



# Historic District Review Board and Planning Commission Joint Work Session

February 17, 2026 at 5:00 PM

Cape Charles Civic Center - 500 Tazewell Avenue

## Agenda

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### 1. Call to Order

- A. Roll Call
- B. Establish Quorum

### 2. Invocation and Pledge of Allegiance

### 3. Election of Officers

- A. Election of Officers per Bylaws

### 4. Consent Agenda

- A. Approval of Agenda Format

### 5. Other Business

- A. Review of Draft Zoning Text Amendments to Chapter 32, Article VIII – HD Overlay – and new Appendix G to Design Guidelines

### 6. Adjournment

# Town of Cape Charles Historic District Review Board By-Laws

## ARTICLE ONE

### Objectives

- 1-1 This board, established in conformance with Chapter 32, Article VIII of the Town of Cape Charles Town Code (“Article VIII”), has adopted the following articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.2-2306, Code of Virginia, 1950, as amended. If there is any conflict between a provision of these By-Laws and Article VIII, Article VIII shall govern.
- 1-2 The official title of this board shall be the “Town of Cape Charles Historic District Review Board,” referred to hereafter as the “Board.”
- 1-3 The purpose of this Board is to implement and enforce Article VIII 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, as provided in Article VIII.

## ARTICLE TWO

### Members

- 2-1 This Board shall consist of five (5) members appointed by the Town Council. The five (5) members must be citizens of Cape Charles, at least three (3) of whom shall be residents of the local Historic District.
- 2-2 Members of the Board shall have demonstrated interest and knowledge in the historical and architectural development of the Town and when possible be a licensed architect or engineer, Planning Commission member, or licensed building contractor.
- 2-3 Board members shall be appointed for a term of five (5) years. Any vacancy in membership shall be filled by appointment of Town Council and shall be for the unexpired term only. Any member may be removed by the Town Council for neglect of duty or malfeasance in office. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until a successor is appointed and qualifies.

- 2-4 An appointed member's term of office shall expire at the end of January 8 of the appropriate year. The successor's term of office shall begin at the beginning of January 9 of the appropriate year.

### ARTICLE THREE

#### Officers and their selection

- 3-1 The elected officers of the Board shall consist of a chair and a vice chair. The Town Clerk, or designee, shall serve as secretary.
- 3-2 The elected officers of the Board shall be elected for a one (1) year term by the Board from the members at the first regular meeting after February 1 each year.
- 3-3 A candidate receiving the largest number of votes of the Board shall be declared elected. In the result of a tied vote, votes shall be recast, with only those receiving the largest number of initial votes being eligible to receive votes. If the tie cannot be resolved, the Town Council shall appoint an existing Board member to fill the vacant officer's position.
- 3-4 Elected officers shall take office immediately and serve for one (1) year or until his successor shall take office. Incumbent officers may be reelected.
- 3-5 Vacancies in office shall be filled immediately by regular election procedures.

### ARTICLE FOUR

#### Qualifications and Duties of Officers

- 4-1 The **Chair** shall be an appointed member of the Board and shall:
- 4-1.1 Preside at all meetings.
  - 4-1.2 Be informed immediately of any official communications and report the same at the next regular Board meeting.
  - 4-1.3 Rule on all procedural questions.
  - 4-1.4 Carry out other duties as are assigned by the Board.
- 4-2 The **Vice Chair** shall be an appointed member of the Board and shall:
- 4-2.1 Have the power to function in the same capacity as the Chair in cases of the Chair's absence or inability to act.
- 4-3 The **Secretary** shall:
- 4-3.1 Keep a written record of all business transacted by the Board.

- 4-3.2 Notify all members of all meetings.
- 4-3.3 Keep a file of all official records and reports of the Board.
- 4-3.4 Certify all maps, records, and reports of the Board.
- 4-3.5 Attend to the correspondence of the Board.
- 4-3.6 Prepare and be responsible for the publishing of advertisements and public notices relating to all public hearings and public meetings.

**ARTICLE FIVE**

Committees and Advisors

- 5-1 Committees, standing or special, may be appointed by the Chair, to serve as needed. Such committees shall be subject to the approval of a majority vote of the Board.
- 5-2 The Board may appoint architects, engineers, and/or contractors who are not Board members to serve in an advisory capacity. Appointed advisors shall not have voting rights.

**ARTICLE SIX**

Meetings

- 6-1 Regular meetings of the Board shall be held on the third Tuesday of each month in the Town Hall at 5:00 p.m. When a meeting date falls on a legal holiday, an alternative date shall be designated by the Board. Meetings may be cancelled in advance by a majority vote of those present at a previous meeting, or by request of the Chair.
- 6-2 Special meetings shall be called at the request of the Chair or at the request of a majority of the membership.
- 6-3 Except as provided for in Title 2.1, Code of Virginia, 1950, as amended (Virginia Freedom of Information Act), all meetings, hearings, records, and accounts of the Board shall be open to the public.
- 6-4 Three or more of the members of the Board shall constitute a quorum. No action of the Board shall be valid unless authorized by a vote of at least three members.

## ARTICLE SEVEN

### Order of Business

- 7-1 The order of business for a regular meeting shall be:
- 7-1.1 Call to order by the Chair.
  - 7-1.2 Roll call; determination of a quorum.
  - 7-1.3 Invocation and Pledge of Allegiance.
  - 7-1.4 Approval of agenda format.
  - 7-1.5 Approval of minutes.
  - 7-1.6 Old applications.
  - 7-1.7 New applications.
  - 7-1.8 Other business.
  - 7-1.9 Announcements.
  - 7-1.10 Adjournment.
- 7-2 The first item of other business for the first regular meeting after February 1 of each year shall be the election of new officers.
- 7-3 Parliamentary procedures in the Board meetings shall be governed by *Robert's Rules of Order, Revised – Short Form*.
- 7-3.1 Motions shall be restated by the Chair before a vote is taken.
- 7-4 The Board shall keep a set of minutes of all meetings, and these minutes shall become a public record.
- 7-5 The Board shall retain the option to invite public comment by those present at a business meeting at such times as the Board deems necessary. If the Board invites public comment, comments will be limited to three (3) minutes per speaker. Comments must be limited to the matters on the agenda for the meeting and must be limited to the subject matter within the Board's purview. Comments shall be directed to the Board and not to an applicant or other party. Speakers may not donate unused time to another speaker.

## ARTICLE EIGHT

### Application Review

- 8-1 The procedures normally followed for an application review, shall be:
- 8-1.1 Call to order; determination of quorum.

- 8-1.2 Description of properties in issue by Board or Board's representative (five minutes).
- 8-1.3 Applicant's presentation, if applicable (fifteen minutes).
- 8-1.4 Comments and recommendations of the Board or Board's representative.
  - 8-1.4.1 Adjourn
- 8-2 An applicant may appear in his own behalf or be represented by an attorney or an agent at the review.
- 8-3 In the absence of a personal appearance by the applicant or his agent, the Board may proceed to dispose of the application on the record before it.
- 8-4 The normal time limitations are set forth in parentheses, but may be shortened or extended by the Board prior to the commencement of the review.

**ARTICLE NINE**

Correspondence

- 9-1 All official papers and plans involving the authority of the Board shall bear the signature of the Chair, together with certification signed by the Secretary.

**ARTICLE TEN**

Amendments

- 10-1 The bylaws may be amended at any regular meeting of the Board by a vote of at least three members, provided notice of the proposed amendment has been given to members at the previous regular meeting or has been mailed to members at least ten days prior to the meeting.
- 10-2 The Board shall review and, if appropriate as determined in the Board's discretion, revise these bylaws at the first meeting of the year 2018 and every five years thereafter. A failure by the Board to conduct such reviews shall not invalidate any actions taken by the Board.

## Town of Cape Charles Guidelines for Citizen Participation

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

### Eligibility

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

### Registering

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

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

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

### Regulations:

#### Cell Phone and Recordings

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

## Speaking

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

- Speakers shall speak into the microphone to ensure that their name and remarks are heard and recorded as a part of the record of the meeting.
- Speakers shall state their full name and basis for standing and topic to which they are speaking.
- If a speaker represents a group or organization, the speaker shall indicate the name of the organization and the speaker's relationship to the group or organization. Speakers may ask others from their group or organization to stand at their seats to be recognized while the group's or organization's name is announced, but non-speakers or individual members are not permitted to stand with the speaker at the podium and for safety reasons, no members of the group or organization are permitted to stand in the aisles or doorways at Town Council meetings. Those members of a group or organization who do stand when the name of the group or organization is announced shall then be seated.
- Speakers shall address remarks to the Mayor and members of Council and not to the audience.
- Speakers shall state their position, give the facts to substantiate their position, and relate the concerns they believe the Town Council should consider.
- Speaker's comments will be made part of the record and a written copy should be delivered to the Town Clerk for inclusion. If other supportive material is available, it should also be delivered to the Town Clerk for the record.
- Speakers shall refrain from campaigning for public office, personal attacks upon members of the Town Council, Town employees or officials, or any other person.
- Speakers shall refrain from words or statements which, from their usual construction and common acceptance, are construed as insults or which have a tendency to cause an act of violence or a breach of the peace.
- Speakers shall refrain from abusive language, obscenity, vulgarity, and profanely cursing or swearing.
- Speakers shall refrain from actions that would interrupt the public meeting.
- All comments must come directly from the speaker.

## Time limitations for remarks

- In-person speakers shall confine their remarks to no more than three (3) minutes. Speakers will be advised when their three (3) minutes have concluded.
- Persons providing written input must limit their comments to no more than can be read by the Town Clerk within three (3) minutes. Written comments provided beyond what can be read during the allotted time will not be entered into the record.
- Speakers cannot "yield," "transfer" or "designate" their time to another speaker in an effort to provide another speaker more than the allotted three (3) minutes.
- The Mayor or other presiding officer shall have the right to limit redundant remarks, as well as the overall time provided for remarks based on consideration of the time available and the need to complete the meeting efficiently.
- After a speaker has concluded his or her remarks, the speaker shall be seated.

## Decorum and order

- For safety reasons, petitioning, picketing, displaying signs or posters, solicitation, demonstrating, pamphlet distribution, conducting polls, and blocking of the entryway shall not be permitted at a Town Council meeting or within one hundred (100) feet of any doorway to the meeting location.
- These guidelines do not preclude speakers, when addressing the Town Council, from delivering to the Council members by way of the Town Clerk written materials including reports, statements, exhibits, letters, or signed petitions. Nor do these guidelines preclude those addressing the Town Council from using a chart or graph during their remarks.
- Speakers and members of the audience shall be respectful of others, even if they do not agree with others' comments.
- The Mayor or other presiding officer shall preserve decorum and shall decide all questions of public order.
- At the request of the Mayor or Town Manager, one or more persons, including Town police officers shall act as sergeant-at-arms or sergeants-at-arms at all Town Council meetings. The sergeant-at-arms or sergeants-at-arms shall, under the direction of the Mayor or other presiding officer, have charge of the Council meeting location, and shall prevent disorder or interruption of the business of Town Council.
- Applause shall be permitted only during awards and presentations. Flash photography will be permitted at this time.
- Violation of these rules by speakers or members of the audience shall enable the Mayor or other presiding officer to rule the speaker or member of the audience out of order and by directive to have the speaker or member of the audience removed from the meeting, if necessary, and to take such other steps the Mayor or other presiding officer deems appropriate. The Mayor's or other presiding officer's decision to remove or rule a speaker or member of the audience out of order shall be final. One (1) warning will be given and if not heeded, the speaker or member(s) of the audience shall be escorted from the meeting.
- Any citizen is welcome to address their concerns informally with the Mayor, Town Council or Town Manager at any time outside of a Town Council meeting.

## Town Council Response

Council members or Town employees shall not respond to questions posed nor address or rebut speaker's statements made during the Public Comment period. The Council, at its discretion, may direct matters raised during the Public Comment period be placed on the Agenda of a future meeting.

The Town Council hopes these Guidelines will encourage the greatest possible participation by citizens in the Town Government.

## Applicability

While these guidelines reference the Town Council specifically, they shall also apply to all Town boards, commissions, and committees as appropriate.

**Thank you** for your interest and participation in your Town Council meeting. The Mayor and Town Council invite and encourage you to attend whenever possible because good, responsive government depends on the interest and involvement of all citizens.



## Town of Cape Charles Code of Ethics & Meeting Rules of Order

Adopted July 22, 2021

### Preamble

The citizens and businesses of the Town of Cape Charles, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of representative government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial, and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Town of Cape Charles Town Council has adopted this Code of Ethics and Rules of Order for members of the Town Council and of the Town's boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operations.

### Code of Ethics

#### 1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Cape Charles and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Town of Cape Charles Town Council, boards, commissions, and committees.

#### 2. Comply with the Law

Members shall comply with the laws of the nation, the Commonwealth of Virginia, and the Town of Cape Charles in the performance of their public duties. These laws include but are not limited to the United States and Virginia Constitutions; the Charter of the Town of Cape Charles; laws pertaining to conflicts of interest, election campaigns, employer responsibilities, open processes of government; and Town ordinances and policies.

#### 3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct or language, personal charges or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, committees, the staff, or the public.

4. Respect for Process

Members shall perform their duties in accordance with the processes and Rules of Order established by the Town Council; they shall respect the deliberation of public policy issues of other bodies, the meaningful involvement of the public, and the Town staff's implementation of policy decisions of the Town Council.

5. Conduct of Public Meetings

Members shall prepare themselves for public business; listen courteously and attentively to all public discussions before the body; and focus on the issues at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Town Council or boards, committees, and commissions, which they may have received from sources outside of the public decision-making process.

8. Gifts and Favors

A member should never accept for himself or herself or for family members, gifts, favors, or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

9. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

10. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as Town staff time, equipment, supplies, or facilities, for private gain or personal purposes.

11. Advocacy

Members shall represent the official policies or positions of the Town Council, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When representing their individual opinions and positions in any venue, members shall explicitly state they do not represent their body of Town of Cape Charles, nor will they allow the inference that they do.

#### 12. Policy Role of Members

The Town Council determines the policies of the Town with the advice, information, and analysis provided by the public boards, commissions, committees, and Town staff. The Town Council delegates authority for the administration of the Town to the Town Manager.

Members, therefore, shall not interfere with the administrative functions of the Town or the professional duties of Town staff, nor shall they impair the ability of staff to implement Town Council policy decisions. Inquiries to staff shall be made through the Town Manager or the appropriate department manager or director as authorized by the Town Manager.

#### 13. Independence of Town Council and Commissions

Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, members of the Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

#### 14. Positive Workplace Environment

Members shall support the maintenance of a positive and constructive workplace environment for Town employees, citizens, and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees and in no way create the perception of inappropriate direction to staff. All requests for staff resources must be approved by the Town Manager.

#### 15. Implementation

Ethical standards shall be included in the regular orientations for candidates for the Town Council, applicants to boards, committees, commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Town of Cape Charles Code of Ethics and Rules of Order. In addition, the Town Council, boards, committees, and commissions, shall annually review the Code of Ethics and Rules of Order, and the Town Council shall consider recommendations from boards, committees, and commissions to update it as necessary.

#### 16. Compliance and Enforcement

The Town of Cape Charles Code of Ethics expresses standards of ethical conduct expected of Members of the Town of Cape Charles Town Council, boards, committees, and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees, and commissions and the Mayor of the Town of Cape Charles have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Ethics are brought to their attention.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Town Council, board, committee, or commission decision. However, it may be considered when the Town Council is determining the suitability of any person to serve in any appointed position.

## Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest and shall disclose any substantial organizational responsibility or personal business relationship to the parties in any matter coming before them. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts are determined to exist. This paragraph is not intended to unduly restrict members who have minor business or professional dealings with clients whose matter comes before them.

### 1. Abstention

As elected or appointed officials, members have a duty/obligation to represent their constituents in all public matters coming before their body. It is not appropriate for individual members to decide in which matters they should abstain. If a member believes they have a conflict of interest on any matter before their body, they are REQUIRED to disclose it before deliberations on that business begins. However, it shall be up to the remaining members of that body to determine if an actual conflict exists and if the member disclosing the potential conflict can be excused from participating in the business. If the body votes to allow the member to recuse him/herself, that member will not participate in any of the discussions or vote related to that business. Failing a vote to allow recusal, the member shall participate as normal.

### 2. Representation of Third-Party Interests

In keeping with their role as stewards of the public interest, members of the Town Council shall not appear on behalf of the private interests of third parties before the Town Council or any board, committee, commission, or proceeding of the Town; nor shall members of boards, committees, or commissions appear before their own bodies or before the Town Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies. This provision should not unduly restrict a member's participation who is associated with, but not representing, community or non-profit organizations serving the Town, whose matter comes before them.

## Meeting Rules of Order

The following rules of order are to serve as a non-binding guide to the conduct of business. It is the duty of the Mayor or other presiding officer to conduct meetings in accordance with the Code of Virginia, the Town Charter, applicable Bylaws, and in a manner intended to promote open, civil, and fair discussion of all issues.

### 1. Meeting Types

All meetings of the Town of Cape Charles fall under the provisions of the Virginia Freedom of Information Act (FOIA). All members will receive training on VA FOIA requirements upon initial appointment, as well as periodic refreshers. The Town Clerk will ensure FOIA training is completed, and that all records of the training are maintained. This document is not to be considered a substitute for FOIA training and offered only as a summary overview.

The public must be provided notice and access to all Town meetings.

- **Regular Meeting:** Meetings required by Charter or Bylaws to occur on a regular interval to conduct the primary business of the body. These meetings are conducted more formally, with established procedure. The Mayor or presiding officer will enforce these procedures to ensure proper decorum and efficient flow of business. Agendas will include a public comment period on any topic in accordance with public comment procedures established by the Town Council.
- **Special Meeting:** Meetings to conduct official business of the body that are deemed necessary in addition to Regular Meetings. Special Meetings are also conducted formally but may not include all Regular Meeting agenda items. Public comments will be permitted but limited to only business items on the agenda. Special meetings may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.
- **Work Session:** Informal meetings of the body that allow for relaxed procedure enabling freer flowing discussion. No official action may be taken during a work session, however determining consensus on items to be brought forward to a Regular or Special meeting is appropriate. Work Sessions are generally used for (but not limited to) brainstorming, information gathering, planning efforts, budget review, or when more time is needed on a particular item than is typically afforded during formal meetings. The public must be permitted the opportunity to observe work sessions but are not typically permitted an opportunity to provide comments. The Mayor or presiding officer may on special circumstance, allow public comment. Work sessions may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.
- **Closed Session:** Closed Sessions (Executive Sessions) are authorized by FOIA to discuss certain confidential matters limited to specific purposes, while using very specific procedures. Though a portion of this meeting is closed to the public, other portions are open. The public must be permitted to be observe the motion to go into Closed Session as well as the certification upon leaving the Closed Session.
- **Public Hearing:** Public Hearings are intended to solicit public feedback on specific topics. These topics will be advertised in advance. Input may be made in person or in writing. All comments will adhere to the Town Council approved guidelines. Comments will be directed to the body and not to any individual. Members shall not respond to questions posed nor address or rebut speaker's statements made during the Public Hearing.
- **Town Hall Meeting:** An informal meeting where no official action is taken. A Town Hall Meeting is essentially a Work Session that involves the public. These meetings are typically focused on one or two topics and encourages dialog between members and the public. A primary goal of a Town Hall meeting is to provide decision makers with in-depth public perspectives prior to taking an official action.

- Social or Community Events: These are gatherings where no official business is conducted, but where Town issues may be informally discussed. If more than two members will be present in their capacity as a Town official, the gathering should be posted. There are no agendas or minutes associated with these functions.

## 2. Motions

- Unanimous Consent: Routine business is typically conducted by unanimous consent. This is an informal process that allows business to be conducted expeditiously. The procedure is for the presiding officer to ask whether anyone objects to a particular action and then to state, "Hearing no objection the action will be taken by unanimous consent." Note that even when a member is not in favor of a particular action the member may chose not to object in the interest of moving the agenda forward. In other words, unanimous consent does not mean that everyone was actually in favor of the action. If anyone objects, then the action must be addressed with a formal motion and vote.
- Main Motion: This is the motion that brings business before the council or other body. Such motions should be stated in a concise form and should generally be in writing to avoid misunderstandings. It must be seconded and when voted upon will ordinarily require a simple majority vote. There are circumstances where a super majority may be required. such as in the disposition of real estate. Before voting on the motion the presiding officer should call for discussion. The presiding officer should allow for discussion until it terminates by *unanimous consent* or is formally terminated by a subsidiary motion (discussed below).

When the motion is ripe for a vote the presiding officer should call for "all in favor" and then "all opposed." The presiding officer should then clearly state either the "motion passes" or the "motion fails." Generally, in the event of a tie the presiding officer may cast the deciding vote. The Town Charter expressly allows the Mayor to vote in the event of a tie. Any member may request a roll call vote.

- Subsidiary Motions:
  - Motion to Postpone Indefinitely (sometimes incorrectly called a motion to table): Normally used to putaside business that is not ripe for consideration. such as when further study is required. It requires a second. is debatable and is not amendable.
  - Motion to Amend: This is a motion to amend the wording and sometimes the meaning of the main motion. It requires a second and is debatable. It is also amendable *one time*. Note that a vole to adopt the amendment is not a vote on the main motion. Once the motion to amend is adopted the amended main motion must then be voted on as well. Often. simple motions to amend are adopted by unanimous consent. Also. note that whether the member that offered the original motion is willing to accept the proposed amendment or not is irrelevant. It must still be seconded and voted upon or adopted by unanimous consent.

- Motion to Refer: This is a motion to refer a matter to a committee or other body for action. In effect, when the motion is to refer the matter to a "workshop, it is a motion to refer the matter to a committee comprised of the entire council or other body (a committee of the whole). It requires a second and is debatable.
- Postpone to a Certain Time: Used when a matter is best considered at a different time to allow for the orderly conduct of business. It requires a second and is debatable.
- Motion to Limit Debate: Used to put a limit on the time permitted for debate of a motion. It requires a second, is not debatable and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion to limit debate does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.
- Motion of the Previous Question (often referred to as "a motion to call the question" or "motion to bring the matter to a vote"): Used to end debate and bring the pending motion to a vote. It requires a second, is not debatable, and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion of the previous question does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.
- Motion to Lay on the Table (often confused with a motion to postpone indefinitely): Used to temporarily interrupt pending business so that another matter can be considered first. It requires a second and is not debatable. This is often done by unanimous consent to move business forward.
- Motion to Recess: This is a motion to take a short break in the proceeding. It requires a second and is not debatable.
- Motion to Adjourn: This motion closes the meeting. It requires a second and is not debatable.

### 3. Agenda

The presiding officer should make a reasonable effort to conduct business in accordance with a consent agenda. The agenda should be organized to promote the orderly conduct of business. If the members cannot agree on the agenda, it should be presented by motion and subject to a vote. Keep in mind that even after an agenda is approved it can be amended. Often that is done by unanimous consent at the suggestion of the presiding officer to expedite the meeting. The procedure is for the presiding officer to state, "Is there any objection to amending the agenda [explain]. Hearing no objection, the agenda is so amended by unanimous consent."

4. Other Issues

- Mayor’s Veto: The Town Charter provides the Mayor with "the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and meeting." With a six-member council the override requires a vote of four members if all are present and voting.
- Quorum: The Town Charter provides that "four members of the town council shall constitute a quorum for the transaction of business at any meeting." The bylaws of other bodies establish the number of members required for a quorum. The Code of Virginia provides that if a member is disqualified due to a conflict of interest "the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members." 2.2-3112.C.

**Acknowledgement**

I \_\_\_\_\_ (printed name), a sitting member of  
\_\_\_\_\_ (body), hereby certify that I have  
been given a copy, read, understand, and will abide by the above Town of Cape Charles Code of  
Ethics & Meeting Rules of Order, adopted on July 22, 2021.

\_\_\_\_\_ (signature)

\_\_\_\_\_ (date)



## Staff Report for Joint Work Session of Planning Commission & Historic District Review Board

<b>Agenda Title:</b>	Review of Draft Zoning Text Amendments to Chapter 32, Article VIII – HD Overlay – and new Appendix G to Design Guidelines
<b>Agenda Date:</b>	February 21, 2026
<b>Prepared by:</b>	Katie Nunez, Director of Planning & Zoning Administrator
<b>Reviewed By:</b>	Katie Nunez, Director of Planning & Zoning Administrator
<b>Date:</b>	February 10, 2026

### Background:

- 1) Summer 2024, an appeal was filed with the Board of Zoning Appeals regarding a Zoning Administrator decision that found a property owner in violation of not completing an application and obtaining Zoning approval prior to conducting work on their property in compliance with the Historic District Overlay Ordinance and the Guidelines. On October 8, 2024, the Board of Zoning Appeals upheld the appeal and overturned the Zoning Administrator decision.
- 2) Fall 2024, this entire file of the BZA Appeals Case was reviewed by the Town’s attorney and he noted that the ordinance did not clearly state that a zoning approval by the Town was required for all elements of repair/renovation or building additions within the Historic District.
- 3) November 7, 2024, the BZA decision and Attorney input was reviewed with Town Council by the Town Manager at Town Council Work Session. This discussion concluded that some amendments to the Zoning Ordinance should be proposed regarding process and approvals required and a more detailed listing of the types of renovation/repair work that require no review; review by Zoning Administrator; and review by the Historic District Review Board. Said zoning text amendments and guideline revisions should be considered to rectify this issue and clearly state the Town’s intent of zoning review in the Historic District but that it would be useful to also improve the distinction between routine maintenance work on a property vs. minor work vs. major work and the levels of review required by either the Zoning Administrator or the Historic District Review Board leading to the issuance of a Certificate of Appropriateness of the approved work being sought by the property owner.
- 4) November 2024 thru June 2025, staff worked on developing draft language amendments to CCZO Section VIII – Historic District Overlay Ordinance and developed a new Appendix “G” to the Design Guidelines to give greater clarity as to the types of building work being conducted in the Historic District is classified under these proposed changes.
- 5) July 1, 2025 Planning Commission meeting - Staff requested an initial review by the Planning Commission at their July 1, 2025 meeting to see if there were errors,

omissions, or edits that should be made before providing a full presentation to Town Council to determine if this is the text amendment they were seeking to address this issue.

- 6) August 21, 2025- this item was then placed back before Town Council at their August 21, 2025 meeting where staff requested Council review of the proposed text amendments to Article VIII (Historic District Overlay) and the new Appendix G and a determination of whether the issues raised last year were addressed and whether this matter was ready to commence the public hearing process for zoning text amendments. At that meeting, Councilman Newman stated that he, Councilman Grossman, Claudette Lajoie, and Edward Wells of the Historic District Civic League met and reviewed the documents line by line. They had not concluded their review work and would like to be able to present their comments to Town Council on this matter before they decide to send it to public hearing. He indicated that part of what this work group of the Civic League would do is to develop a communication document/plan to let the citizens know of the requirements, possibly thru a letter welcoming new property owners to Town/Historic District and providing the information regarding the process and zoning office staff contacts for questions. HE indicated that this group has raised the issue of associated fees being charged for Historic District Review Board applications and would like to suggest revisions to that fee structure for Town Council consideration. Town Council agreed to send this document to this subcommittee of two members of the Historic District Civic League and two members of Town Council for continued review, editing and development. Once their review is concluded, then it would reviewed thru a Town Council work session.
  
- 7) November 6, 2025 – a work session was held with Town Council to review the work to date by the Civic League subcommittee and obtain feedback from the Town Council on several items. I have attached minutes from that Town Council work session to see the specific discussion items and consensus reached by Town Council. From this meeting, the Civic League subcommittee was tasked to complete their review and make the changes to the draft document as a result of this work session with Town Council.
  
- 8) In mid-December, the Civic League subcommittee submitted their final draft document back to the Town Manager and staff.. This work was moved into the queue of work for the Planning & Zoning department which is now advancing this item for a final draft review with both the Planning Commission & Historic District Review Board before scheduling a work session of Town Council to review these documents in depth. Please note that the Historic District Review Board has not been involved up to this point because they are not tasked with drafting policy. Since these documents seem to be close to getting finalized for eventual public hearing as a zoning text amendment, I wanted to receive input from the HDRB since they would be the body responsible for administering it, along with the staff of the Planning & Zoning Department. I felt that would best be achieved by combining their review efforts with the Planning Commission in a joint work session.

**Narrative of Proposal:**

I have provided a “tracked” changes document for both Section VIII (Historic District Overlay zoning ordinance) and the proposed new Appendix G to the Historic District Guidelines.

In the Historic District Overlay chapter, current zoning ordinance language is shown in black font, staff proposed changes in **red font and/ red strikethroughs** and Civic League edits are show in **green font and green strikethroughs**.

In the new draft Appendix G, since staff initially composed this document, all text in black font is the staff document. All proposed edits from the Civic League Subcommittee are shown in **green font and green strikethroughs**.

As you are aware, Tracy Outten, Planning & Zoning Assistant - Preservation & Zoning Administrator, is current on a leave of absence due to personal matters, but she had the opportunity to review this most recent document with the final changes from the Civic League subcommittee and I am including that document (in table format) as part of our review process at this Joint Work Session meeting. I felt it was critical to obtain Tracy's input since she is the primary staff working with all applicants in the Historic District and is highly familiar with the type of work and some of the issues that occur when renovation starts on a historic property.

It is my intention that we go through both documents in detail to discuss and reach a recommendation for Town Council. Depending upon the level of discussion required, it is possible that this proposed zoning text amendment draft documents would be provided to Town Council for regular March 19, 2026 meeting to pass a Resolution of Intent to advance this Zoning Text Amendment application to public hearing; said public hearing timeframes could be occurring in the May & June meeting cycle of the Planning Commission and Town Council.

**Attachments:**

- A) Chapter 32, Article VIII – Historic District Overlay – Proposed Zoning Text Amendment – Staff & Civic League Edits 2026-02-10
- B) Historic District Overlay Design Guidelines Appendix G Draft with Staff and Civic League Comments 2026-02-10
- C) Town Council Minutes of 2026-11-06 Work Session
- D) Staff Comments on Civic League Edits to Attachments 1 and 2

## **Article VIII - Historic District Overlay**

Staff Developed Proposed Changes – Red Font

Civic League Committee Amendment- Green Font & Strikethroughs

### ***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.

***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 (3<sup>rd</sup>) 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 for issuing or denying Certificates of Appropriateness for construction, reconstruction, substantial exterior alteration, razing, or relocation within the historic district. 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 following categories. The nature of the work will determine whether the change proposed requires the department or Historic District Review Board (HDRB) approval. Not every project requires a property owner to obtain a Certificate of Appropriateness (COA). There are three (3) basic categories for projects: Routine Maintenance, Minor Work, and Major Work. The property owner must confirm with the department that the project is consistent with the appropriate work level. The following will give a brief description of each and indicate whether a COA is required by either staff or HDRB.

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~~ **may** not require the issuance of a COA by staff or the HDRB. ~~The property owner must check with the department that the project is consistent with routine maintenance. At the discretion of the department, an application for routine maintenance may be forwarded to the HDRB if the work is questionable as to whether it is consistent with the Cape Charles Historic Overlay District Design Guidelines (HDODG).~~ **It is the property owners' responsibility to ensure the proposed work qualifies as Routine Maintenance.**

B. **\*Minor Work** projects do not substantially alter the visual character of the structure or site.

Minor Work projects require an application 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 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 and issuance of a COA by the HDRB.

\*A detailed Classification of Work Chart can be found in Appendix G of the Cape Charles Historic Overlay District Design Guidelines.

\*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 in addition to any other permits required. 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 section 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 complimentary to the character and integrity of the Historic District.

No subsequent application under section 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

- 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 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 §2.4.3 of the Zoning Ordinance.

***Section 32.247: Definitions***

For the purpose of this article, terms and words pertaining to the Historic District are defined in Appendix A of this Ordinance.

### APPENDIX G – CLASSIFICATION OF WORK – GENERAL GUIDELINES

The following chart has been provided as a reference for Routine Maintenance, Minor Work, and Major Work as defined in the Cape Charles Zoning Ordinance Article VIII.

Please call the Planning & Zoning Department with any questions.

	Type of Work	Routine Maintenance	Minor Work	Major Work	Inspection Required	Code Official Review
1)	<b>Painting or repainting of a non-masonry structure</b> does not require approval.					
2)	<b>Accessory Structures* or Buildings</b> , Additions to existing that can be seen from the public right-of-way			X	X	
	a) Repairs or Replacement to existing when there is no change in design, materials, or general appearance.	X			Case-by-Case basis	
	b) Repairs or Replacement to existing when there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		X	
	c) Additions to existing that cannot be seen from the public right-of-way		X		X	
	d) Alterations to existing that can be seen from the public right-of-way			X	X	
	e) Additions or Alterations to existing, or New Construction that cannot be seen from the public right-of-way		X		X	
	f) Alterations to existing that cannot be seen from the public right-of-way		X		X	
	g) New Construction that can be seen from the public right-of-way			X	X	
	h) New Construction that cannot be seen from the public right-of-way		X		X	
	i) Additions or Alterations to existing, or New Construction that can be seen from the public right-of-way			X	X	
	Accessory Structures* or Buildings, Replacement of existing		X		X	
3)	<b>Architectural Details (define architectural details)</b>					
	a) Repair/Replacement to existing when there is no change in design, materials, or appearance	X			Case-by-case basis	
	b) Repair/Replacement to existing when there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		X	
	c) New/ Alteration/Addition/Removal of existing			X	X	
4)	<b>Awnings and Canopies and Shutters</b>					
	a) Repair/Replacement when there is no change in design, materials, or appearance	X			Case-by-case basis	
	b) Installation of new/ Additions/Removal of Existing			X	X	
	c) Alterations/Removal when there is no change in design or materials		X		X	
5)	<b>Buildings, Relocation</b>			X	X	
6)	<b>Carpports</b>					

	<b>Alteration/Addition/Removal</b>		✗		✗
	a) Repairs or Replacement to existing when there is no change in design, materials, or general appearance	X			
	b) Repair/Replacement to existing/Alteration/Addition/Removal when there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		X
	c) New Construction that cannot be seen from the public right-of-way		X		X
	d) New Construction that can be seen from the public right-of-way		✗	X	X
7)	<b>Certificate of Appropriateness</b>				
	a) Modification to previously approved (could require HDRB approval)		X		Case by Case
	b) Renewal of Expiring		X		
8)	<b>Chimneys</b>				
	a) Reflash existing, caps, stucco, caulking when there is no change in design, materials, or appearance	X	✗		
	b) Reflash existing, caps, stucco, caulking where there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		X
	c) New Construction/Alteration/Removal			X	X
9)	<b>Decks</b>				
	a) Repair/Replace of existing when there is no change in design, materials, dimensions, appearance	X	✗		✗
	b) Repair/Replacement to existing when there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		X
	c) New Construction/Alteration/Addition/Removal		✗	X	X
10)	<b>Doors (Exterior)</b>				
	a) Replacement – when there is no change in design, materials or appearance	X			
	b) Replacement – when there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		
	c) Alterations/Addition/Removal – when there is change in style or opening size			X	X
	d) New Installation or New opening (example: window to door)			X	X
11)	<b>Doors (Storm), Installation (Front of House only)</b>				
	a) Repair/Replace of existing when there is no change in design, materials, dimensions, appearance	X			
	b) Repair/Replacement to existing when there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		X
	c) New Installation (front of house only)/Removal		X	✗	X
12)	<b>Driveways</b>				
	a) Alteration/Addition/Removal/ Repair/Replacement of existing when there is no change in design, materials, dimensions, or appearance	X		✗	✗
	b) New Construction/Alteration/Additional/Removal of existing when there is a change in design, materials, dimensions or appearance			X	X
13)	<b>Features not specifically listed</b>				

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	(For example: An architectural feature is a distinct, prominent element of a building that contributes to its overall design, function, or aesthetic appeal, whether functional or decorative. These elements which can include structural components like columns and arches or decorative features like molding and windows, help define a structure's character, style, and purpose, often reflecting the cultural and technological context of their creation).				
	a) Repair/Replacement when there is no change in design, materials, or appearance	X	✘		Case-by-case basis
	b) Repair/Replacement to existing when there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		X
	c) New Construction/Addition/Alteration/Removal			✘	Case-by-case basis
14)	<b>Fences</b>				
	a) Repair/Replacement of <del>with approved materials from guidelines</del>	X	✘		✘
	b) New Construction/ <del>Alteration of Placement</del>		X		X
15)	<b>Foundations</b>				
	a) Repair of <del>exposed-existing</del> when there is no change in design, materials, or general appearance	X			✘
	b) Addition/Alteration/ <del>Replacement of exposed-existing</del>	X		✘	✘
16)	<b>Foundation Vents and Ventilators</b>				
	a) Repair/Replacement of existing when there is no change in design, materials, or general appearance	X			
	b) Repair/Replacement to existing when there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		X
	c) Alteration/Installation/Removal		X		Case-by-base basis
17)	<b>Fuel Tanks Addition/Removal</b>	Not historic but requires zoning administrator approval and building code review			
18)	<b>Gutters and Downspouts</b>				
	a) Repair/Minor Replacement when there is no change in design, materials, or appearance	X			
	b) Change in Material/ <del>Replacement/Installation/Addition/Removal</del>		X		
19)	<b>Hand Rails/Stair Rails/Porch Rails</b>				
	a) Repairs/Replacement – no change in design, materials, or appearance	X			
	b) Repairs/Replacement – no change in design or general appearance but a change in materials (like replaced with equivalent)		X		X
	c) Alterations/Removal/New Construction			X	X
20)	<b>Lighting Fixtures (Exterior)</b>				
	a) Repair/Replacement when there is no change in design, materials, or appearance	X			
	b) Alteration/Installation/Removal		X		✘

21)	<b>Masonry</b>				
	a) Repainting <del>only when using existing color. Painting to another color or treatment and</del> <b>(Painting of unpainted masonry not allowed.)</b>	X	✗		✗
	b) Repointing	X	✗		
	c) Alterations (Utility penetrations, hose bibs, vents)	X			
	d) Repairs/Replacement when the color and composition of the mortar match the original, and new brick or stone matches the original	X			
	e) Alteration/Construction/Removal			X	X
22)	<b>Outdoor Features: Outdoor kitchens, outdoor firepits, built in BBQs, saunas, hot tubs, etc. (Needs additional definition – exempt from HDRB)</b>				Exempt from HDRB
23)	<b>Painting or repainting of a <u>non-masonry structure</u> does not require approval.</b>	X			
24)	<b>Patios</b>				
	a) Repair/Replacement of existing when there is no change in design (including dimensions), materials, or appearance	X			
	b) Repair/Replacement to existing when there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		X
	c) Alteration/Addition/Removal of existing		X		Case-by-case basis
	d) New Construction		X		X
25)	<b>Porches</b>				
	a) Repair/Replacement when there is no change in design, materials, or appearance	X			
	b) Repair/Replacement when there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		X
	c) <b>New Construction</b> /Addition/Expansion/Removal of existing			X	X
	<del>Alteration of existing</del>			✗	✗
26)	<b>Primary Buildings</b> What is the definition of Primary Buildings? Zoning only mentions relative to solar panels				
	a) Repair/Replacement when there is no change in design, materials, or appearance	X			
	b) Repair/Replacement when there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		X
	c) New Construction of Commercial or Residential			X	X
	d) Additions of Commercial or Residential that cannot be seen from the public right-of-way		X		X
	e) Additions of Commercial or Residential that can be seen from the public right-of-way			X	X
	<del>Repainting non-masonry</del>	✗			
27)	<b>Roof Forms &amp; Covering</b>				
	c) Alteration/Replacement of existing when there is a change in design, materials, or general appearance			X	X
	a) Repair/Replacement when there is no change in design, materials, or appearance (excluding color)	X	✗		✗

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	b)-Alteration Repair/Replacement when there is no change in design or appearance (excluding color) but a change in materials (like replaced with equivalent)		X	<del>X</del>	X
28)	<b>Satellite Dishes and/or Television Antennas</b>				
	a) Removal/Replacement of existing when there is no change in design, materials, or general appearance	X			
	b) Removal/Replacement of existing when there is no change in design or materials but a change in general appearance		X		Case-by-case basis
	c) New Installation		X		Case-by-case basis
29)	*Screening (hedges, plants, or other visual buffer) that is utilized to mitigate the public viewpoint of an Accessory Structure. This may be a designated condition for an approved Certificate of Appropriateness (needs additional clarification)		X		X
30	<b>Showers (Outdoor)</b>				
	a. Repairs/Replacement – no change in design, materials, or general appearance	X			
	b. Repairs/Replacement – there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		X
	c. Alterations/Removal/New Construction (Minor Work/Case by Case)		X		Case-by-case basis
31)	<b>Shutters</b>				
	a. Repairs/Replacement – no change in design, materials, or general appearance	X			
	b. Repairs/Replacement – there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		X
	c. Alterations/Removal/New Construction			X	X
32)	<b>Siding</b>				
	a. Repairs/Replacement – no change in design, materials, or general appearance	X			
	b. Repairs/Replacement – there is no change in design or general appearance but a change in materials (like replaced with equivalent)		X		
	c. Alterations/Removal			X	X
33)	Significant Features, Alteration/Removal (need additional clarification for the definition of significant features)			X	X
34)	<b>Signs</b>				
	a. Repair/Replacement when there is no change in design (including dimensions), materials, or general appearance	X			
	b. Alteration/Installation/Removal (must comply with Town Code Chapter 32 (Zoning), Article V (Signs) (Excludes historic markers and signed excluded by the sign ordinance)		X		X
35	<b>Solar Panels</b>				
	a. Repair/replacement when there is no change in design, materials, or general appearance	X	<del>X</del>		<del>X</del>
	b. Repair/replacement when there is a change in design, materials, or general appearance		X		X

	c. Installation of new that cannot be seen from the public right-of-way		X		X
	d. Installation of new that can be seen from the public right-of-way			X	X
36.	<b>Stairs and Steps (Exterior – Street View)</b>				
	a. Repair/Replacement when there is no change in design, materials, or general appearance	X			X
	b. Repair/replacement when there is a change in design, materials or general appearance		X		X
	Alteration/Addition/Removal			X	X
	c. New Construction/Alteration/Addition/ Removal			X	X
37)	<b>Stairs and Steps (Exterior – Non-Street View)</b>				
	a. Repair/Replacement when there is no change in design, materials, or general appearance	X			
	b. Repair/replacement when there is a change in design, materials or general appearance		X		X
	c. New Construction/Alteration/Addition/ Removal			X	Case by case basis
38)	<b>Surfaces (Exterior) not specifically listed (define surfaces and provide examples)</b>				
	a. Repair/Replacement when there is no change in design, materials, or appearance	X	X		X
	b. Repair/replacement when there is a change in design, materials or general appearance		X		X
	c. Addition/Alteration/Removal			X	X
39)	<b>Structure, Demolition of Contributing in whole or part</b>			X	X
40)	<b>Structure, Demolition of Non-Contributing in whole or part</b>		X		X
41)	<b>Structure, Emergency Stabilization (not historic but requires zoning administrator approval and building code official review)</b>		X		X
42)	<b>Swimming Pools</b>				
	a. Repairs to existing	X			
	b. Addition/Alteration/New Construction. A fence is required to be placed around the perimeter of the pool. A fence is required to be placed around the perimeter of the pool in compliance with the Virginia Building Code. Not historic but requires zoning administrator approval and building code official review.			X	Case-by-case basis
	c. Removal Not historic but requires zoning administrator approval and building code official review.			X	Case-by-case basis
43)	Temporary Features, Emergency Installation/Emergency Stabilization to protect a historic property that do not alter the resource Not historic but requires zoning administrator approval and building code official review.			X	X
44)	Temporary Family Health Care Structures, Installation/Alteration/Removal that are necessary due to a medical condition per VA Code Sec. 15.2-2292.1. Not historic but requires zoning administrator approval and building code official review.			X	Case-by-case basis
45)	<b>Walkways</b>				
	a. Repair/Replacement when there is no change in design, materials, or appearance	X			

**DRAFT DOCUMENT ~~July 31, 2025~~ November 11, 2026**  
**Staff Developed Proposed Guideline – BLACK FONT**  
**Civic League Committee Amendments – GREEN FONT**  
**& strikethroughs**

	b. Repair/replacement when there is no change in design but a change in materials or general appearance		X		X
	c. New Construction/Addition/Alteration/Removal/ <del>Repair/Replacement</del>		<del>X</del>	<del>X</del>	X
46)	<b>Walls (for example: garden or retaining walls)</b>				
	b. New Construction/Alteration of Placement		X		X
	a. Repair/Replacement of existing when there is no change in design, or general appearance with approved materials from guidelines.	X	<del>X</del>		<del>X</del>
47)	<b>Windows (includes casings and sills)</b>				
	a. Caulking and weatherstripping when there is no change in design, materials, or general appearance	X			
	b. Repair/Replacement when there is no change in design, materials, or general appearance	X	<del>X</del>		<del>X</del>
	c. Repair/replacement when there is no change in design but a change in materials or general appearance		X		X
	d) Installation of new/Alteration of Style or Opening Size/Removal of Existing			X	X
	Alteration/Removal of existing			<del>X</del>	<del>X</del>
48)	<b>Windows (Storm)</b>				
	a. Repair/Replacement when there is no change in design, materials, or general appearance	X			
	b. Repair/replacement when there is no change in design but a change in materials or general appearance		X		X
	Installation/Alteration/Removal		X		Case-by-case basis



**TOWN COUNCIL  
Work Session  
Cape Charles Civic Center  
November 6, 2025  
6:00 PM**

At approximately 6:00 p.m. Mayor Adam Charney, having established a quorum, called to order the Work Session of the Cape Charles Town Council. In addition to Mayor Charney, in attendance were Vice Mayor Buchholz, Councilmen Butta, Grossman, and Newman, and Councilwomen Ashworth and Holloway. Staff members in attendance were Town Manager Rick Keuroglan, Planning & Zoning Director Katie Nunez, Planning & Zoning Assistant Tracy Outten, Assistant to the Town Manager Pam Endlein, and Town Clerk Libby Hume. Also in attendance was Claudette Lajoie, President of the Cape Charles Historic District Civic League. There was one member of the public in attendance.

Town Clerk Libby Hume read a statement honoring William “Billy” Powell, recognizing his nearly 34 years of service to the Town’s Public Utilities Department and 43 years with the Cape Charles Volunteer Fire Company. She noted his passing on November 3, 2025, and the details of his upcoming funeral with Firefighter honors on November 8<sup>th</sup>. She informed Council that, in lieu of flowers and in accordance with his obituary, the Town would make a \$100 memorial donation to the Cape Charles Volunteer Fire Company. A moment of silence was observed.

Town Manager Rick Keuroglan introduced the topic of the work session: continued review of Article VIII, Historic District Overlay, with specific emphasis on Appendix G. He noted the extensive work completed by the subcommittee, consisting of Claudette Lajoie, Ed Wells, Councilman Grossman, and Councilman Newman, who invested significant time refining the document to improve clarity and usability. He invited Claudette Lajoie to present on behalf of the subcommittee.

Claudette Lajoie presented the subcommittee’s process, emphasizing collaboration with staff and the Planning Commission and explaining that the primary goal was to create a clearer, more accessible Appendix G that clearly distinguished routine maintenance, minor work, and major work. She stressed that the revisions were aimed at clarity rather than substantive changes. Their goal was to have a single, alphabetized table as a reference document to help evaluate projects. A column was added to show when the Building Code Official needed to be involved so owners would understand that more than just zoning approval was required.

Discussion began with routine maintenance. The subcommittee originally proposed requiring a simple email from property owners notifying Planning and Zoning staff of their intent to conduct routine maintenance. Staff described current practices, explaining that such notifications helped them manage complaints and ensure compliance. Councilwoman Holloway expressed concern that some property owners will misinterpret the boundaries, and that lack of documentation could complicate enforcement and fairness. Councilman Newman noted that having at least a record of what owners believed they were doing could be useful when things went off track.

After extended discussion, the Council and staff agreed that routine maintenance would be clearly defined in Appendix G and in the ordinance. No formal application, notification or fee would be required for routine maintenance. Staff would be available to answer questions and confirm whether work was routine.

The Council next discussed the definition of “repair,” specifically the use of “equivalent” versus “like for like.” The subcommittee recommended shifting to “like for like” to avoid misuse of the term

“equivalent” in cases such as replacing wood decking with composite. Staff pointed out that historic materials were unavailable and that composites might be appropriate in certain cases. Ms. Lajoie noted that the Virginia Department of Historic Resources now recognized certain composite materials as acceptable in historic contexts. The Council agreed to adopt “like for like” and supplement the guidelines with examples illustrating acceptable substitutions.

The discussion turned to survey and site plan requirements under Section 8.26. Concerns were raised about the cost and timing of surveys. Staff clarified that surveys were required for zoning purposes and that the Historic District Review Board did not independently require them. Council recognized that the wording in Section 8.26 could be misinterpreted and agreed that the authority to require surveys should remain strictly under Planning and Zoning. The Council supported revising the language accordingly.

Certificate of Appropriateness (COA) expiration and extension fees were reviewed. The subcommittee proposed extending COA validity from six months to one year citing difficulties with securing contractors and supply chain issues. Staff explained the importance of alignment with the building permit cycle and noted that COAs were not automatically revoked when clear progress was evident. After discussion, the Council chose to retain the six-month validity of the COA to maintain consistency with the building code but eliminated the COA extension fee. Staff would continue to use discretion and flexibility where supply chain, contractor, or other uncontrollable conditions delayed work.

Ms. Lajoie introduced future-phase topics including fee structure updates, such as adjusting the threshold for substantial alterations or considering incentives for historically appropriate restoration. Council agreed that a detailed review of fees, fines and application formats would be scheduled separately after the ordinance and Appendix G language was finalized.

Ms. Lajoie noted specific categories in Appendix G, to address the treatment of non-historic features like pools, fuel tank additions, removals and emergency stabilization, along with certain temporary features. These items were included in Appendix G so owners knew they must still go through zoning and building code review. Council also discussed the challenges faced by corner lots or properties adjacent to undeveloped parcels, acknowledging these “line of sight” issues as complex and requiring further policy development.

Appendix G formatting was reviewed broadly. The Council supported the subcommittee’s recommendations to reorganize headings for clarity and address specific categories such as accessory structures, architectural details, shutters, and exterior surfaces. Screening requirements were clarified to apply only when used to mitigate the visibility of structures requiring review and not to general landscaping uses.

Council also discussed outdoor kitchens, built-in bars, saunas, and similar amenities now appearing more frequently in the historic district. These items were not clearly addressed in current guidelines, and the group agreed they should be incorporated into Appendix G and zoning review as a future refinement.

The subcommittee was directed to prepare a clean revised draft of Appendix G incorporating the Council’s consensus decisions. Once complete, staff and the Building Code Official would review the draft and provide comments. The revised Appendix G and associated Article VIII would then move forward through the Planning Commission and public hearing process.

The Council thanked Ms. Lajoie and the subcommittee for their significant volunteer efforts and contributions to simplifying and improving Appendix G. This would help reduce staff workload and provide a more usable tool for homeowners.

**Motion made by Councilwoman Ashworth, seconded by Vice Mayor Buchholz, to adjourn  
Town Council Work Session. The motion was approved by unanimous vote.**

Section 5, Item A.

The work session adjourned at 8:02 p.m.

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Adam Charney, Mayor

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Libby Hume, Town Clerk

**Staff Comments on Appendix G Draft – Civic League Proposed Revisions**

<b>Number</b>	<b>Section</b>	<b>Comment(s)</b>
(2)	Accessory Structures or Buildings	(i) CCZO Appendix A – Building, Accessory is defined (ii) CCZO Section 4.1 (E) – clearly states square footage requirements (iii) The state building code dictates the accessory structure/building size that requires a permit
(2) b)	Accessory Structures or Buildings: Minor Work – Repair/Replace when changing material	(i) Per CCHDODG 3.1: The architectural character of a building includes features, qualities, or materials/elements that give the building its visual character and which should be retained to the maximum extent possible to maintain its historic appearance. (ii) Example: Metal or Slate roof changing to architectural shingles; this would be a noticeable difference. (iii) Repairing and Replacing are two different projects (iv) DRAFT CCZO Section 8.16 (C) lists change of material as Major Work
(3)	Architectural Details	Definition should relate to the CCHDODG definition of Architectural Style
(3) b)	Architectural Details: Minor Work - Repair/Replace when changing material	(i) Per CCHDODG 3.1: The architectural character of a building includes features, qualities, or materials/elements that give the building its visual character and which should be retained to the maximum extent possible to maintain its historic appearance. (ii) Changing material results in a loss of irreplaceable architectural and cultural significance. (iii) Ex. a wood window is not the same as a vinyl window. (iv) Repairing and Replacing are two different projects (v) DRAFT CCZO Section 8.16 (C) lists change of material as Major Work
(10) b)	Doors (Exterior): Minor Work - Repair/Replace when changing material	(i) Per CCHDODG 3.1: The architectural character of a building includes features, qualities, or materials/elements that give the building its visual character and which should be retained to the maximum extent possible to maintain its historic appearance. (ii) Repairing and Replacing are two different projects (iii) DRAFT CCZO Section 8.16 (C) lists change of material as Major Work
(13) b)	Features not specifically listed: Minor Work - Repair/Replace when changing material	(i) Per CCHDODG 3.1: The architectural character of a building includes features, qualities, or materials/elements that give the building its visual character and which should be retained to the maximum extent possible to maintain its historic appearance. (ii) Repairing and Replacing are two different projects (iii) DRAFT CCZO Section 8.16 (C) lists change of material as Major Work

(19) b)	Handrails / Stair Rails / Porch Rails: Minor Work - Repair/Replace when changing material	(i) Per CCHDODG 3.1: The architectural character of a building includes features, qualities, or materials/elements that give the building its visual character and which should be retained to the maximum extent possible to maintain its historic appearance. (ii) Repairing and Replacing are two different projects (iii) DRAFT CCZO Section 8.16 (C) lists change of material as Major Work
(21)	Masonry	All items need to be at least Minor Work, as just repairs quickly become removal
(22)	Outdoor Features	A notation stating not exempt from Zoning and Building Review
25) b)	Porches: Minor Work - Repair/Replace	(i) Per CCHDODG 3.1: The architectural character of a building includes features, qualities, or materials/elements that give the building its visual character and which should be retained to the maximum extent possible to maintain its historic appearance. (ii) Repairing and Replacing are two different projects (iii) DRAFT CCZO 8.16 (C) lists change of material as Major Work
(26)	Primary Building	(i) CCZO Appendix A - Building, Main is defined (this definition should be used for consistency)
(26) b)	Primary Building: Minor Work - Repair/Replace	(i) Per CCHDODG 3.1: The architectural character of a building includes features, qualities, or materials/elements that give the building its visual character and which should be retained to the maximum extent possible to maintain its historic appearance. (ii) Repairing and Replacing are two different projects (iii) DRAFT CCZO 8.16 (C) lists change of material as Major Work
27)	Roof Forms & Covering	(i) This needs to be broken down into Repair Section of Roof, Replace Roof with the same material, and Replace Roof with a different material. (ii) The roof is a defining feature of a building. (iii) Repairing and replacing are two different projects (iv) A building permit is required for some repairs on a roof and for a roof replacement.
29)	Screening	Additional clarification will be given when needed.
31) b)	Shutters: Minor Work - Repair/Replace	(i) Per CCHDODG 3.1: The architectural character of a building includes features, qualities, or materials/elements that give the building its visual character and which should be retained to the maximum extent possible to maintain its historic appearance. (ii) Repairing and Replacing are two different projects (iii) DRAFT CCZO 8.16 (C) lists change of material as Major Work

32) b)	Siding: Minor Work - Repair/Replace	(i) Per CCHDODG 3.1: The architectural character of a building includes features, qualities, or materials/elements that give the building its visual character and which should be retained to the maximum extent possible to maintain its historic appearance. (ii) Repairing and Replacing are two different projects (iii) DRAFT CCZO 8.16 (C) lists change of material as Major Work (iv) Hardie or similar is not the same as vinyl nor does it have the same look.
33)	Significant Features Alteration/Removal	This should be consistent with CCHDODG 3.1 Architectural Character Defining Features
36) b)	Stairs and Steps (Exterior) Street View	(i) Repairing and Replacing are two different projects (ii) DRAFT CCZO 8.16 (C) lists change of material as Major Work (iii) Brick steps are not equivalent to vinyl or composite steps
37) b)	Stairs and Steps (Exterior) Non-street View	(i) Repairing and Replacing are two different projects (ii) DRAFT CCZO 8.16 (C) lists change of material as Major Work (iii) Brick steps are not equivalent to vinyl or composite steps
38)	Surfaces (Exterior) not specifically listed	This is for all items not specifically mentioned. I do not think it needs to be explained.
45) b)	Walkways: Minor Work - Repair/Replace	(i) Per CCHDODG 3.1: The architectural character of a building includes features, qualities, or materials/elements that give the building its visual character and which should be retained to the maximum extent possible in order to maintain its historic appearance. (ii) Repairing and Replacing are two different projects (iii) DRAFT CCZO 8.16 (C) lists change of material as Major Work (iv) Brick and Stone do not have the same look.
47) b)	Windows: Routine Maintenance	(i) Replacing a window is not consistent with routine maintenance. This should be Major to be consistent with the DRAFT CCZO 8.16. (ii) Replacing a wood window with a vinyl window is not equivalent. (iii) There are many features of a window to consider.
47) c)	Windows: Minor Work - Repair/Replace	(i) Per CCHDODG 3.1: The architectural character of a building includes features, qualities, or materials/elements that give the building its visual character and which should be retained to the maximum extent possible to maintain its historic appearance. (ii) Repairing and Replacing are two different projects (iii) DRAFT CCZO 8.16 (C) lists change of material as Major Work (iv) Wood windows and Vinyl window are not equivalent