



Town Council Work Session

November 06, 2025 at 6:00 PM

Cape Charles Civic Center - 500 Tazewell Avenue

Agenda


1. Call to Order

A. Roll Call

2. Items for Discussion

A. Review of Zoning Ordinance Text Amendments - Article VIII-Historic District Overlay

3. Adjournment

	Agenda Title:	Agenda Date:
	Review of Zoning Ordinance Text Amendments - Article VIII Historic District Overlay	November 6, 2025
	Subject/Proposal/Request:	
	Review and discuss recommendations for text amendments from the Cape Charles Historic District Civic League	
Town of Cape Charles	Attachments:	For Council:
	Article VIII Amendments & Cape Charles Historic District Overlay Design Guidelines Appendix G	Action: Information:
	Staff Contact(s):	Reviewed by:
	Rick Keuroglan, Town Manager	Rick Keuroglan, Town Manager

Background:

Last year, our Town Attorney reviewed Article VIII in our zoning ordinance and determined that it did not clearly state that a zoning approval was required for all elements of repair/renovation or building additions within the Historic District. A Council Work Session followed and concluded that some amendments needed to be made to the Zoning Ordinance regarding process and approvals required and a more detailed listing of the types of renovation/repair work which required no review, review by the Zoning Administrator, and review by the Historic District Review Board (HDRB). The zoning text amendment 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 also be useful to improve the distinction between routine maintenance work on a property versus minor work versus major work and the levels of review required by either the Zoning Administrator or the HDRB leading to the issuance of a COA of the approved work being sought by the property owner.

Staff had been working on developing draft language amendments to Zoning Ordinance Section VIII – Historic District Overlay Ordinance which was included in the agenda packet. A new Appendix G was developed to provide greater clarity as to the types of building work being conducted in the Historic District.

Staff requested Council review of the proposed text amendments to Article VIII 3 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. A Committee was formed with Councilman Newman, Councilman Grossman, Claudette Lajoie, and Edward Wells to meet and review the documents line by line.

In this Staff Report you will find the attachments from the Civic League with their suggestions and questions regarding Article VIII and Appendix G.

Item Specifics:

Here are the Committee's Suggestions:

- The committee agrees that there should be three classifications of project work: **routine maintenance, minor and major**.
- However, for any routine maintenance classification activities, we are proposing that this will not require formal staff review and concurrence. Owners will be required to notify the town office electronically and can proceed with work falling within the bounds of this category. Caution has been added that the staff may stop work should the work fall outside the bounds of this category. It will be incumbent upon town staff for timely review of the notification correspondence. Refer to the attached recommended revisions to Section 8.16.
- In order to remove any ambiguity associated with the routine maintenance classification, the definition of **REPAIR** needs to change from 'equivalent' to 'like-for-like' material. This definition change should be included in **Section 8.16.A** as well as in **Appendix A, Definitions**. A change in material will require a classification of minor change as a minimum.
- **With regards to Appendix G,**
 - The committee finds that the table format and content provide a beneficial format for the public to understand their proposed work activities and the review classifications associated with the scope of their projects.
 - Committee comments and questions are further provided in the attached marked-up table (see attached document **Appendix G-Classification of Work-General Guidelines**).
 - There are a few types of work activities listed in Appendix G that are not considered 'historic' in nature (e.g., swimming pools). These have been left within the table with special notation that, while not considered historically related, planning department staff and/or Code Official involvement is needed.
 - An additional column is suggested (Code Official Review) that depicts for each itemized entry whether there is involvement by the Code Official. This will assist public understanding that for certain activities both planning department and code official staff will be required. This minimizes an applicant's misunderstanding that the planning department's approval of a project is all that is required for 'town approval'.
- It is recommended that COA expiration change from 6 months to 12 months and can be extended one time, requiring a change to **Section 8.29**. This provides for a more reasonable timeframe for lining up materials and labor. Planning department staff may have details on the number of extensions submitted since the ordinance change of 6 months has been made.
- **Section 8.26 – Material to be Submitted for Review:** We would request that this paragraph be amended to describe when actual survey and/or site plans are required for minor and major applications. It is our opinion in some cases that surveys/site plans are being required when there is no need.
- Comments that we provide associated with **Historic District Review Board Application Fee structure** are;
 - No fee should be associated with **routine maintenance**. Even with staff acknowledgement of routine maintenance and the ability to review the notification at

- their discretion, this should be considered minimal effort conducted within normal staff resources.
- The balance of the fee structure requires review.
 - New residential construction fee of \$500 appears appropriate but \$500 fee is also applied to substantial alterations greater than \$5000. There may be a better way to address this with a sliding scale associated with substantial alterations tied to estimated project costs with a cap of \$250.
 - Modification to an approved and active CoA has an associated fee of \$200. However, minor work authorized with a staff CoA originally has a fee of \$75. This appears to be incongruent.
 - As an incentive for returning a contributing structure to its original historic appearance, no fee should be applied. Examples would be an application using historic tax credits, removal of vinyl siding and restoring to original wood, and removal of non-historic features added to a contributing structure.
 - **Application forms** – There should be a review of existing forms for streamlining and consolidation perhaps with the code official should that department be involved with a project. However, this is considered a secondary phase to our overall efforts.

Katie Nunez, Planning & Zoning Director will be in attendance at the meeting to answer any questions related to zoning and district regulations.

Recommendation:

Staff requests Council review and discuss the proposed text amendments, make any additional amendments if desired, and refer the amendments to the Planning Commission for a possible joint public hearing on December 2, 2025.

Town of Cape Charles Zoning Ordinance
Article VIII – Historic District Overlay

- ~~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 8.16: 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.

REPAIRS are any or all work involving the replacement of existing work with equivalent like-for-like material for the purpose of maintenance, but not including any addition, change, or modification in construction.

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Routine Maintenance ~~will may~~ not require the issuance of a COA by staff or the HDRB. The property owner ~~must will inform check with~~ the department ~~electronically of the scope of the project and that the project is consistent with routine maintenance. There will be no fee associated with routine maintenance, and work can start immediately. The staff will acknowledge receipt. At the discretion of the department, a notification application for routine maintenance may be forwarded to the HDRB if the work deemed questionable as to the proper classification and may require further approvals. Work may be stopped until proper approvals are received. is questionable as to whether it is consistent with the Cape Charles Historic Overlay District Design Guidelines (HDODG).~~

G APPENDIX G

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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	Zoning Inspection Required	Code Review
1 Painting or repainting of a non-masonry structure does not require approval.					
2 Accessory Structures* or Buildings, Additions or Alterations to existing that can be seen from the public right-of-way			X	X	
3 Accessory Structures or Buildings, Additions or Alterations to existing that cannot be seen from the public right-of-way		X		X	
4 Accessory Structures* or Buildings, Alterations to existing that can be seen from the public right-of-way			X	X	
5 Accessory Structures or Buildings, Alterations to existing that cannot be seen from the public right-of-way		X		X	
6 Accessory Structures* or Buildings, New Construction that can be seen from the public right-of-way			X	X	
7 Accessory Structures or Buildings, New Construction that cannot be seen from the public right-of-way		X		X	
8 Accessory Structures or Buildings, Repairs to existing when there is no change in design, materials, or general appearance	X			Case-by-case basis	
9 Accessory Structures* or Buildings, Replacement of existing		X		X	
10 Architectural Details, Alteration/Addition/Removal of existing			X	X	
11 Architectural Details, Repair/Replacement to existing when there is no change in design, materials, or appearance	X			Case-by-case basis	
12 Awnings, Canopies, or Shutters, Additions/Installation of new/Removal			X	X	
13 Awnings, Canopies, or Shutters, Alterations/Removal when there is no change in design or materials		X		X	
14 Awnings, Canopies, or Shutters,	X			Case-by-	

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Commented [CL2]: Define Accessory Structures* (does this have a minimum or maximum size limit or is it defined by use)

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Commented [CL3]: Refer to additional notes below #4

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Commented [CL5]: Refer to additional notes below #4

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	Repair/Replacement when there is no change in design, materials, or appearance				case-basis
15	Buildings, Relocation		X	X	
16	Carports, Alteration/Addition/Removal	X		X	
17	Carports, New Construction that can be seen from the public right-of-way	X	X	X	
18	Carports, New Construction that cannot be seen from the public right-of-way	X		X	
19	Certificate of Appropriateness, Modification to previously approved <u>(could require HDRB approval)</u>	X		Case by Case	
20	Certificate of Appropriateness, Renewal of Expiring <u>(revise to 1 year approval term)</u>	X			
21	Chimneys, Alteration/Construction/Removal		X	X	
22	Chimneys, Reflash existing, <u>caps, stucco, caulking</u> when there is no change in design, materials, or appearance	X	X		
23	Decks, Alteration/Addition/Removal	X		X	
24	Decks, Repair/Replace of existing when there is no change in design, materials, dimensions, appearance	X	X	X	
25	<u>25a) Doors (Exterior), Alterations/Addition/Removal – different style or opening size(Major/ ZA inspection)</u> <u>25b) Create new line: Doors (Exterior), Replacement – same style with different material (Minor Work/No ZA)</u> <u>25c) Create new line: Doors (Exterior), Replacement – when there is no change in design, materials, or appearance (Routine Maintenance – No inspection)</u>			X	
26	Doors (Exterior), New Installation <u>or New opening (ie. window to door)</u>		X	X	
27	Doors (Storm), Installation <u>(front facing only)/Removal</u>	X	X	X	
28	Driveways, Alteration/Addition/Removal/ <u>Repair/Replacement</u> of existing when there is a change in design, materials, dimensions, or appearance <u>Create a new line: Driveways, Repair/Replacement of existing when there is no change in design,</u>		X	X	

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	<u>materials, dimensions, or appearance</u> <u>(Routine Maintenance – No inspection)</u>				
29	Features not specifically listed, Addition/Alteration/Removal			X	Case-by-case basis
30	Features not specifically listed, Repair/Replacement when there is no change in design, materials, or appearance	X	X		Case-by-case basis
31	Fences, New Construction/ <u>Alteration of Placement</u>		X		X
32	Fences, Repair/Replacement of <u>with approved materials from guidelines</u>	X	X		X
33	Foundations, Alteration/ <u>Replacement of exposed</u>			X	X
34	Foundations, Repair of exposed when there is no change in design, materials, or general appearance	X			X
35	Foundation Vents and Ventilators, Alteration/Installation/Removal		X		Case-by-case basis
36	Foundation Vents and Ventilators, Repair/Replacement of existing when there is no change in design, materials, or general appearance	X			
37	Gutters and Downspouts, Repair/Minor Replacement when there is no change in design, materials, or appearance	X			
38	Gutters and Downspouts, <u>Replacement</u> /Installation/Addition/Removal		X		
39	Lighting Fixtures (Exterior), Alteration/Installation/Removal		X		X
40	Lighting Fixtures (Exterior), Repair/Replacement when there is no change in design, materials, or appearance	X			
41	<u>41 a) Masonry, Alteration/Construction/Removal</u> <u>(Major Work with Zoning Inspection Required)</u> <u>Break this into two lines:</u> <u>41 b) Masonry, Alterations (Utility penetrations,</u> <u>hose bibs, vents) (Routine Maintenance and No</u> <u>Zoning Inspection)</u>			X	X
42	Masonry, Repainting (<u>Painting of unpainted masonry is not allowed</u>) only when using existing color. Painting to another color or treatment and painting of unpainted masonry not allowed.	X	X		X
43	Masonry, Repairs/Replacement when the color and composition of the mortar match the original, and new brick or stone matches the original	X			
44	Masonry, Repointing	X	X		
45	Patios, Alteration/Addition/Removal of existing		X		Case-by-

Commented [CL8]: Needs further definition – 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.



				case basis	
46	Patios, New Construction		X	X	
47	Patios, Repair/Replacement of existing when there is no change in design (including dimensions), materials, or appearance	X			
48	Porches, Addition/Expansion/Removal of existing			X	
	Porches, Alteration of existing			X	
49	<u>Insert another line: Porches, Repair/Replacement when there is no change in design, materials, or appearance (Routine Maintenance with no Zoning Inspection)</u>			X	
50	Primary Buildings, Additions of Commercial or Residential that can be seen from the public right-of-way			X	
51	Primary Buildings, Additions of Commercial or Residential that cannot be seen from the public right-of-way		X	X	Commented [CL9]: What is the definition of Primary Buildings? Zoning only mentions relative to solar panels
52	Primary Buildings, New Construction of Commercial or Residential			X	
53	Primary building, Repainting non-masonry	X			Commented [CL10]: Delete this line as it is covered in Line #1 and whatever the new line # is in the P section
54	Roof Covering, Alteration/Replacement of existing when there is a change in design, materials, or general appearance			X	Formatted: Strikethrough
55	Roof Coverings, Repair/Replacement when there is no change in design, materials, or appearance (excluding color)	X	X	X	Formatted: Strikethrough
56	Roof Forms & Covering, Alteration, Replacement of existing when there is a change in design, materials, or general appearance			X	
57	Satellite Dishes and/or Television Antennas, Installation <u>Create a new line: Satellite Dishes and/or Television Antennas Removal/Replacement of existing when there is no change in design, materials, or general appearance (Routine Maintenance no Zoning Inspection)</u>		X	Case-by-case basis	Commented [CL12]: Review Communication/Data Equipment in guidelines Formatted: Highlight Formatted: Highlight
58	*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		X	X	Commented [CL13]: Need clarification or definition
59	Significant Features, Alteration/Removal			X	Commented [CL14]: Needs clarification or definition

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60	Signs, Alteration/Installation/Removal (must comply with the CCZO Article V.) <u>(Excludes historic markers and signs excluded by the sign ordinance.)</u>		X		X	
61	Signs, Repair/Replacement when there is no change in design (including dimensions), materials, or general appearance	X				
62	Solar Panels, Installation of new that can be seen from the public right-of-way			X	X	
63	Solar Panels, Installation of new that cannot be seen from the public right-of-way		X		X	
64	Solar Panels, Repair/replacement when there is no change in design, materials, or general appearance	X	X		X	
65	Stairs and Steps (Exterior – <u>Street View</u>), Alteration/Addition/Removal <u>Add new line: Stairs and Steps (Exterior – Non-street View), Alteration/Addition/Removal (Minor Work with Case By Case Basis Zoning Inspection)</u>			X	X	
66	Stairs and Steps (Exterior), New Construction			X	X	
67	Stairs and Steps (Exterior), Repair/Replacement when there is no change in design, materials, or general appearance	X			X	
68	Surfaces (Exterior) not specifically listed, Addition/Alteration/Removal			X	X	Commented [CL15]: Need clarification or definition
69	Surfaces (Exterior) not specifically listed, Repair/Replacement when there is no change in design, materials, or appearance	X	X		X	
70	Structure, Demolition of Contributing in whole or part			X	X	
71	Structure, Demolition of Non-Contributing in whole or part		X		X	
72	Structure, Emergency Stabilization					X <u>Not historic but requires zoning administrator approval and building code official review X</u>
73	Swimming Pools, 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.					X <u>Not historic but requires zoning administrator approval and building code official review X</u> <u>Case-by-case basis</u>
74	Swimming Pools, Removal					X <u>Not historic but requires zoning administrator approval and building code official review X</u> <u>Case-by-case basis</u>
75	Swimming Pools, Repairs to existing	X				
76	Temporary Features, Emergency Installation/Emergency Stabilization to protect a					X <u>Not historic but requires zoning administrator approval and building</u>

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	historic property that do not alter the resource	<u>code official review</u> ✘	
77	<u>Temporary Family Health Care Structures</u> <u>Temporary Features</u> , Installation/Alteration/Removal that are necessary due to a medical condition <u>per 15.2-2292.1.</u>	✘ <u>Not historic but requires zoning administrator approval and building code review</u> Case-by-case basis	

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	Walkways, Addition/Alteration/New Construction/Removal/ Repair/Replacement				
78)	<u>Create a new line: Walkways, Repair/Replacement when there is no change in design, materials, or general appearance (Routine Maintenance with No Zoning Inspection)</u>		X		X
79)	Walls, New Construction/ Alteration of Placement		X		X
80)	Walls, Repair/Replacement of existing <u>with approved materials from guidelines</u>	X	X		X
81)	Windows, Alteration/Removal of existing			X	X
82)	Windows, Caulking and weatherstripping when there is no change in design, materials, or general appearance	X			
83)	Windows, Installation of new			X	X
84)	Windows (<u>includes casings and sills</u>), Repair/Replacement when there is no change in design, materials, or general appearance	X	X		X
85)	Windows (Storm), Installation/Alteration/Removal		X		Case-by-case basis
86)	<u>86 a) Shutters Repairs/Replacement – Like for Like (Routine No Zoning)</u>				
	<u>86 b) Shutters Alterations/Removal/New Construction (Major Work / Zoning Inspection)</u>				
87)	<u>Fuel Tanks Addition / Removal</u>	<u>Not historic but requires zoning administrator approval and building code review</u>			
88)	<u>Hand Rails and Stair Rails and Porch Rails Repairs/Replacement – Like for Like (Routine No Zoning)</u>				
	<u>Hand Rails and Stair Rails Alterations/Removal/New Construction (Major Work / Zoning Inspection)</u>				
89)	<u>Showers (Outdoor) Repairs/Replacement – Like for Like (Routine No Zoning)</u>				
	<u>Showers (Outdoor) Alterations/Removal/New Construction (Minor Work / Case by Case)</u>				
90)	<u>90 a) Siding - Repairs/Replacement – Like for Like (Routine No Zoning)</u>				
	<u>90 b) Siding - Alterations/Removal (Major Work / Zoning Inspection)</u>				

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Commented [CL18]: How does Building Code determine? Not historic but requires zoning administrator approval and building code review

Commented [CL19]: How does Building Code determine? Not historic but requires zoning administrator approval and building code review



91)	<u>provision for outdoor kitchens, outdoor firepits, built in BBQs, saunsa, hot tubs, etc</u>					
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Additional notes:
- Reformat table to maintain the alphabetical order