

# Planning Commission

## Joint Public Hearing with Town Council & Planning Commission Regular Meeting Agenda

Cape Charles Civic Center

March 1, 2016

6:00 P.M.

1. Call to Order – Planning Commission Joint Public Hearing and Regular Meeting
  - a. Roll Call – Establish a quorum
  - b. Read Public Hearing announcement – Zoning Ordinance text and map amendments
  - c. Hear public comment
  - d. Close Public Hearing
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. Zoning Ordinance text and map amendments – review and make recommendation to Town Council
  - b. Draft Comprehensive Plan document – review and make recommendation to Town Council
  - c. Review of Zoning Ordinance Article III Section 3.6.B.35
6. New Business
  - a. Review of Northampton County proposed Town Edge-1 and Town Edge-Commercial General District land uses
  - b. Potential location for dog beach
7. Announcements
8. Adjourn

## Public Hearing

**The Cape Charles Town Council and Planning Commission** will hold a joint public hearing at 6:00 p.m. on Tuesday, March 1, 2016 at the Cape Charles Civic Center at 500 Tazewell Avenue in Cape Charles. The purpose is to hear public comment regarding the following topics:

1. Text amendments to several sections of the Zoning Ordinance.
2. Amendments to the Zoning Map for Parcels incorrectly identified.

Four Peach Street parcels (83A3-1-599c; 83A3-1-600c; 83A3-1-601b; and 83A3-1-601c) commonly known as 8 Peach Street, 10 Peach Street, and 12 Peach Street, are depicted on the February 2014 zoning map as zoned Residential – 1. Previous maps showed them as Commercial -1, and the historical use of those parcels is commercial.

These items will be discussed by the Planning Commission at their regular meeting immediately following the public hearing for a recommendation to be made to the Town Council.

Copies of the items are available for review on the Town's website [www.capecharles.org](http://www.capecharles.org) and in the Clerk's Office.



**DRAFT**  
**PLANNING COMMISSION**  
**Regular Meeting**  
**Cape Charles Civic Center**  
**February 2, 2016**  
**6:00 p.m.**

At approximately 6:00 p.m. 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, Bill Stramm and Michael Strub. Commissioner Sandra Salopek was not in attendance. Also in attendance were Town Planner Larry DiRe and Town Clerk Libby Hume. There were no members of the public in attendance.

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

**PUBLIC COMMENTS:**

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

**CONSENT AGENDA**

**Motion made by Joan Natali, seconded by Dan Burke, to accept the agenda format as presented. The motion was unanimously approved.**

The Commissioners reviewed the minutes for the January 5, 2016 Regular Meeting.

**Motion made by Joan Natali, seconded by Dan Burke, to approve the minutes from the January 5, 2016 Regular Meeting as presented. The motion was unanimously approved.**

**REPORTS**

Larry DiRe reported the following: i) The draft Tourism Zone Ordinance had been sent to the town's attorney for review. The town manager informed him that the attorneys had red-lined the documents but a copy had not yet been received; and ii) Staff prepared the Planning Department's FY 2017 operational budget and requested \$3,600 to purchase iPads for the Planning Commissioners, \$4K for legal review of certain sections of the Zoning Ordinance, and \$1K for technical support from the Accomack-Northampton Planning District Commission (ANPDC) for the Comprehensive Plan. If the Comprehensive Plan was adopted before June 30, 2016, the request for \$1K would be withdrawn.

**OLD BUSINESS**

**A. *Planning Commission 2016 Work Plan***

Larry DiRe stated that in past years, the Planning Commission and staff devised annual work plans to effectively guide the Commission's activities. The most recent work plan was done in 2013. As several significant projects had transitioned from the Commission to the Town Council, this was an appropriate opportunity to set some work goals for the 2016 calendar year. Larry DiRe proposed several projects as follows: i) sign ordinance revisions for conformance to the *Reed v. Town of Gilbert* ruling; ii) revisions to sections of the variance process and subdivision ordinances; iii) development of current town zoning district and other maps (i.e., town-owned parcels, future land use, residential street parking usage); iv) development of procedures to review, update, phase-out previously produced reports, studies and plans; v) revision of the satellite ordinance to conform to federal standards; and vi) meeting with the Historic District Review Board to discuss the zoning ordinance and the

historic district guidelines. Larry DiRe asked the Commissioners for their ideas regarding other items which could be reviewed in 2016.

Andy Buchholz stated that with the number of tourism promotions and the proposed artisan's trail, the town did not have enough places for people to eat without having to wait two or more hours. People would leave the town to find another restaurant with a shorter waiting period. He felt that the topic of food trucks needed to be considered. There was much discussion regarding the current ordinance which stated that food trailers could not be within 150' of a restaurant and the possibility of a current restaurateur also operating a food truck/trailer during the tourist season. It was agreed that this issue needed further research and discussion and to include Code Official Jeb Brady and Police Chief Jim Pruitt in future discussion.

There was also much discussion regarding a dog beach to accommodate residents and visitors with dogs providing an area where they could legally bring their dog to the beach. There was some discussion regarding the dog committee which met last year and provided recommendations to the Town Council to modify the hours where pets could be taken to the beach vs. the creation of a dog beach. The Town Council reviewed the recommendations from the committee and opted not to change the hours when pets were prohibited at the beach (April 1 through Labor Day between the hours of 9:00 a.m. – 9:00 p.m.).

**Motion made by Dan Burke, seconded by Michael Strub, to explore the possibility of creating a dog beach. The motion was unanimously approved.**

Larry DiRe stated that he would add this item to the March agenda and would include the findings from the dog committee.

Andy Buchholz asked whether lifeguards at the beach were still being considered. Libby Hume stated that the item was still on the Capital Improvement Plan under Beach Safety and would be reviewed by the Town Council at their February 4<sup>th</sup> work session. There was some discussion regarding the issue and the cost to the taxpayers and whether the taxpayers would be willing to increase their taxes to pay for lifeguards. The discussion gravitated to the tax assessments which were provided by Northampton County and how long it took the County to update the assessments after renovations or a new building was constructed on a lot.

Joan Natali stated that there was a potential opportunity for the town to do some networking with the new Board of Supervisors and several staff members had retired and been replaced and it would be nice to meet with the new staff. The Town Council had instructed the town manager to attend the Board of Supervisors meetings. The town manager met with the new economic development director. Dan Burke volunteered to work with the county if needed. It was also suggested that Treasurer Deborah Pocock meet with the new Commissioner of Revenue to build the relationship between the town and county.

Michael Strub stated that more data needed to be collected regarding parking along Bay Avenue so the issue could be evaluated. Larry DiRe stated that in 1999, the police department conducted a parking study which he would scan and email to the Commissioners. Andy Buchholz stated that it was old data and traffic counts around the town had increased since 1999.

Bill Stramm asked about the boat tax. The town currently charged \$.01 per \$100 but the county charged \$.99 per \$100. Cape Charles was the largest town in the county and the high tax rate was a detriment to attracting slip holders.

**B. *Schedule Public Input Meeting for Draft Comprehensive Plan***

Larry DiRe stated that the Commissioners reviewed the latest draft of the Comprehensive Plan at their January 5, 2016 meeting and voted to forward the draft document to the Town Council with the recommendation for adoption. Considering the additional review, input and revisions made since the November and December 2014 public input sessions, staff recommended an additional public input meeting be scheduled for February 22, 2016 to promote continuing transparency and responsible civic engagement. Ms. Elaine Meil from the A-NPDC was available to attend on February 22<sup>nd</sup>.

**Motion made by Joan Natali, seconded by Dan Burke, to schedule a Comprehensive Plan Public Input Meeting on February 22, 2016. The motion was approved by unanimous vote.**

**C. *Proposed Text Amendment to Zoning Ordinance Article III, Section 3.15.A***

Larry DiRe reviewed the current language of Article III, Section 3.15.A regarding the Open Space District and recommended the inclusion of language – “accommodate public gatherings” – to more accurately define the District’s uses currently being practiced.

**Motion made by Michael Strub, seconded by Bill Stramm, to approve the modification of Section 3.15.A as proposed. The motion was approved by unanimous vote.**

Bill Stramm asked about the proposed Strawberry Street Plaza and parking requirements for the project. Joan Natali stated that the parking for the retail establishments and residential dwelling units would be on the property vs. on street. There was some additional discussion regarding the proposed pedestrian plaza.

**NEW BUSINESS**

There was no new business to review.

**ANNOUNCEMENTS**

There were no announcements.

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

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Chairman Dennis McCoy

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Town Clerk



**DRAFT**  
**PLANNING COMMISSION**  
**Comprehensive Plan Public Input Session**  
**Cape Charles Civic Center**  
**February 22, 2016**  
**6:00 p.m.**

At 6:00 p.m. Chairman Dennis McCoy, having established a quorum, called to order the Comprehensive Plan Public Input Session. In addition to Chairman McCoy, present were Commissioners Joan Natali, Sandra Salopek, Michael Strub and Bill Stramm. Commissioner Andy Buchholz arrived at 6:15 p.m. Commissioner Dan Burke was not in attendance. Also in attendance were Town Planner Larry DiRe, Town Clerk Libby Hume and Ms. Elaine Meil, Executive Director of the Accomack-Northampton Planning District Commission (ANPDC). There were five members of the public in attendance.

Dennis McCoy announced that the purpose of this evening's meeting was to obtain public input regarding the proposed Comprehensive Plan Update. Ms. Meil would give an overview of the significant changes from the last public input sessions in November and December 2014 but there would be dialogue with the public throughout the session.

Ms. Meil began by stating that the Commonwealth of Virginia required localities to update their comprehensive plan every five years. The current update process for the Town began with the Commissioners conducting a preliminary review from November 2013 through March 2014. The Town contracted with the ANPDC to facilitate the review process and that work began in April 2014 and meetings continued through the summer and culminated with two public input sessions in November and December 2014. The input received was taken into consideration and additional changes were made to the draft comprehensive plan. The draft plan was then forwarded to the Town Council for their review and their comments were incorporated. There were many minor revisions such as formatting, name changes, subdivision changes, etc. Ms. Meil continued to report on the major revisions as follows:

- Information regarding cost-burdened households from the 2010 Census was added. The housing crisis of 2008 came after the last comprehensive plan was adopted.
- Some new language was added to direct the Town to pursue the connection of Mason Avenue to the Harbor if there was ever a change in land use in the area.
- The Harbor Access Road was added.
- Two new goals were added – attract families with children and to continue to foster prosperity in households.
- Information taken from the *2012 Healthy People, Healthy Places Community Well-Being on Virginia's Eastern Shore*, more commonly known as the Walkability Study, was added in regards to transportation, including the changes that had occurred regarding parking.
- The Chapter 729 consistency review, which was a transportation edit required by VDOT. VDOT had to review the draft comprehensive plan because of the Harbor Access Road project. The next time, this review should not be necessary since the Harbor Road project should be complete.
- A new strategy was added to connect the Town through bicycles to the Southern Tip Bike Trail. Efforts to pursue the project were included in the draft plan.
- The upcoming relocation of the hospital and change in situation was difficult to incorporate. Strategies were incorporated to increase the Town's work with Northampton County to address medical care, etc.
- Quite a few changes were made in regards to Town-owned properties. The minutes were reviewed to obtain descriptions of the properties and their use.
- Baseline demographic data was added to the appendix.
- The Capital Improvement Plan (CIP) was added as well.

Public input was received as follows:

Phil Goetkin (602 Jefferson Avenue) stated that he and his wife were new-comers to the Town. Their house was completed in June. Their experiences from being in Cape Charles far exceeded what they thought and they were happy about being here. They were not in Town for the initial public input meetings and just read the draft comprehensive plan today. Mr. Goetkin provided input as follows:

- He felt that the plan generally provided a great vision but wasn't sure how realistic it was, but it was better than setting the sights too low.
- He had difficulty following the information online and wasn't able to view the map. He suggested more and better maps so people could relate to it.
- A complete network of sidewalks was a goal, but he wasn't sure if it could be accomplished in our lifetime. There were other ways to get there more quickly. The Town Code stated that the Town Council had the authority to require property owners to install and maintain sidewalks in areas that were missing them. There were possible grants to help property owners with sidewalks.
- There could be more details regarding the Southern Tip Bike Trail.
- There was language regarding nature and other modes of transportation but not a lot of information on how to pursue this was included in the document.
- There was a lot of language regarding access to the water and harbor. Mostly, there was access, except for the lot along Mason Avenue that was owned by the railroad.
- Landscaping and plantings were mentioned in various places in the document. Promoting the use of native plants to help restore and enhance critical habitats was a good idea. He was a former employee of the National Park Service and a landscaper. VDOT had lots of rights-of-way and sometimes there were 10' – 12' between the curb and sidewalk. With guidance, a habitat plan could be developed for these areas. Good work could be done.
- He had mixed emotions regarding the concrete plant. It was an economic driver for the Eastern Shore and provided a lot of jobs, but it was unattractive. Minimal landscaping close to the water or along Mason Avenue could minimize the visual impact of the concrete plant and provide a more attractive view shed. There wasn't much regarding this issue in the plan.
- He was in favor of pursuing the acquisition of undeveloped waterfront lots.
- Regarding the new section talking about attracting families with children, the issue on the Eastern Shore was the quality of the public schools. This wasn't mentioned in the plan. Most families wanted to know about the schools. The plan could state that the Town was supportive of the Northampton County Schools. This was critical for a long-range plan and public schools should be part of the document.
- Overall the plan was a positive for Cape Charles, the Eastern Shore and all who lived here and was a good document.

Tom Weaver (702 Monroe Avenue) stated that he and his wife, Sue, were not yet permanent residents of the Town. They had their home in Charlottesville. Mr. Weaver asked whether this document was sent to the appropriate body to develop and whether there were benchmarks to track the progress. Joan Natali responded that once adopted by the Town Council, the comprehensive plan became the strategic, tactical guidelines for decisions made by Town Council. Projects voted on by the Town Council were supposed to be compared with the comprehensive plan to determine whether they were in support or opposition of the plan. There had been a number of very vocal conversations at Council meetings regarding the contents of the comprehensive plan.

Tom Weaver went on to state that his background was with business plans and added that he would like to know what the strategies of the comprehensive plan actually meant.

Dennis McCoy responded that the comprehensive plan influenced the CIP and it was an issue of what was the most important with the funds and human resources available. The Planning Commission provided the recommendations and guidance and the Town Council made the decisions. Several

projects such as Central Park and the Library had been largely done through volunteerism. The Town was lucky when the Bank of America moved and sold the building to the Town for \$200K. It wasn't perfect, but was renovated for the current library which made the Civic Center possible. The comprehensive plan did not have milestones or measurable results. Some items in the comprehensive plan were lightning rods for discussion and remained in the plan for a good reason. As time moved on, as Town Council worked on their CIP, and as money became available, things would move forward.

Tom Weaver concluded by stating that he appreciated all the effort and time that had gone into the comprehensive plan.

Michael Strub commented that it was nice to see that a lot of the projects from the 2009 plan had been completed, but there was still work to do. As projects became more feasible, they would be included in the CIP. This was not just an exercise for the state requirement. The Town respected and tried to follow the guidelines included in the plan.

**Motion made by Michael Strub, seconded by Sandra Salopek, to adjourn the Planning Commission Comprehensive Plan Public Input Session. The motion was approved by unanimous vote.**

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Chairman Dennis McCoy

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Town Clerk

# Planning Commission Staff Report

From: Larry DiRe   
Date: March 1, 2016  
Item: 4c-Staff Report  
Attachments: None

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1. The Historic District Review Board received three applications for consideration at their February 16<sup>th</sup> regular monthly meeting. There was one application was for a modification to a Certificate of Appropriateness approved in May 2015 allowing for the installation of a dormer. The applicant requested the dormer be replaced by skylights. That modification request was approved. The second application was for façade renovation at 207 Mason Avenue related to the construction of second and third floor residential units. The proposed renovations were approved. The third application was for construction of a new single-family home in the Residential – 1 District. The application was approved. The Board concluded their review of the Historic District Guidelines document. As required, elections were held for chairman and vice chairman. Joe Fehrer and John Caton were nominated and elected to hold those respective offices until February 2017.
2. Staff participated in a webinar on the use of historic tax credits sponsored by the Virginia Main Street program. The webinar was on Friday February 19<sup>th</sup> and attended by members of the ad hoc Main Street Organization Committee.
3. The draft Tourism Zone Ordinance was sent to the Town's attorney for review. The draft Ordinance text and a cover letter were mailed to potentially qualified businesses, currently holding a valid Town business license, for review and comment. To this date staff has received no comments.
4. Staff received a phone call about a potential Joint Permit Application for the installation of rip-rap behind Bay Vista Way. No further information has been submitted as of this date.
5. The Board of Zoning Appeals had no business and did not meet.
6. As of February 23, 2016 there has been no action on the Conditional Use Permit approved for 207 Mason Avenue.

# Planning Commission Staff Report

From: Larry DiRe   
Date: March 1, 2016  
Item: 5a-Proposed Zoning Ordinance text and map amendments  
Attachments: None

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## Item Specifics

The following sections of the Zoning Ordinance of the Town of Cape Charles are proposed for text amendment in order to correct factual or typographical errors, or comply with language in the Code or Virginia, or provide clarity in the administration of the Ordinance.

*Article II Section 2.9 (page 26)* defines "Municipal Community Center" as "the former Cape Charles High School building." That section shall read "See Neighborhood Community Center."

*Article IV Section 4.5.B (page 29)* identifies *Section 4.8* as "Table of Parking Standards". That section (*Section 4.5.B*) shall read "*Section 4.5.1*."

*Article III Section 3.2.1 (pages 5-6)* enumeration reads as follows: "1. Proportions; 3. Scale and Orientation; 4. Roofs; 4. Windows and Doors." This section shall read "2. Scale and Orientation" and "3. Roofs."

*Article III Section 3.2.C.3.c (page 3)* identifies *Section 4.8.E.2* as "Table of Parking Standards". That section (*Section 3.2.C.3.c*) shall read "*Section 4.5.1*."

*Article II Section 2.5.1.A.6 (page 6)* and *Article II Section 2.5.5 (page 7)* both cite a four-year period of non-occupancy of non-conforming structures. Virginia Code *Section 15.2-2307* states a two-year period. These sections shall read "two."

*Article II Section 2.3.7* is proposed for the purpose of resolving textual inconsistencies across the zoning ordinance. This section shall read, "*Where there is conflict between the provisions or requirements of this ordinance, the more restrictive provisions or requirements shall apply.*"

*Article III Sections 3.5.B.21; 3.6.B.36; 3.7.B.3; and 3.8.B.2* state "*compatible in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of the district.*" *Section 3.9.E.8* states, "*Any other use which is compatible in nature with the foregoing permitted and conditional uses and which is determined to be compatible with the intent of the District.*" These sections (*3.5.B.21; 3.6.B.36; 3.7.B.3; and 3.8.B.2*) shall read "*and is concurred with by the Planning Commission.*" The revised *Section 3.9.E.8* shall read "*Any other use which is compatible in nature with the foregoing permitted and conditional uses and which the Zoning Commissioner determines to be compatible with the intent of the District, and is concurred with by the Planning Commission.*"

The following parcels are proposed for Zoning District re-identification on the Zoning Map of the Town of Cape Charles to correct a cartography error.

Four Peach Street parcels (83A3-1-599c; 83A3-1-600c; 83A3-1-601b; and 83A3-1-601c) commonly known as 8 Peach Street, 10 Peach Street, and 12 Peach Street, are depicted on

the February 2014 zoning map as zoned Residential – 1. Previous maps showed them as Commercial -1, and the historical use of those parcels is commercial.

#### Discussion

Staff brought the above sections to the Planning Commission at various meetings in 2015. On November 5, 2015 the Planning Commission and Town Council held a joint work session to discuss the proposed amendments. At the January 5, 2016 Planning Commission and January 21, 2016 Town Council meetings March 1, 2016 was set as the date for a joint public hearing. The public hearing was advertised as required. The joint public hearing was held March 1, 2016.

#### Recommendation

Following public comments and further Commission discussion, staff recommends the Planning Commission make the recommendation to Town Council to approve all amendments as presented.

# Planning Commission Staff Report

From: Larry DiRe   
Date: March 1, 2016  
Item: 5b-Draft Comprehensive Plan document – review and recommendation to Town Council  
Attachments: Notes from February 22, public input session

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## Item Specifics

The attached notes from Ms. Elaine Meil, executive director of the A-NPDC, incorporate public comments into the draft Comprehensive plan document. There is also a summary of other comments received, but not requiring incorporation into the revised text.

## Discussion

Ms. Meil states the following: *“Staff has reviewed the public comments received and sought to address items that were already included within the plan. Some of the comments received were for items that were not discussed in prior Planning Commission meetings and staff recommends those be reviewed and incorporated into the Planning Commission’s future scope of work. These have been summarized at the end of this report.”*

## Recommendation

Following Commission discussion, staff recommends the Planning Commission make the recommendation to Town Council to review the draft document and move forward to required public hearing prior to adopting the draft.

# Town of Cape Charles Planning Commission Public Input Report

February 22, 2016

Staff has reviewed the public comments received and sought to address items that were already included within the plan. Some of the comments received were for items that were not discussed in prior Planning Commission meetings and staff recommends those be reviewed and incorporated into the Planning Commission's future scope of work. These have been summarized at the end of this report.

## Comments on the Draft Plan

1. Would like more details regarding a Southern Tip Hike & Bike Trail connection to the Town.

Since there is a strategy to support this connection, staff has written a short description for potential inclusion into another section.

### **Recommendation: Add the following paragraph to the end of III-C.2 Community Trail.**

The Southern Tip Hike & Bike Trail is located on the Eastern Shore of Virginia Wildlife Refuge and connects to Kiptopeke State Park. There are plans to extend the trail further north along the abandoned railway. The abandoned portion of the railway does not extend into Cape Charles. However, the Town intends to work with regional partners to promote a connection of the Town's Community Trail to the regional Southern Tip Hike & Bike Trail.

2. Develop a partnership with Northampton County & Northampton County Schools to support the Town's goal of attracting families with children. Having the best schools in Virginia is crucial to attracting families with children.

### **Recommendation: Add the following strategy to III-B.5.7 Attract Families with Children.**

- Develop a partnership with Northampton County and Northampton County Schools to support high quality education and advocate for continued improvements.

## Summary of Additional Comments

1. The vision is great but there are items that are unrealistic and may not happen. One dream is a complete network of sidewalks. This is a good goal to have but may not happen soon. For this to happen faster, consider requiring town people to install the sidewalk if it is not there.
2. The plan promotes access to the Harbor and this is a good thing.
3. The concrete plant is unattractive and landscaping along the fence on Mason Avenue or near the water could improve the view shed.
4. The plan promotes Native Plants and this is a good thing.
5. Consider developing a street and habitat plan for the VDOT Right of Way.
6. Add maps
7. Consider adding benchmarks to monitor progress on the strategies in the plan.



# Planning Commission Staff Report

From: Larry DiRe   
Date: March 1, 2016  
Item: 5c-Review of Zoning Ordinance Article III, Section 3.6.B.35  
Attachments: None

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## Item Specifics

As part of staff's review of the Zoning Ordinance, the following sections of the Town Zoning Ordinance and Accawmacke Plantation Planned Unit Development (commonly known as the "Bay Creek P.U.D.") are presented for review. Currently all the Specialty Commercial District permitted uses are allowed by-right in the Commercial – 1 District. Town Zoning Ordinance *Article III, Sections 3.7.B.1 and 3.8.B.1* incorporate all Commercial – 1 District permitted uses into the Commercial – 2, and Commercial – 3 Districts respectively. Therefore, any use allowable in the Specialty Commercial District is a by-right use in all commercial districts in Town except the Commercial-Residential (C-R) District.

*Article III Section 3.6.B.35* (Zoning Ordinance Article III page 14) states "Any use allowable in the S-C District."

*Planned Unit Development Division 6.C Article 5.B* (Bay Creek P.U.D. pages 6-19, 20) states the following:

B. Permitted Uses. Within the SC District, the following permitted uses shall be allowed:

1. Antique shops, art studios, galleries, supply shops, auditoriums, athletic clubs;
2. Bakery shops, bait and tackle shops, banks and financial institutions, barber and beauty shops, bath supply stores, beach club, bed and breakfast, business and professional office, blue print shops, bicycle rental, sale and services, book stores, boat rental, water-skiing and boat sales;
3. Car rental, café, camera shop, child day care center, churches and other places of worship, clothing stores, confectionery and candy stores, commercial schools, conference centers, community center, civic and cultural facilities;
4. Delicatessen, drug stores, dry cleaning shops (collecting and delivery only), dry goods stores;
5. Equestrian trails and facilities;
6. fish market, florist shops, food markets, grocery stores and supermarkets (not to exceed 5,000 gross square feet), furniture stores, furrier shops;
7. Gift shops, gourmet shops;
8. Hardware stores, health food stores, hobby supply stores, hotels and inns, health clubs and spas, harbor master office;
9. Ice cream stores, interior decorating showrooms, indoor recreational uses;
10. Jewelry stores;
11. Leather goods, luggage stores, locksmiths, liquor stores;
12. Marinas, including but not limited to: commercial fishing facilities, dock facilities, landside facilities, fuel storage and dispensing, boat ramps, dry stack storage, boat repair facilities, boat storage yard, millinery shops, music stores, meeting rooms, movie and stage theaters, museums, malls – indoor and outdoor;
13. Nightclubs, newsstands;
14. Office (retail or professional), office supply stores, outdoor recreational uses;

15. Paint and wallpaper stores, public or private parks provided that no structure shall be located less than 100 feet from any property line and all lighting shall be designed so as to illuminate the desired area only without being offensive to other areas or adjacent properties, pet shops, pet supply stores, post offices, parking garages and lots, pottery stores, private clubs, public libraries;
16. Radio and television sales and services, real estate sales, racquet courts and clubs, recreational uses, retail, restaurants – indoor and outdoor (excluding drive-through), retention areas, rental stores;
17. Shoe sales and repairs, souvenir stores, stationery stores, stables, streets;
18. Tailor shops, tobacco shops, toy shops, tennis courts and clubs;
19. utility installations, veterinarian offices and clinics (no outside kennels), video stores;
20. Watch and precision instrument sale and repair;
21. Any other commercial or professional use which is comparable in nature with the foregoing uses and which the Administrator determines to be compatible with the intent of this District.

There are no conditional uses allowed in the SC District.

#### Discussion

Staff brings this item to the Planning Commission for two specific reasons. The first is to provide an opportunity to review the by-right nature of uses enumerated in one document that are referenced, but not specifically enumerated in another document. To that end, staff asks if the text in *Article III Section 3.6.B.35* should be left as is, or amended to enumerate those more desired and/or appropriate uses of the Specialty Commercial District, rather than all those uses.

The second reason is to illustrate for the public the number and type of by-right commercial activities allowed in the Town of Cape Charles. Lived experience sometimes reveals that the public is not always aware of such uses. Staff recently spoke with separate commercial property owners about their experiences managing misinformation about commercial activity in the Commercial – 1 District and their respective properties.

#### Recommendation

Provide direction to staff.