.
 - d. The Town Zoning Administrator reviews the plan for the road or driveway proposed in or across the Resource Protection Area in coordination with the Town’s site plan, subdivision, and other plan of development reviews.
65. Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in Resource Protection Areas, provided that:
- a. Such facilities are allowed and constructed in accordance with the Virginia Stormwater Management Act and Regulations.
 - b. The Town Zoning Administrator conclusively establishes that the location of the facility within the Resource Protection Area is the optimum location.
 - c. The size of the facility is the minimum necessary to provide necessary flood control or stormwater treatment, or both.
 - d. The facility is consistent with a comprehensive stormwater management plan developed and approved in accordance with Virginia Stormwater Management Program (VSMP) regulations.
 - e. All applicable State and Federal permits are obtained from the appropriate federal and state agencies having jurisdiction, such as the U.S. Army Corps of Engineers, the Department of Environmental Quality, and the Virginia Marine Resources Commission.
 - f. Approval is received from the Town Zoning Administrator prior to construction.
 - g. Routine maintenance is performed on such facilities to assure that they continue to function as designed.

It is not the intent of this subdivision to allow a best management practice that collects and treats runoff from an individual lot or portion thereof to be located within a Resource Protection Area.

1.

~~(4) A water quality impact assessment shall be required for any proposed land disturbance, development, or redevelopment within RPAs and for any development within RMAs when required by the Zoning Administrator because of the unique characteristics of the site or intensity of development in accordance with the provisions of Section 7.10 of this Article.~~

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b. Buffer Area Requirements. To minimize the adverse effects of human activities on the other components of Resource Protection Areas, state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist. The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the RPA in accordance with Section 32.183, Areas of Applicability, and Section 32.191, Plan of Development Process, of this Article. The planting of trees shall be incorporated into the reestablishment of the 100-foot buffer, as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.

a. The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. Notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in this section, the 100-foot wide buffer area is not reduced in width.

b. Where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses, the full 100-foot wide buffer shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions set forth in this chapter. The planting of trees shall be incorporated into the reestablishment of the 100-foot buffer, as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.

C. Permitted Encroachments into the buffer area.

1. When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Zoning Administrator may allow encroachments into the buffer area in accordance with Section 32.191, Plan of Development Process, and the following criteria:

a. Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;

b. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel. Where established, such vegetated area shall include the planting of trees as appropriate to site conditions. Inclusion of native species in tree planting is preferred.

c. The encroachment may not extend into the seaward 50 feet of the buffer area; and

d. Encroachments into the buffer area processed through an administrative review shall be subject to the findings required by Section 32.194 of this Ordinance but without the requirement for a public hearing, such findings to be made instead by the Zoning Administrator.

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D. Permitted modifications the buffer area.

The buffer area shall be maintained to meet the following additional performance standards:

1. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed, subject to approval by the Zoning Administrator, only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices including those that prevent upland erosion and concentrated flows of stormwater, shoreline erosion control projects, or adaptation measures. Such buffer modifications shall be permitted under the following conditions, and consistent with the requirements of this Ordinance:

a. In general, where the removal of trees within the buffer area is proposed, mature trees shall be preserved and trimmed or pruned in lieu of removal as site conditions permit and removal should be limited to the fewest number of trees feasible. Where tree planting for mitigation, conservation landscaping, or for buffer reestablishment is proposed, inclusion of native species in tree planting is preferred.

b. Trees may be pruned or removed as necessary to provide for 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 source pollution from runoff.

1. When trees are proposed for removal to provide for site lines, vistas, and access paths they shall be replaced with trees as appropriate to site conditions and in such a manner as to maximize the buffer function and to protect the quality of state waters. The boundaries of this area shall be determined in a manner acceptable to the Zoning Administrator and be based on identified vantage points and the portion of the shoreline to be viewed.

2. A written request for a determination by the Zoning Administrator that the proposed removal of vegetation from the RPA buffer is in accordance with the requirements of this subsection is required. Such request shall include a plan showing the following: (i) the vantage points for the sight lines, vistas, and access paths (ii) the portion of the shoreline to be viewed or accessed, (iii) the area in which trees are to be pruned or removed, (iv) the location of all trees six inches or greater in diameter at breast height or as required by the Zoning Administrator, and (v) the location of the trees to be removed or pruned. The request shall also indicate

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the type, location and number of replacement vegetation proposed.

3. Trees may not be pruned or removed from the buffer area until a written determination is obtained from the Zoning Administrator that the proposed activity is in accordance with the requirements of this Ordinance.
- c. Any path shall be constructed and surfaced so as to effectively control erosion.
 - d. Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu and multiflora rose) may be removed and thinning of trees allowed, pursuant to standards adopted by the Town of Cape Charles.
 - e. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best of available technical advice and applicable permit conditions or requirements.
 1. The removal of mature trees for the installation and maintenance of proposed shoreline erosion control projects shall only be permitted as necessary and consistent with the best available technical advice, approved project plans, and applicable permit conditions or requirements.
 2. Where vegetation is proposed for removal within the buffer area as part of a shoreline erosion control project, a water quality impact assessment with vegetative mitigation equal to the area of encroachment is required. Trees shall be incorporated, as appropriate to the site conditions and the project specifications. In addition, vegetation in the form of a mixture of grasses, sedges, flowers, and shrubs can be used by property owners to provide natural stabilization of shorelines. Inclusion of native species is preferred.
 3. Existing trees, proposed plantings, and clearing limits must be shown on the Joint Permit Application and/or Water Quality Impact Assessment.
 4. Shoreline erosion control within the RPA shall be consistent with the Wetlands Act (Chapter 13 Title 28.2), the Virginia Marine Resources Commission (VMRC) Tidal Wetlands Guidelines which provide for "minimum standards for the protection and

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conservation of wetlands,” and “ensure protection of shorelines and sensitive coastal habitat from sea level rise and coastal hazard.”

a. Installation of living shorelines is the required adaptation measure for stabilizing tidal shorelines unless the best available science indicates that such approaches are not suitable for the site on which the practice is being considered, as determined by the Virginia Marine Resources Commission. Such projects should be coordinated to address the requirements of the VMRC Tidal Wetlands Guidelines current at the time of application submission in conjunction with the requirements of this Ordinance [and the local wetlands ordinance].

b. Approval from the VMRC is also required for adaptation measures proposing the use of sea walls, riprap, groins, or other structural means of stabilization within tidal wetlands. Such projects shall demonstrate to the satisfaction of the Zoning Administrator that vegetative techniques cannot be effectively utilized and shall incorporate elements of living shoreline approaches into permitted projects to the maximum extent possible.

c. If a hardened shoreline structure is allowed, the applicant shall be required to incorporate elements of living shoreline approaches into permitted projects, to the maximum extent possible.

f. Adaptation measures proposed for location within the Resource Protection Area, shall meet the following conditions:

1. The selected adaptation measure shall be a nature-based solution that uses environmental processes, natural systems, or natural features identified as being appropriate for existing site conditions.

2. An identified adaptation measure shall be selected from one of the following sources: Chesapeake Bay program approved BMP list, the Virginia Stormwater BMP Clearinghouse, the VMRC Tidal Wetlands Guidelines, or be a project that is eligible for funding by the Virginia Community Flood Preparedness Fund Grant.

a. Adaptation measures should consist of trees, vegetation, stone or enhance existing natural

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elements.

3. Adaptation measures approved for use in the RPA shall be designed, installed, and maintained in accordance with the applicable specifications for the selected adaptation measure.
4. Adaptation measures should be placed channelward of the proposed development whenever possible and should maximize the preservation of mature trees and other natural vegetation to minimize adverse impacts to the RPA and to maximize water quality benefits.
5. The use of fill as a component of an adaptation measure may be permitted, provided it meets the following conditions:
 - a. The grading and slope created by the use of fill shall be no greater than necessary based upon the project specifications and implemented in a manner that minimize the impact of run-off.
 - i. Slopes should be equal to or less than 10% to support water quality conditions, including infiltration.
 - ii. Slopes less than or equal to 5% or that convey sheet flow of velocities less than one and one-half (1.5) feet/second are preferred, to reduce runoff and tidal wave energies.
 - iii. Slopes greater or different than the above may be necessary based upon certain site conditions and adaptation measure specifications. In such instances, submittal of additional calculations and engineering plans, and assessments of the impacts of the use of fill on existing vegetation, wetland migration and water movement, both landward and channelward, in support of the proposed slope shall be required.
 - b. Fill shall have the necessary biogeochemical characteristics, including sufficient organic content, to support the growth of vegetation and adequate permeability to allow infiltration consistent with project specifications. The applicant shall:
 - i. Provide documentation

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specifying the proposed depth, extent, and type of fill material proposed for use.

ii. Provide documentation that the proposed soils are compliant with the requirements governing the use of lightly contaminated soil consistent with the Virginia Solid Waste Management Regulations (9 VAC 20-81 et seq.) or permitting requirements for upland placement of dredge soil, if applicable.

iii. Provide documentation that the newly placed fill is revegetated with multi-strata vegetation inclusive of canopy and understory trees, shrubs, and ground cover consistent with the guidance found in the *Buffer Manual*. Inclusion of native species is encouraged.

iv. Ensure that the fill area is vegetatively stabilized within seven (7) days.

c. The use of fill shall not exacerbate stormwater run-off, and lateral flow onto adjacent properties shall be controlled.

i. Appropriate erosion and sediment control and stormwater management measures shall be incorporated into the design specifications, including the establishment of positive and proper drainage.

ii. If the adaptation measure triggers separate stormwater management requirements, then these criteria should be considered in conjunction with those requirements.

iii. Larger scale adaptation measures may require the use of stormwater calculations to ensure these criteria are met.

iv. Any impacts on the management

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of stormwater upland of the Resource Protection Area created by the use of fill shall be mitigated, as necessary.

- d. The use of fill for an adaptation measure shall not negatively impact septic systems and drainfields located within the RPA. Where present, the proximity of the adaptation measure using fill should be considered such that the fill will not interfere with the proper function or maintenance of either of these features.
- e. The use of fill shall be consistent with floodplain requirements.
- f. The placement of fill allowed by either the Living Shoreline Group 1 or Group 2 general permits to establish appropriate elevations to support required vegetation shall be consistent with the fill requirements of this subsection, in that a change in slope or land elevation may not alter water flow in contravention with the fill requirements of this subsection.

- 6. The preservation of existing natural vegetation shall be maximized, including mature trees, and land disturbance consistent with design specifications shall be minimized.
- 7. Adaptation measures shall comply with all federal, state and local requirements, including any required permits and conditions such as the need for a Water Quality Impact Assessment.
- 8. Nothing in these provisions shall be construed to authorize approval or allowance of an adaptation measure in contravention of floodplain management requirements, including [the local floodplain ordinance].

2. In Intensely Developed Areas the Zoning Administrator may exercise discretion regarding whether to require establishment of vegetation in the 100-foot wide buffer area. However, while the immediate establishment of vegetation in the buffer area may be impractical, the Zoning Administrator shall give consideration to implementing measures that would establish vegetation in the buffer in these areas over time in order to maximize water quality protection, pollutant removal, and water resource conservation. When considering the reestablishment of a buffer within an Intensely Developed Area, the Zoning Administrator shall consider the planting of trees as a component of such buffer reestablishment measure. Inclusion of native species in tree planting is preferred.

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3. On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds from invading the buffer area. Agricultural activities may encroach into the buffer area as follows:
- a. Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural best management practice, which, in the opinion of the [local soil and water conservation district board], addresses the more predominant water quality issue on the adjacent land – erosion control or nutrient management – is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil test, must be developed consistent with the “Virginia Nutrient Management Training and Certification Regulations (4 VAC 50-85 et seq.)” administered by the Virginia Soil and Water Conservation Board.
 - b. Agricultural activities may encroach within the landward 75 feet of the 100-foot-wide buffer area where agricultural best management practices which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as “T”, as defined in the “National Soil Survey Handbook” of November 1996 in the “Field Office Technical Guide” of the U. S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil test, must be developed consistent with the “Virginia Nutrient Management Training and Certification Regulations (4 VAC 50-85 et seq). administered by the Virginia Soil and Water Conservation Board. In conjunction with the remaining buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot-wide buffer area.
 - c. The buffer area is not required to be designated adjacent to agricultural drainage ditches if the adjacent agricultural land has in place at least one best management practices as considered by the Eastern Shore Soil and Water Conservation District to address the more predominant water quality issue on the adjacent land – either erosion control or nutrient management
 - d. If specific problems are identified pertaining to agricultural activities that are causing pollution of the nearby water body with perennial flow or violate performance standards pertaining to the vegetated buffer area, the town, in cooperation with soil and water conservation district, shall recommend a compliance schedule to the landowner and require the problems to be corrected consistent with that schedule. This schedule shall expedite environmental protection while taking into account the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.
 - e. In cases where the landowner or the landowner's agent or operator has

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refused assistance from the local soil and water conservation district in complying with or documenting compliance with the agricultural requirements of this chapter, the district shall report the noncompliance to the Town. The Town shall require the landowner to correct the problems within a specified period of time not to exceed 18 months from their initial notification of the deficiencies to the landowner. The local government, in cooperation with the district, shall recommend a compliance schedule to the landowner. This schedule shall expedite environmental protection while taking into account the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.

Section 32.187: Conflict With Other Regulations

In any case where the requirements of this Article conflict with any other provision of the Cape Charles Zoning Ordinance and other regulations or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

Section 32.188: Interpretation of Resource Protection Area Boundaries

- (a) *Delineation by the Applicant.* The site-specific boundaries of the Resource Protection Area shall be determined by the applicant through the performance of an environmental site assessment, subject to approval by the Zoning Administrator and in accordance with Section 32.191, Plan of Development Process, or Section 32.190 Water Quality Impact Assessment, of this Article. The Zoning District Map may be used as a guide to the general location of Resource Protection Areas.
- (b) *Where Conflict Arises Over Delineation.* When the applicant provides a site-specific delineation of the RPA, the Zoning Administrator will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Zoning Administrator may render adjustments to the applicant’s boundary delineation in accordance with Section 32.191, Plan of Development Process, of this Article. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief in accordance with the provisions of Section 32.191 of this ordinance.

Section 32.189: Performance Standards

- (a) *Purpose and Intent.* The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxins, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, within its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The purpose and intent of these requirements are also to implement the

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following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a ten percent (10%) reduction in nonpoint source pollution from redevelopment; and achieve a forty percent (40%) reduction in nonpoint source pollution from agricultural uses.

- (b) General Performance Standards for Development and Redevelopment
 - (1) Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
 - a. Ingress and egress during construction shall be limited to one access point unless otherwise approved by the Zoning Administrator.
 - (2) Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use or development proposed and in accordance with the Virginia Erosion and ~~Sediment Control~~ [Stormwater Management Handbook, Version 1.1](#).
 - a. [Mature trees shall be protected during development and only removed where necessary, including to provide for the proposed use or development.](#)
 - a.b. Site clearing for construction activities shall be allowed as approved by the Zoning Administrator through the plan of development review process.
 - b.c. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected five feet outside of the drip line 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.
 - (3) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the proposed use or development.
 - a. Grid and modular pavements may be used for any required parking area, alley, or other low-traffic driveway unless otherwise approved by the Zoning Administrator.
 - (4) Notwithstanding any other provision of this Article or exceptions or exemptions thereto, any land-disturbing activity exceeding twenty thousand five hundred square feet (2,500 SF), including construction of all single-family houses, shall comply with the requirements of Cape Charles' Erosion and Sediment Control Ordinance.
 - ~~(5)~~ All development and redevelopment exceeding two thousand five hundred square feet (2,500 SF) of land disturbance shall be subject to a plan of development process, including the approval of a site plan in accordance with the provisions of the Site Plan Ordinance.
 - [6.](#) All on-site sewage disposal systems not requiring a VPDES permit shall be pumped out at least once every five years (5 yrs) in accordance with the provisions of the State Health Code. [Effective July 1, 2023.](#)

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requirements of this section directly related to compliance with onsite sewage system pump-outs shall be managed and enforced by the Virginia Department of Health in Accomack, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, and Westmoreland Counties, and the incorporated towns within those counties.

- a. Subject to conditions established by the local Health District of the Virginia Department of Health (VDH), the owners of such systems may, in lieu of pumping out such systems every five (5) years, have a plastic filter installed and maintained in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield to permit normal use of the septic system. Such a filter shall satisfy standards established in the Sewage Handling and Disposal Regulations (12 VAC 5-610) administered by VDH; and
- b. In lieu of requiring proof of septic tank pump out every five (5) years, the Town may allow owners of on-site sewage treatment systems to submit documentation every five (5) years, certified by a an operator or onsite soil evaluator licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia as being qualified to operate, maintain, or design onsite sewage systems, that the septic system has been inspected, is functioning properly, and that – as of the date of inspection – pump-out of the effluent was not deemed necessary.
- c. For new construction not served by public sewer or other system requiring a VPDES permit, a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health District. Building or construction of any impervious cover shall be prohibited on the area of all sewage disposal sites, including reserve sewage disposal sites, until the property is served by public sewer or an on-site sewage treatment system operating under a VPDES permit. All sewage disposal site records shall be administered to provide adequate notice and enforcement. As an alternative to the reserve sewage disposal site, the owners of such systems may install an alternative drainfield system meeting the following conditions:
 - 1. Each of the two (2) alternating drainfields in the system shall have at a minimum, an area not less than fifty (50) percent of the area that would otherwise be required if a single primary drainfield were constructed.
 - 2. An area equal to fifty (50) percent of the area that would otherwise be required for the primary drainfield site shall be reserved for subsurface absorption systems that utilize a flow diversion device, to provide for future replacement or repair to meet the requirements for a sewage disposal system.

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Expansion of the primary system shall require an expansion of the reserve system.

3. The two (2) alternating drainfields shall be connected by a diversion valve, approved by the local Health District, located in the pipe between the septic tank and the distribution boxes. The diversion valve shall be used to alternate the direction of effluent flow to one (1) drainfield or the other at a time. Diversion valves shall not be used for the following types of treatment systems:

- (a). Sand mounds.
- (b). Low pressure distribution systems.
- (c). Repair situations when installation of a valve is not feasible.
- (d). Any other approved system for which the use of a valve would adversely affect the design of the system, as determined by the local Health District.

d. The diversion valve shall be a three-port, two-way valve of approved materials (i.e., resistant to sewage, leak-proof and designed so that the effluent from the tank can be directed to flow into either one (1) of the two (2) distribution boxes).

e. There shall be a conduit from the top of the valve to the ground surface with an appropriate cover to be level with or above the ground surface.

f. The valve shall not be located in driveways, recreational courts, parking lots, or beneath sheds or other structures.

g. In lieu of a diversion valve, any device that can be designed and constructed to direct the flow of effluent from the tank into either one (1) of the two (2) distribution boxes may be approved if plans are submitted to the local Health District and determined to be satisfactory.

h. Owners shall alternate using the drainfields every 12 months to permit the yearly resting of half of the absorption system.

i. The Zoning Administrator shall ensure that the owners are notified annually of the requirement to switch the valve to the opposite drainfield.

~~(6) 7. For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices that achieve the following:~~

~~a. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load based on the calculated average land cover condition of the Town of Cape Charles.~~

~~b. For sites within IDAs or other isolated redevelopment sites, the non-point 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~~

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~~practices for storm water runoff quality control provided the following provisions are satisfied:~~

- ~~i. — In no case may the post-development non-point source pollution runoff load exceed the pre-development load.~~
- ~~ii. — Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling non-point source pollution.~~
- ~~iii. — 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. A new maintenance agreement may be required to ensure compliance with this Article.~~

~~_____ 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 non-point source pollution loadings can be substituted for the existing development loadings.~~

8. Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Zoning Administrator in accordance with Section 32.191 of this Article.

9. Land upon which agricultural activities are being conducted shall have a soil and water quality conservation assessment. Such assessments shall evaluate the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides, and, where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is accomplished consistent with the Article.
 - a. Recommendations for additional conservation practices need address only those conservation issues applicable to the tract or field being assessed. Any soil and water quality conservation practices that are recommended as a result of such an assessment and are subsequently implemented with financial assistance from federal or state cost-share programs must be designed, consistent with cost-share practice standards effective in January 1999 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service or the June 2000 edition of the "Virginia Agricultural BMP Manual" of the Virginia Department of Conservation and Recreation, respectively. Unless otherwise specified in this section, general standards pertaining to the various agricultural conservation practices being assessed shall be as follows:

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- (1) For erosion and sediment control recommendations, the goal shall be, where feasible, to prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. However, in no case shall erosion exceed the soil loss consistent with an Alternative Conservation System, referred to as an "ACS", as defined in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service.
- (2) For nutrient management, whenever nutrient management plans are developed, the operator or landowner must provide soil test information, consistent with the Virginia Nutrient Management Training and Certification Regulations (4VAC50-85).
- (3) For pest chemical control, referrals shall be made to the local cooperative extension agent or an Integrated Pest Management Specialist of the Virginia Cooperative Extension Service. Recommendations shall include copies of applicable information from the "Virginia Pest Management Guide" or other Extension materials related to pest control.

b. A higher priority shall be placed on conducting assessments of agricultural fields and tracts adjacent to Resource Protection Areas. However, if the landowner or operator of such a tract also has Resource Management Area fields or tracts in his operation, the assessment for that landowner or operator may be conducted for all fields or tracts in the operation. When such an expanded assessment is completed, priority must return to Resource Protection Area fields and tracts.

c. The findings and recommendations of such assessments and any resulting soil and water quality conservation plans will be submitted to the Eastern Shore Soil and Water Conservation District Board, which will be the plan-approving authority.

(7)

~~B. Buffer Area Requirements. To minimize the adverse effects of human activities on the other components of Resource Protection Areas, state waters, and aquatic life, a one hundred foot (100') buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist. The buffer area shall be located adjacent to and landward of other RPA~~

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~~components and along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the RPA in accordance with Section 7.3, Areas of Applicability, and Section 7.11, Plan of Development Process, of this Article.~~

~~The one hundred-foot (100') buffer area shall be deemed to achieve a seventy five percent (75%) reduction of sediments and a forty percent (40%) reduction of nutrients.~~

~~The buffer area shall be maintained to meet the following additional performance standards:~~

- ~~(1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed, subject to approval by the Zoning Administrator, only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices including those that prevent upland erosion and concentrated flows of stormwater, as follows:
 - ~~a. Trees may be pruned or removed as necessary to provide for 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 source pollution from runoff.~~
 - ~~b. Any path shall be constructed and surfaced so as to effectively control erosion.~~
 - ~~c. Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu and multiflora rose) may be removed and thinning of trees allowed, pursuant to standards adopted by the Town of Cape Charles.~~
 - ~~d. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best of available technical advice and applicable permit conditions or requirements.~~~~
- ~~(2) When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Zoning Administrator may allow encroachments into the buffer area in accordance with Section 7.11, Plan of Development Process, and the following criteria:
 - ~~a. Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.~~
 - ~~b. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel;~~~~

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and

~~e. The encroachment may not extend into the seaward 50 feet of the buffer area.~~

~~(3) Redevelopment within IDAs may be exempt from establishing vegetation within the buffer area in accordance with Section 7.11, Plan of Development Process, of this Article.~~

~~(4) On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds from invading the buffer area. Agricultural activities may encroach into the buffer area as follows:~~

~~a. Agricultural activities may encroach into the landward 50 feet of the one hundred foot (100') wide buffer area when at least one agricultural best management practice, which, in the opinion of the [local soil and water conservation district board], addresses the more predominant water quality issue on the adjacent land — erosion control or nutrient management — is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the one hundred foot (100') wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil test, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15 et seq.)" administered by the Virginia Department of Conservation and Recreation.~~

~~b. Agricultural activities may encroach within the landward seventy five feet (75') of the one hundred foot (100') wide buffer area where agricultural best management practices which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T", as defined in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U. S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil test, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15 et seq.)" administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the one hundred foot (100') wide buffer area.~~

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- e. ~~The buffer area is not required to be designated adjacent to agricultural drainage ditches if the adjacent agricultural land has in place at least one best management practices as considered by the local Soil and Water Conservation District to address the more predominant water quality issue on the adjacent land— either erosion control or nutrient management~~
- (5) ~~When agricultural or silvicultural uses within the buffer area cease, and the lands are proposed to be converted to other uses, the full one-hundred-foot (100') wide buffer area shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions are maintained or established.~~

Section 32.190: Water Quality Impact Assessment and Resiliency Assessment

- (a) Purpose and Intent. The purpose of the water quality impact assessment is to:
 - (1) identify the impact of proposed development on water quality and lands within RPAs and other environmentally sensitive lands; (2) ensure that, where development does take place within RPAs and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands; (3) to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; and (4) specify mitigation and to demonstrate compliance with the local program which will address water quality protection.
- (b) Water Quality Impact Assessment Required. A water quality impact assessment is required for (1) any proposed land disturbance, redevelopment or development within an RPA, including any buffer area modification or encroachment as provided in Section 32.190 of this Article; (2) any development in an RMA as deemed necessary by the Zoning Administrator due to the unique characteristics of the site or intensity of the proposed development; and (3) if living shorelines are being installed. There shall be two levels of water quality impact assessments--a minor assessment and a major assessment.
- (c) Minor Water Quality Impact Assessment. A minor water quality impact assessment pertains only to a development within CBPAs which causes no more than five thousand square feet (5,000 SF) of land disturbance and requires any modification or encroachment into the landward fifty feet (50') of the one-hundred-foot (100') buffer area. A minor assessment must demonstrate that the undisturbed buffer area, enhanced vegetative plantings, and any required best management practices will result in removal of no less than seventy-five percent (75%) of sediments and forty percent (40%) of nutrients from post-development stormwater runoff and that the remaining buffer area will retard runoff, prevent erosion and filter nonpoint source

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pollution the equivalent of the full undisturbed one-hundred-foot (100') buffer area. A minor assessment shall include a site drawing to scale which shows the following:

- (1) Location of the components of the RPA, including the one-hundred-foot (100') buffer area;
- ~~(1)(2)~~ RPA and RMA boundaries.
- (3) Location and nature of the proposed encroachment into the buffer area if ~~needed~~ necessary; including type of paving material; areas/limits of clearing or grading; location of any structures, drives, or other impervious cover;
- ~~(2)(4)~~ Area of land disturbance and impervious coverage proposed within the RPA;
- ~~(3)(5)~~ Type and location of proposed best management practices to mitigate the proposed encroachment.
- ~~(4)(6)~~ Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification;
- (7) Revegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control and mitigates for the removal of vegetation in the buffer;
- ~~(5)(8)~~ Limits of land disturbance and the area of land disturbance within the RPA.

(d) Major Water Quality Impact Assessment. A major water quality impact assessment shall be required for any development which (1) exceeds five thousand square feet (5,000 SF) of land disturbance within CBPA and requires any modifications or encroachment into the landward seaward fifty feet (50') of the one-hundred-foot (100') buffer area; (2) proposes to disturb any portion of any other component of an RPA or proposes to disturbs any portion of the buffer area within fifty feet (50') of any other component of any RPA; or (3) is located in an RMA and is deemed necessary by the Zoning Administrator. The information required in this section shall be considered a minimum unless the Zoning Administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land.

- (1) The following elements shall be included in the preparation and submission of a major water quality assessment:
 - a. All of the information required in a minor water quality impact assessment as specified in Section 32.190 (c);
 - b. A hydro-ecological element that:
 - 1. Describes the existing topography, soils, hydrology, and geology of the site and adjacent lands
 - 2. indicates the following:
 - i. disturbance or destruction of wetlands and justification for such action.
 - ii. disruptions or reductions in the supply of water to

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- wetlands, streams, or other water bodies.
 - iii. disruptions to existing hydrology including wetlands and stream circulation patterns.
 - iv. source location and description of proposed fill material.
 - v. location of dredge material and location of dumping area for such material.
 - vi. location of and impacts on shellfish beds or submerged aquatic vegetation.
 - vii. estimation of pre- and post- development pollutant loads in runoff.
 - viii. estimation of percent increase in impervious surface on site and type(s) of surfacing materials used.
 - ix. percent of site to be cleared for project.
 - x. anticipated duration and phasing schedule of construction project.
 - xi. listing of all requisite permits from all applicable agencies necessary to develop project
3. describes the proposed mitigation measures for the potential hydroecological impacts. Potential mitigation measures include:
- i. proposed erosion and sediment control concepts; concepts should include minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, schedule and personnel for site inspection
 - ii. proposed water quality and quantity stormwater management system
 - iii. creation of wetlands to replace those lost
 - iv. minimizing cut and fill
- c. A landscape element that:
- 1. identifies and delineates the location of plant material on site, including all trees two inches or greater diameter at breast height. Where there are groups of trees, stands may be outlined.
 - 2. describes the impacts the development or use will have on the existing vegetation. Information should include:
 - i. limits of clearing based on all anticipated improvements including buildings, drives, and utilities
 - ii. clear delineation of all trees and other woody vegetation proposed to be removed
 - iii. description of plant species to be disturbed or removed
 - 3. describes the potential measures for mitigation.

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Possible mitigation measures should include:

- i. replanting schedule for trees and other significant vegetation removed for construction including a list of possible plants and trees to be used
- ii. demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation
- iii. demonstration that native plants are to be used to the greatest extent possible

(e) Submission and Review Requirements

- (1) ~~Eight (8)~~ Four (4) copies of all site drawings and other applicable information as required by subsections C and D above shall be submitted to the Zoning Administrator for review.
- (2) All information required in this section shall be certified as complete and accurate by a professional engineer or certified land surveyor.
- (3) A minor water quality impact assessment shall be prepared and submitted to and reviewed by the Zoning Administrator in conjunction with Section 32.191, Plan of Development Process, of this Article.
- (4) A major water quality impact assessment shall be prepared and submitted to and reviewed by the Zoning Administrator in conjunction with a request for rezoning, special use permit, or in conjunction with Section 32.191 of this Article as deemed necessary by the Zoning Administrator.
- (5) As part of any major quality impact assessment submittal, the Zoning Administrator may require review by the ~~Chesapeake Bay Local Assistance Department (CBLAD)~~ Department of Environmental Quality. Upon receipt of a major water quality impact assessment, the Zoning Administrator will determine if such review is warranted and may request ~~CBLAD-DEQ~~ to review the assessment and respond with written comments. Any comments by such ~~CBLAD-DEQ~~ will be incorporated into the final review by the Zoning Administrator provided that such comments are provided by ~~CBLAD-DEQ~~ within ninety (90) days of the request.

(f) Evaluation Procedure

- (1) Upon the completed review of a minor water quality impact assessment, the Zoning Administrator will determine if any proposed encroachment into the buffer area is consistent with the provisions of this Article and make a finding based upon the following criteria:
 - a. the necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
 - b. impervious surface is minimized;

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- c. proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
 - d. the development, as proposed, meets the purpose and intent of this Article;
 - e. the cumulative impact of the proposed development, when considered in relation to other development in the vicinity both existing and proposed, will not result in a significant degradation of water quality.
- (2) Upon the completed review of a major water quality impact assessment, the Zoning Administrator will determine if the proposed development is consistent with the purpose and intent of this Article and make a finding based upon the following criteria in conjunction with Section 32.191.
- a. Within an RPA, the proposed development is water dependent.
 - b. The disturbance of any wetlands will be minimized.
 - c. The development will not result in significant disruption of the hydrology of the site.
 - d. The development will not result in significant degradation to aquatic vegetation or life.
 - e. The development will not result in unnecessary destruction of plant materials on site.
 - f. Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentations.
 - g. Proposed storm water management concepts are adequate to control the storm water runoff to achieve the required performance standard for pollutant control.
 - h. Proposed re-vegetation of disturbed areas will provide optimum erosion and sediment control benefits.
 - i. The development as proposed is consistent with the purpose and intent of the Overlay District.
- (3) The Zoning Administrator shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Zoning Administrator based on the criteria listed above in subsections 1 and 2.
- (4) The Zoning Administrator shall find the proposal to be inconsistent with the purpose and intent of this Article when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Zoning Administrator based on the criteria listed in subsections 1 and 2.

G. Resiliency assessment.

- (A) Submittal of a resiliency assessment that considers the potential impacts of sea level rise, storm surge, and flooding on buffer function in light of a proposed RPA encroachment is required during the review of a plan of development or other review process. Such an assessment is to be based upon the RPA as delineated at the time of the proposed land**

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development and is required in addition to all other requirements of this and other local ordinances. At a minimum the resiliency assessment should contain the following information:

(1) A scaled drawing or aerial image of the proposed project that includes the RPA and RMA boundary, required setbacks, existing topography, and a graphic depiction of the anticipated impacts of sea level rise, flooding, and storm surge on the parcel and the proposed project, based upon a review of approved models and forecasts, to include the following:

- a. For sea level rise, use the 2017 National Oceanographic and Atmospheric Administration (NOAA) Intermediate-High scenario projection curve [or any subsequently updated version thereof on the project site. Sea level rise data can be accessed on the AdaptVA website, maintained by the Virginia Institute of Marine Science (VIMS). When determining potential sea-level rise impacts, the applicant should use the model to identify both the extent of anticipated inland migration, as well as the water depth.
- b. For storm surge, use the most up to date NOAA hydrodynamic Sea, Lake, and Overland Surges Hurricanes (SLOSH) model on the project site. Storm surge data can be accessed on the AdaptVA website. Selection of a default storm category is determined by the locality based upon historical frequency and specified for use in conducting resiliency assessments by the applicant.
- c. For flooding, use the most up to date Special Flood Hazard Area and the Limit of Moderate Wave Action (LiMWA) model on the project site according to the Virginia Flood Risk Information System (VFRIS) model in conjunction with the requirements and application of the [local] floodplain management ordinance. VFRIS includes the Flood Insurance Rate Maps, flood insurance studies, and associated models produced by the Federal Emergency Management Agency, and is available on the Virginia Department of Conservation and Recreation (DCR) website. When identifying flooding impacts, the applicant may rely on existing use and application of the relevant Special Flood Hazard Area. This data is also accessible on the AdaptVA website.
- d. The anticipated impacts shall be based upon a thirty (30) year timeframe, unless the applicant demonstrates that the lifespan of the project proposed for development is less than thirty (30) years based upon the information in 2(b) as approved by the Planning Commission. Where a lifespan of less than 30 years is proposed, the applicant shall provide documentation of proposed building materials, anticipated quality of construction, design specifications, and other materials or information in support of a predicted lifespan of less than 30 years for the project.

(2) A narrative report that analyzes the results of the data and graphic research, and provides the following information:

- (a) Define the intended service life of the proposed structure(s).
- (b) Identification of any proposed impact directly from proposed impervious cover or structures in the RPA and the extent of such impact.
- (c) Identification of extent of impact on the current buffer area including impacts to existing vegetation from the landward movement of water and vegetative migration.

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- (d) Describe the extent to which anticipated impacts can be or have been mitigated by altering the location design, size, or orientation of proposed structures or impervious cover, by preserving and/or supplementing existing buffer areas as provided for in Section 32-188 of this Ordinance, and/or by considering other limiting site conditions including required setbacks and parcel size, and/or by proposing an adaptation measure in accordance with the provisions of Section 32-188.
- (e) Identification of the utilization of existing local programs that already take potential impacts into account through the building permit or site design review processes, such as freeboard requirements enacted through the local floodplain ordinance.
- (3) Apply the results of the resiliency assessment to the proposed development. The Zoning Administrator will review the narrative report along with the water quality impact assessment and determine whether the anticipated impacts necessitate an alteration or conditions to the proposed project or implementation of an adaptation measure for approval.
- (a) In considering whether a requirement for project alteration or adaptation measure is appropriate, the Zoning Administrator will ensure that the proposed alteration or adaptation measure is practical, achievable, and necessary to mitigate the identified impact.
- (b) Where possible, consideration will be given to modifying the proposed development size or location, such that the extent of land disturbance or impervious cover can be reduced to avoid or minimize the area or areas of the parcel that the assessment indicates will be impacted.
- (c) If the resiliency assessment reveals that impacts on the parcel can be addressed by structural design or siting alterations, then supplemental information on the potential alterations shall be provided for consideration by the Zoning Administrator. Supplemental information may include additional sketches or plans, including plan and section views, building specifications, and other supporting materials.
- (d) Approval may be conditioned on the implementation of the proposed alterations, conditions, or adaptation measure.
- (e) The resiliency assessment may also indicate that no alterations, conditions, or adaptation measures are required, in which case the applicant may proceed through the remainder of the approval process.
- (4) Identify conditions, alterations, or adaptation measures for the proposed development. Should an impact from sea-level rise, storm surge, or flooding be identified that exceeds available design alterations, approval of the proposed project should then be conditioned with the requirement for an adaptation measure and the following information provided:
- (a) Describe the proposed adaptation measure(s) for the site as selected from one of the sources listed in subsection 32.190(G) of this Ordinance and submit documentation of the proposed adaptation measure and its suitability for use on the site, such as design specifications, construction methods and materials that will provide shoreline stabilization until vegetation is established, and a proposed maintenance plan.

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(b) Describe how the selected adaptation measure meets the requirement for being a nature-based solution.

(c) Describe how the selected adaptation measure(s) comply with applicable regulatory or permitting requirements. Submit a water quality impact assessment pursuant to Section 32.190 of this Ordinance and a site plan pursuant to Appendix C of this Ordinance detailing the proposed placement of the adaptation measure, existing and proposed topography and vegetation, proposed limits of clearing and grading, and mitigation for the area of land disturbance within the RPA. Additionally, provide documentation of as-built documentation of the final design and installation, including photographs, and final inspection is required upon completion of installation.

(5) The resiliency assessment may be submitted as a standalone document as part of the plan of development process or it may be submitted as part of a water quality impact assessment pursuant to Section 32.190 of this Ordinance for those projects disturbing less than 2,500 square feet.

Section 32.191: Plan of Development Process

Any development or redevelopment within the Chesapeake Bay Preservation Areas exceeding two thousand five hundred square feet (2,500 SF) of land disturbance shall be accomplished through a plan of development process prior to any clearing or grading of the site or the issuance of any building permit to assure compliance with all applicable requirements of this Article.

(1) Required Information. In addition to the requirements of this Ordinance or the requirements of the Cape Charles Subdivision Ordinance, the plan of development process shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined as deemed appropriate by the Zoning Administrator. The Zoning Administrator may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

a. Except as otherwise provided herein, the plan of development process for any development or redevelopment in a CBPA shall consist of the plans and information identified below: ~~The following plans or studies shall be submitted unless otherwise provided for:~~

1. A site plan in accordance with the provisions of this ordinance; or a subdivision plat in accordance with the provisions of the Subdivision Ordinance of Cape Charles;
2. An environmental site assessment;
3. A landscaping plan;
4. A water quality impact assessment, according to Section 32.190 of this Ordinance;
- 3.5. A resiliency assessment, according to Section 32.190 of this Ordinance;
- 4.6. A storm water management plan;
- 5.7. An erosion and sediment control plan in accordance with the

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provisions of the Cape Charles Erosion and Sediment Control Ordinance.

- (2) Environmental Site Assessment. An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval.
- a. The environmental site assessment shall be drawn to scale and clearly delineate the following environmental features:
 1. tidal wetlands
 2. tidal shores
 3. non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow
 4. a one-hundred-foot (100') buffer area located adjacent to and landward of the components listed in Subsections a through c above, and along both sides of any water body with perennial flow
 5. other sensitive environmental features as determined by the Zoning Administrator
 - b. Wetlands delineations shall be performed consistent with the methods and procedures used and accepted from time to time by the U.S. Army Corps of Engineers.
 - c. The environmental site assessment shall delineate the site-specific geographic extent of the RPA and RMA, as necessary.
 - d. The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat and shall be certified as complete and accurate by a professional engineer or a certified land surveyor. This requirement may be waived by the Zoning Administrator when the proposed use or development would result in less than five thousand square feet (5,000 SF) of disturbed area; however, this requirement may not be waived for projects located on parcels impacted by the Chesapeake Bay Preservation Areas.
- (3) Landscaping Plan. A landscape plan shall be submitted in conjunction with site plan approval or as part of subdivision plat approval. No clearing or grading of any lot or parcel shall be permitted without an approved landscaping plan.
- a. Landscaping plans when required shall be prepared and/or certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia and must meet the following requirements:
 1. The landscaping plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material within the RPA and the RMA. All existing mature trees on the site two-four inches (24") or greater DBH shall be shown on the landscaping plan. Where there are groups of trees, stands may be outlined instead, except for mature trees, which shall be individually identified. Mature

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trees shall be protected during development and only removed where necessary, including to provide for the proposed use or development. The location and specific number ~~of trees two inches (2") or greater DBH~~ to be preserved outside of this construction footprint shall be indicated on the plan. Trees to be removed to create a desired construction footprint shall be clearly delineated on the landscaping plan.

- 2. Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Article, shall be shown on the landscaping plan.

— Within the buffer area, trees to be removed for sight lines, vistas, access paths, shoreline erosion control projects, and best management practices, as provided for in this Article, shall be shown on the plan. Vegetation required by this Article to replace any existing trees within the buffer area shall also be shown on the landscaping plan. Mature trees shall be preserved and trimmed or pruned in lieu of removal as site conditions permit. Any removal of mature trees should be limited to the fewest number of trees feasible. When mature trees are removed in the RPA to provide for sight lines and vistas, access paths or BMPs, they shall be replaced with trees as appropriate to site conditions.

- ~~3.~~
4.3. Trees to be removed for shoreline stabilization projects and any replacement vegetation required by this Article shall be shown on the landscaping plan.

- ~~5.4.~~ The plan shall depict grade changes or other work adjacent to trees which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.

- ~~6.5.~~ The landscaping plan will include specifications for the protection of existing trees during clearing, grading, and all phases of construction.

b. Plant specifications

- 1. All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.

- 2. All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.

- ~~2.3.~~ The landscaping plan should include a demonstration that where the planting of new trees or vegetation is required, native species will be used to the greatest extent

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- c. Maintenance
1. The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provision of the Article.
 2. In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season as required by the provisions of this Article.

~~(4) Stormwater Management Plan. A stormwater management plan shall be submitted in accordance with the requirements of the Virginia Erosion and Stormwater Management Regulations, as part of the plan of development process required by this Article and in conjunction with site plan or subdivision plan approval.~~

- ~~a. Contents of the plan. The storm water management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this Article. At a minimum, the storm water management plan must contain the following:~~
- ~~1. location and design of all planned storm water control devices;~~
 - ~~2. procedures for implementing non-structural storm water control practices and techniques;~~
 - ~~3. pre and post-development non-point source pollutant loadings with supporting documentation of all utilized coefficients and calculations;~~
 - ~~4. for facilities, verification of structural soundness, including a professional engineer or Class HIB surveyor certification.~~
- ~~b. Site specific facilities shall be designed for the ultimate development of the contributing watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.~~
- ~~c. All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Virginia Storm water Management Handbook.~~
- ~~d. The plan shall establish a long-term schedule for inspection and maintenance of storm water management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the Town of Cape Charles, then a maintenance agreement shall be executed between the responsible party and the Town of Cape Charles.~~

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(5)(4) Erosion and Sediment Control Plan. An erosion and sediment control plan shall be submitted that satisfies the requirements of this Article and in accordance with the Cape Charles Erosion and Sediment Control Ordinance in conjunction with site plan or subdivision plan approval.

(6)(5) Final Plan. Final plan for property within CBPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in the Cape Charles Subdivision Ordinance and this Ordinance.

a. Final plans for all lands within CBPAs shall include the following additional information:

- 1. Evidence of the site-specific RPA boundary determination, inclusive of perennial flow determination and wetland delineation studies, as appropriate to the site conditions, the delineation of the Resource Protection Area boundary.
- 2. the delineation of required buffer areas
- 3. Evidence that all applicable wetland permits required by law have been obtained prior to authorization of grading or other on-site activities shall be provided, all wetlands permits required by law
- d. Limits of land disturbance and all areas of clearing, grading, access ways and staging areas and the total area of land disturbance, as well as total area of land disturbance proposed within the RPA.
- e. Location of all approved existing and proposed septic tanks and drainfield areas, including reserve areas, and the location of all existing and proposed wells and utilities.
- f. A statement that excavation material and debris from construction shall be disposed of in a lawful manner.
- g. Existing and proposed impervious cover and the total amount of impervious cover proposed for the site, as well as total amount of impervious cover proposed within the RPA.
- 4. h. A maintenance agreement as deemed necessary and appropriate by the Zoning Administrator to ensure proper maintenance of best management practices in order to continue their functions,

b. The following notations are required on plats:

- 1. the requirement to retain an undisturbed and vegetated 100-foot wide buffer area
- 2. the requirement for pump-out and 100% reserve drainfield sites for onsite sewage treatment systems, when applicable
- 3. the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the 100-foot wide buffer area

b.c. Installation and bonding requirements

- 1. Where buffer areas, landscaping, storm water management

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- facilities, or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed in accordance with the approved site plan.
2. When the occupancy of a structure is desired prior to the completion of the required landscaping, storm water management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides Cape Charles a form of surety satisfactory to the Zoning Administrator in an amount equal to the remaining plant materials, related materials, and installation costs of the required landscaping or facilities and/or maintenance costs for any required storm water management facilities during the construction period.
 3. All required landscaping shall be installed and approved by the first planting season following the issuance of a certificate of occupancy or the surety may be forfeited to the Town of Cape Charles.
 4. All required storm water management facilities or other specifications shall be installed and approved within eighteen months (18 mos) of project commencement. Should the applicant fail, after proper notice, to initiate, complete, or maintain appropriate actions required by the approved plan, the surety may be forfeited to the Town of Cape Charles. Cape Charles may collect from the applicant the amount by which the reasonable cost of required actions exceed the amount of the surety held.
 5. After all required actions of the approved site plan have been completed the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Zoning Administrator, such unexpended or un-obligated portion of the surety held shall be refunded to the applicant or terminated within sixty (60) days following the receipt of the applicant's request for the final inspection. The Zoning Administrator may require a certificate of substantial from a professional engineer or Class IIIB surveyor before making the final inspection.

~~(7)~~(6) Administrative Responsibility. Administration of the plan of development process shall be in accordance with this ordinance or the Cape Charles Subdivision Ordinance.

~~(8)~~(7) Denial of Plan, Appeal of Conditions or Modifications. In the event the final plan or any component of the plan of development process is disapproved and recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the

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Planning Commission. In granting an appeal the Planning Commission must find such plan to be in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area or such plan meets the purposes and intent of the performance standards in this Article. If the Planning Commission finds that the applicant’s plan does not meet the above-stated criteria, they shall deny approval of the plan. In the event of a denial of appeal to the Planning Commission, the applicant may appeal such decision to the Cape Charles Town Council. Said appeal shall be made within fifteen (15) days of the negative decision. Further appeals by the applicant shall be established by law.

Section 32.192: Non-Conforming Use and Development Waivers

(a) The lawful use of a building or structure which existed on September 11, 1990, or which exists at the time of any amendment to this Article, and which is not in conformity with the provisions of the Overlay District may be continued in accordance article II division 4 of this chapter. No change or expansion of use shall be allowed with the exception that:

(1) The Zoning Administrator may grant a non-conforming use and development waiver for structures on legal non-conforming lots or parcels to provide for remodeling and alterations to such non-conforming structures provided that:

- a. there will be no increase in non-point source pollution load;
- b. any development or land disturbance exceeding an area of two thousand five hundred square feet (2,500 SF) complies with all erosion and sediment control requirements of this Article;
- c. the intent of article ii, division 4, Non-Conforming Uses, is upheld.

(2) An application for a non-conforming use and development waiver shall be made to and upon forms furnished by the Zoning Administrator and shall include, for the purpose of proper enforcement of this Article, the following information:

- a. name and address of applicant and property owner;
- b. legal description of the property and type of proposed use and development;
- c. a sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area;
- d. location and description of any existing private water supply or sewerage system.

(3) A non-conforming use and development waiver shall become null and void 12 months from the date issued if no substantial work has commenced.

(4) An application for the expansion of a nonconforming structure may be approved by the Zoning Administrator through an administrative review process provided that the following findings are made:

- a. The request for the waiver is the minimum necessary to afford

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- relief;
- b. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Article to other property owners in similar situations;
 - c. The waiver is in harmony with the purpose and intent of this Article and does not result in water quality degradation;
 - d. The waiver is not based on conditions or circumstances that are self- created or self-imposed;
 - e. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;
 - f. Other findings, as appropriate and required by the Town of Cape Charles are met; and
 - g. In no case shall this provision apply to accessory structures.
- (5) In accordance with Code of Virginia [§ 15.2-2283](#), additions to nonconforming structures for the purpose of providing reasonable modifications in accordance with the American with Disabilities Act of 1990 shall not be considered an expansion of a nonconforming structure.
- ~~(6)~~ In accordance with the Code of Virginia [§ 15.2-2307.H](#), nothing in this ordinance shall be construed to prevent the owner of a valid nonconforming mobile or manufactured home from replacing that home with a newer manufactured home, either single- or multisection, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home.
- ~~(6)~~(7) [This chapter shall not be construed to prevent the reconstruction of pre-existing structures within Chesapeake Bay Preservation Areas from occurring as a result of casualty loss unless otherwise restricted by this Ordinance.](#)

Section 32.193: Exemptions

- (a) Exemptions for Utilities, Railroads, and Public Roads.
- (1) Construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with (i) regulations promulgated pursuant to the [Virginia Erosion and Sediment Control Law \(§ 62.1-44.15:51 et seq. of the Code of Virginia\)](#) and the Stormwater Management Act ([§ 62.1-44.15:24 et seq. of the Code of Virginia](#)), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of [Conservation and Recreation Environmental Quality](#), or (iii) local water quality protection criteria at least as stringent as the above state requirements are deemed to comply with this Article. The exemption of public roads is further conditioned on the following:
 - a. The road alignment and design has been optimized, consistent with all applicable requirements, to prevent or otherwise

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minimize the encroachment in the Resource Protection Area and to minimize the adverse effects on water quality.

- (2) Construction, installation, and maintenance of water, sewer, and natural gas and underground telecommunication and cable television lines, owned, permitted or both by the Town of Cape Charles, shall be exempt from the Overlay District provided that:
 - a. to the degree possible, the location of such utilities and facilities shall be outside RPAs;
 - b. no more land shall be disturbed than is necessary to provide for the proposed utility installation;
 - c. all construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and
 - d. any land disturbance exceeding an area of two thousand five hundred square feet (2,500 SF) complies with all Cape Charles erosion and sediment control requirements.

(b) Exemptions for Silvicultural Activities. Silvicultural activities [located within designated CBPAs](#) are exempt from the requirements of this Article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the [1997 edition of "Best Management Practices Handbook for Forestry Operations \[Technical Guide\] the Fifth Edition \(March 2011\) of "Virginia's Forestry Best Management Practices for Water Quality Technical Manual." The Virginia Department of Forestry will oversee and document installation of best management practices and will monitor in-stream impacts of forestry operations in Chesapeake Bay Preservation Areas.](#)

(c) Exemptions in Resource Protection Areas. The following land disturbances in Resource Protection Areas may be exempted from the Overlay District: (1) water wells; (2) passive recreation facilities such as boardwalks, trails, and pathways; and (3) historic preservation and archaeological activities provided that it is demonstrated to the satisfaction of the Zoning Administrator that:

- 1. Any required permits, except those to which this exemption specifically applies, shall have been issued;
- 2. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;
- 3. The intended use does not conflict with nearby planned or approved uses; and
- 4. Any land disturbance exceeding an area two thousand five hundred square feet (2,500 SF) shall comply with all Cape Charles erosion and sediment control requirements.

Section 32.194: Exceptions

- A. A request for an exception to the requirements of sections 32.186 and 32-189(c) of this overlay district shall be made in writing to the Board of Zoning

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Appeals. It shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of section 32.190.

- B. The Town of Cape Charles shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with [§ 15.2-2204](#) of the Code of Virginia, except that only one hearing shall be required.
- C. The Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article if the Board of Zoning Appeals finds:
1. Granting the exception will not confer upon the applicant any special privileges that are denied by this Article to other property owners in the Overlay District;
 2. The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
 3. The exception request is the minimum necessary to afford relief;
 4. The exception request will be consistent with the purpose and intent of the Overlay District and not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and
 5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
- D. If the Board of Zoning Appeals cannot make the required findings or refuses to grant the exception, the Board of Zoning Appeals shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.
- ~~D.E.~~ [Exceptions to Section 32.189\(b\) may be made by the zoning administrator, provided that the findings noted in Section 32.194\(C\) are made.](#)
- E.—A request for an exception to the requirements of provisions of this Article other than those in Sections 32.186 and 32.189.C shall be made in writing to the Zoning Administrator. The Zoning Administrator may grant these exceptions provided that: [exceptions to the requirements are minimum necessary to afford relief; and reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purpose and intent of this Article is preserved](#)
1. ~~Exceptions to the requirements are minimum necessary to afford relief; and Reasonable and appropriate conditions are placed upon any exception that~~

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~~is granted, as necessary, so that the purpose and intent of this Article is preserved.~~

~~2. Exceptions to § 7.9.B may be made provided that the findings noted in §7.14.C are made.~~

~~(g) *General requirements.* Applications for variances [waivers] and exceptions from the requirements of Section 32.189 general performance standards, and 7.6, development standards for RPAs, shall be made in writing and filed with the Zoning Administrator. Such applications shall identify any potential impacts of the proposed variance [waiver] or exception on water quality and on lands within the RPA through the performance of a water quality impact assessment, pursuant to Section 32.190 of this Ordinance, and shall examine the impacts of sea level rise, storm surge, and flooding on the project through the performance of a resiliency assessment, pursuant to Section 32.190(G). Each application for a variance [waiver] and exception shall be approved, denied, or approved with conditions according to the review process outlined in the following subsections. No application for a variance [waiver] or exception to sections 32.190 and 32.186 of this Ordinance shall be granted under this Section without meeting the following findings:~~

- ~~(1) The requested variance [waiver] or exception to the criteria is the minimum necessary to afford relief.~~
- ~~(2) Granting the variance [waiver] or exception will not confer upon the applicant any special privileges that are denied by this Ordinance to other property owners who are subject to its provisions and who are similarly situated.~~
- ~~(3) The variance [waiver] or exception is in harmony with the purpose and intent of this Ordinance and is not of substantial detriment to water quality.~~
- ~~(4) The variance [waiver] or exception request is not based upon conditions or circumstances that are self-created or self-imposed.~~
- ~~(5) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.~~
- ~~(6) Other findings, as appropriate to the Zoning Administrator are met.~~

~~(A) *Administrative variances [waivers].* The Zoning Administrator shall approve, deny, or approve with conditions an application requesting an administrative variance [waiver] following the review of a complete application, as defined under subsection (e) of this section. No such application shall be accepted by the Zoning Administrator unless accompanied by a nonrefundable fee as established by Cape Charles Town Council.~~

- ~~(1) The Zoning Administrator may establish such review policies as they deem expedient in implementing the intent of this Ordinance. In approving an application, the Zoning Administrator shall, if warranted, include reasonable and appropriate conditions that will prevent the degradation of water quality.~~
- ~~(2) No administrative variance [waiver] or exception shall be granted to Section 32.189 of this Ordinance, general performance standards, unless the Zoning Administrator makes the findings required in subsection 32.194(c) of this chapter.~~
- ~~(3) Administrative variances [waivers] to provisions within sections of this Ordinance other than 32.190 or 32.186 may be granted, provided that:~~

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- a. Variances [waivers] to the criteria shall be the minimum necessary to afford relief.
- b. Reasonable and appropriate conditions upon any variance [waiver] granted shall be imposed, as necessary, so that the purpose and intent of this Ordinance is preserved.

(B) Formal exceptions. Exceptions from the criteria of Section 32.186 of this Ordinance, development criteria for Resource Protection Areas, require public notice and a public hearing before the Board of Zoning Appeals. Complete applications for an exception shall be submitted to the Zoning Administrator for review and evaluation prior to being forwarded to the Board for consideration. No such application for an exception shall be accepted by the Zoning Administrator unless accompanied by a nonrefundable fee as set by the Cape Charles Town Council. Such fee shall include all costs of notification and advertising.

(1) The Zoning Administrator shall review complete applications for an exception to the requirements of Section 32.186 of this Ordinance, including the water quality impact assessment and resiliency assessment, and provide the Board and the applicant with copies of the submitted materials, an evaluation of the required findings and potential impacts of the proposed exception, and such other information as may aid the Board in considering the application no less than five (5) days prior to the scheduled hearing.

(2) Not later than 60 days after the receipt of a complete application, the Board shall hold a public hearing on such application. Notice of the time and place of the hearing shall be published no less than once per week for two (2) consecutive weeks prior to such hearing in a newspaper having a general circulation in the Town. The second such notice shall appear not less than five (5) days nor more than 21 days prior to the hearing.

(3) The Board shall notify, by first class mail, all property owners adjacent to the subject property and each waterfront property owner across the waterway from the subject property, if the water body is less than 500-feet wide, of the public hearing at least five (5) days prior to the hearing.

(4) The Board may make, alter and rescind rules for its procedures not inconsistent with the provisions of this Ordinance; provided, however, that a quorum shall be not less than a majority of the members of the Board, and provided further, that the concurring vote of a majority of the members of the Board present and voting shall be required to grant any exception.

(5) The Board shall approve, deny, or approve with conditions an application requesting an exception to the requirements of Section 7.6 following the review of a complete application and a determination that the proposed project meets the findings required by subsection 32.194(A) above.

(D) No application for relief from sections 32.190 or 32.186 of this Ordinance shall be considered complete where a resiliency assessment, as outlined in Section 32.190(G) of this Ordinance has not occurred or the proposed adaptation measure allows for the use of fill in a Resource Protection Area in contravention to the requirements of subsection 32.186(E)(1)(f)5 of this Ordinance.

Section 32.195: Enforcement

- A. Any person who: (i) violates any provision of this ordinance or (ii) violates or

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fails, neglects, or refuses to obey any Town of Cape Charles or its official Designee’s final notice, order, rule, regulation, or variance or permit condition authorized under this ordinance shall, upon such finding by an appropriate circuit court be assessed a civil penalty not to exceed five thousand dollars (\$5,000) for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the Town of Cape Charles for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, in such a manner as the court may direct by order, except that where the violator is the Town of Cape Charles itself or its agent, the court shall direct the penalty to be paid into the state treasury.

- B. With the consent of any person who: (i) violates any provision of any Town of Cape Charles ordinance related to the protection of water quality in Chesapeake Bay Preservation Areas or (ii) violates or fails, neglects, or refuses to obey any Town of Cape Charles or its official Designee’s order, rule, regulation, or variance or permit condition authorized under such ordinance, the Town of Cape Charles may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed ten thousand dollars (\$10,000) for each violation. Such civil charges shall be paid into the treasury of the Town of Cape Charles for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, except that where the violator is the Town of Cape Charles itself or its agent, the civil charges shall be paid into the state treasury. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subdivision 1 of this subsection. Civil charges may be in addition to the cost of any restoration required or ordered by the Town of Cape Charles body or official.

Section 32.196: Severability

The provisions of this ordinance shall be deemed to be severable, and if any of the provisions hereof are adjudged to be invalid or unenforceable, the remaining portions of this ordinance shall remain in full force and effect and their validity shall remain unimpaired.

Section 7.17: Effective Date

This ordinance was duly considered following a required public hearing held on November 18, 2024, and was adopted by the Town Council of Cape Charles, Virginia, at its regular meeting held December 19, 2024. (Ord. No. 20241219A; 12/19/24)

Appendix A – Definitions

Sec. 100 - Definitions

For the purpose of the Zoning Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section. Please note that certain words and phrases have not been included here if their definitions are topic specific; those definitions continue to reside in their respective sections of the Zoning Ordinance which includes the *Sign Section (Article V), Floodplain Ordinance (Article VI), Subdivision Ordinance (Appendix B), Coastal Primary Sand Dune Ordinance (Appendix D), Erosion and Sediment Control Ordinance (Appendix E) and Wetlands Ordinance (Appendix F).*

ABANDONMENT means the relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

ACCESS means a way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ACCESSORY USE, except as otherwise provided in the zoning district regulations, an accessory use is:

1. A use which is conducted on the same zoning lot as the principal use to which it is related, whether located within the same building or as an accessory structure, or as an accessory use of land, or which is conducted on a contiguous lot in the same ownership, and
2. Clearly incidental to, and customarily found in connection with, such principal use, and
3. Operated and maintained substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the zoning lot with the principal use.

ACRE is a measure of land area containing forty-three thousand and five hundred and sixty square feet (43,560 SF).

ACREAGE means a parcel of land, regardless of area, described by metes and bounds which respectively are ascribed to them by this section.

ADAPTATION MEASURE means a project, practice, or approach to mitigate or address an impact of climate change including sea-level rise, storm surge, and flooding including increased or recurrent flooding.

ADAPTIVE REUSE means the development of a new use for an older building or for a building originally designed for a special or specific purpose.

ADDITION means a structure added to the original structure at some time after the completion of the original structure or an extension or increase in floor area or height of a building or structure.

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ADJACENT includes the term contiguous.

ADJACENT GROUND ELEVATION means the elevation of the surface of the ground between a point touching the exterior wall of a building and a point three feet (.3') in distance from such wall measured perpendicularly therefrom.

ADULT BOOK STORE means any establishment having as a substantial portion of its stock in trade, books, pictures, magazines, and other periodicals which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities or specified anatomical areas, or an establishment trading in such books, pictures, magazines, and other periodicals which limits its customers to persons over eighteen years (18 yrs) of age.

ADULT CARE means the provision of health care including retirement homes, congregate living, and acute care facilities, or a mixture thereof.

ADULT MOVIE THEATER means any establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein, or an establishment used for presenting such material which limits its customers to persons over eighteen years (18 yrs) of age.

AFFORDABLE HOUSING means housing that is affordable to **households** with incomes typically at or below one hundred and twenty percent **120% of the area median income**, provided that the occupant pays no more than thirty percent (30%) of his gross income for gross housing costs, including utilities. For the purpose of administering affordable dwelling unit ordinances authorized by this chapter, local governments may establish individual definitions of affordable housing and affordable dwelling units including determination of the appropriate percent of area median income and percentage of gross income.

AGRICULTURE means the tilling of soil, the raising of crops, forestry, the keeping and raising of livestock and fowl, and including the process of any products produced on the premises, such as milk, eggs, and the like.

AGRICULTURAL LANDS means those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

ALLEY means the minor way used primarily for vehicular access to the rear or side of properties otherwise abutting a street. For an alley way to be recognized as such by the Town, it must have previously been officially adopted by the Town.

ALTERATION means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any exterior change such as doors, windows, roof, siding, porches, means of ingress or egress, or any enlargement to or diminution of a building or structure,

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whether horizontally or vertically, or the moving of a building or structure from one location to another.

AMERICANS WITH DISABILITIES ACT (ADA) is a 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.

APARTMENT BUILDING means a building used or intended to be used as the residence of three (3) or more households/families living independently of each other.

APARTMENT UNIT is considered one (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

AREA MEDIAN INCOME means the midpoint of Northampton County’s income distribution for a family of four and is calculated on an annual basis by the Department of Housing and Urban Development as median family income (MFI).

AREA OF SPECIAL FLOOD PLAIN means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. This area is designated on the Flood Insurance Rate Map (hereinafter as FIRM) as AE and VE.

APPLICANT is the person submitting an application.

ATTIC is space between ceiling framing of the top story and the underside of the roof.

AUTOMOBILE GRAVEYARD means any lot or place which is exposed to weather upon which three or more motor vehicles of any kind, incapable of being operated, are placed.

AVERAGE SETBACK shall be the mean setback from a street right-of-way of buildings on both sides of a lot.

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING, BACKLIT. An awning with a translucent covering material and a source of illumination contained within its framework.

BASE FLOOD ELEVATION means the highest height, expressed in feet above sea level, of the level of flood waters occurring in the regulatory base flood.

BANNER. A flexible substrate on which copy, or graphics may be displayed.

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BASEMENT means that portion of a building that is partly or completely below grade. A basement is a level within a building that has its floor surface below the adjoining ground level. A basement shall be counted as a story if over fifty percent (50%) of its height is above finished grade.

BASE FLOOD/100-YEAR FLOOD means a flood that on the average is likely to occur once every one hundred years (100 yrs) (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

BATHROOM means a room or area that includes a sink and toilet. It may also include a bathtub, shower, or bidet.

BED AND BREAKFAST means a single-family dwelling containing sleeping and/or breakfast accommodations as an accessory use to the principal use. Such lodging shall have room accommodations for transient persons and wherein a charge is normally paid for such accommodations. Owner or manager is a permanent dweller residing on site.

BEDROOM is a room or space within a structure intended for sleeping. Requirements include:

- A minimum size of seventy square feet (70 SF); if more than one person occupies the room, there must be fifty square feet (50 SF) per occupant.
- Access to a bathroom without crossing another bedroom.
- Every bedroom must have access to natural ventilation and have a permanent heat source.
- Two means of egress: one that leads to the rest of the home without going through another bedroom and one that leads directly to the outside. If the outside egress is a window, it must be at least five point seven square feet (5.7 SF) and can be no more than forty-four inches (44”) from the room floor, unless there is a permanent step installed. It shall be illegal to have locking bars or grates covering an egress window.
- Ceiling height must be no less than seven feet (7’).

BEST MANAGEMENT PRACTICES or **BMP** means a practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with water quality goals.

BIKEWAY means a pathway often paved and separated from streets and sidewalks designed to be used by bicycles.

BLIGHTED AREA is an area characterized by deteriorating and/or abandoned buildings, inadequate or missing public or community services, and vacant land with debris, litter, lack of sanitation facilities, trash and junk accumulation and impacted by adverse environmental nuisances, such as noise, heavy traffic, and odors.

BOARD OF ZONING APPEALS means the board appointed to review appeals made by

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individuals with regard to decisions of the Zoning Administrator or Floodplain Manager in the interpretation of this ordinance.

BUFFER AREA means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

BUFFER YARD means an area or areas located within districts or land use classifications which extend along adjacent property lines abutting other districts.

BUILDING means any structure having a roof supported by walls which is solidly enclosed, including any area which is solidly enclosed with glass or any other rigid material which will not allow for the passage of air.

BUILDING, ACCESSORY means a subordinate and separate building located upon the same lot occupied by the main structure or where a main structure was previously located. Accessory buildings shall not be used as dwelling units, unless a zoning permit is issued in compliance with §4.1 (J).

BUILDING ELEVATION. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

BUILDING FOOTPRINT is the land area on which a proposed building is located.

BUILDING, HEIGHT means the vertical distance measured from the finished grade to the top of the highest roof beams on a flat or shed roof, to the top of a parapet, the deck level on a mansard roof, and the average distance between eaves and the ridge level for gable, hip, and gambrel roofs. Note: Mechanical equipment, chimneys, air conditioning units, elevator penthouses, church spires and steeples, water towers, and similar appurtenances are exempted from height restrictions. However, these exclusive items may not exceed the height limit by more than fifteen feet (15').

BUILDING INSPECTOR/OFFICIAL is the individual designated by the appointing authority to enforce the provisions of the building code.

BUILDING, MAIN means the principal structure or the principal building on a lot or the building or the principal building housing the principal use on a lot.

BUILDING, PARCEL means a fraction of a tract of land containing one or more building lots.

BUILDING PERMIT is an approval statement signed by the Building Permit Office authorizing the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building.

BUILDING CODE OFFICIAL is appointed by the Town Council as the individual who issues the permit for the construction, alteration, reconstruction, repair, restoration,

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demolition, or razing of all or part of any building.

CANOPY, ATTACHED. A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also "Marquee."

CANOPY, FREE-STANDING. A multisided overhead structure supported by columns but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

CANOPY TREE means a tree that typically reaches 35 feet in height or taller when mature.

CAREGIVER is an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

CARRY-OUT RESTAURANT means an establishment that, by design of the physical facilities, service, or packaging sells prepared ready-to-eat foods intended primarily to be consumed off the premises.

CEMETERY means property used for interring the dead.

CERTIFICATE OF APPROPRIATENESS is a certificate or other statement indicating approval by the Administrator, the Harbor Area Review Board or the Historic District Review Board as the case may require, of plans for construction, alteration, reconstruction, repair, restoration, demolition, or razing of a building or structure or part thereof.

CHESAPEAKE BAY PRESERVATION AREA or **CBPA** means any land designated by the Town Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9VAC25-830-10 et seq., § 62.1-44.15:68 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

CHILD CARE CENTER means any facility, other than a family home, established for providing childcare, supervision, and protection of children.

CHILD AND PERSONAL CARE USES shall mean any care, activity, and supervision (with or without academic instruction) for five or more children.

CHURCH means a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

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CLUB means a group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

COASTAL HIGH HAZARD AREA means an area subject to high velocity waters including but not limited to hurricane wave wash. The area is designated on the FIRM as VE.

COMMERCIAL USE is an activity involving the sale of goods or services carried out for profit.

COMMERCIAL VEHICLE shall mean limousine, flatbed truck, dump truck, tow truck, bus, school bus, transport wrecker, cab-on-chassis truck, tractor trailer, wheeled attachment, earth-moving machinery, semi-trailer, and any vehicle over twenty feet (20') in length, eight feet (8') in height, or seven feet in width.

COMMISSION shall mean the Cape Charles Planning Commission.

COMPREHENSIVE PLAN is a master plan, long-range plan, intended to guide the growth and development of a community or region that typically includes inventory and analytic sections leading to recommendations for the community's future economic development, housing, recreation and open space, transportation, community facilities, and land use, all related to the community's goals and objectives for these elements.

CONDITIONAL USE means a use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

CONDITIONAL USE PERMIT is a permit recommended by the Planning Commission and issued by the Town Council stating that the conditional use meets all conditions set forth in local ordinances.

CONSTRUCTION FOOTPRINT means the area of all impervious surface including but not limited to buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

CONTINUING CARE RETIREMENT COMMUNITY, sometimes known as a life plan community, is a type of retirement community where a continuum of aging care needs from independent living, assisted living, and skilled nursing care can all be met within the community.

CONTRIBUTING PROPERTIES are those properties constructed fifty years (50 yrs) or more ago.

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COOPERATIVE means real estate owned by an association, each of the members of which is entitled, by virtue of his ownership, interest in the association, to exclusive possession of a unit. (See § 55.1-2100 et seq. of the Code of Virginia)

CONSTRUCTION shall mean any site or building preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

CONTRIBUTING STRUCTURE OR PROPERTY means a structure, building, or place constructed on or before 1964 OR which has special significance because of notable architectural or historic features relating to the cultural or artistic heritage of the community and whose authentic look and character should be retained. The National Register of Historic Places (amended 2019) provides the list of contributing structures and properties. Should a building or structure within the boundaries of the historic district not be listed in the national register, the building or structure will be classified as noncontributing.

COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

COUNTRY CLUB is land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses open to members and their guests.

CRAWL SPACE is an under-floor space that is not a basement which usually contains pipes, ducts, wiring and lighting fixtures, and permits access but is too low for standing.

DECK is an uncovered platform, constructed of wood or wood substitute.

DEMOLITION is the dismantling or tearing down of all or part of any building and all operations incidental thereto.

DEMOLITION PERMIT means the official authorization in writing to remove part or all of a building or structure.

DENSITY means the total number of families, individuals, dwelling units, households, or housing structures per unit of land.

DESIGN GUIDELINES are those set of recommendations adopted pursuant to §8.20 and §9.20 of this Code.

DEVELOPER means the owner or any person with written authorization for the owner who intends to improve or to construct improvements upon any given property.

DEVELOPMENT means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three (3) or more residential dwelling units. The term "development" shall not be construed

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to include any tract of land which will be principally devoted to agricultural production.

DEVELOPMENT within the Chesapeake Bay Preservation Act Overlay Ordinance means the construction or substantial alteration of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

DIAMETER AT BREAST HEIGHT or DBH means the diameter of a tree measured outside the bark at a point four- and one-half feet (4-1/2') above ground.

DISTRICT is a part, zone, or geographical area within the municipality within which certain zoning or development regulations apply.

DRIPLINE means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

DRIVE-THROUGH ESTABLISHMENT/RESTAURANT shall mean a business establishment so developed that its retail or service character includes providing a driveway approach and service window for motor vehicles so as to serve patrons as they are seated in the motor vehicle and passing by the service window rather than serving them from within a building.

DRIVEWAY shall mean a vehicular connection between the right-of-way of a street and to a vehicle parking, loading, or maneuvering facility, lots, building sites, uses, or other divisions of land and not intended to be public ingress and egress. A driveway is not considered a street.

DWELLING means a structure or portion thereof that is used exclusively for human habitation.

DWELLING, ACCESSORY is a dwelling unit which is an accessory use to a single-family dwelling or commercial use in the Commercial – Residential Districts.

DWELLING, CONDOMINIUM shall mean a single, separately owned dwelling unit in a multi-unit development or structure, with jointly owned and shared areas and facilities.

DWELLING, DUPLEX shall mean a building designed as a single structure, containing two (2) separate dwelling units joined side-by-side, has direct access to the outside, and each of which is designed or arranged to be occupied by two families living independently of each other.

DWELLING, MANUFACTURED HOME or MOBILE HOME means a special form of one-family dwellings with the following characteristics:

1. A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet or more in length, or which when erected on-site is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and

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includes the plumbing, heating, air conditioning, and electrical systems contained in the structure, and designed and constructed to National Manufactured Housing Construction and Safety Standards Act of 1974. The term does not include any self-propelled recreational vehicle.

- 2. Calculations used to determine the number of square feet in a structure will include the total of square feet for each transportable section comprising the completed structure and will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected onsite. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

DWELLING, MULTI-FAMILY shall mean a building designed for and containing three (3) or more dwelling units.

DWELLING, SINGLE FAMILY DETACHED shall mean a single-family dwelling that is located on an individual lot of record.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE) shall mean a dwelling unit which is located on an individual lot of record, and which is attached to another dwelling unit or any adjoining lot by a common wall.

DWELLING UNIT means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EASEMENT is a grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

ENGINEER means a professional engineer licensed by the Commonwealth of Virginia.

ENLARGEMENT means an increase in the size of an existing structure or use, including the physical size of the property, building, parking, and other improvements.

EVENT CENTER shall mean a multi-purpose facility generally used for meetings, parties, banquets, weddings, and other social gatherings, conventions, and the display of merchandise by a variety of industrial groups, professional groups, social groups and trade organizations.

EXISTING CONSTRUCTION means, for the purpose of determining rates, structures for which the start of construction commenced before the effective date of the FIRM. **EXISTING CONSTRUCTION** may also be referred to as **EXISTING STRUCTURES**.

EXISTING USE is the use of a lot or structure at the time of the enactment of the zoning ordinance.

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FARM or FARMLAND is a parcel of land used for agricultural activities.

FENCE means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FILL means material such as sand, soil, gravel, or crushed stone which is placed in an area, often to adjust elevation or create land contouring.

FLEX SPACE, INDUSTRIAL USE: Flex buildings are, by design, “flexible” and allow for a wide range of office and warehouse uses. They can be used for many purposes and are easier to retrofit to meet a company's needs than typical warehouse buildings.

FLOOD or FLOODING means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudslides (i.e., mudflows) which are approximately caused or precipitated by accumulations of water on or under the ground.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in 1 (a) of this section.

FLOOD INSURANCE RATE MAP (FIRM) means the official map of the community, on which the administrator has delineated both special hazard areas and the risk premium zones applicable to the community. **FLOOD PLAIN** means (1) a relatively flat land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation of runoff of surface water from any source.

FLOOD PLAIN means the channel and the relatively flat area adjoining the channel of a natural stream, river, or body of water that has been or may be covered by floodwater. **FLOODPLAIN within the Chesapeake Bay Preservation Act Overlay Ordinance** means all lands that would be inundated by floodwater as a result of a storm event of a 100-year return interval.

FLOOD PLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage including but not limited to emergency preparedness plans, flood control works, and flood plain

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management regulations.

FLOOD PROOFING means any combination of structural and nonstructural additions, changes, or adjustments to structure which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOR AREA shall mean the gross horizontal areas of a building, including mezzanines and lofts, exclusive of garages, parking structures, basements, open balconies and porches, and equipment and service areas, measured from the exterior face of the exterior walls of a building.

FOOT CANDLE means a standard measurement of light intensity, defined as the illuminance on a one- square foot surface from a uniform source of light.

FORESTRY means an establishment primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

FREEBOARD means an additional amount of height above the Base Flood Elevation used as a factor of safety (e.g. 2 feet above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations.

FRONTAGE is the width in linear feet of each lot where it abuts the right-of-way of any public or private street.

FRONTAGE, BUILDING. The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

FRONTAGE, PROPERTY. The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long- term storage or related manufacturing facilities.

FUNERAL HOME is a building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE means a deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

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GARAGE, PRIVATE RESIDENTIAL is a structure that is an accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

GOLF COURSE means a tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards, and that may include a clubhouse and shelter.

GOVERNING BODY shall mean the Cape Charles Town Council.

GRADE (ADJACENT GROUND LEVEL), generally flat horizontal surfaces, is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building or structure and the property line. When ground level slopes, the reference plane shall be established by the average elevations at the four corners of the lot and two additional highest points on the lot (i.e., the average of six (6) points).

GRADING is the act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation.

GROSS FLOOR AREA (GFA) shall mean the total covered floor area inside the building envelope, including exterior walls, and excluding the roof.

GROUND COVER means grasses or other plants and landscaping grown to keep soil from being blown or washed away.

GROUP HOME is a residential facility, licensed by the Department of Behavioral Health and Developmental Services, in which no more than eight individuals with mental illness, mental retardation, or developmental disabilities reside, with one (1) or more residential counselors or other staff persons. For the purposes of this ordinance, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in [§ 54.1-3401](#) of the Code of Virginia.

HARDSHIP means a restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights, and that which relates to the physical characteristics of the property, not the personal, financial, or self-imposed circumstances of the owner or user.

HEALTH CARE FACILITY means a facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

HISTORIC DISTRICT means an area containing buildings or places in which historic

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events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.

HISTORIC LANDMARK is defined as any building or place listed on the National Register of Historic Places or on the Register of the Virginia Historic Landmarks Commission.

HISTORIC STRUCTURES means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the national register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in the states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a. by an approved state program as determined by the Secretary of the Interior, or b. directly by the Secretary of Interior in the states without approved programs.

HOME OCCUPATION means any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident’s dwelling.

HOSPITAL means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residents.

HOTEL is a building in which lodging or boarding and lodging facilities are provided for transient guests and offered to the public for compensation and in which ingress and egress to and from all rooms are through an inside lobby or office supervised by a person in charge at all hours.

HOUSEHOLD (family) all the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners

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or roomers, is also counted as a household.

IMPERVIOUS is any paved, hardened or structural surfaces which prevent or impede the infiltration of stormwater into the soil.

IMPERVIOUS COVER means a surface composed of any material that significantly impedes or prevents natural infiltration or water into the soil. Impervious surfaces include but are not limited to roofs, buildings, streets, parking areas, and any concrete, asphalt, compacted gravel, or shell surface.

IMPROVEMENT means any permanent structure that becomes part of, placed upon, or is affixed to real estate.

INDUSTRY means those fields of economic activity including forestry, fishing, hunting, and trapping; mining; construction; manufacturing; transportation; communications; electric, gas, and sanitary services; and wholesale trade.

INFILL DEVELOPMENT: Development that takes place on vacant or underutilized parcels within an area that is already characterized by residential and/or commercial development and has access to municipal services.

INSTITUTIONAL USES shall mean a nonprofit or quasi-public use, such as a religious institution, library, public or private school, hospital, or government owned or government operated structure or land used for public purpose.

INTENSELY DEVELOPED AREA or IDA means a portion of Resource Protection Area, or a Resource Management Area designated by the Town Council where development is concentrated and little of the natural environment remains.

JUNKYARD means any area, lot, parcel, building, or structure or part thereof used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

KENNEL means a commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee. This includes any building or premises used, designed, or arranged for the boarding or breeding or care of four (4) or more dogs, cats, or other domesticated pets of at least six months (6 mos) of age.

KITCHEN means a space within a structure designated for the cooking and preparation of food that includes a sink and a refrigerator.

LAND DISTURBANCE or LAND DISTURBING ACTIVITY means a man-made change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, excavating, or filling of land.

LAND USE means a description of how land is occupied or utilized.

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LANDSCAPE means an expanse of natural scenery; lawns, trees, plants, and other natural materials, such as rock and wood chips and decorative features, including sculptures, patterned walks, fountains, and pools.

LANDSCAPE PLAN is a plan indicating the location, size, quantity and species of replacement trees and shrubbery.

LANDSCAPE ZONE is an area reserved for the growing and maintenance of landscape materials, including approved street trees and ground cover.

LIMIT OF MODERATE WAVE ACTION (LiMWA) is an informational line that can be found on flood maps for some coastal areas. On a flood map, it is shown as a black line with black arrows that point to areas where wave heights are between one and one-half (1.5) and three (3) feet. It also marks the inland limit of the Coastal Zone A.

LIVING SHORELINE is a shoreline management practice that: provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials. When practicable, a living shoreline may enhance coastal resilience and attenuation of wave energy and storm surge. Pursuant to Va. Code §28.2-104.1, living shorelines are recognized as the preferred alternative for stabilizing shorelines in the Commonwealth. Only living shorelines shall be permitted for shoreline management unless the best available science shows that such approaches are not suitable.

LOT means a parcel of land occupied by a main structure or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open space, and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

LOT AREA means the total area within the lot lines of a lot, excluding any street rights-of-way.

LOT, CORNER means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred and thirty-five degrees (135°).

LOT COVERAGE is that portion of the lot that is covered by buildings.

LOT DEPTH means the average distance measured from the front of the lot line to the rear of the lot line.

LOT, FLAG means a lot not meeting minimum frontage requirements and where access to the public road is by narrow private right-of-way or driveway.

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LOT FRONTAGE means the length of the front lot line measured at the street right-of-way line.

LOT LINE means a line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT is the lot line separating a lot from the street right-of-way.

LOT LINE, REAR is the lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot, a line ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT OF RECORD means a lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.

LOT WIDTH is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MANSARD. An inclined decorative roof-like projection that is attached to an exterior building facade.

MANUFACTURED HOME PARK/SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more lots for rent or sale. MAP means the Flood Insurance Rate Map (FIRM) for the community issued by the Federal Insurance Administration.

MANUFACTURED HOUSING means factory-built, single-family structures that meet national standards.

MANUFACTURING is an establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or lacquers.

MARINA is a facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews, and guests.

MARQUEE. See the term "Canopy."

MATURE TREE means a canopy tree with a diameter at breast height (DBH) of 12 inches or greater or an understory tree with a DBH of four (4) inches or greater.

MEAN SEA LEVEL means, for purposes of the National Flood Insurance Program, the

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National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on the Flood Insurance Rate Map are referenced.

MENTALLY or PHYSICALLY IMPAIRED PERSON is a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in [§ 63.2- 2200](#) of the Code of Virginia, as certified in writing by a physician licensed in the Commonwealth of Virginia.

MIXED USE DEVELOPMENT means property that incorporates two (2) or more different uses, and may include a variety of housing types, within a single development.

MOBILE HOME PARK is a site containing space with the required improvements and utilities that are leased for the long-term placement of manufactured houses and that may include services and facilities for the residents.

MODULAR BUILDING, OR HOMR OR INDUSTRIALIZED BUILDING means, but is not limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, a combination of one (1) or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Unlike Manufactured Homes, the design, installation, and construction of modular or industrialized homes are regulated by the Uniform Statewide Building Code.

MOTEL is one (1) or more buildings in which lodging or board and lodging are provided for transient guests for compensation and supervised by a person in charge at all hours. Ingress and egress to and from all rooms are made primarily directly from an exterior walkway rather than from an inside lobby.

MUNICIPAL COMMUNITY CENTER. See ‘Neighborhood Community Center.’”

[NATURE-BASED SOLUTION](#) means an approach that reduces the impacts of sea-level rise, flooding, and storm events through the use of environmental processes and natural systems.

NEIGHBORHOOD is an area of the community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as roads, railroads, or other natural features.

NEIGHBORHOOD COMMUNITY CENTER is a facility within Residential Districts intended for the use of Town citizens for recreational and educational use.

NEW CONSTRUCTION means structures for which the start of construction commenced on or after the effective date of a flood plain management regulation

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adopted by a community and includes any subsequent improvement to such structures.

NON-CONFORMING LOT is a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NON-CONFORMING STRUCTURE or **BUILDING** is a structure or building, the size, dimensions, or location of which was lawful prior to adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NON-CONFORMING USE is a use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONTRIBUTING STRUCTURE are those that were built after 1964 or have been altered to such a degree that they are no longer representative of the period which they were built or are in such poor physical condition that their retention is difficult. The National Register of Historic Places (amended 2019) provides the listing of non-contributing structures and properties. Should a building or structure within the boundaries of the historic district not to be listed in the national register, the building or structure will be classified as non-contributing.

NONPOINT SOURCE POLLUTION means pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

NONTIDAL WETLANDS means those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions such as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act in 33 C.F.R. 328.3b.

NOXIOUS WEEDS means weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

OCCUPANCY PERMIT is a required permit allowing the use of a building or structure after it has been determined that all the requirements of applicable ordinances have been met.

OFFICE means a room or group of rooms for conducting affairs of a business, profession, service, industry, or government and generally furnished with desks,

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tables, files, and communication equipment.

OFF-SITE PARKING means parking provided for a specific use but located on a site other than the one on which the specific use is located.

OPEN SPACE is a lot or portion of a lot set aside, designated or reserved for the outdoor enjoyment of the public or for all persons occupying a building on the lot, and is preserved as natural areas or is designed as a park or recreational area.

OPERATOR means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other possessory capacity.

OUTDOOR STORAGE means the keeping in an enclosed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours (24 hrs).

OVERLAY ZONE is an area where additional requirements are superimposed upon a base zoning district or underlying district.

OWNER shall mean the legal or beneficial titleholder of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

PARAPET. The extension of a building facade above the line of the structural roof.

PARCEL: See **LOT**.

PARK means a tract of land designated and used by the public for active and passive recreation.

PARKING LOT OR PARKING GARAGE shall mean an area or building designated and designed for the temporary storage of vehicles.

PARKING SPACE shall mean a marked or striped usable hard-surfaced area enclosed within a main or accessory building, or unenclosed, permanently reserved for the temporary storage of one vehicle.

PATIO is an uncovered courtyard composed of a paved surface such as concrete, tile, or brick which lies directly on the ground.

PAVERS shall mean preformed paving blocks that are installed on the ground to form patterns while at the same time facilitate pedestrian and vehicular travel.

PEDESTRIAN WALKWAY shall mean a walking surface similar to a sidewalk, which facilitates the safe, unobstructed and convenient flow of pedestrians internally on a

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private property.

PERIOD OF SIGNIFICANCE: The National Register of Historic Places recognizes buildings, sites, and districts for their historic significance, and has documented that the significance be associated with a discrete chronological period for the Cape Charles Historic District from 1883 to 1964.

PERMEABILITY is the ease with which air, water, or other fluids can move through soil or rock.

PERMIT is any written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

PERMITTED USE means any allowable use in a zoning district and subject to the restrictions applicable to the zoning district.

PERSON means any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

PERVIOUS is any surface or element through which water can infiltrate directly into the ground.

PERVIOUS PAVING is any paving surface that presents an opportunity for precipitation to infiltrate or percolate directly into the ground.

PHASE or **PHASED** is subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

PICNIC AREA means a place equipped with tables, benches, grills, and trash receptacles for people to assemble, cook, eat, and relax.

PLACE OF WORKSHIP shall mean a building where persons regularly assemble for religious purposes and related social events, and which is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

PLAN OF DEVELOPMENT means the process for site plan or subdivision plat review to ensure compliance with [§10.1-2109 of the Code of Virginia](#) and this Article prior to any clearing or grading of a site or the issuance of a building permit. [For the Chesapeake Bay Preservation Act Overlay Ordinance, PLAN OF DEVELOPMENT means any process for site plan review in local zoning and land development regulations designed to ensure compliance with Va. Code § 62.1-44.15:74 and with this Ordinance, prior to issuance of a building permit.](#)

PLANNED UNIT DEVELOPMENT means a form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings,

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common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

PLAT or PLAT OF SUBDIVISION means the schematic representation of land divided or to be divided and information in accordance with the provisions of §§ [15.2-2241](#), [15.2-2242](#), [15.2-2258](#), [15.2-2262](#), and [15.2-2264](#), and other applicable statutes.

PLAYGROUND means an active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

PLOT means a single-family parcel of land or a parcel of land that can be identified and referenced to a recorded plat or map.

PORCH means a roofed area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned, or has water and sewer service, and when the percentage of window area to wall area is less than fifty percent (50%).

PREMISES shall mean any building, lot, parcel of land, or portion of land whether improved, or unimproved including adjacent sidewalks and parking strips.

PRESERVATION is the process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. However, new exterior additions are not within the scope of this treatment.

PRINCIPAL BUILDING shall mean a building in which is conducted the principal permitted use(s) of the lot on which said building is situated.

PRINCIPALLY ABOVE GROUND means that at least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

PRIVATE shall mean property owned by individuals, corporations, and other organizations and not by city, county, state or federal governments.

PROFFER is an offer of restrictions on use of property presented by an applicant for conditional rezoning or a special exception.

PROJECT shall mean the entire proposed development.

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PROPERTY means a lot, parcel, or tract of land together with the building and structures located thereon.

PUBLIC, when used as a modifier shall mean "government-owned" or "government-operated."

PUBLIC AREA means any park, playground, trail, path, or other recreational area and open space; scenic and historical sites; schools and other public buildings and structures; and other places where the public is directly or indirectly invited to congregate.

PUBLIC ART is a fountain, sculpture, painting, mural, or similar object that is sited within a planned development as a focal point and is intended for the enjoyment of the general public.

PUBLIC ROAD means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) ~~the Erosion and Sediment Control Law-Stormwater Management Act (§ 62.1-44.15:5124 et seq. of the Code of Virginia)~~. This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed and maintained, or both, by the Town of Cape Charles in accordance with the standards of the Town of Cape Charles.

PUBLIC UTILITY means a closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

PUBLIC UTILITY FACILITY means any building, structure, and facility including generating and switching stations, poles, lines, pumping stations, repeaters, antennas, transmitters, and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

RECONSTRUCTION is any or all work needed to remake or rebuild all or part of any building to a sound condition, but not necessarily of original materials. It is the process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location. Reconstruction is different from the other historic treatments in that it is undertaken when there are often no visible historic materials extant or only a foundation remains.

RECREATION, ACTIVE means leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed

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places, sites, or fields.

RECREATION, PASSIVE means activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar games.

RECREATIONAL VEHICLE means a vehicle which is:

- 1. built on a single chassis;
- 2. four hundred square feet (400 SF) or less when measured at the largest horizontal projection;
- 3. designated to be self-propelled or permanently towable by a light-duty truck; and
- 4. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel, or seasonal use.

REDEVELOPMENT means the process of developing land that is or has been previously developed.

REHABILITATION is the process of making possible a compatible use for a property through repair, alterations, and additions while retaining to the maximum extent practicable those portions or features which convey its historical, cultural, or architectural values.

REGULATION shall mean any rule, development standard, or other requirement adopted by the governing body pursuant to the requirements of this Zoning Ordinance.

REPAIRS are any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.

RESIDENCE means a home or abode or place where an individual is actually living at a specific point in time.

RESIDENTIAL PROPERTY shall mean all property used for single-family detached, single-family attached, or multifamily residences, or mixed-use development that contains one or more dwelling units.

RESOURCE MANAGEMENT AREA or RMA means that component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

RESOURCE PROTECTION AREA or RPA means that component of the Chesapeake

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Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

RESTAURANT means an establishment where food and drink are prepared and served and consumed primarily within the principal building.

RESTORATION is any or all work connected with the returning to or restoring of a building or a part of any building to its original condition through the use of original or nearly original materials. It is the process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

RETAIL is the selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.

RETAIL SALES mean an establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAINING WALL is a structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

RIGHT-OF-WAY means (1) a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipelines, water line, sanitary storm sewer, and other similar uses; (2) generally the right of one to pass over the property of another.

ROOF LINE. The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

SAND DUNES means naturally occurring accumulations of sand in ridges or mounds of the beach.

SETBACK is the minimum distance allowable between a building or structure and any lot line.

SHORT-TERM RENTAL means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty (30) consecutive days, in exchange for a charge for the occupancy.

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This does not include a hotel, motel, or bed and breakfast.

SIDEWALK: A hard-surfaced walk or raised path and any curb ramps or blended transitions, along and generally paralleling the side of the streets for pedestrians. Sidewalks do not include the curb or gutter structures.

SILVICULTURAL ACTIVITIES means forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1- 3230 of the Code of Virginia.

SITE PLAN means the development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of egress and ingress; circulation; utilities; structures and buildings; signs and lighting; berm; buffers and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority; a proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.

SPOT ZONING means the rezoning of a lot or parcel of land to benefit an owner for a use incompatible with the surrounding land uses and that does not further the comprehensive plan.

STANDARDS are Zoning Ordinance requirements that are evaluated by the Zoning Administrator or Code Official and not under the discretion of the Historic District Review Board or the Harbor Area Review Board.

START OF CONSTRUCTION means the date the building permit was issued, provided the actual START OF CONSTRUCTION, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary

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forms; nor does it include the installation of property or accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual **START OF CONSTRUCTION** means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

STOOP is a small porch (covered or uncovered) and the step(s) to it.

STORM SURGE is the resulting temporary rise in sea level due to the action of wind stress on the water surface and low atmospheric pressure created during storms which can cause coastal flooding. Surge is the difference from expected tide level. Storm tide is the total water level.

STORY means that portion of a building included between the surface of any floor and the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it. A basement shall be counted as a story if over fifty percent (50%) of its height is above finished grade.

STORY, HALF, HABITABLE ATTIC, means a finished or unfinished area, not considered a full story, complying with all of the following requirements:

- The occupiable floor area is at least seventy square feet (70 SF).
- The occupiable floor area has a ceiling height of not less than seven feet (7'). For rooms with sloped ceilings, ceiling height shall not be less than five feet (5') and not less than fifty percent (50%) of the required floor area shall have a ceiling height of not less than seven feet (7'). A shower or tub equipped with a shower head shall have a ceiling height in accordance with the Virginia Residential Building Code.
- The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.
- Total occupiable space shall not exceed fifty percent (50%) of the greatest story floor area.

STREET means highway, street, avenue, boulevard, road, lane, alley, or any public way.

STREET, ARTERIAL means a street which moves or is designed to move large volumes of traffic from one part of town to another, connecting residential areas with employment centers and centers of commercial activity. Traffic volumes are usually five hundred (500) vehicles per day or greater.

STREET, COLLECTOR means a street that collects traffic from local streets and connects with minor and major arterial.

STREET, LOCAL means a street designed to provide vehicular access to abutting property and to discourage through traffic.

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STREET SCAPE means a design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, landscaping, street paving, street furniture, trees and other plantings, awnings, and marquee signs and lighting.

STRUCTURAL ALTERATION means any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimension or configuration of the roof or exterior walls.

STRUCTURE means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

STRUCTURE, APPURTENANT means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

SUBDIVISION unless otherwise defined in an ordinance adopted pursuant to § 15.2-2240, means the division of a parcel of land into three or more lots or parcels of less than five acres (5 ac) each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resub division and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two (2) lots or parcels, a plat of such division shall be submitted for approval in accordance with § 15.2-2258. Nothing in this definition, section, nor any ordinance adopted pursuant to § 15.2-2240 shall preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than two hundred and fifty feet (250') from the center of the current platted line or alter either parcel's resultant acreage by more than five percent (5%) of the smaller parcel size, and such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement shall not result in any nonconformity with local ordinances and health department regulations. Notice shall be provided to the zoning administrator of the locality in which the parcels are located for review. For any property affected by this definition, any division of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction shall take precedence over the requirements of Article 6 (§ 15.2- 2240 et seq.) and the minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by more than twenty percent (20%). A copy of the final decree shall be provided to the zoning administrator of the locality in which the property is located.

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SUBSTANTIAL ALTERATION means expansion or modification of a building or development that would result in a disturbance of land exceeding an area of twenty thousand five hundred square feet (2,500 SF) in the Resource Management Area only.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENTS means any construction, rehabilitation, addition, or other improvements of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure as continued designation as a historic structure.

TAKING means to take, expropriate, acquire, or seize property without compensation.

TEMPORARY STRUCTURE shall mean a structure without any foundation or footing and removed when the designated time period, activity, or use of which the temporary structure was erected has ceased.

TEMPORARY FAMILY HEALTH CARE STRUCTURE means a transportable residential structure, providing an environment facilitating a caregiver’s provision of care for a mentally or physically impaired person meeting criteria stated in § 15.2-2292.1.

TIDAL SHORE or **SHORE** means land contiguous to a tidal body of water between the mean low water level and the mean high-water level.

TIDAL WETLANDS means the vegetated and non-vegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia.

TRACT is an area, parcel, site, piece of land, or property that is the subject of development applications.

TRAILER means a structure standing on wheels, towed or hauled by another vehicle, and used for short- term human occupancy, carrying materials, goods, or objects or as a temporary office.

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TRANSPORTATION FACILITY is any structure or facility that is primarily used, as part of a transit system, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

UNDERSTORY TREE means a tree that typically reaches 12 to 35 feet in height when mature.

USE means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

UTILITY INSTALLATION. See Public Utility Facility.

VACANCY means any unoccupied land, structure, or part thereof that is available and suitable for occupancy.

VARIANCE means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

VIEWSHEDS are the areas of land extending south from Washington Avenue to Bayshore Lane, that align in width and angle with the existing streets to the north (including Harbor Street and Peach Street), that shall be restricted to only ground-level development and their amenities, including but not limited to streets, pedestrian or multi-modal trails, or linear parks, so as to maintain the view from the north to the south and vice-versa.

WATER-DEPENDENT FACILITY means a development of land that cannot exist outside the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include but are not limited to: (1) ports; (2) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (3) marinas and other boat docking structures; (4) beaches and other public water-oriented recreation areas; and (5) fisheries or other marine resources facilities.

WETLANDS means tidal and non-tidal wetlands.

WORKFORCE HOUSING means housing commonly targeted at “essential workers” in a community (e.g., police officers, firefighters, teachers, nurses, medical personnel,

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service workers). Workforce housing is targeted more generally at income levels from eighty percent (80%) to one hundred and twenty percent (120%) of Area Median Income (AMI), regardless of type of employment.

YARD is an open space that lies between the principal building or buildings and the nearest lot.

YARD, FRONT means a space extending the full width of the lot between any building and the front lot line and measured perpendicularly to the building at the closest point to the front lot line.

YARD, REAR means a space extending across the full width of the lot between the principal building and the rear of the lot and measured perpendicularly to the building to the closest point of the rear lot line.

YARD, SIDE means a space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicularly from the side lot line to the closest point of the principal building.

ZONING or **TO ZONE** means the process of classifying land within a locality into areas and districts, being generally referred to as “zones,” and the prescribing and application in each of these areas and district regulations concerning buildings and structural designs, building and structure placement, and uses to which the land, buildings, and structures within such designated areas may be put.

Appendix C - Site Plan Ordinance

Section 100: Purpose of Article

The purpose of these requirements is to provide for the orderly development of certain activities in the Town and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. To achieve these ends and to assure compliance with all applicable requirements of this chapter, site plans for certain uses of land shall be submitted to and reviewed by the Zoning Administrator.

Section 200: Developments and Uses Requiring a Site Plan

- (a) All development which exceeds two thousand five hundred square feet (2,500 sf) of land disturbance, including single-family residential development, shall submit either a plot plan or site plan prior to the initiation of the development process. Land-disturbing activities shall not include minor activities such as home gardening, individual home landscaping, and home maintenance, nor shall it include access or staging areas provided they do not result in land disturbance.
- (b) Any changes to an existing multi-family, commercial, and industrial use that increase the improved square footage by more than one hundred square feet (100 sf) or as deemed necessary by the Zoning Administrator or increase the number of units within the previously approved site plan.
- (c) Churches, church schools, public and private schools, hospitals, nursing homes, and government offices.

Section 300: Procedures for Preparation

- (a) Site plans or any portion thereof involving engineering, architecture, landscape architecture, or land surveying shall be certified by an engineer, architect, or land surveyor authorized by the Commonwealth to practice as such.
- (b) Site plans shall be prepared to a scale of not more than one-inch equals one hundred feet (1" = 100') or other scale acceptable to the administrator.
- (c) A site plan may be prepared in one (1) or more sheets to show clearly the information required by the Article and to facilitate the review and approval of the site plan. If prepared in more than one (1) sheet, match lines shall clearly indicate where the several sheets join.
- (d) All horizontal dimensions shown on the site plan shall be in feet and decimal fractions to a foot to the closest one-hundredths of a foot (.01), and all bearings in degrees, minutes, and seconds to the nearest ten (10) seconds.
- (e) Every site plan shall show the name and address of the owner or developer, the north point, the date, the scale of drawing, and the number of sheets. In addition, it shall reserve a blank space at least three inches (3") wide and five inches (5")

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for the approving authority.

- (f) Three (3) copies of the site plan shall be submitted to the Zoning Administrator for administrative review.

Section 400: Required Information

- (a) Plot Plans. One (1) copy of a plot plan, drawn to scale, for individual single-family dwellings or accessory structures for single-family residences or for commercial development which results in a land disturbance less than five thousand square feet (5,000 sf) and which will result in an area of impervious surface of less than sixteen percent (16%) of any lot or parcel shall be submitted to the Zoning Administrator for review and approval. Any encroachment into a Resource Protection Area (RPA) shall require an applicant to prepare a site plan as outlined in Subsection B below including the submission of a water quality impact assessment in accordance with Section 32.190 of the Chesapeake Bay Preservation Ordinance.

- (1) At a minimum, the plot plan shall be drawn to scale and contain the following information:

- a. a boundary survey of the site drawn to scale or site drawing showing the north arrow and property line boundaries and distances;
- b. area of the lot/parcel;
- c. location, dimension, and use of proposed and existing structures including marine and temporary structures. In the case of temporary structures, the date when the structures will be removed must be indicated;
- d. location of all building restriction lines, setbacks, easements, covenant restrictions, and rights-of-way;
- e. dimensions and location of all existing driveways, parking areas, or other impervious surfaces;
- f. limits of clearing and grading;
- g. specifications for the protection of existing trees and vegetation during clearing, grading, and all phases of construction;
- h. location of the Resource Protection Area (-RPA) and Resource Management Area (RMA) boundary, as specified in Subsection 32-186(a) of the Chesapeake Bay Preservation Ordinance, including any additional required buffer areas and RPA maintenance and use restrictions; ~~revision adopted by Town Council 12/2010~~;
- i. **plat notations as required in Section 7.11 (F)(2);**
- j. location of all erosion and sediment control devices;
- k. amount of **existing and proposed** impervious surface ~~proposed~~ for the site, **as well as total amount of impervious cover proposed within the RPA.**

- (b) A site plan shall be required for any single-family, residential, or commercial development which results in five thousand square feet (5,000 sf)

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or more of land disturbance or for any multi-family or industrial development or for development specified in Subsections 2.B and 2.C or for any other development deemed necessary by the Zoning Administrator. All site plans shall contain the following information:

- (1) Location of the tract by an insert map at a scale of not less than one-inch equals two thousand feet (1" = 2,000'), unless otherwise acceptable to the administrator, indicating the scale, the north arrow, and such information as the names and numbers of the adjoining roads, streams and bodies of water, railroads, subdivisions, or other landmarks sufficient to clearly identify the location of the property.
- (2) A boundary survey of the tract by bearings and distances certified by a licensed land surveyor.
- (3) Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title.
- (4) All existing property lines; existing streets and easements, their names, numbers, and width; the location and sizes of existing sanitary and storm sewers, gas lines, water mains, culverts, and other utilities and their easements; existing buildings; existing watercourses, waterways, or lakes and their names; and other existing physical features in or adjoining the project.
- (5) Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties, including all Resource Protection Area (RPA) and Resource Management Area (RMA) boundaries, and present use of adjoining tracts.
- (6) Existing topography with a maximum of two-foot (2') contour levels. Where existing ground is on a slope of less than two percent (2%), either one foot (1') contours or spot elevations where necessary but not more than fifty feet (50') apart in both directions.
- (7) The location, dimensions, and materials proposed for the construction of proposed streets, alleys, driveways, and the location, type, and size of vehicular entrance(s) to the site.
- (8) The location and amount (in square feet) of all existing and proposed impervious surface including but not limited to all off-street parking, loading spaces, and walkways. The type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided should also be indicated.
- (9) All proposed water and sanitary sewer facilities indicating all pipe sizes, types, and grades and where connection is to be made to town or to other utility system; all proposed gas lines and other utilities and their easements.
- (10) The proposed location, general use, number of floors, height and floor area for each building, accessory and main, and where applicable, the number, size, and type of dwelling units.
- (11) Proposed finished grading by contours supplemented where necessary by spot elevations.
- (12) The location, sizes, types, and grades of ditches, catch basins, and pipes,

Town of Cape Charles Zoning Ordinance
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and connections to existing drainage system.

- (13) Provisions for the adequate control of erosion and sedimentation indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction.
 - (14) Delineation of any floodplain limits.
 - (15) Location, type, size, and height of fencing, retaining walls, and screen planting where required under the provisions of the chapter.
 - (16) A landscape plan, drawn to scale, delineating dimensions and distances and the location, type, size, and description of all existing and proposed plant materials. Any required buffer area and all existing trees on site six inches (6") or greater DBH shall be clearly shown on the landscape plan. Where there are groups of trees, stands may be outlined instead. Trees to be removed to create a desired construction footprint shall be clearly delineated on the plan. The landscape plan will include specifications for the protection of existing trees and buffer areas during clearing, grading, and all phases of construction.
 - (17) The location and dimensions of proposed recreation, open space, and required amenities and improvements including details of disposition.
 - (18) A storm water management plan to include maps, graphs, tables, narrative descriptions, and citations to support references as appropriate to communicate the information required by the Town Code. At a minimum, the storm water management plan shall contain: (a) location and design of all planned storm water control devices; (b) procedures for implementing non-structural storm water control practices and techniques as applicable; (c) pre- and post-development non-point source pollutant loadings with supporting documentation of all utilized coefficients and calculations; and (d) for facilities, verification of structural soundness including a Professional Engineer or Class IIIB Surveyor Certification. All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Local Assistance Manual, the Virginia Erosion and Sediment Control Handbook, or the Virginia Department of Transportation Drainage Manual.
- (c) All features and elements of the site plan required by this Article shall in all respects conform to all applicable provisions and standards of the Code of Virginia and this Code, including, but not limited to: The Cape Charles Comprehensive Zoning Ordinance, Subdivision Ordinance, Erosion and Sediment Control Ordinance, or any PUD zoning ordinance approved by Town Council.

Section 500: Procedure for Processing

- (a) All applicants for site plan review shall submit to the Zoning Administrator a site plan for the proposed development. The site plan review fee, as established by the Council, shall be paid at this time.

Town of Cape Charles Zoning Ordinance
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- (b) The Zoning Administrator shall review all site plans which are submitted to him pursuant hereto. The administrator shall check the site plan for general completeness and compliance with all applicable requirements. The administrator shall circulate the site plan to the relevant town departments, agencies, and officials for written comments as to the proposed development’s conformance to all applicable standards and requirements and whether approval of the site plan is recommended.

- (c) Except under abnormal circumstances, within 45 days from the receipt of the site plan in his office, the Zoning Administrator shall approve, approve subject to conditions, or disapprove the site plan and notify the applicant in writing of the action taken. If the site plan is denied approval, the administrator, in notifying the applicant of the decision, shall set forth in detail the reasons for the denial, which shall be limited to any defect in form or required information, any violation of any provision or standard of this chapter or any other ordinance, or the inadequacy of any utility and shall state any changes which would make the site plan acceptable.

Section 600: Time for Obtaining Building Permit After Approval; Extension of Time

Approval of a site plan submitted under the provisions of this Article shall expire five years (5 yrs) after the date of such approval unless building permits have been obtained for construction in accordance therewith. A single one-year (1 yr) extension may be given upon written request by the applicant to the Zoning Administrator and Town Manager made within ninety (90) days before the expiration of the approved site plan. The Zoning Administrator and Town Manager shall acknowledge the request and shall make a decision regarding the requested extension within thirty (30) days after receipt of the request.

Section 700: Revision of Site Plan; Waiver of Requirements of Article

The Zoning Administrator may approve minor revisions to an approved site plan, provided that Town requirements and specifications are not affected. Major revisions shall require that a new site plan be drawn, and the review and approval process begun anew. Any revision to an approved site plan that does not change the proposed use, and that exceeds the ordinance requirements of the previously approved plan, shall be approved by the Zoning Administrator.

Section 800: Appeals

Any applicant aggrieved of any decision of the Zoning Administrator on a site plan review may, within ten (10) days of such decision, appeal to the Town Council. The Town Council shall act upon such an appeal by the owner at its next regularly scheduled meeting. The applicant may appeal Town Council’s decision to the

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Northampton County Circuit Court as provided by law.

Section 900: Building Permits to Comply with Site Plans

No permit shall be issued for any structure in an area covered by the site plan that is required under the provisions of this Article in conformity to such a plan which has been duly approved or revised as provided in Section 700.

Section 1000: Agreement and Bond for Construction of Certain Improvements; Establishment of Fees for Examination and Issuance of Building Permits

- (a) Prior to the issuance of any building permits for which an approved site plan is required, there shall be executed by the owner, developer, or their contractor, an agreement to construct the agreed-upon physical improvements that are located within the public right-of-way or public easements in a form approved by the Town. Such agreements shall be in accordance with this ordinance and be accompanied by a letter of credit, escrow, or a bond with surety acceptable to the Town (hereinafter "security") in the amount of the estimated cost of the required physical improvements as determined by the town departments, divisions, or agencies responsible for such improvements.
- (b) Such security shall remain in force until the completion of the secured improvements within the public right-of-way or public easements shown on the approved site plan. Such security shall be partially and proportionally released within thirty (30) days of receipt by the Town of written notice from the contractor certifying completion of a distinguishable part of the secured improvements. If the Town notifies the contractor in writing of any defects or deficiencies in the secured improvements within this thirty (30) day period, then corrective measures must be taken by the contractor prior to any partial or complete release of the security.
- (c) Such security shall be with a firm or bank acceptable to the Town Manager which approval shall not be unreasonably withheld.
- (d) "Best Management Practices" (BMP) imposed by these regulations that require regular or periodic maintenance in order to continue their function shall be regulated by a maintenance agreement submitted to the Town by the owner, developer, homeowner association, or other entity responsible for said BMPs and, where approved by the Town, shall run with the land and be binding upon the entity that assumes responsibility for said BMPs.

Section 1100: Compliance with Approved Site Plan

- A. Unless otherwise specifically provided in this chapter, the construction standards for all offsite improvements and site improvements required by this Article shall comply with approved site plan.

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- B. Inspections during the installation of the offsite improvements and required onsite improvements shall be made by the department responsible for such improvements as are required to certify compliance with the approved site plan.
- C. The owner shall notify the Town Manager in writing three (3) days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.
- D. The owner or owner’s contractor shall provide adequate supervision on the site during the installation of all required improvements within the public right-of-way or public easements and have a responsible superintendent or foreman, together with one (1) set of approved plans, profiles, and specifications, available at the site at all times when work is being performed.
- E. Upon satisfactory completion of the installation of the required improvements, the owner shall receive a certificate of approval from the Zoning Administrator. The Town Manager will authorize the release of any bond which may have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof upon notice by the Zoning Administrator that the improvements have been satisfactorily completed.
- F. The installation of improvements as required in this Article shall in no case serve to bind the Town except such improvements for the maintenance, repair, or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement. Upon acceptance, the Town shall assume all ownership, maintenance, and repair obligations of the dedicated improvements.

Section 1200: Occupancy Certificates

A final occupancy permit may be issued for any appropriately completed building or part of building located in a part of the total area of an approved site plan, such part of the total area to be known as a section, provided that:

- A. The other onsite construction and improvements included in the approved site plan for the section have been completed and have been inspected and accepted by the Zoning Administrator, the Town Manager, and the county health officer or their agents.
- B. The off-site improvements related to and necessary to service the section has been completed, inspected, and accepted by the Town Manager or his agents, or the developer has provided surety acceptable to the Town.



**Town of Cape Charles
Comprehensive Plan**

Adopted December 15, 2022



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.



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
- Shoreline Erosion
- 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.

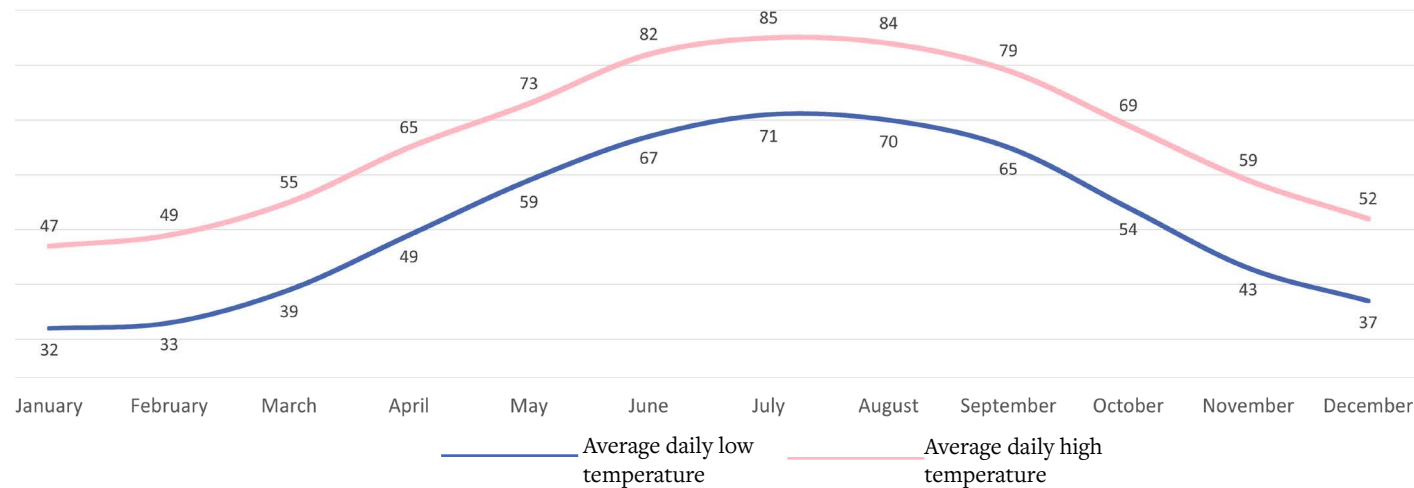


Figure 24: Average Annual Temperature

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.

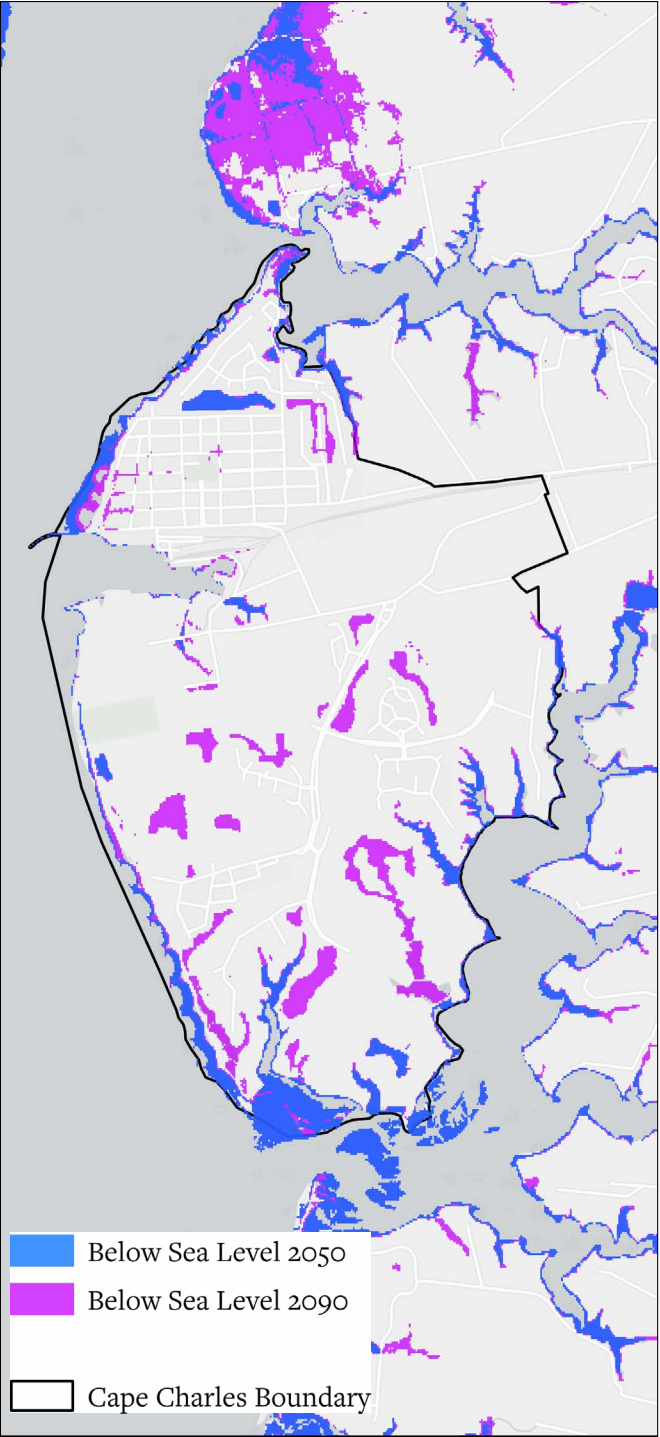
The Resilience Adaptation Feasibility Tool

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.

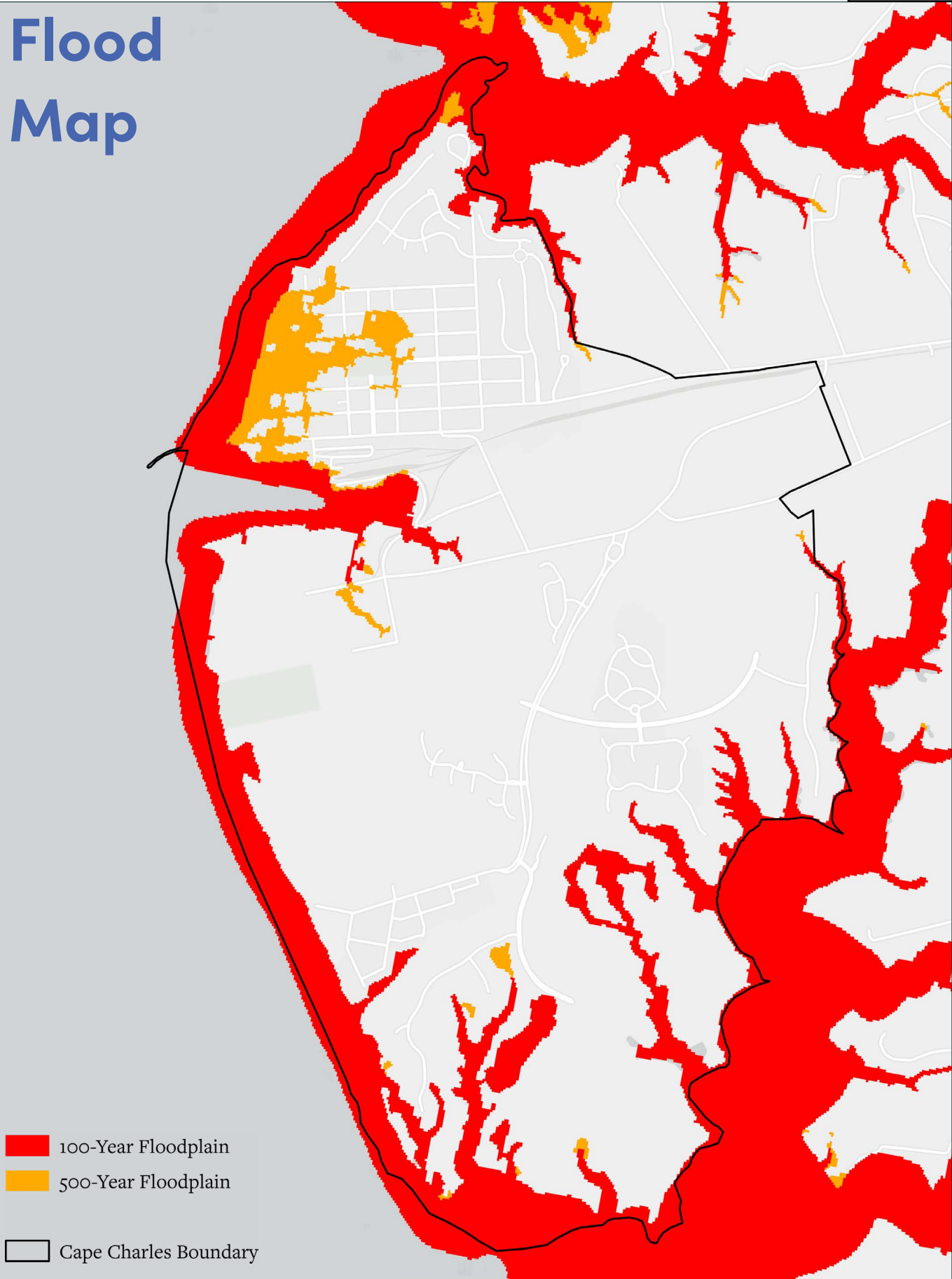
The Resilience Action Workshop (June 2017) was conceived as a way to help catalyze meaningful action at the local level to increase a locality’s resilience to coastal hazards. While, on its own, the Resilience Scorecard might increase understanding, community leadership is needed to bring about meaningful 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.



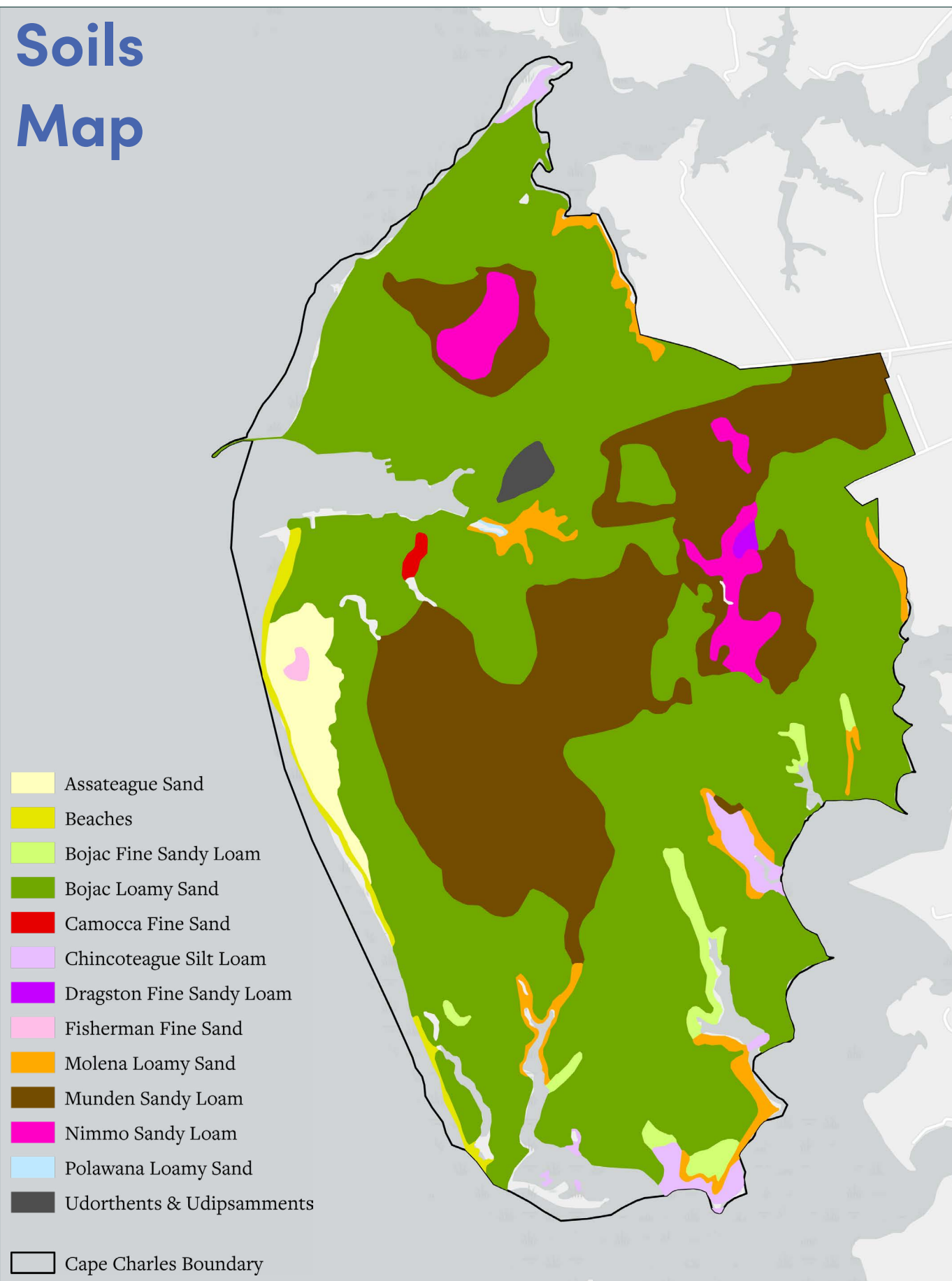
Map 8. Sea Level Rise Projections (NOAA Intermediate Projections for 2050 and 2090)

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.

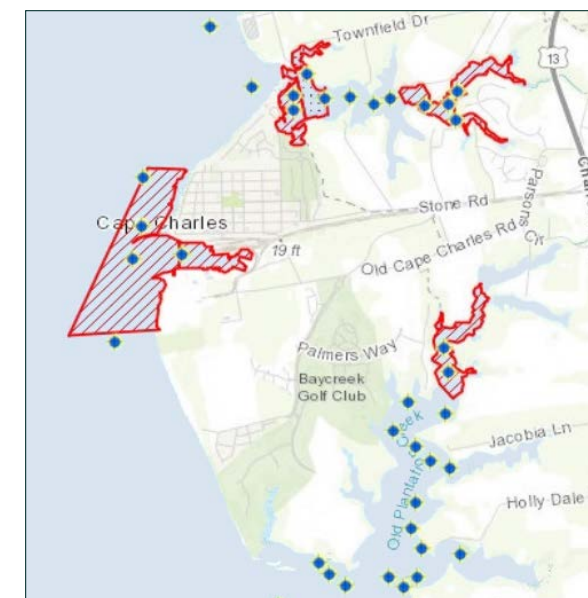
Future development activities in these preservation areas are guided by the Town’s Zoning Ordinance, which establishes standards to mitigate development impacts on water quality.

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.

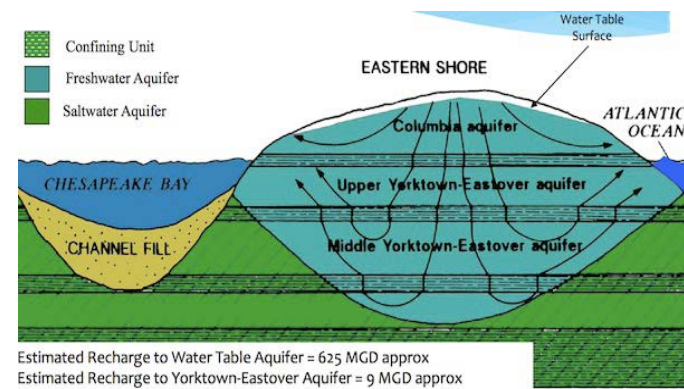
Cape Charles has been approved for a Ground Water Withdrawal Permit from the DEQ allowing a withdrawal capacity of 7.9 million gallons per month. A ground water impact assessment was conducted for the Town to study possible effects of the withdrawal, and found that over the 10-year permit period, no 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.



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

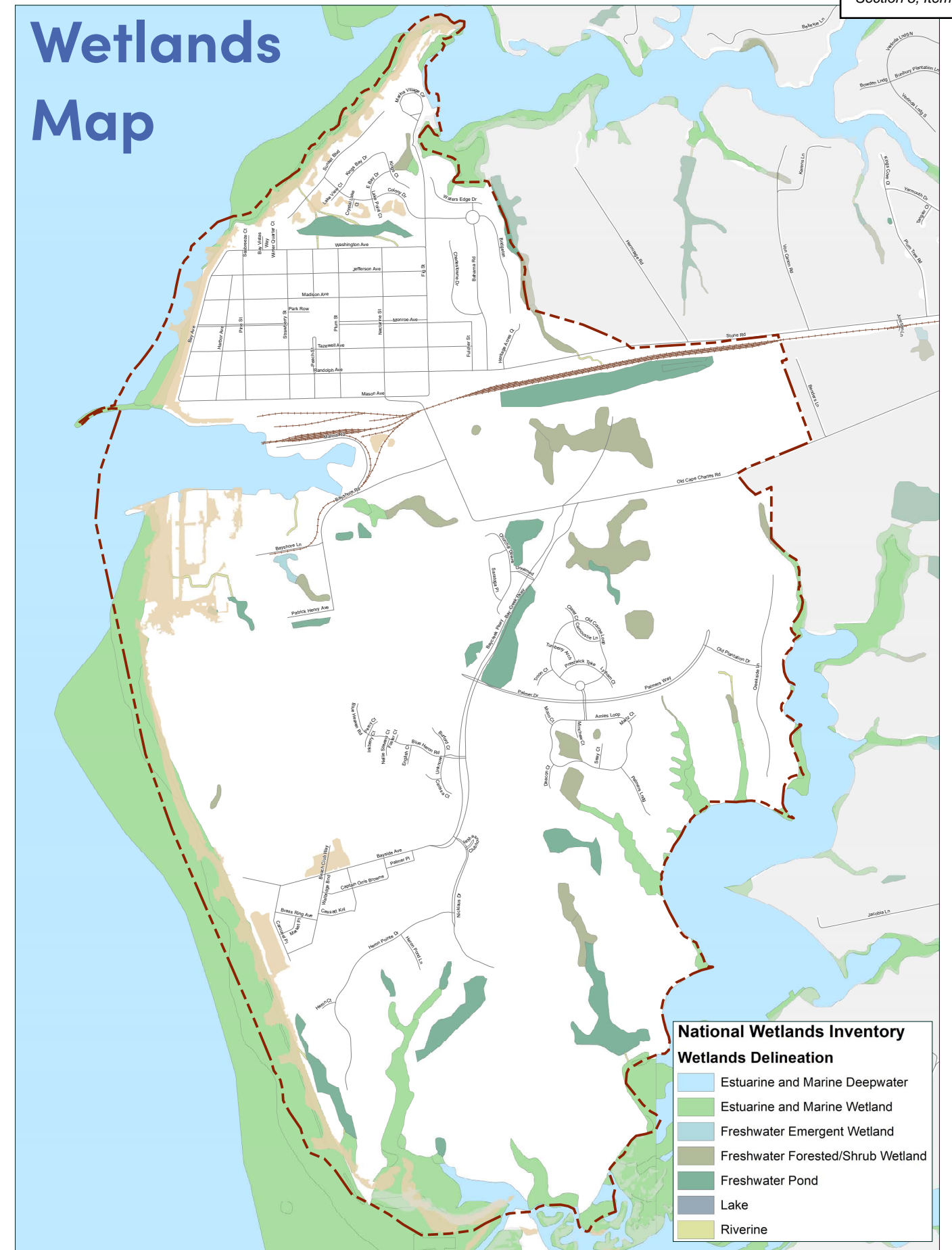
Several parts of Cape Charles are considered wetlands. Wetlands can be defined as areas that are wet or have wet soils during some part of the growing season. Tidal wetlands are influenced by tidal fluctuations and exist along the coastline. Tidal wetlands may include vegetated marshes and swamps or 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.

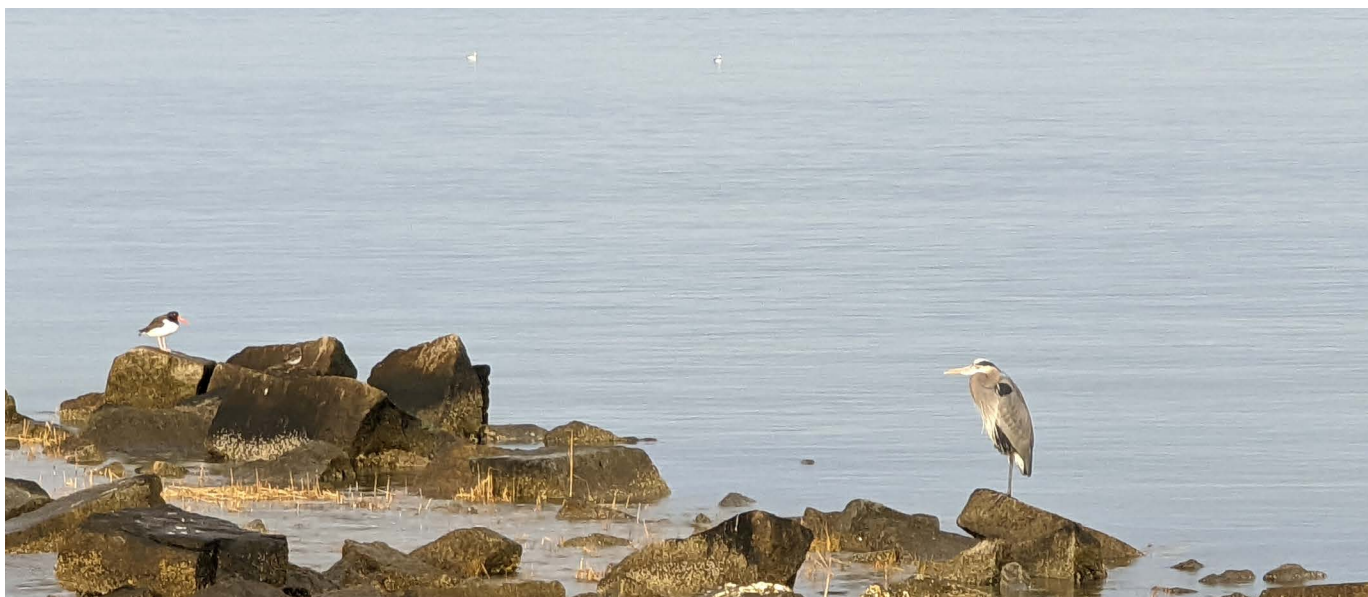


Map 12. Wetlands

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.

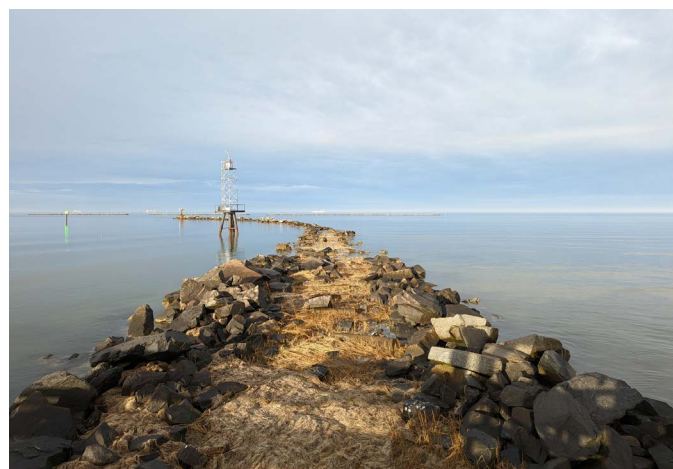
Several shoreline protective measures have been taken in recent decades. The public beach contains a seawall, consisting of a walkway and bulkheading which extends 2,300 feet along the back of the beach from the stone jetty. In 1982, groins were constructed at the public beach, which were 150 feet long 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.



Footprints in the sand on Cape Charles Beach.

Implementation

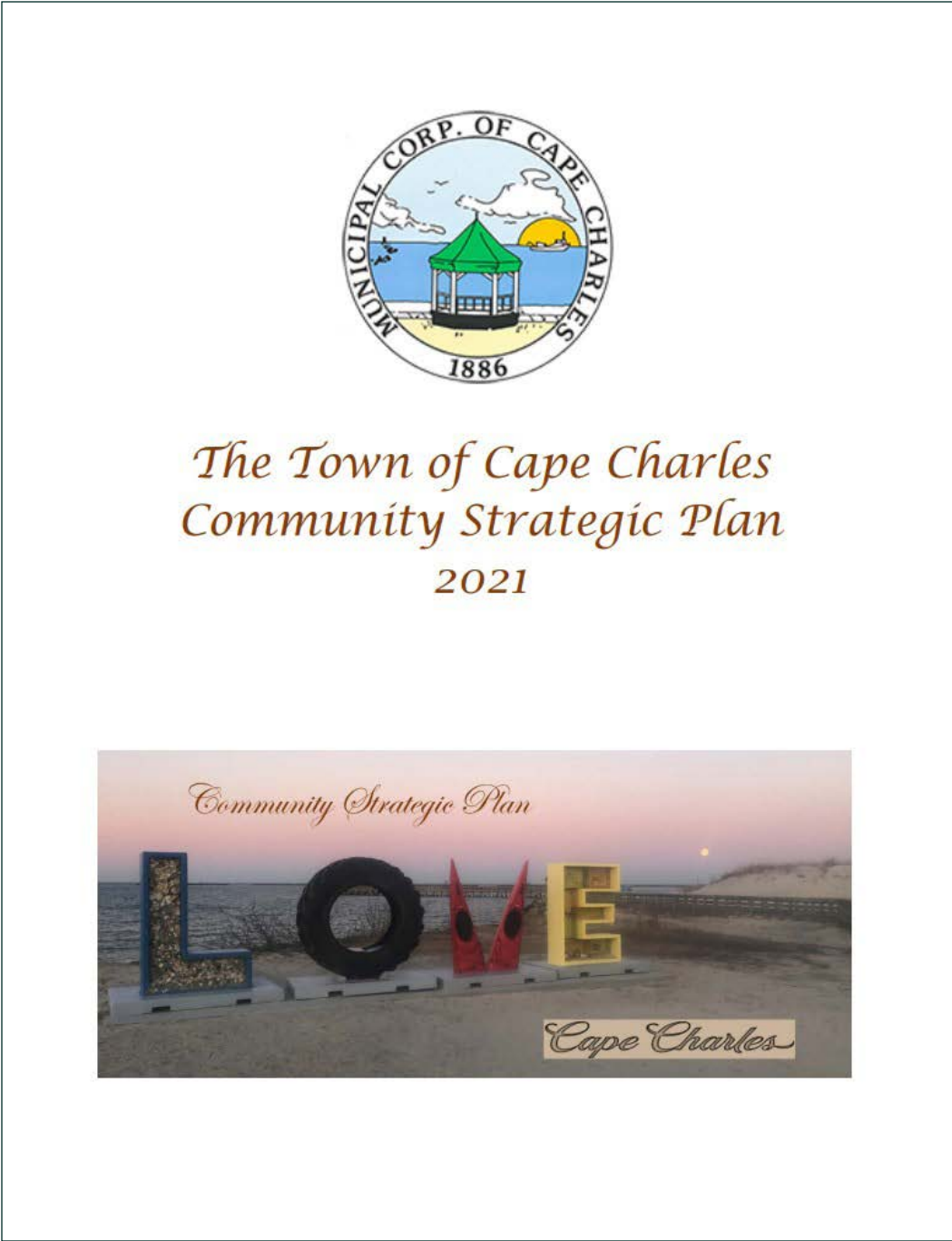
- Relationship to the Community Strategic Plan
- Objectives & Strategies Matrix

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"> a. Collaborate with STAR Transit to pursue convenient, safe, and frequent bus service to key commercial, residential, and recreational destinations.
<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"> a. Make future improvements to the path, including resting areas and bicycle/golf cart parking.
<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"> 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.
<p>2. Continue to promote the strong aesthetics of the town and limit pollution from litter.</p> <ul style="list-style-type: none"> 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.
<p>3. Utilize best practices, along with infrastructure improvements, to ensure high quality drinking water.</p> <ul style="list-style-type: none"> 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.
<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"> 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.
<p>5. Promote coastal resiliency through policy, development regulation, and enforcement.</p> <ul style="list-style-type: none"> 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).
<p>6. Protect natural resources, especially wetlands and other sensitive ecosystems.</p> <ul style="list-style-type: none"> 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.

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.



Zoning Text Amendment Application

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

planner@capecharles.org

Budge Code: MISPL 100-3100-1070

Revised 11/2025	
Taxes	✓ up to date
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, Cape Charles, VA 23310**

Mailing Address: **PO BOX 191, 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.
NA

PART 3: Description of Request
 Answer all questions in this section. Attach additional sheets as needed.

Submission Date: **3/23/2026** Zoning Ordinance Sections Proposed to be Amended (Sec. # and Title): **32-180 thru 32-197**

Existing Text: **Amend Town Code Chapter 32, Article VII (Chesapeake Bay Preservation Area Overlay District) and related updates to Appendix A (Definitions) and Appendix C (Site Plan Ordinance) to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Area.**

Proposed Text: **See Attached**

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

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

- A) Relevant code section(s) to be amended and proposed changes to the Zoning Ordinance.
- B) Whether and the extent to which the proposed amendment is consistent with the comprehensive plan and any other applicable and adopted long range planning documents. Cite the document and page.
- C) Whether the proposed amendment 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: [Signature] Date: 3/24/2024
 Zoning Administrator’s Signature: [Signature] Date: 3/23/2024

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

Date Application Received in Office: <u>3/13/2024</u>	Application #: <u>ZTA 2024-01</u>
Planning Commission	Town Council
Date referred: <u>04/07/2024 3/19/2024</u>	Date received from Planning Commission:
Action deadline (100 days from receipt):	Action deadline (max. 365 days from referral to PC):
Public hearing date: <u>04/07/2024</u>	Public hearing date: <u>4/16/2024</u>
Decision:	Decision:



Planning Commission Staff Report

Agenda Title: Zoning Text Amendment – Amend Article VII, Appendix A, and Appendix C of the Town Code to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Act.

Agenda Date: April 7th, 2026

Prepared by: Jack Steinmayer, Zoning Compliance Officer

Reviewed By: Katie Nunez, Town Planner

Date: March 23rd, 2026

Type of Application: Zoning Text Amendment

Applicant: Town of Cape Charles

Site Address NA

Tax Map: NA

Zoning: NA

Proposal: Amend Article VII, Appendix A, and Appendix C of the Town Code to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Act.

Legal Deadline Requirements July 2nd, 2026

Date Application Received: March 23rd, 2026

Date Application Deemed Complete: March 23rd, 2026

For Planning Commission: July 1st, 2026

**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. The Town Council's max time frame is 12 months from when referred to the Planning Commission:

Background:

Since early 2024, staff and the Planning Commission have been revising Article VII (Chesapeake Bay Preservation Act Overlay Ordinance) of the Town Zoning Ordinance in response to legislative changes to the Chesapeake Bay Preservation Act (CBPA) by the General Assembly. The state developed and provided localities with a model ordinance reflecting the legislative changes, but the Virginia Department of Environmental Quality (DEQ) did not complete its update to the accompanying administrative regulations until late summer 2025.

During the summer of 2025, DEQ visited the Town of Cape Charles to conduct an audit to make sure staff were administering and enforcing the Chesapeake Bay Preservation Act correctly.

After their visit, the staff provided the proposed Zoning Text Amendment to DEQ for review, and DEQ returned their comments and edits to the Town. These were then given to the Planning Commission, which finalized its development of ZTA2026-01 in late summer 2025. Staff completed finalization in late fall 2025. There were further changes to Appendix A (Definitions) and Appendix C (Site Plan Ordinance) as well.

Finally, DEQ noted that *the Town of Cape Charles shall amend its comprehensive plan to include required mapping elements, such as the locations of the CBPA areas, shoreline, and streambank erosion issues, as well as existing and potential water pollution sources. It should also include necessary implementation measures for goals and objectives related to potential water quality impacts, as well as an overlay map layer with the CBPA, specifically the Resource Protection Area (RPA) and Resource Management Area (RMA), on the Town's Zoning Map.*

Then, at their March 19th, 2026, Regular Meeting, the Town Council adopted resolution 20260319 to consider amending the Cape Charles Zoning Ordinance by modifying Article VII (Chesapeake Bay Preservation Act Overlay District) and related changes to Appendix A (Definitions) and Appendix C (Site Plan Ordinance), and to send it to the Planning Commission for a Public Hearing.

Comprehensive Plan Requirements:

The proposed changes are in keeping with Chapter 7 (Environment) of the Comprehensive Plan.

Zoning Ordinance Requirements:

The proposed Zoning Text Amendments have been reviewed thoroughly and evaluated in accordance with the applicable provisions of the Zoning Ordinance and have been found to be consistent with its intent, purpose, and requirements. Furthermore, these proposed amendments aim to provide clarity and ensure that the Town Ordinance complies with the applicable state law regarding the Chesapeake Bay Preservation Act. (see attachment 2, 3, 4 for proposed changes to Article VII, Appendix A, and Appendix C)

Staff Review:

The proposed amendments to Article VII, Appendix A, and Appendix C of the Zoning Ordinance have been carefully reviewed by the Planning Commission and Town Staff. These numerous meetings confirmed that the amendments are consistent and do not conflict with, diminish, or alter the established performance criteria. They also continue to support the community's obligations under the Bay Act to protect and enhance the quality of state waters through effective land-use management and development controls.

Planning Commission Motion for Consideration:

Staff is recommending that the Planning Commission make the following motion for consideration: ***The Planning Commission recommends to the Town Council to approve Zoning Text Amendment (ZTA) 2026-01: application from the Town of Cape Charles to amend Town Code Chapter 32, Article VII (Chesapeake Bay Preservation Area Overlay District) and related updates to Appendix A (Definitions) and Appendix C (Site Plan Ordinance) to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Act.***

Attachments:

- Attachment 1: Resolution of Intent 20260319
- Attachment 2: Town of Cape Charles Zoning Ordinance Article VII
- Attachment 3: Town of Cape Charles Zoning Ordinance Appendix A
- Attachment 4: Town of Cape Charles Zoning Ordinance Appendix C
- Attachment 5: Town of Cape Charles Zoning Text Amendment Application

**Planning Commission
Regular Meeting and Public Hearing
Cape Charles Civic Center
April 7th, 2026**

At 6:00 p.m., after establishing a quorum, Chairman Bill Stramm called the Planning Commission to order for the continuation of the February 17th, 2026, Joint Work Session. Along with Chairman Stramm, the attending commissioners included Bill Ashworth, Libby Wright, Ian McDonald, Jim Holloway, Clayton Newman, and Alan Clark.

Town staff present included Director of Planning/Zoning Administrator Katie Nunez, Zoning Compliance Officer Jack Steinmayer, and Town Clerk Libby Hume.

One member of the public was in attendance.

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

Consent Agenda

Motion made by Chairman Stramm to approve the Consent Agenda as presented. The motion was approved by common consent.

Public Hearing

- A. *Zoning Text Amendment (ZTA) 2026-01: Application from the Town of Cape Charles to amend Town Code Chapter 32, Article VII (Chesapeake Bay Preservation Area Overlay District) and related updates to Appendix A (Definitions) and Appendix C (Site Plan Ordinance) to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Act.*

Director of Planning and Zoning Administrator Katie Nunez summarized the staff report and explained that this proposed amendment has been in development since early 2024, running concurrently with the Town's revision of the Zoning Ordinance.

Ms. Nunez then reported to the Planning Commission that DEQ, during their audit of the Town's Chesapeake Bay Preservation Act implementation, identified five cited deficiencies, including the need to update the Zoning Ordinance and amend the Comprehensive Plan to include the required Chesapeake Bay Preservation Area (CBPA) mapping elements and implementation measures.

It was further explained that the Town submitted its draft ordinance to DEQ in late 2025, and DEQ's comments were fully incorporated into the version before the Planning Commission.

Ms. Nunez explained that the Town is in the final stages of finalizing a contract with Northampton County to use their GIS system. This contract will include town-specific map layers, such as the Resource Protection Area (RPA) and Resource Management Area (RMA), helping the town address several outstanding compliance items identified in the DEQ corrective action plan.

Public Comments

No public comments were submitted, and no members of the public registered to speak.

Chairman Stramm moved to close the public hearing. The motion was made by Commissioner McDonald and seconded by Commissioner Holloway. The motion was approved unanimously. The public hearing was closed at 6:07 p.m.

New Business

- A. ***Zoning Text Amendment (ZTA) 2026-01: Application from the Town of Cape Charles to amend Town Code Chapter 32, Article VII (Chesapeake Bay Preservation Area Overlay District) and related updates to Appendix A (Definitions) and Appendix C (Site Plan Ordinance) to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Act.***

The Planning Commission had no questions or additional comments.

Chairman Stramm then moved to recommend approval of ZTA 2026-01 to the Town Council. Motion made by Commissioner McDonald to recommend to the Town Council to approve Zoning Text Amendment (ZTA) 2026-01: Application from the Town of Cape Charles to amend Town Code Chapter 32, Article VII (Chesapeake Bay Preservation Area Overlay District) and related updates to Appendix A (Definitions) and Appendix C (Site Plan Ordinance) to ensure the ordinance complies with state law regarding the Chesapeake Bay Preservation Act. Motion seconded by Commissioner Newman, the motion was approved unanimously.

Standing Staff Reports

Ms. Nunez then presented her standing staff report for departmental activity from December 2025 through March 2026, as regular updates had not been provided at preceding meetings.

A. Subdivision Activity

Ms. Nunez explained that she approved one lot line vacation at 614 Peach Street. She also approved a Revised Preliminary Plat for Village F1, reducing the number of single-family homes from 77 to 67. Additionally, one parcel will hold five condominium buildings, each five stories (65 ft.) tall, with parking on the ground floor and two residential units per floor on the upper four floors, totaling 40 condominium units. The total unit count for Village F1 is now 107.

Ms. Nunez then explained that she approved a Preliminary Plat for the Fairways Section II, Phases 4-7, and Section III, Phase 2 (The Commons – Lots 29A-29D & 32A-32D). Finally, she also approved a Recombination Final Plat for Fairways Parcel P-1A (The Commons, Lots 7A-7C).

B. Board of Zoning Appeals

Ms. Nunez explained that on October 14th, 2025, a public hearing was held for a variance application submitted by Martin Mayer for a variance from Article 3 Section 3.2 of the Cape Charles Zoning Ordinance to allow for a rear deck to extend 1.5' into the side setback and 5' into the rear setback. ***Was approved unanimously by the BZA.***

Another public hearing took place on December 9th, 2025, concerning an appeal of a Zoning Determination Letter that denied a Short-Term Rental (STR) on a houseboat in the Harbor-Commercial District. ***The appeal was denied, and the BZA upheld the Zoning Determination Letter.***

Finally, a public hearing will be held on April 14th, 2026, to discuss an exception to the Chesapeake Bay Act application at 165 Sunset Boulevard. Ms. Nunez then provided some background on the application. This property was cited for constructing a patio in the 50-landward portion of the RPA, and the property owners applied for an exception and have committed to enhanced plantings to offset the impervious coverage. Ms. Nunez then recommended approval, conditioned on the proposed planting plan, noting that removal of the stone paver patio would also be required.

C. Harbor Development Certificates

No applications were filed.

D. Wetlands and Coastal Sand Dune Board

The Wetlands and Coastal Sand Dune Board held a public hearing on January 21st, 2026, to consider an application from the Bay Creek at Cape Charles Community Association to build an aquatic barrier that would prevent floating aquatic vegetation in the Chesapeake Bay from washing ashore on Bay Creek's North Beach.

After discussion, it was decided by the Wetlands and Coastal Sand Dune Board to table the application until Town Staff had received input from VMRC and VIMS on whether this application was within the Board's jurisdiction or not.

E. Town Council

Ms. Nunez noted that the following items are scheduled for discussion at the upcoming Town Council Work Session on April 9th, 2026 @ 6:30 p.m.

- Revisions to Article VIII (Historic District Overlay Ordinance) and new Appendix G to the Historic District Guidelines re: Routine Maintenance, Minor Work, and Major Work at the level of review required (none vs. Zoning Administrator review vs HDRB review)
- Development of a draft Mobile Food Vendor Zoning Ordinance
- Revisions to the Short-Term Rental Zoning Ordinance
- Development of a Special Events Policy and possible Zoning Ordinance Amendments
- Development of a Peddler's License Town Code or Zoning Ordinance Amendment.

F. Comprehensive Bay Preservation Act – DEQ Compliance and Corrective Action Agreement

Ms. Nunez informed the Commissioners that, as part of the DEQ corrective action agreement, the Town of Cape Charles must amend its Comprehensive Plan to include (a) mandatory CBPA mapping elements, such as RPA and RMA boundaries, shoreline and stream erosion issues, and potential water pollution sources, and (b) implementation measures, including goals, objectives, action strategies, and related timeframes for water quality. Although the Comprehensive Plan currently includes environmental objectives and strategies, it does not specify implementation timeframes.

Ms. Nunez then asked that this item be added to the agenda for the next Commission meeting, either as a work session or as a standing agenda item, to develop the required timeframes as specified by DEQ.

The Commissioners agreed by consensus to address this matter on May 5th, 2026, as a Work Session.

Other Announcements

Ms. Nunez announced that the next phase of the Railroad/Harbor Master Planning process will be held on April 24th and 25th and will include two public input sessions, coinciding with the Love Run weekend.

Next Meeting


The next meeting of the Planning Commission will be held on May 5th, 2026 @ 6:00 pm.

Adjournment

Motion made by Commissioner McDonald, seconded by Commissioner Clark, to adjourn the April 7th, 2026, Planning Commission Public Hearing and Regular Meeting. The motion was approved unanimously. The Planning Commission adjourned at 6:32 pm.

Chairman Stramm

Zoning Compliance Officer

	Agenda Title:	Agenda Date:
	Zoning Text Amendment (ZTA) 2026-02 – Article VIII (Historic District Overlay), Appendix A (Definitions) & Design Guidelines	April 16, 2026
	Subject/Proposal/Request:	
	Zoning Text Amendment (ZTA) 2026-02 application to amend the Historic District Overlay Ordinance (Town Code Chapter 32, Section VIII (Historic District Overlay) and Appendix A (Definitions), and the Historic District Guidelines with addition of new Appendix G	
Town of Cape Charles	Attachments:	For Council:
	<ul style="list-style-type: none"> 1) Resolution of Intent #20260416 2) ZTA 2026-02 Application with Tracked Changes Document of the Ordinance and new Appendix G 	Action: X Information:
	Staff Contact(s):	Reviewed by:
	Katie Nunez, Director of Planning & Zoning Administrator	Rick Keuroglan, Town Manager

Background: Since fall 2024, staff, the Historic District Review Board, and the Planning Commission, with assistance from the Historic District Civic League, have been working on revising Article VIII (Historic District Overlay Ordinance) of the Town Zoning Ordinance and creating a new appendix to the Historic District Guidelines to clarify the approvals required for Routine Maintenance Work vs. Minor Work vs. Major Work.

Item Specifics: The final draft documents were reviewed by Town Council at their work session on Thursday, April 9, 2026 and indicated that this appears to address the concerns and identifies clearly the type of work and which review process will need to occur for all exterior work in the Historic District.

Recommendation: I am recommending that Town Council vote to approve Resolution of Intent 20260416 to authorize staff to send ZTA 2026-02 to public hearings before the Planning Commission and the Town Council during the month of May 2026.

RESOLUTION OF INTENT 20260416

**PROPOSED ZONING TEXT AMENDMENT 2026-02
APPLICATION FROM TOWN OF CAPE CHARLES TO AMEND
ARTICLE VIII, Appendix A, & Design Guidelines regarding the
Historic District Overlay**

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 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 community and staff input;

WHEREAS, said proposed revisions to Article VIII (Historic District Overlay) and associated changes to Appendix A (Definitions), and the Historic District Overlay Design Guidelines;

NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare or good zoning practice, the Cape Charles Town Council hereby adopts a resolution of intent to consider amending the Cape Charles Zoning Ordinance to amend Article VIII (Historic District Overlay) and associated changes to Appendix A (Definitions), and the Historic District Overlay Design Guidelines.

Said Zoning Text Amendment 2026-02 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 Zoning Text Amendment 2026-02 for Cape Charles Town Council’s consideration.

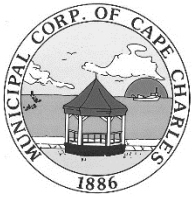
Adopted by the Town Council of the Town of Cape Charles on April 16, 2026

By: _____
Andy Buchholz, Vice Mayor

Attest:

Libby Hume, Town Clerk

Revised 03/2023	
Taxes	
Violations	
Fee	
Decision	



Zoning Text Amendment Application

ZTA 2026-02

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

planningtech@capecharles.org

Budge Code: MISPL 100-3100-1070

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, Cape Charles, VA 23310**

Mailing Address: **PO Box 191, 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.

N/A

PART 3: Description of Request
 Answer all questions in this section. Attach additional sheets as needed.

Submission Date: **4/10/2026**

Zoning Ordinance Sections Proposed to be Amended (Sec. # and Title): 32-210 thru 32-247 (Historic District Overlay); Appendix A (Definitions, and Historic District Guidelines

Existing Text: Amend Town Code Chapter 32, Article VIII (Historic District Overlay) and related updates to Appendix A (Definitions) and add a new Appendix G to the Historic District Design Guidelines to provide clarity regarding zoning administrator approval and delineate if and

when review of exterior work is required by the Town and whether said review is the Zoning Administrator or by the Historic District Review Board.

Proposed Text: See attached.

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

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

- A) Relevant code section(s) to be amended and proposed changes to the Zoning Ordinance.
- B) Whether and the extent to which the proposed amendment is consistent with the comprehensive plan and any other applicable and adopted long range planning documents. Cite the document and page.
- C) Whether the proposed amendment 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: _____ Date: _____

Zoning Administrator’s Signature: _____ Date: _____

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

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

Article VIII - Historic District Overlay

Proposed Text Amendment – Red Font

Section 32.210 – Intent.

“The Cape Charles Historic District encompasses nearly all of the town of Cape Charles as it was originally laid out in 1883-1884 as well as the Sea Cottage addition, an area west of the original limits of the town, that was developed after 1909...The town was originally laid out in an unusual twenty-seven block grid pattern dominated by a central park with four landscaped streets that radiate from the park and serve as a main cross axis for the town’s circulation pattern. No other such plan is known to exist in Virginia.”
- 1989 National Register of Historic Places Registration Form Section 7, page 1.

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

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

Section 32.211: Purpose of the District

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

Section 32.212: Criteria for Establishing Historic Districts - General Character

The boundaries of the Historic District shall in general be drawn to include areas containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. The district may include either individual buildings or places of such character, and a reasonable distance beyond, or it may include areas or groupings of structures which have significance relative to their patterns of development or social

and economic or architectural interrelationships, even though some structures in the area might not possess significant merit when considered alone.

Section 32.213: Inventory of Landmarks and Contributing Properties Established

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

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

- Starting from the beach front at the corner of Mason Avenue and Bay Avenue and running north along Bay Avenue to the corner of Washington Avenue;
- Then running east down the center line of Washington Avenue to the corner of Fig Street;
- Then running south down the center line of Fig Street to the corner of Monroe Avenue;
- Then running east down the center line of Monroe Avenue to the corner of Fulcher Street;
- Then running south down the center line of Fulcher Street to the intersection with Randolph Avenue;
- Then running east along Randolph Avenue for approximately 300 feet to the far east property line of the Cape Charles Historical Society (Tax Map #83A4-1-B-23) located on the south side of Randolph Avenue;
- Then running west approximately 952 feet along the rear property lines of the Cape Charles Historic Society (Tax Map #82A4-1B-83 & 84), the Town of Cape Charles (Tax Map #83A4-4-76), and Rayfield Pharmacy (Tax Map #83A4-4-74 & 75 and 83A4- A-21) properties to the corner of Fig Street and Mason Avenue;
- Then continuing to run west along Mason Avenue to the intersection of Nectarine Street;
- Then turning south and running 140 feet then turning west for approximately 2,045 feet up to, but not including, Tax Map #83A3-A-5 (currently owned by Cape Charles RF, LLC and historically referenced as the former Tavi property) then turning north and running 140 feet to Mason Avenue;
- Then turning west along Mason Avenue to the beach front at the intersection with Bay Avenue

Section 32.214: Application of the District; Relation to Other Zoning Districts

To enable the district to operate in harmony with the plan for land use and population

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

Section 32.215: Permitted Uses

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

Section 32.216: Historic District Review Board; Creation

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

Section 32.217: Historic District Review Board; Membership

The members of the Historic District Review Board shall be appointed by the Town Council. The Membership shall consist of five (5) citizens, at least three (3) of whom shall be residents of the local historic district.

Section 32.218: Historic District Review Board; Terms

Upon approval by the Town Council, members shall be appointed for a term of five years (5 yrs). Appointments to fill vacancies shall be only for the unexpired term. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until a successor is appointed and qualifies.

Section 32.219: Historic District Review Board; Qualifications

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

Section 32.220: Historic District Review Board; Organization

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

Section 32.221: Historic District Review Board; Rules

The Board shall meet in regular session on the third (3rd) Tuesday of every month

when an application has been filed requiring consideration. Special meetings of the Board may be called by the chairman or a majority of the members after public notice as required.

Section 32.222: Historic District Review Board; Meetings; Hearings

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

Section 32.223: Historic District Review Board; Procedures

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

Section 32.224: Historic District Review Board; Powers and Duties

The Zoning Administrator will review all applications to determine the proper level of review and compliance with the Cape Charles Zoning Ordinance. The Historic District Review Board shall have the power and authority to issue or deny Certificates of Appropriateness for construction, reconstruction, substantial exterior alteration, razing, or relocation within the historic district. **Further details of classification can be found in the Cape Charles Historic District Overlay Design Guidelines, Appendix G.** In addition, the Board shall have the following duties:

- (1) To assist and advise the Town Council, the Planning Commission, and other Town departments, agencies, and property owners in matters involving historically significant sites and buildings or other properties in the historic districts such as, but not limited to, appropriate land usage, parking facilities, and signs.
- (2) To continuously evaluate conditions and advise owners of historic landmarks or contributing structures or other properties in historic districts on problems of preservation.
- (3) To oversee studies deemed necessary by the Town Council or Planning Commission concerning location of historic districts and means of preservation, utilization, improvement, and maintenance of historic assets in the Town.
- (4) To propose additional historic districts or additions or deletions to districts.
- (5) To recommend standards and guidelines for adoption by the Town Council to supplement the standards set forth in this Ordinance; the currently adopted guidelines are called "Cape Charles Historic District Guidelines revised October 2017."

- (6) To formulate recommendations to the Town Council concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.
- (7) To cooperate with and enlist assistance from the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties both public and private in its efforts to preserve the character of historic landmarks, buildings, sites, or areas within the Town.

Section 32.225: Summary of Administration Review Procedures

In general, It is the purpose of this ordinance to establish review procedures for actions affecting properties in the Historic District. Therefore, the Zoning Administrator will review all applications to determine the proper level of review and compliance with the Cape Charles Zoning Ordinance.

- (1) Actions related to “Standards” will be exclusively the purview of the Zoning Administrator.
- (2) Actions addressed by “Guidelines” will be the purview of the Historic District Review Board, except that guidelines that are relatively straightforward may be delegated to the Zoning Administrator at the discretion of the Historic District Review Board.
- (3) In all cases the decisions of the Zoning Administrator shall be appealed to the Board of Zoning Appeals as stated in §2-2.6.2.C, the decisions of the Historic District Review Board may be appealed to the Town Council, and the final decisions of the Town Council may be appealed to the Circuit Court of Northampton County.

Section 32.226: Approval of Historic District Review Board Required

- A. ~~Except as herein otherwise provided in this article, no building or structure, including signs, shall be erected, reconstructed, restored, or substantially altered in exterior appearance and no contributing buildings or structures shall be razed or demolished within a historic district and no permit authorizing same shall be granted unless and until the same is approved by the Historic District Review Board and a Certificate of Appropriateness has been issued by that body, with right of direct appeal to the Town Council as hereinafter provided, as being architecturally compatible with the historical, cultural, and/or architectural aspects of the structure and its surroundings.~~
- B. ~~Contributing accessory structures will be treated as contributing structures only under the following conditions:~~
 1. ~~It is on a permanent foundation; and~~
 2. ~~It is of sufficient square footage that a new structure of that type would require a building permit; and it is not being used as, or being considered for, Accessory Dwelling Units.~~

- C. ~~"Substantial alterations" shall be defined as any and all work done on buildings, structures, or sites in a historic district other than those specifically exempted herein:~~
1. ~~General examples of "non-substantial" alterations:~~
 - a. ~~Work done to prevent deterioration or to replace parts of a structure with similar materials in order to correct any deterioration, decay of, or damage to any structure or on any part thereof, or~~
 - b. ~~To restore same as nearly as practical to its condition prior to such deterioration, decay, or damage.~~
 2. ~~Examples of work not constituting "substantial alteration" include those minor actions exempted from review by §8.16 of this article.~~
 3. ~~General examples of work constituting "substantial alterations" include:~~
 - a. ~~Construction of a new building at any location or a new permanent accessory building requiring a building permit on a landmark or contributing property or on a site within the Historic District.~~
 - b. ~~Any addition to or alteration of a building which increases the square footage of the building or otherwise alters substantially its size, height, contour, or outline.~~
 - c. ~~Any alteration of the exterior architectural style of a structure or its significant elements; some examples being removal or rebuilding of porches, openings, dormers, window sashes, chimneys, columns, stairways, terraces, decks, fences, or any other structural elements.~~
 - d. ~~Addition to or removal of one (1) or more stories or alteration of a roofline.~~
 - e. ~~Any other major actions not specifically covered by the terms of this section, but which would have an effect on the character of the historic district.~~
- D. ~~In any case in which there might be some question as to whether a project may be exempted from review, may constitute a minor action, or may constitute "substantial alteration," the Zoning Administrator shall be contacted for an interpretation prior to commencement of work.~~

Section 32.226: Description of Proposed Work

Changes proposed to a property within the Historic District fall into one of the three categories, which can be found in the Cape Charles Historic District Overlay Design Guidelines (CCHDODG) Appendix G: (1) Routine Maintenance, (2) Minor Work, and (3) Major Work, which are described as follows, including the level of Town review and approval required for each:

- A. ***Routine Maintenance** items are types of exterior work that keep the property in good condition. Such projects include any repair where no change is made to the appearance of the structure or site.

Routine Maintenance will not require the issuance of a Certificate of

Appropriateness (CoA) or Zoning Clearance by staff or the HDRB. It is the property owners' responsibility to ensure the proposed work qualifies as Routine Maintenance. If there is uncertainty by the property owner, we encourage them to contact Town staff to review and confirm the category of work.

- B. ***Minor Work** projects do not substantially alter the visual character of the structure or site.

Minor Work projects require an application, including a Zoning Clearance and issuance of a CoA. They may be approved by the department if the proposed work is consistent with the HDODG. If the department does not approve the application or if the work is questionable as to whether it is consistent with the HDODG, an application for minor work may be forwarded to the HDRB.

- C. ***Major Work** projects that involve a change in the appearance of a building or site and are more substantial than routine maintenance or minor projects. They include changes from the original design or material, or replacement, alteration, or removal of an original feature.

Major Work projects require an application, including a Zoning Clearance and issuance of a CoA by the HDRB.

*The property owner must schedule an inspection if required in the Cape Charles Historic Overlay District Design Guidelines Appendix G Classification of Work Chart.

~~**Section 32.227: Certain Minor Actions Exempted from Review by the Historic District Review Board**~~

~~Within the Historic District certain minor actions which are deemed not to have permanent effects upon the character of the historic district are exempted from review for architectural compatibility by the Historic District Review Board. Such actions shall include the following and any similar actions which, in the opinion of the Zoning Administrator, will have no more effect on the character of the district than those listed:~~

- ~~A. Repainting the structure. (Original painting of masonry surfaces is not exempted from review.)~~
- ~~B. Replacement of missing or broken windowpanes, roofing slates, tiles, porch floor, posts, rails, shingles, window frames, or shutters where no substantial change in design or material is proposed.~~
- ~~C. Addition or deletion of storm doors or storm windows, window gardens, or similar appurtenances and portable air conditioners located in existing windows, doors, or other existing wall openings (if no building permit is required for such addition or deletion).~~
- ~~D. Landscaping involving minor grading, walks, low retaining walls, temporary~~

~~fencing, fencing immediately surrounding trash receptacles or outdoor ventilation units, small fountains, outdoor showers, and ponds which will not substantially affect the character of the property and its surroundings.~~

- ~~E. Construction of off-street loading areas and off-street parking areas.~~
- ~~F. Creation of outside storage in a commercial or industrial district which does not require structural changes or major grading and is not visible from a public street or waterway.~~
- ~~G. Additions or deletions to an existing building which are not visible from a public street or sidewalk. Alleys in this context are not to be considered public places.~~
- ~~H. Covered by other zoning ordinance requirements as administrated by the Zoning Administrator unless altered by the overlay ordinance.~~
- ~~I. Receiving historic preservation tax credits through state or federal offices.~~
- ~~J. Demolition of non-contributing buildings or structures.~~
- ~~K. Alterations or repairs made to a building or structure for the purpose of temporary emergency stabilization.~~

Section 32.227: Declaration of Unsafe or Dangerous Conditions

Nothing in this Ordinance shall be construed to prevent any measures necessary to correct an unsafe or dangerous condition of a property in the Historic District. Temporary measures may be taken as directed by the Zoning Administrator and Code Official without obtaining a Certificate of Appropriateness.

Section 32.228: Delegation of Authority

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

Section 32.229: Certificate of Appropriateness

Evidence of the approval required under the terms of the Historic District shall be a certificate of appropriateness issued on behalf of the Historic District Review Board, stating that the demolition, moving, or changes in the exterior architectural appearance of the proposed construction, reconstruction, alteration, or restoration for which application has been made are approved by the Historic District Review Board or the Zoning Administrator. The Historic District Review Board may permit modifications of original proposals if such modifications are formally acknowledged, clearly described, and recorded in the records of the case. A certificate of

appropriateness shall be obtained in addition to any other required permits. Any action by applicants following issuance of a permit-requiring certificate of appropriateness shall be in accord with the application and material approved and any conditions appended thereto.

Section 32.230: Design Guidelines; Recommendations for Review

The intent of the guidelines is to ensure that changes within the district are compatible with the district's historic and architectural character.

- (a) The Historic District Review Board shall be guided in its decisions by the design guidelines but must also use independent judgement and discretion to consider the unique characteristics of each request. The board is expected to work with each applicant to assist them in achieving their goal while preserving the character of the district. The board shall utilize the pre-application review process as defined in §32.235 (A).
- (b) It shall be the duty of the Historic District Review Board to prepare recommended amendments to the design guidelines.
- (c) The Town Council shall adopt and amend the design guidelines after conducting at least one public hearing pursuant to [§15.2-2204](#) of the Code of Virginia.
- (d) Separate guidelines shall be developed for all new infill buildings in Cape Charles' historic district. New infill construction will not diminish, detract, or distract from the character of surrounding historic buildings or the overall historic district.
- (e) Alterations and additions to non-contributing structures that affect the exterior appearance of the structure or additions should be compatible with the district following the guidelines for new (infill) construction. Criteria for non-contributing structures may be less restrictive than that applied to contributing structures.

Section 32.231 Demolition: Alternate Procedure: Offer to Sell

- (a) Prior to approval of any application for demolition, razing, moving, or removal of a contributing structure within the Cape Charles Historic District; the zoning administrator, the Historic District Review Board, or the Town Council, as applicable, shall review the application for its compatibility with each of the following guidelines.
 - (1) Whether or not the contributing structure is of such architectural or historic interest that its removal would be to the detriment of the character and integrity of the Historic District.
 - (2) Whether or not the contributing structure is of such interest or significance that it would qualify as a National, State, or local historic landmark.
 - (3) Whether or not retention of the contributing structure would help to preserve and protect a historic place or area of historic interest in the Town.
 - (4) Whether or not plans for future use of the site after demolition are

appropriate, compatible, sympathetic, and complementary to the character and integrity of the Historic District.

No subsequent application under §32.231 (A) regarding the contributing structure may be made until more than one year (1 yr) after a final denial by the Town Council.

- (b) In addition to the right of appeal herein elsewhere set forth, the owner of a contributing structure in the Cape Charles Historic District shall as a matter of right be entitled to raze or demolish a contributing structure provided that:
- (1) The owner has applied to the Town Council for such right.
 - (2) The owner has for the applicable period of time set forth in the time schedule in §32.231 (b)(4), and at a price reasonably related to the fair market value of the contributing structure and the land, other improvements and appurtenances pertaining thereto (assuming the buyer will be required to preserve and restore the contributing structure in place on the property) as determined by the average of two (2) real estate appraisals from two (2) different appraisers, made a bona fide, public offer (pursuant to the requirements of this §32.231 (b)) to sell such contributing structure, and the land, other improvements and appurtenances pertaining thereto (collectively, the “Property”), to the Town and any other person, firm, corporation, government or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the contributing structure in place. If the two (2) required real estate appraisals submitted by the Owner differ by more than ten percent (10%), the owner must have the Property appraised a third time at his own expense by a third real estate appraiser selected by the Town. The bona fide offer to sell must be at a price not more than the average of the two (2) such appraisals that are closest to one another.
 - (3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such Property thereto, prior to the expiration of the applicable time period set forth in the time schedule in §32.231 (b)(4). Any appeal which may be taken to the court from the decision of the Town Council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above.
 - (4) The time schedule for offers to sell shall be as follows:
 - a. Three (3) consecutive months when the offering price is less than twenty-five thousand dollars.
 - b. Four (4) consecutive months when the offering price is twenty-five thousand (\$25,000) or more but less than forty thousand dollars (\$40,000).
 - c. Five (5) consecutive months when the offering price is forty thousand (\$40,000) or more but less than fifty-five thousand dollars (\$50,000).
 - d. Six (6) consecutive months when the offering price is fifty-

- five thousand dollars (\$50,000) or more but less than seventy-five thousand dollars (\$75,000).
- e. Seven (7) consecutive months when the offering price is seventy-five thousand dollars (\$75,000) or more but less than ninety thousand dollars (\$90,000).
 - f. Twelve (12) consecutive months when the offering price is ninety thousand dollars (\$90,000) or more.
- (5) Before making a bona fide offer to sell, the owner shall first file a statement with the Zoning Administrator along with the appraisals required by §32.231 (b)(2). The statement shall identify the Property, state the offering price, the date the offer of sale is to begin, the names and addresses of adjacent property owners, and the names and addresses of listing real estate agents, if any. The owner shall be required to maintain the Property in at least its current condition during the term of the public offer. No time period set forth in the time schedule contained in §32.231 (b)(4). shall begin to run until the statement has been filed. Within five (5) business days after receipt of a statement, copies of the statement shall be delivered by the Zoning Administrator to the Town Manager, the Town Council, and the Historic District Review Board. Within thirty (30) days after the receipt of a statement, the Zoning Administrator: (a) shall place notice of the statement once a week for two (2) successive weeks in a newspaper having general circulation in the Town, (b) post a notice of the statement prominently on the Property, and (c) send notice of the offer, accompanied by the statement, to the adjacent property owners by certified or registered mail.
- (6) During the time period for the offer to sell, the Town may take steps as it deems necessary to preserve the contributing structure in accordance with the purposes of this article. Such steps may include, but are not limited to, consultation with civic groups, public agencies, and interested citizens, recommendations for acquisition of the Property by public or private bodies or agencies, and exploration of the possibility of moving structures or other features on the Property.
- (7) The fact that an offer to sell a property is made at a price reasonably related to fair market value as described previously may be questioned by any party who files with the Zoning Administrator, on or before sixty (60) days after the offer for sale has begun, a petition in writing signed by at least twenty-five (25) persons owning real estate within Cape Charles, questioning such valuation. Upon receipt of such a petition, one (1) disinterested real estate appraiser shall be appointed by the petitioners, and the cost of the appraisal shall be borne by the petitioners. Said appraiser shall forthwith make an appraisal of the Property on the same basis as described in §32.231 (b)(2) above, and the Town shall use the average of the lower two (2) appraisals to establish fair market value under §32.231 (b). In the event such valuation indicates that the price at which the applicant offered to sell the Property was at a price that is higher than the Property's fair market value, the offer to sell shall be void and of no force and effect for

- purposes of satisfying the requirements set forth in this §32.231 (b).
- (8) If the Town Council authorizes any such demolition or razing of said structure after the above procedures were complied with, then said demolition will proceed after applying for and obtaining approval from the Building Official.

Section 32.232: Maintenance and Repair Required

- (a) The purpose of this section is solely to stop demolition by neglect, whereby owners of property in the Historic District allow the structure, or historic attributes of the structure, to become a hazardous building or structure. Any building or structure which is determined to be in such an unsafe condition that it would endanger life or property is governed by Town Code Chapter 18, Article III, Unsafe Buildings or Structures and under the sole jurisdiction of the Town's Code Official. The Zoning Administrator may also pursue violations of the ordinance jointly with the Town's Code Official.
- (b) All buildings and structures in the Historic District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration, or defects may, in the opinion of the Historic District Review Board and Town Council, result in the irreparable deterioration of any exterior appurtenance or architectural feature or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself, including but not limited to:
- (1) The deterioration of exterior walls or other vertical supports, including broken doors and windowpanes;
 - (2) The deterioration of roofs or horizontal members;
 - (3) The deterioration of exterior chimneys;
 - (4) The deterioration or crumbling of exterior plaster, wood, or mortar;
 - (5) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
- (c) After notice by the Zoning Administrator or Code Official by certified mail of specific instances of failure to maintain or repair and of an opportunity to appear before the Historic District Review Board, the owner or person in charge of said structure shall have ninety (90) days to remedy such violation. Thereafter, each day during which there exists any violation of this section shall constitute a separate offense and shall be punishable as provided in this ordinance. In the alternative, if the owner fails to act, the Historic District Review Board may recommend to the Town Council that the Zoning Administrator, after due notice to the owner, enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure and the reasonable costs thereof shall be placed as a lien against the property.

Section 32.233: File of Actions to be Maintained

In order to provide guidance for the consistent application of standards and guidelines, and for assistance to future applicants and the promotion of consistent policies in guiding applicants toward better standards of design, the Zoning

Administrator shall maintain a file containing a record of all applications, including drawings and photographs pertaining thereto and the decision of the Zoning Administrator or the Historic District Review Board in each case. The file documents shall be compiled by the Zoning Administrator, maintained by the Town Clerk, and remain the property of the Town but shall be held available for public review.

Section 32.234: Administration; Zoning Administrator

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

Section 32.235: Receipt of Application

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

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

Section 32.236: Material to be Submitted for Review

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

historic districts shall be accepted only from the record owner of the land involved in such proposal, or their agent.

Section 32.237: Other Approvals Required

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

Section 32.238: Action by the Historic District Review Board; Issuance of Certificates of Appropriateness

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

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

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

Section 32.239: Expiration of Certificates of Appropriateness

Any certificate issued pursuant to this article shall expire of its own limitation six (6) months from the date of issuance if the work authorized thereby is not commenced by

the end of such six (6) month period; and further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of six (6) months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this article shall be excluded from the computation of the six (6) months.

Section 32.240: Inspection by Administrator After Approval

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

Section 32.241: Delay of Approval

In the case of a proposal other than for demolition or moving but involving a designated landmark where the Historic District Review Board or, on appeal, the Town Council cannot reach a satisfactory agreement with the owner and whereas the Historic District Review Board or, on appeal, the Town Council decides such action to be in the public interest and not in conflict with any provision of law, it may delay the effective date of an approval for a period of three (3) months from the date of application or appeal to enable negotiations to be undertaken and completed for acquisition of the property for preservation or public use. Failure of negotiations within this period shall be the equivalent of a denial of the application by the Historic District Review Board or, on appeal, by the Town Council.

Section 32.242: Conditions Imposed by the Historic District Review Board

In approval of any proposal under this section, the Historic District Review Board or, on appeal, the Town Council may limit such approval by such reasonable conditions as the case may require, including but not limited to, the specifications enumerated for conditional uses and for the Town Council.

Section 32.243: Appeals; Decisions of the Historic District Review Board

An appeal from a decision of the Historic District Review Board may be taken to the Town Council by the owner of the property in question or by any party aggrieved and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest, which shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator the following:

- a notice of appeal specifying the grounds thereof; a signed statement listing any personal or business relationship with any general or subcontractors associated with the project under appeal;
- a signed statement that all real and personal property taxes are current as of the date of the filed appeal notice;
- a signed statement listing any personal or business relationship or partnership with the property owner(s) associated with the project under appeal;
- a fee equal in value to the fee paid by the property owner(s) associated with the project under appeal.

The person submitting the appeal shall not be allowed to present any evidence that was not presented to the Historic District Review Board. Council members having any relevant interaction with the applicant shall disclose such interaction prior to considering the appeal. The Zoning Administrator will prepare a document of all the papers constituting the record upon which the action appealed from was taken. The Town Council shall fix a reasonable time for the hearing, give public notice thereof and decide the same within sixty (60) days from the date the person submitted a request for appeal. At the hearing, the appealing party may appear in person or by an agent. In exercising its powers, the Town Council will rely solely on the written record of decision from the Historic District Review Board and will refer to the Adopted Historic District Guidelines to determine if they were appropriately applied. The Town Council, through their appeal hearing, is determining only if a procedural or application error has occurred.

Section 32.244: Appeals; Decisions of the Zoning Administrator

An appeal from a decision of the Zoning Administrator may be taken to the Board of Zoning Appeals by the owner of the property in question or by any party aggrieved and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest, which shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator the following: a notice of appeal specifying the grounds thereof; a signed statement listing any personal or business relationship with any general or subcontractors associated with the project under appeal; a signed statement that all real and personal property taxes are current as of the date of the filed appeal notice; a signed statement listing any personal or business relationship or partnership with property owner(s) associated with the project under appeal. The Zoning Administrator shall transmit to the Board of Zoning Appeals within five (5) days all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the meeting, give public notice thereof as required pursuant to [§ 15.2-2204](#) of the Code of Virginia; and decide the same within sixty (60) days. At the meeting the party may appear in person or by agent. In exercising its powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify, any order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made.

Section 32.245: Appeal to the Circuit Court from a Decision of the Town Council

An appeal from a final decision of the Town Council may be filed with the Circuit Court within thirty (30) days after said decision in the manner prescribed by law by the owner of the property in question, by any party aggrieved and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest, or by the Historic District Review Board. The filing of an appeal shall stay the decision of the Town Council pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the Town Council if such decision denies the right to raze or demolish a designated landmark, building, or structure. The court may reverse or modify the decision of the Town Council, in whole or part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Town Council.

Section 32.246: Violations and Penalties

Any violation of this Article and the penalties for all such violations shall be as set forth in §32-32 of the Town Code.

Section 32.247: Definitions

For the purpose of this article, terms and words pertaining to the Historic District are defined in Chapter 32, Appendix A of this Town Code.

DRAFT

PROPOSED AMENDMENTS AND NEW DEFINITIONS

Town Code Chapter 32, Appendix A – Definitions

ALTERATION means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any exterior change such as doors, windows, roof, siding, porches, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

IN-KIND The replacement of historic fabric with new material that matches the historic detail, configuration, appearance, and fabric as closely as possible.

PUBLIC RIGHT-OF-WAY means the land, property, or interest therein, usually in a strip, acquired for or devoted to a public street designated to become part of the secondary system of state highways.

REPAIRS are any or all work involving the replacement of existing work with equivalent **in-kind** material for the purpose of maintenance, but not including any addition, change, or modification in construction.

REPAIR, MAJOR any improvement that requires a building permit or that requires the replacement of a roof, wall, or other major building element.

REPAIR, MINOR improvements to correct deficiencies resulting from normal wear and tear, or improvements generally not requiring a building permit.

SCREEN a structure, berm, or planting consisting of fencing and/or evergreen trees or shrubs providing continuous view obstruction within a site or property or a portion thereof.

SCREENING a method of visually shielding or buffering one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation. This is a designated condition placed on an issued Certificate of Appropriateness to limit the visibility of new appurtenances from the public right-of-way.

Cape Charles Historic District Overlay Design Guidelines Appendix A – Glossary

ALTERATION means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any exterior change such as doors, windows, roof, siding, porches, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

APPENDIX G – CLASSIFICATION OF WORK – GENERAL GUIDELINES

The following chart is provided as a reference for Routine Maintenance, Minor Work, and Major Work, as defined in the Town Code §32.226, which is available below. This chart does not exempt the homeowner from obtaining the required Zoning and Building permits. It is the homeowner's responsibility to confirm and obtain all necessary Zoning and Building permits.

Town Code §32.226: Description of Proposed Work

Changes proposed to a property within the Historic District fall into one of the three categories, which can be found in the Cape Charles Historic District Overlay Design Guidelines (CCHDODG) Appendix G: (1) Routine Maintenance, (2) Minor Work, and (3) Major Work, which are described as follows, including the level of Town review and approval required for each:

- A. ***Routine Maintenance** items are types of exterior work that keep the property in good condition. Such projects include any repair where no change is made to the appearance of the structure or site.

Routine Maintenance will not require the issuance of a Certificate of Appropriateness (CoA) or Zoning Clearance by staff or HDRB. It is the property owners' responsibility to ensure the proposed work qualifies as Routine Maintenance. If there is uncertainty by the property owner, we encourage them to contact Town Staff to review and confirm the category of work.

- B. ***Minor Work** projects do not substantially alter the visual character of the structure or site.

Minor Work projects require an application, including a Zoning Clearance and issuance of a CoA. They may be approved by the department if the proposed work is consistent with the CCHDODG. If the department does not approve the application or if the work is questionable as to whether it is consistent with the HDODG, an application for minor work may be forwarded to the HDRB.

- C. ***Major Work** projects that involve a change in the appearance of a building or site and are more substantial than routine maintenance or minor projects. They include changes from the original design or material, or replacement, alteration, or removal of an original feature.

Major Work projects require an application, including a Zoning Clearance and issuance of a CoA by the HDRB.

*The property owner must schedule an inspection if required in the CCHDODG Appendix G Classification of Work Chart.

Please call the Planning & Zoning Department with any questions.

	Type of Work	Routine Maintenance	Minor Work	Major Work	Inspection Required	Code Official Review
1)	Painting or repainting of a non-masonry structure does not require approval.					
2)	Accessory Structures* or Buildings					
	a) Repair when there is no change in design, dimensions, materials, or general appearance.	✓				✓
	b) Replacement when there is no change in design, dimensions, or general appearance, but a change in materials, using in-kind		✓		✓	✓
	c) Additions or Alterations to existing, or New Construction that <u>cannot be seen</u> from the public right-of-way		✓		✓	✓
	d) Additions or Alterations to existing, or New Construction that <u>can be seen</u> from the public right-of-way			✓	✓	✓
3)	Architectural Style is a set of characteristics and features that make a building or other structure notable or historically identifiable.					
	a) Repair when there is no change in design, dimension, materials, or general appearance	✓				✓
	b) Replacement when there is no change in design, dimensions, or general appearance, but a change in materials, using in-kind		✓		✓	✓
	c) Addition / Alteration / Removal of existing or New			✓	✓	✓
4)	Awnings and Canopies					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				✓
	b) Addition / Removal of existing or Installation of New			✓	✓	✓
5)	Buildings, Relocation			✓	✓	✓
6)	Carpports					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				✓
	b) Addition / Alteration / Removal / Replacement when there is no change in design, dimensions, or general appearance, but a change in materials, using in-kind		✓		✓	✓
	c) New Construction that <u>cannot be seen</u> from the public right-of-way		✓		✓	✓
	d) New Construction that <u>can be seen</u> from the public right-of-way			✓	✓	✓
7)	Certificate of Appropriateness (CoA)					
	a) Modification to previously approved CoA (could require HDRB approval)		✓		Case-by-Case basis	
	b) Renewal of Expiring		✓			

	Type of Work	Routine Maintenance	Minor Work	Major Work	Inspection Required	Code Official Review
8)	Chimneys					
	a) Reflash or Repair to the cap, caulk, or stucco when there is no change in design, dimensions, materials, or general appearance	✓				
	b) Replacement of the cap, caulk, flashing, or stucco where there is no change in design, dimensions, or general appearance, but a change in materials, using in-kind		✓		✓	
	c) Alteration / New Construction / Removal			✓	✓	✓
9)	Decks					
	a) Repair when there is no change in dimensions, design, materials, or general appearance	✓				✓
	b) Replacement when there is no change in design or general appearance, but a change in materials, using in-kind		✓		✓	✓
	c) Addition / Alteration / New Construction / Removal			✓	✓	✓
10)	Doors (Exterior)					
	a) Replacement when there is no change in design, dimensions, materials, or general appearance	✓				✓
	b) Replacement when there is no change in design, dimensions, or general appearance, but a change in materials, using in-kind		✓			✓
	c) Addition/Alterations/Removal when there is a change in style or opening size			✓	✓	✓
	d) New Installation or New opening (example: changing a window to a door)			✓	✓	✓
11)	Doors (Storm), Installation (Front of House only)					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				
	b) Replacement when there is no change in design, dimensions, or general appearance, but a change in materials, using in-kind		✓		✓	
	c) New Installation		✓		✓	
12)	Driveways					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				
	b) Addition / Alteration / Removal of existing or New Construction			✓	✓	
13)	Features not specifically listed – some examples are arches, corbels, historic signage, vestibules, etc.					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓			✓	✓
	b) Replacement when there is no change in design, dimensions, or general appearance, but a change in materials, using in-kind		✓		✓	✓
	c) Addition / Alteration / Removal of existing or New Construction				✓	✓


	Type of Work	Routine Maintenance	Minor Work	Major Work	Inspection Required	Code Official Review
14)	Fences					
	a) Repair with approved materials from guidelines and Zoning Approval in compliance with the Town Code	✓				
	b) Alteration of Placement / Replacement / New Construction		✓		✓	
15)	Foundations					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				✓
	b) Addition / Alteration of existing			✓	✓	✓
16)	Foundation Vents and Ventilators					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				✓
	b) Replacement when there is no change in design, dimensions, or general appearance, but a change in materials, using in-kind		✓		✓	✓
	c) Alteration / Installation / Removal		✓		✓	
17)	Fuel Tanks Addition / Removal – Screening is required to limit visibility if placed in view of the public right-of-way	Not historic, but requires zoning administrator and building code approval				
18)	Gutters and Downspouts					
	a) Repair when there is no change in design, materials, or general appearance	✓				
	b) Addition / Change in Material / Installation / Removal		✓			
19)	Handrails/Porch Rails/Stair Rails					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				
	b) Replacement when there is no change in design, dimensions, or general appearance, but a change in materials, using in-kind		✓		✓	
	c) Alteration / Removal of existing or New Construction			✓	✓	✓
20)	HVAC Equipment like air conditioners, heat pumps, mini splits	Not historic, but requires zoning administrator and building code approval				
21)	Lighting Fixtures (Exterior)					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				
	b) Alteration / Installation / Removal		✓			
22)	Main Building					
	a) Additions of Commercial or Residential that <u>cannot be seen</u> from the public right-of-way		✓		✓	✓
	b) Additions of Commercial or Residential that <u>can be seen</u> from the public right-of-way			✓	✓	✓
	c) New Construction of Commercial or Residential			✓	✓	

	Type of Work	Routine Maintenance	Minor Work	Major Work	Inspection Required	Code Official Review
23)	Masonry					
	a) Repainting only when there is no change to the existing color or composition. Painting of unpainted masonry is not allowed.	✓				
	b) Repair when the color and composition of the mortar match the original, and the new brick or stone matches the original	✓				✓
	c) Repointing	✓				✓
	d) Installation of utility penetrations, hose bibs, or vents	✓				
	e) Alteration / Removal of existing or New Construction			✓	✓	✓
24)	Outdoor Features like kitchens, firepits, built-in BBQs – Screening is required to limit visibility if placed in view of the public right-of-way *saunas, hot tubs, plunge or spa pools will be treated as swimming pools		✓			✓
25)	Painting or repainting of a <u>non-masonry structure</u> does not require approval.	✓				
26)	Patios – under 16” above grade					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				
	b) Replacement when there is no change in design, dimensions, or general appearance, but a change in materials, using in-kind		✓		✓	
	c) Addition / Alteration / Removal of existing		✓		✓	
	d) New Construction		✓		✓	
27)	Porches					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				✓
	b) Replacement when there is no change in design, dimensions, or general appearance, but a change in materials, using in-kind		✓		✓	✓
	c) Addition / Alteration / Removal of existing or New Construction			✓	✓	✓
28)	Roof Forms & Covering					
	a) Repair when there is no change in design, dimensions, materials, or general appearance (excluding color). A building permit is required for repairs of more than 100 sq. ft. of the roof.	✓				✓
	b) Replacement when there is no change in design, dimensions, materials, or general appearance (excluding color)		✓		✓	✓
	c) Replacement when there is a change in design, dimensions, materials, or general appearance. A			✓	✓	✓

	Type of Work	Routine Maintenance	Minor Work	Major Work	Inspection Required	Code Official Review
	building permit is required if altering or replacing more than 100 sq. ft. of the roof.					
	d) Replacement when there is no change in design, dimensions, or general appearance (excluding color), but a change in materials, using in-kind			✓	✓	✓
29)	Satellite Dishes and/or Television Antennas					
	a) Removal when there is no change in design, dimensions, materials, or general appearance	✓				
	b) Replacement when there is no change in design or materials, but a change in general appearance		✓		✓	
	c) New Installation		✓		✓	
30)	Showers (Outdoor)					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				
	b) Replacement when there is no change in design, dimensions, or general appearance, but a change in materials, using in-kind		✓		✓	
	c) Alterations / Removal / New Construction		✓		✓	✓
31)	Shutters					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				
	b) Replacement when there is no change in design, dimensions, or general appearance, but a change in materials, using in-kind, and conform to the Guidelines §5.5.1 Windows – Shutters		✓		✓	
	c) Alterations / Removal / New Construction			✓	✓	
32)	Siding					
	a) Repair when there is no change in design, dimensions, materials, or general appearance. A building permit is required if altering or replacing more than 100 sq. ft. of the siding.	✓				✓
	b) Replacement when there is no change in design, dimensions, or general appearance, but a change in materials, using in-kind. A building permit is required if altering or replacing more than 100 sq. ft. of the siding.		✓			✓
	c) Removal			✓	✓	✓
33)	Signs					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				
	b) Alteration / Installation / Removal (must comply with Town Code Chapter 32 (Zoning), Article V		✓		✓	

	Type of Work	Routine Maintenance	Minor Work	Major Work	Inspection Required	Code Official Review
	(Signs) (Excludes historic markers and signs excluded by the Town Code)					
34)	Solar Panels					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				✓
	b) Replacement when there is a change in design, dimensions, materials, general appearance, or placement on the lot or structure		✓		✓	✓
	c) Installation of new that <u>cannot be seen</u> from the public right-of-way		✓		✓	✓
	d) Installation of new that <u>can be seen</u> from the public right-of-way			✓	✓	✓
35)	Stairs and Steps (Exterior – Street View)					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓			✓	✓
	b) Replacement when there is a change in design, dimensions, materials, or general appearance			✓	✓	✓
	c) Addition / Alteration / Removal of existing or New Construction			✓	✓	✓
36)	Stairs and Steps (Exterior – Non-Street View)					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				
	b) Replacement when there is a change in design, dimensions, materials, or general appearance		✓		✓	
	c) Addition / Alteration / Removal of existing or New Construction			✓	✓	
37)	Structure, Demolition of Contributing in whole or part per Town Code §32-99 – Demolition Policy Guidelines			✓	✓	✓
38)	Structure, Demolition of Non-Contributing in whole or part per Town Code §32-99 – Demolition Policy Guidelines		✓		✓	✓
39)	Structure, Emergency Stabilization , to protect a historic property that does not alter the resource.	Exempted from Historic Review, but requires zoning administrator and building code approval				
40)	Swimming Pools, Spa Pools, Saunas, Plunge Pools, Hot Tubs, etc. per Town Code §32-97	Not historic, but requires zoning administrator and building code approval				
	a) Repairs to existing					
	b) Addition / Alteration / New Construction. A fence is required to be placed around the perimeter of the pool in compliance with the Virginia Building Code and per Town Code Chapter 32, Article IV, Sec. 32-97 (e).					
	c) Removal					
41)	Temporary Family Health Care Structures for use by caregivers assisting mentally or physically impaired residents, per VA Code §15.2-2292.1 and Town Code §32-91 (e) (11).	Exempted from Historic Review, but requires zoning administrator and building code approval				
42)	Temporary Features, Accommodations relative to the	Exempted from Historic Review, but requires zoning administrator and building code approval				

	Type of Work	Routine Maintenance	Minor Work	Major Work	Inspection Required	Code Official Review
	Americans with Disabilities Act (ADA) and the Fair Housing Act per Town Code §32-91 (i).	administrator and building code approval				
43)	Walkways					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				
	b) Replacement when there is no change in design, but a change in materials or general appearance		✓		✓	
	c) Addition / Alteration / Removal of existing or New Construction		✓		✓	
44)	Walls (for example: garden or retaining walls)					
	a) Repair when there is no change in design, dimensions, or general appearance with approved materials from guidelines.	✓				
	b) Alteration of Placement / Replacement / New Construction		✓		✓	
45)	Windows (includes casings and sills)					
	a) Caulking and weatherstripping when there is no change in design, dimensions, materials, or general appearance	✓				
	b) Repair when there is no change in design, dimensions, materials, or general appearance	✓				
	c) Replacement when there is no change in design, but a change in materials or general appearance		✓		✓	
	d) Alteration of Style or Opening Size / Removal of Existing / Installation of New			✓	✓	✓
46)	Windows (Storm)					
	a) Repair when there is no change in design, dimensions, materials, or general appearance	✓				
	b) Replacement when there is no change in design, but a change in materials or general appearance		✓		✓	
	c) Alteration or Removal of existing / New Installation		✓		✓	

	Agenda Title:	Agenda Date:
	Grounds Maintenance Service Contract Award	April 16, 2026
	Subject/Proposal/Request:	
	Award contract for the Grounds Maintenance Services for Central Park	
Town of Cape Charles	Attachments:	For Council:
	None	Action: X Information:
	Staff Contact(s):	Reviewed by:
	Ralph Bowen, Public Works Manager Libby Hume, Town Clerk	Rick Keuroglan, Town Manager

Background:

An Invitation for Bids (IFB) for Grounds Maintenance Services for Central Park was issued on March 5, 2026. Proposals were due and opened on March 27, 2026. Browder-Hite was the sole bidder.

Item Specifics:

Browder-Hite has been the grounds maintenance contractor for the Town since 2008. They have performed their duties professionally and safely, and in a responsible and responsive manner.

The IFB asked for an annual lump sum amount, which is \$40,045. The breakdown is as follows:

- Mowing: \$15,600
- Lawn Treatments: \$3,960
- Mulch, including pine straw for swales: \$9,980
- Chemical work: \$2,665
- Bed maintenance: \$7,840

The IFB specified a contract term from May 1, 2026 through April 30, 2027, with an option for four annual extensions through April 30, 2031.

Recommendation:

Staff requests that Council award the Grounds Maintenance Service Contract for Central Park to Browder-Hite in the amount of \$40,045.