

# Planning Commission

## Regular Session Agenda

November 3, 2013

6:00 P.M.

1. Call to Order – Planning Commission Regular Session
  - a. Roll Call – Establish a quorum
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
  - a. Approval of Agenda Format
  - b. Approval of Minutes
  - c. Reports
5. Old Business
  - a. Historic Town Entrance Corridor Overlay District – Resume discussion on the draft district.
  - b. Comprehensive Plan Review – Identify key items in Sections 1 and 2 that will need to be updated.
6. New Business
  - a. Historic District Review Board vacancy
7. Announcements
8. Adjourn



***DRAFT***  
**PLANNING COMMISSION**  
**Regular Meeting**  
**Town Hall**  
**October 1, 2013**

At 6:00 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Commissioners Andy Buchholz, Dan Burke, Joan Natali, Sandra Salopek, Bill Stramm and Mike Strub. Also present were Town Planner Rob Testerman and Town Clerk Libby Hume. There were two members of the public in attendance.

A moment of silence was observed followed by the Pledge of Allegiance.

**PUBLIC COMMENTS**

There were no comments from the public nor any written comments submitted prior to the meeting.

**CONSENT AGENDA**

Dennis McCoy asked that an item be added under New Business for discussion of the Comprehensive Plan update process.

**Motion made by Joan Natali, seconded by Mike Strub, to accept the agenda format as amended. The motion was unanimously approved.**

The Commissioners reviewed the minutes for the September 10, 2013 Joint Public Hearing with the Town Council and the September 10, 2013 Regular Meeting.

Joan Natali stated that Councilman Wendell made his comments as a private citizen of the Town so the minutes should reflect "Mr." Wendell vs. "Councilman Wendell." Joan Natali also noted a typographical correction and suggested several items for clarification.

**Motion made by Joan Natali, seconded by Bill Stramm, to approve the minutes from the September 10, 2013 Joint Public Hearing with the Town Council as presented and the minutes from the September 10, 2013 Regular Meeting as modified. The motion was unanimously approved.**

**REPORTS**

Rob Testerman reported the following: i) The Historic District Review Board (HDRB) met on September 17<sup>th</sup> and held a public hearing to revise its by-laws and approved an application for 209 Jefferson Avenue, which was a noncontributing structure, to construct an addition on the rear of the house. The Board approved the revision of the by-laws. Dan Burke asked why the HDRB needed to review an application for a noncontributing structure. Rob Testerman stated that the structure was in the Historic District and needed to be consistent with the guidelines; ii) Two new applications had been received for the Historic District Review Board (HDRB). One was for an addition to the rear of 309 Mason Avenue and the other was for a small addition to a house on Jefferson Avenue; and iii) Information was received from the Accomack-Northampton Planning District Commission (ANPDC) regarding the Comprehensive Plan update. The Town Council still needed to approve sending a request to the ANPDC for a quote and scope of work. Once the details were worked out, the information would be provided to the Commission for review. Dennis McCoy stated that at least

one Commissioner needed to be in attendance at the charette meetings. Joan Natali asked if a Commissioner was in attendance at a charette meeting, could they provide input as a private citizen? There was some discussion regarding this question and it was determined that they were also citizens of the Town and could provide their input. Rob Testerman stated that due to the ANPDC's schedule, they would be able to begin working on this project in January 2014. Dennis McCoy added that it would be beneficial if the Commissioners could get through their review of the Comprehensive Plan sections by that time.

Joan Natali stated that the Town Council had asked Rob Testerman to apply Floor Area Ratio (FAR) to the existing buildings on the north side of Mason to compare to the proposed FAR for the south side of the street. The Council had expressed their concern that the proposed 1.25 was too restrictive. Bill Stramm stated that he remembered former Town Planner Tom Bonadeo saying that all the buildings, with the exception of the Wilson Building, fit into the 1.25 FAR. Dan Burke asked about the FAR for the previously proposed development of the Tavi property. Rob Testerman stated that he had estimated a FAR of approximately 2.25, not including the underground parking. After further discussion, Rob Testerman stated that if changes were made to the proposed zoning ordinance language making the process less restrictive, another public hearing would not have to be held, but if the changes were more restrictive, another public hearing would have to be held prior to adoption.

#### **OLD BUSINESS**

##### *A. Sign Ordinance – Continue discussion on the draft modifications of the sign regulations*

The Commissioners continued their review of the Sign Ordinance. Rob Testerman stated that a copy had been sent to Mr. George Proto of the Cape Charles Business Association (CCBA) to share with the association for their review.

Dan Burke asked about the language in § 4.1.B. – Definitions for “Electrically activated” animated signs and where the language came from. Libby Hume stated that originally, this version of the sign ordinance was taken from the 2012 International Zoning Code. There was some discussion regarding this item and the Commissioners agreed to delete the second half of the definition under “Flashing.”

Joan Natali asked Rob Testerman to research penalties for repeat offences. Would the Town have to repeat the enforcement process if an individual removed the sign but replaced it after a week or so? The ordinance was being changed so the Town could remove the illegal sign(s), but could the Town assess a fine? Joan Natali went on to state that the Town would send a letter of violation notifying the sign owner giving them 10 days to comply and asked what was the next step if the owner did not comply. Rob Testerman stated that under the current ordinance, the letter gave the sign owner 30 days to remove the sign. If they did not comply, the Town would have to go to court charging the sign owner with a Class 4 Misdemeanor. Due to legal fees, the Town did not typically proceed in this manner. Rob Testerman added that he would check with other localities to see how they handled illegal signs and whether they assessed fines for non-compliance.

After further discussion, the Commissioners agreed to include language regarding repeated offenses in § 4.1.L. Rob Testerman would draft the language and email it to the Commissioners for their review prior to forwarding the sign ordinance for legal review.

##### *B. Historic Town Entrance Corridor Overlay District – Resume discussion on the draft district*

Rob Testerman suggested that, while revisiting Northampton County's 2010 draft Historic Town Entrance Corridor Overlay District language, the Commission expand the focus of the district to look at the uses allowed as well as expand the draft district to Route 13. While the Commission needed to look at Routes 13, 184 and 642 regarding uses, the Town could not nor

should attempt to regulate setbacks, site access, plantings, signage, etc. on Route 13 through this document. At the September 10, 2013 meeting, the Commissioners were tasked with preparing lists of business types that would be complementary and detrimental to businesses in the Town. Rob Testerman stated that the lists could be incorporated into the uses. Those uses which were considered detrimental to businesses in Town should be listed as allowed by conditional use. If this were the case, the business owners in Town, the Planning Commissioners and anyone else would be provided the opportunity to give both the Northampton County Planning Commission and Board of Supervisors their input on those proposals. Rob Testerman continued to state that, as far as the Town was concerned, those businesses that could be detrimental to businesses in the Town would ideally not be allowed in the district; however, he did not think the Town would get much support from the County if we proposed to completely ban those uses along Route 13.

There was much discussion regarding the need to improve the County's school system and available medical facilities after the relocation of Riverside Shore Memorial.

Dennis McCoy asked the Commissioners to list the types of businesses which they felt would complement the businesses in Town and those that would be detrimental.

Complementary:

- Education, possibly a facility like the Sylvan Learning Center
- Medical, urgent care facility, family practice
- Motels/Hotels – There were mixed feelings regarding motels and hotels and the effect they would have on the B&Bs in Town.
- Fast food restaurants
- Antique center
- Outlet mall
- Adult day care facility
- Potato Chip manufacturer
- Insurance providers
- Mortgage companies
- Real estate companies
- Eco-friendly businesses
- Seafood retailer
- Veterinarian
- Dog groomer
- Barber shop
- Dry cleaner
- Tailor

Detrimental:

- Chain drugstores
- Chain restaurants (Chili's, Applebee's, etc.)
- Motels/Hotels – There were mixed feelings regarding motels and hotels and the affect they would have on the B&Bs in Town.

There was much discussion regarding motels and hotels. Andy Buchholz felt that they would put the B&Bs out of business, while Joan Natali felt that both could be successful. Typically, each attracted a very different type of clientele. Cape Charles was being marketed as a wedding destination but there was a need for additional lodging facilities. If the County and Town were to continue investing in tourism, we needed a place for the visitors to stay. Dan Burke added that businesses looking to locate in a particular area looked for hotels in the area to house their

staff. Andy Buchholz stated that Kings Creek Marina was looking at the possibility of building a hotel and Bay Creek had ample space to build a hotel. Bill Stramm stated that people staying at a hotel on the highway would drive around the area and into Town to see the area and eat or shop. Joan Natali added that when she went on road trips, after checking into her hotel, she drove around looking at the area to seek out places to eat, etc.

Sandra Salopek commented that the “Public Beach” sign on Route 13 was good and brought people into Town. The Harbor was now being publicized in regional and national magazines and also brought in numerous boaters and other visitors.

Rob Testerman stated that the draft Historic Town Entrance Corridor Overlay District language was included in the agenda packet. In 2010, the Planning Commission modified the County’s ordinance for Cape Charles and submitted it to the County Planning Commission. The version included in the packet contained the County’s comments to what the Town submitted. The document had not been reviewed since 2010. The County staff was currently working on their zoning ordinance and this might be the opportune time to provide the Town’s input prior to the County approving their new zoning ordinance.

Dennis McCoy stated that the Commissioners needed to review the document and provide input. The Commission needed to work on this document and include it with the other documentation regarding the Town’s input for the overlay district.

## **NEW BUSINESS**

### **A. *Comprehensive Plan – Update plans/review process***

Dennis McCoy stated that this document was the most visible thing the Planning Commission did for the Town. The document drove the Town and contained the history of the Town. It was also the Commission’s opportunity to talk about health care and other issues pertinent to the Town.

The Commissioners began by reviewing Section I – Vision Statement & Executive Summary and Section II – Settings.

No changes were suggested for Section I.1 – Vision Statement.

#### **Section II – Settings:**

Joan Natali noted that things had changed in the Town over the past five years and pointed out that references to Bay Creek Marina needed to be updated to Kings Creek Marina.

Joan Natali added that the 2009 version was completely rewritten with a new approach formatting it so the citizens could understand it when they read it.

Bill Stramm noted that the current Comprehensive Plan listed a number of appendices which were not attached. Bill Stramm added that he researched the Code of Virginia which required the following: i) Review every five years; ii) Transportation Plan must be sent to VDOT. It would be nice to include a streetscape and trail information in the Transportation Plan; iii) A new item – Coastal Resource Management (§ 15.2-2223.2); and iv) Affordable housing. We had some language in the current version but it was not specific. Bill Stramm added that he tried to find Comprehensive Plans from other localities such as Smithfield, West Point, Urbanna, etc.

Rob Testerman stated that once the ANPDC was onboard, the Commission could delve further into the Comprehensive Plan.

Dennis McCoy asked for opinions on moving forward. There was some discussion regarding the review process being done at regular meetings or whether work sessions would be scheduled. Joan Natali stated that the Commission could only review the basics of the current plan and make the obvious corrections. The Commission should not begin work on the rewrite until the ANPDC was able to come on board to help with the charettes, etc. Dennis McCoy stated that the preliminary review process could be done at the regular meetings.

Dennis McCoy asked the Commissioners to go over Sections I and II in detail for further discussion at the November meeting.

Joan Natali stated that the priorities were to i) finalize the Sign Ordinance; ii) work on the Historic Town Entrance Corridor Overlay District and provide the Town's input to the County; and iii) the Comprehensive Plan review.

Rob Testerman added that the Commissioners would also have to work on revising the Flood Plain Ordinance and he would check with Mr. Charley Banks for the Dept. of Environmental Quality for the timeframe.

**ANNOUNCEMENTS**

There were no announcements.

**Motion made by Joan Natali, seconded by Mike Strub, to adjourn the Planning Commission meeting. The motion was unanimously approved.**

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Chairman Dennis McCoy

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Town Clerk

# Planning Commission Staff Report

From: Rob Testerman  
Date: October 29, 2013  
Item: 4C – Reports  
Attachments: None

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## Item Specifics

1. The Historic Review Board met October 15 to review applications for 219 Jefferson Avenue and 309 Mason Avenue. The Board voted to unanimously to approve the Certificate of Appropriateness for 219 Jefferson to add a dormer on the rear of the house. The Board also unanimously approved the application for 309 Mason, for a 400 square foot addition to the rear of the building.
2. At its October 17 meeting, the Town Council continued discussion on the Harbor District and FAR. After discussion, the Council voted to approve the proposed ordinance with slight modifications. The Mainstreet Mixed Use area will allow a FAR of 1.5 by right, and up to a 2.0 with a Conditional Use Permit. The remainder of the district will have a maximum FAR of 1.75 by right, and up to 2.0 with a Conditional Use Permit.
3. A zoning violation notice was issued to a residence raising chickens in the R-1 district. After meeting with the home owners, it is evident that they would like to pursue the possibility of getting the ordinance amended to allow for “backyard chickens”. Staff is reviewing the process in which to bring this to the table.
4. Mr. Ted Warner has tendered his resignation from the Historic District Review Board. We will be beginning the process to fill the vacancy on the Board.
5. The draft modified sign regulations have been submitted for legal review. Upon receipt of their comments, the Planning Commission can proceed to schedule a public hearing, barring any major changes.

# Planning Commission Staff Report

From: Rob Testerman  
Date: October 31, 2013  
Item: 5A – Historic Town Entrance Corridor Overlay District  
Attachments: Draft Overlay District, Draft Northampton County Zoning Ord.

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## Background

Attached is a cleaned up version of the draft Historic Town Entrance Corridor Overlay District. In the draft I have bolded suggested revisions that could be a starting place for our future work, as the goals of the overlay have changed somewhat since 2010.

## Item Specifics

As mentioned last month, in its current form, the draft overlay district seems to look at setbacks, site access, etc., ensuring that the view shed leading into town is preserved. It does not focus on regulated uses in the area. In addition, the draft district does not look at Route 13, rather Rt. 184 and 642.

I have contacted Dale Pusey of VDOT for comment regarding the areas of the draft that reference access management, sight distances, etc. I am awaiting feedback.

While revisiting this draft, I suggest that we expand the focus of the district to look at the uses allowed, and expand the draft district to Rt. 13. While we need to look at Rt.'s 184, 642, and Rt. 13 regarding uses, I do not believe we can or should necessarily attempt to regulate setbacks, site access, plantings, signage, etc. on Rt. 13 through this document.

Currently, in this draft form, the ordinance does not mention signage, lighting or landscaping for new development, only under redevelopment. These sections under redevelopment require users to bring the elements into compliance with County Code for the respective requirement. Does the Commission feel that the County regulations are sufficient for the intent of the overlay district, or should we pursue more stringent regulations in the overlay?

The working draft for Northampton County's updated zoning ordinance and map is online, and can be found at the follow links:

[http://www.co.northampton.va.us/departments/093013\\_Draft\\_NHCO\\_ZONING\\_Code.pdf](http://www.co.northampton.va.us/departments/093013_Draft_NHCO_ZONING_Code.pdf)  
[http://www.co.northampton.va.us/departments/pdf/Zoning\\_Draft\\_Map\\_South.PDF](http://www.co.northampton.va.us/departments/pdf/Zoning_Draft_Map_South.PDF)

## Recommendations

Discuss the HTE District, suggest modifications to the existing draft.

## **Historic Town Entrance Corridor Overlay District (HTE District)**

1. Title: This section shall be known and referenced as the Historic Town Entrance Corridor Overlay (HTE) District of Northampton County and the Town of Cape Charles.
2. Findings of Fact: As Cape Charles' primary connections to U.S. Route 13, State Route 184 and State Route 642 represent a significant community investment and contribute to Cape Charles and Northampton County's public health, safety, and welfare. State Route 184 and State Route 642 provide access to one of Northampton County's major centers of commercial and residential development. Furthermore, the Town's entrance corridors provide a first impression of Cape Charles for tourists and the traveling public entering the Town's Historic District and, as safe and accessible roadway facilities, serve a vital economic development function. The HTE District designation will provide for development as permitted by the underlying zoning districts, while preserving and enhancing the safety, function, capacity, and visual appearance of the State Route 184 and State Route 642 corridors.
3. Purpose and Intent: As provided in section 15.22306 of the Code of Virginia, the HTE District is intended to preserve rural and scenic characteristics which complement the Cape Charles Historic District. Additionally, pursuant to the authority granted by the Code of Virginia, and in particular the legislative intent established in Section 15.2-2200 and the purposes of zoning ordinances established in Section 15.2-2283, the HTE District is intended to enhance the safety, function, and capacity of State Route 184 and State Route 642 and to encourage appropriate economic development near the Town of Cape Charles.
4. Areas of Applicability: The HTE District shall apply to all lands identified as HTE as designated by the Northampton County Board of Supervisors and as shown on the Northampton County Zoning District Map, and also as designated by the Cape Charles Town Council and as shown on the Town of Cape Charles Official Zoning Map. Such maps together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Section.

The HTE District regulations shall apply to all development within the designated HTE District requiring site plan or subdivision review. The HTE District shall also apply to redevelopment projects, as outlined in Sub-section 10, Redevelopment, below, regardless of whether such redevelopment requires site plan or subdivision review.

5. Use Regulations: Permitted uses, special permits uses, accessory uses, and special requirements shall be established by the underlying zoning district, unless specifically modified by the requirements set forth herein. These requirements may include, but shall not be limited to, requirements for setbacks, parking, landscaping, signs, and lighting.

**a. Conditional Use Permits: In areas where the underlying zoning district is designated for commercial use, the following uses shall require a conditional use permit:**

- 1. Pharmacies**

## **2. Restaurants**

## **3. Motels/Hotels**

## **4. Others?**

6. Lot Size: Lot size shall be subject to the requirement of the underlying zoning district(s).
7. Conflict with Other Regulations: In any case where the requirements of this Section conflict with any other provision of the Northampton County Zoning Ordinance or Cape Charles Zoning Ordinance, as applicable, and other regulations or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.
8. Performance Standards:
  - a. Purpose and Intent: The purpose and intent of these performance standards is to minimize the impact of highway-oriented development on the safety, function, and traffic capacity of the State Route 184 and State Route 642 corridors.
  - b. General Performance Standards for Development and Redevelopment:
    1. Site Plans: All site plans shall include an access plan drawn to the same scale as the site plan and showing the location and dimensions of all streets, sidewalks, driveways, crossovers, parking areas, access aisles, landscape areas, and any other relevant information in accordance with Sec. 154.045 Site Plans of this Chapter.
    2. Site Access: Access to State Route 184 and State Route 642 shall be provided by direct or indirect means, consistent with the following:
      - (a.) Number of Access Points: Each tract of land recorded prior to January 1, 1998 is entitled to one direct access point to the public roadway network, provided that VDOT approves. Where multiple tracts of land are developed as a single entity, as in the case of a shopping center, office park, residential subdivision, or similar development, they shall be treated as one tract of land for the purposes of determining the permitted number of access points.
      - (b.) Corner Clearance: The minimum corner clearance of driveways from intersecting streets shall be 400 feet approaching the intersection. Downstream corner clearance shall be 250 feet minimum. For side street approaches, the minimum corner clearance shall be 250 feet. At signalized intersections, corner clearances in excess of these minimum dimensions may be required, in consultation with VDOT. Where a traffic study is submitted that shows 20-year peak period 95 percentile queue lengths will not extend past the driveway location, corner clearances may be reduced, in consultation with VDOT.

(c.) Minimum Sight Distance: Minimum sight distances along the highway shall be provided to allow vehicles to safely turn left or right onto the highway. Sight distances provided along the HTE District shall be a minimum of 1,000 feet.

(d.) Outparcels: Outparcels are those parcels of land depicted on a final subdivision plat which is designated for public or private open space, right-of-way, utilities, or other similar purposes; or, a parcel of land left over after platting which is smaller than the minimum permitted lot size for the zoning district in which it is located and therefore unbuildable unless combined with additional land; or, a parcel of land located adjacent to a shopping center which shares a common parking lot with other establishments within said shopping center but is separated from the principal buildings and establishments by a parking area. All access to outparcels must be internalized utilizing the main access drive of the principal retail center. Access to each outparcel shall be as direct as possible, avoiding excessive movement across the parking aisles and queuing across surrounding parking and driving aisles. In no instance shall the circulation and access of the principal commercial facility and its parking and service be impaired.

(e.) Residential Developments: Where practicable, new residential subdivisions shall include an internal street layout which shall continuously connect to the streets of surrounding developments to accommodate travel demand between adjacent neighborhoods without the necessity of using the highway.

(f.) Median Crossovers: Where a proposed development fronts an existing or planned median crossover, access from the development to adjacent sites shall be provided, so as to promote shared access and minimize demand for additional crossovers.

(g.) Shared Access and Reverse Frontage: Internal access roads and inter-parcel connections shall be provided to facilitate the local movement of traffic between existing and proposed development and minimize demand for local trips on the highway. Based on consultation with the appropriate VDOT staff, inter-parcel access may take the form of direct driveway connections or reverse frontage roads.

(h.) Pedestrian Access: Pedestrian walkways shall be incorporated into each project so as to minimize conflicts with vehicular traffic. Pedestrian circulation systems shall connect uses within individual projects, and shall be extended to adjacent parcels where inter-parcel vehicular access is required.

(i.) Bicycle Access: Bicycle facilities may be incorporated into each project so as to minimize conflicts with vehicular traffic. If installed, bicycle circulation systems shall connect uses within individual projects, and shall be extended to adjacent parcels where inter-parcel vehicular access is required.

**(j.) Signage:**

**(k.) Lighting:**

**(l.) Landscaping:**

3. Traffic Impact Analysis: All developments generating more than 2,000 average daily trips shall prepare and submit a traffic impact analysis. The projected number of average daily trips shall be based on trip generation rates as defined by the most recent publication of the Institute of Transportation Engineers "Trip Generation." In addition, a traffic impact analysis may be required for developments generating 2,000 or fewer average daily trips when it is determined, in consultation with the appropriate VDOT staff, that safety considerations or a degradation in the level of service of the roadway warrant such analysis. The traffic impact analysis shall identify level of service impacts of the proposed development, based on a twenty-year demand projection, and shall be used to determine necessary improvements to support the development. At a minimum, the impact analysis shall address the following:

- (a.) Turn lane and access improvements
- (b.) Internal site circulation
- (c.) Shared access/access to adjacent sites
- (d.) Impacts to intersections and median crossovers
- (e.) Potential need for signalization

4. Required Improvements: Required improvements, the need for which is generated by the proposed development, shall be determined in consultation with the appropriate VDOT staff. The developer shall be responsible for providing any required improvements, which shall be shown on site plans. The need for required improvements shall be based on the following:

- (a.) Applicable traffic impact analysis
- (b.) Highway safety and capacity

5. Setback from VDOT Right-of-Way: Buildings shall be set back from the VDOT right-of-way a minimum of 100 feet, the first 20 feet of which abutting the right-of-way shall be a vegetated buffer which includes the vegetation installation required in Sec. 154.105(G) of the Northampton County Code. The remaining area in the 20 foot buffer may be planted in grass and/or groundcover. Parking areas and stormwater best management practices may be located in the setback outside of the vegetated buffer.

9. Redevelopment: In order to promote the orderly retrofit of existing developments that do not conform to the requirements of the HTE District, while encouraging reuse of previously developed properties, the follow redevelopment standards shall apply. The following standards provide guidelines for use in bringing nonconforming sites as close to conformance as possible. All trip generation shall be based on ITE methods as described herein.

a. Access: Reconstruction, relocation, or elimination of access points shall be required under any of the following circumstances. In such cases, necessary improvements shall be identified in consultation with the appropriate VDOT staff, and shall be designed to bring the site as close to compliance as possible with the access provisions of this ordinance.

1. The redevelopment will cause an increase of 10 average daily trips (ADT) and 20% or more ADT.
2. The redevelopment will cause any turning movement to increase by 5 ADT and 20% or more ADT.
3. The redevelopment will cause an increase in use by vehicles exceeding 30,000 pounds gross vehicle weight of 10 vehicles per day or 20% or more vehicles exceeding 30,000 pounds gross vehicle weight per day.
4. Structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current assessed building value.
5. As required to address identified safety deficiencies, based on consultation with the appropriate VDOT staff.

b. Traffic Impact Analysis: A traffic impact analysis shall be submitted for all redevelopment projects in which the proposed use will generate more than 2,000 ADT and increase existing ADT by 50% or more.

c. Required Improvements: Improvements required to support the redevelopment shall be based on consultation with the appropriate VDOT staff, required traffic impact analyses, and highway safety and capacity.

d. Signage: Reconstruction, relocation, or elimination of freestanding signs shall be required when (1) structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current building value or (2) existing signs interfere with required site distances. Required improvements shall bring on-site signage as close to compliance as possible with Sec. 154.190 *et seq.* of the Northampton County Code or Section 4.1 of the Town of Cape Charles Zoning Ordinance, as applicable. Additional signage requirements are as follows:

1. Billboards are not allowed in the overlay district
2. New, freestanding signs shall not exceed 8 feet in height and shall otherwise conform to Sec. 154.190 of this Chapter.

e. Lighting: Where structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling

20% of current assessed building value, all lighting shall be brought into compliance with Sec. 154.112 *et seq.* of the Northampton County Code or Section 4.4 of the Town of Cape Charles Zoning Ordinance, as applicable.

f. Landscaping: Where structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current assessed building value, landscaping shall be brought as close to compliance as possible with Section 154.105 *et seq.* of the Northampton County Code or Section 4.4 and Appendix F of the Town of Cape Charles Zoning Ordinance, as applicable. This shall include appropriate landscaping of existing green space, as well as provision of additional green space to the extent that it does not interfere with traffic flow or required parking. Where additional green space is required, priority shall be given to establishing front yard green space.

1. Existing vegetation shall be retained. Trees over 6" DBH shall be protected during construction. Shrubs shall also be protected during construction.

2. All existing trees and shrubs shall be identified on the site plan or plot plan prior to construction and tagged in the field.

10. Other Standards: TBD

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to § 154.1-404 Conforming Lot Measurements.

<sup>2</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a

Cottage Community (CTCM)	
Maximum Density - Dwelling unit(s) per Acre(s) <small>(sfd = single family dwelling)</small>	2 sfd units /1 acre
Minimum	
Lot Size	21,780 sq. ft.
Lot Frontage	50 feet <sup>1</sup>
Lot Width	90 feet
Shoreline Width	90 feet
Minimum Principal Structure and Building and Accessory Dwelling Unit Setbacks	
Front	20 feet or Prevailing <sup>3</sup>
Rear	20 feet
Side	10 feet
Side – only for attached principal structures and buildings adjacent to shared property lines	0 feet
Minimum Accessory Structure and Building Setbacks	
Front	20 feet
Rear	5 feet
Side	5 feet
Minimum Setback from U. S. Route 13. Does Not Include Route 13 Business Routes	
	100 feet
Minimum Setback From Railroad Rights-Of-Ways	
	20 feet <sup>2</sup>
Maximum Height <sup>4</sup>	
Principal	25 feet
Accessory	15 feet
Accessory – only for structures and buildings located 15 feet or less from any property line	15 feet

lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to § 154.1-402 Setbacks.

<sup>3</sup>See § 154.1-402 Setbacks and Lot Measurements for prevailing setback standards.

<sup>4</sup>See § 154.1-403 Height and Bulk for modification and supplemental regulations.

**§ 154.1-209 COMMERCIAL (C).**

(A) The following uses are permitted subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Site Plan Improvements et seq.

Accessory dwelling - attached or detached  
 Adult day care center  
 Agricultural business office  
 Agricultural research facility, commercial and public  
 Airfield - heliports, type II  
 Aquaculture  
 Aquaculture facility  
 Assisted living facility (more than 12 people)  
 Basic utilities  
 Bed and breakfast  
 Biomass conversion to alternate fuel – small scale  
 Cemetery  
 Child day center  
 Children's residential facility (more than 12 people)  
 Civic groups, clubs and organizations  
 College  
 Commercial services  
 Commercial vehicle services  
 Educational services  
 Emergency services  
 Fishing - finfish and shellfish  
 Floriculture and horticulture  
 Funeral home  
 Government offices  
 Home occupations  
 Hospital  
 Industrial services  
 Inn  
 Library  
 Light manufacturing  
 Marina  
 Medical clinic  
 MFD attached - specifically as a mixed use building  
 Motel or hotel  
 Museum  
 Nature tourism  
 Office, professional or business  
 Park, may include indoor / outdoor recreation  
 Personal services  
 Kennel or pound  
 Recreation and sports, motorized and motor vehicle related

Recreation, indoor  
 Recreation, outdoor  
 Recreational facilities  
 Recreational vehicle park and camp grounds  
 Religious institution, place of worship  
 Research facility  
 Restaurant  
 Sales, agricultural produce, products and accessory goods  
 Retail food and beverage production  
 Sales, retail bulk outdoor  
 Sales, retail convenience  
 Sales, retail general  
 Sales, wholesale and industrial  
 School, primary or secondary  
 Self-service storage  
 SFD attached  
 SFD attached - assisted living facility (1 to 12 people)  
 SFD attached - children's residential facility (1 to 12 people)  
 SFD attached - family day home (1 to 12 children)  
 SFD attached - mixed use building  
 SFD detached  
 SFD detached - temporary emergency housing  
 SFD detached - assisted living facility (1 to 12 people)  
 SFD detached - children's residential facility (1 to 12 people)  
 SFD detached - family day home (1 to 12 children)  
 SFD detached - temporary family health care housing  
 Temporary construction office building  
 Transit stop  
 Uses similar to permitted uses  
 Uses, structures and buildings accessory to permitted uses  
 Utility distribution plant or yard  
 Vacation rental home  
 Veterinarian business  
 Warehouse, storage and distribution  
 Waste related  
 Waste water treatment plant  
 Wind turbine and wind mills, small, ≤ 35 ft. in total height  
 Wind turbine, small > 120 ft. and ≤ 199 ft. in total height  
 Wind turbine, small > 35 ft. and ≤ 120 ft. in total height  
 Winery - licensed farm wineries  
 Wireless communication facilities

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Site Plan Improvements et seq.

Airfield - agricultural, type A  
 Airfield - private multiple users, type M  
 Airfield - private personal, type P  
 Airfield - ultra-light / light sport, type U/LS

Heavy manufacturing  
 Recreation and sports, shooting related  
 Uses similar to special use permit uses

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in § 154.1-1201 Definitions. Dimensions may be modified in compliance with § 154.1-401 Supplemental and Modification Regulations et seq.; and the resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided for in Chapter 158: Chesapeake Bay Preservation Areas of the NCC.

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant § 154.1-404 Conforming Lot Measurements.

Commercial (C)	
Maximum Density - Dwelling unit(s) per Acre(s)	N/A
Minimum	
Lot Size	None
Lot Frontage	50 feet <sup>1</sup>
Lot Width	None
Shoreline Width	None
Minimum Principal Structure and Building and Accessory Dwelling Unit Setbacks	
Front	50 feet
Rear	35 feet <sup>2</sup>
Side	25 feet <sup>2</sup>
Side – only for attached principal structures and buildings adjacent to shared property lines	0 feet
Minimum Accessory Structure and Building Setbacks	
Front	50 feet
Rear	20 feet <sup>2</sup>
Side	15 feet <sup>2</sup>
Minimum Setback from U. S. Route 13. Does Not Include Route 13 Business Routes	
	50 feet
Minimum Setback From Railroad Rights-Of-Ways	
	20 feet <sup>3</sup>
Maximum Height <sup>4</sup>	
Principal	35 feet
Accessory	20 feet
Accessory – only for structures and buildings located 15 feet or less from any property line	15 feet

<sup>2</sup> If a lot zoned V-NB, V-C, C or I abut a lot that is zoned V-NB, V-C, C or I, the side and rear minimum setbacks shall be reduced to 0 feet pursuant to § 154.1-402 Setbacks.

<sup>3</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to § 154.1-402 Setbacks.

<sup>4</sup> See § 154.1-403 Height and Bulk for modification and supplemental regulations.

**§ 154.1-210 INDUSTRIAL (I).**

(A) The following uses are permitted subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Site Plan Improvements et seq.

# Planning Commission Staff Report

From: Rob Testerman  
Date: October 31, 2013  
Item: 5B – Comprehensive Plan Review  
Attachments: none

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## Background

As previously discussed, the tentative plan is to begin work with the Accomack-Northampton Planning District Commission, pending approval, on the Comprehensive Plan update in the beginning of 2014.

## Item Specifics

Between now and the time we begin the updates on the Comprehensive Plan, we are going to be reviewing the plan and identifying sections/items that are in obvious need of an update. We are not going to be doing the actual updating of the plan until the Planning District Commission begins its work with us, pending approval by Town Council and the AN-PDC.

Last month, we decided that we would be taking a look at Sections 1 and 2 of the plan to discuss at the November meeting.

## Recommendations

Identify areas of Sections 1 and 2 of the Comprehensive Plan that are in need of updating.

# Planning Commission Staff Report

From: Rob Testerman  
Date: October 31, 2013  
Item: 6A- Historic District Review Board vacancy  
Attachments: None

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## Item Specifics

As previously noted in the packet, Mr. Ted Warner has resigned from the Historic District Review Board. We will begin to the process of filling the vacancy on the Board.

The Historic District Overlay Ordinance, Section 8.9 and Article 2-2 of the HDRB By-laws state that "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.

Currently, there are no Planning Commission members on the HDRB.

## Recommendation

Discuss whether any Commission members are interested in the position on the Board, and if so, nominate a potential candidate for Town Council to consider.