



PLANNING COMMISSION/TOWN COUNCIL

Joint Work Session

Cape Charles Civic Center

November 5, 2015

6:30 p.m.

At 6:30 p.m., Mayor George Proto, having established a quorum, called to order the Town Council Work Session. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown, Godwin and Wendell and Councilwoman Natali. Also in attendance were Town Manager Brent Manuel, Treasurer Deborah Pocock, Planner Larry DiRe and Town Clerk Libby Hume. There were two members of the public in attendance.

Chairman Dennis McCoy, having established a quorum, called to order the Planning Commission Work Session. In addition to Chairman McCoy, present were Commissioners Dan Burke, Joan Natali, Sandra Salopek and Bill Stramm. Commissioners Andy Buchholz and Michael Strub were not in attendance.

Mayor Proto stated that the order of business for the evening would be to review: A) Accessory Dwelling Units; B) Tourism Zone; and C) Zoning Text and Map Amendments.

A. *Accessory Dwelling Units*

Planner Larry DiRe stated that there was a conflict between the Zoning Ordinance and Comprehensive Plan over the status of accessory dwelling units. The Planning Commission had discussed the issue and was recommending text amendments as follows: i) Accessory dwelling units, as part of an accessory building, would be permitted as a conditional use; ii) The units must have a separate water and sewer connection from the main building; iii) The units must have a separate entrance from the accessory building's entrance; iv) They must have a minimum square footage based on the number of occupants; and v) They must meet all building, fire and residential code requirements. On the Eastern Shore, accessory dwelling units were permitted in the Town of Cheriton and Northampton County. The towns of Exmore, Wachapreague, Parksley and Onancock did not allow accessory dwelling units. The town of Onley had definitions of both "Accessory Living Unit" and "Dwelling Unit" but did not clearly state whether they were permitted or prohibited in the residential district.

There was much discussion regarding this issue and the need for affordable housing in the town. A number of examples of properties with unauthorized accessory dwelling units were discussed as well as one property which went through the proper channels to build a mother-in-law suite which did not currently have a kitchen or separate water and sewer connections. Issues of enforcement, the need for regular inspections, parking and the prohibition of use for vacation rentals were also discussed. Larry DiRe explained that accessory dwelling units, if permitted by Council, would be approved by conditional use. The applications would be reviewed on a case by case basis and a public hearing would be held to allow the neighbors to voice their concerns to the Planning Commission and Town Council prior to a decision being made.

Mayor Proto asked Council for their thoughts which were mixed. Vice Mayor Bannon and Councilman Godwin were opposed; Councilman Brown and Councilwoman Natali were in favor. Councilman Wendell stated that he needed more information. Councilman Bennett stated that he was generally in favor but more work needed to be done. Mayor Proto agreed that accessory dwelling units were generally a good idea, but more work was needed on the language and asked Council to send any further comments to Larry DiRe to provide to the Planning Commission. The topic would be revisited in a couple of months. Councilman Brown suggested that language be added regarding the grandfathering of current living units which were built according to the town's current regulations.

B. *Tourism Zone*

Larry DiRe began by reviewing Code of Virginia § 58.1-3851 regarding the creation of tourism zones. The Planning Commission had spent a number of months reviewing the tourism zone, possible incentives, etc. and the draft Tourism Zone Ordinance addressed the

following: i) Creation of a Tourism Zone footprint to include the entire town; ii) Creation of an administrative process to implement the ordinance; iii) Definition of qualified businesses and establishment of eligibility criteria for participation; iv) There was no distinction between seasonal or year-round businesses; and v) The economic stimulus credits available to qualified businesses. Participation in the program would be voluntary.

Council reviewed the proposed draft ordinance and there was much discussion regarding § XX-6 – Economic stimulus credits and enforcement and who would decide the percentage of the credit. Several of the Council members expressed their opposition to providing a 100% credit. There was also some discussion about a possible effective date and Council was in agreement that ideally, the ordinance would be effective by January 2016. If the ordinance could not be approved by January, the effective date could be retroactive to January 1, 2016.

Mayor Proto asked about § XX-6(e)(2) regarding the credits being subject to the appropriation requirements of the Commonwealth of Virginia and the town. Larry DiRe explained that if the town experienced an economic downturn and was not raising enough in taxes, the program could be suspended.

Council was in agreement that it would be a good program, but that there were still some issues in the details especially regarding the definition of the incentives and asked the Planning Commission to revisit the language in § XX-6 (a) and (b) making it a priority in order to have the ordinance in place before the start of the 2016 tourism season. Mayor Proto also asked Larry DiRe to provide them with the list of localities whose tourism zone ordinances were reviewed. Once the Commissioners had finalized the language, the document would be forwarded for legal review prior to presentation to the Council for a public hearing and vote.

C. *Zoning Test and Map Amendments*

Larry DiRe stated that the Planning Commission had been reviewing proposed zoning ordinance text and map amendments which required factual, consistency or typographical corrections. Larry DiRe reviewed the following sections: In Article II, sections 2.3.7, 2.5.1.A.6, and 2.9; in Article III, sections 3.2.C.6.c, 3.2.1, 3.5.B.21, 3.6.B.36, 3.7.B.3, and 3.8.B.2; and Article IV Section 4.5.B. The zoning map amendment included four Peach Street parcels 83A3-1-599c, 83A3-1-600c, 83A3-1-601b, and 83A3-1-601c, more commonly known as 8, 10 and 12 Peach Street, were depicted on the February 2014 zoning map as Residential-1. This was deemed to be a typographical error since previous maps showed the parcels as Commercial-1 and the historical use of the parcels were commercial.

Council was in agreement with the proposed corrections as discussed.

All were in agreement that it was a very productive meeting.

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

Motion made by Joan Natali, seconded by Dan Burke, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

Mayor Proto

Chairman McCoy

Town Clerk