

Planning Commission

Regular Session Agenda

February 4, 2014

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. Planning Commission Annual Report to Town Council
 - b. Backyard Chickens – Discuss staff report and issues/concerns
 - c. Comprehensive Plan Review – Identify key items in the remainder of the Comprehensive Plan that are in need of update.
6. New Business
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Regular Meeting
Town Hall
January 7, 2014

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, Bill Stramm and Mike Strub. Commissioner Sandra Salopek was not in attendance. Also present were Town Planner Rob Testerman and Town Clerk Libby Hume. There was one member of the public, District 1 Supervisor Granville Hogg, 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

Bill Stramm requested that the 2013 Annual Report be added to the agenda under New Business. Dennis McCoy stated that this discussion could precede the discussion regarding backyard chickens.

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

The Commissioners reviewed the minutes for the December 10, 2013 Regular Meeting.

Joan Natali noted two corrections on page 1 – a typographical correction under Reports and a grammatical correction in the last paragraph on page 1.

Mike Strub suggested that on page 1 under Reports, “Restaurant” should be added after Aqua.

Motion made by Mike Strub, seconded by Joan Natali, to approve the minutes from the December 10, 2013 Regular Meeting as amended. The motion was unanimously approved.

REPORTS

Rob Testerman reported the following: i) The Harbor Area Review Board (HARB) met on January 2 and reviewed two applications, one from The Shanty for proposed alterations and another regarding the proposed Virginia Waterman’s Memorial at the Harbor. The application from The Shanty was recommended for Town Council approval as submitted and the Virginia Waterman’s Memorial application was recommended for approval with several conditions. Council would be reviewing the information and HARB’s recommendations at their January 16 Regular Meeting; and ii) Eastern Shore Healthy Communities installed several “Cape Charles Walks” signs throughout Cape Charles – 1 on the north side of Central Park, 1 on Washington Avenue, 2 on Bay Avenue, 1 on Mason Avenue west of Sullivan’s Office Supply and 1 on Peach Street. These signs were paid by grant funds.

Dennis McCoy asked for background information regarding Town Council’s request for the Commission to research and draft a possible chicken ordinance. Rob Testerman stated that he received notice that the residents of 109 Madison Avenue were raising chickens and he issued 2 violations since chickens were not permitted in Town. The owner of the chickens wanted to

challenge the violation and initially asked for a variance which he denied. The owner then took the issue to the Town Council. For now, the violations stand but the current zoning ordinance did not have time limits so the Town was letting the owner keep the chickens until this issue could be resolved. Joan Natali added that the owner spoke at the Town Council meeting and 2 other individuals commented and 1 letter was submitted all in favor of permitting chickens.

OLD BUSINESS

A. *Historic Town Entrance (HTE) Corridor Overlay District*

Rob Testerman stated that the changes made at the December meeting had been incorporated into this evening's handout. Rob Testerman went on to state that he had received a suggestion to include Professional Offices in Item 5 required conditional use permits so as not to interfere with the professional offices in the Town and to keep this type of business in the Town. The County was scheduled to finalize their draft ordinance at their January 14 meeting and schedule a joint public hearing for March 14, 2014. Another round of public information meetings was anticipated in February. It would be helpful to submit the Town's recommendations to the County mid-January. Since this was not a Town ordinance, there would be no vote by the Town Council. If agreeable with the Commissioners, once the Commissioners approved the proposed language, it would be emailed to the Town Council for their review and comments prior to being submitted to the County.

The Commissioners reviewed the revised language and discussed the following: i) Dennis McCoy asked whether the Commissioners had any issue regarding adding Professional Offices to item 5 requiring a conditional use permit. There were no objections; ii) Dan Burke asked for clarification of why the Commissioners were reviewing this language. Joan Natali responded that the County was currently working to update their zoning ordinance. This document would be the Town's input for the County zoning ordinance for the HTE Corridor Overlay District. Supervisor Hogg stated that with the Public Service Authority's (PSA) endeavor and the changes to the Northampton County Zoning Ordinance, the Town needed to be cognizant of the changes that were about to happen. The area being considered by the PSA encompassed the properties south of the Sun Trust Band in Cheriton to Frank Wendell's commercial property south of Route 13, an area approximately 3.5 – 4 miles long with Cape Charles' entrance in the middle. Rob Testerman stated that this ordinance covered approximately 1 mile north and south of the Cape Charles traffic light; iii) Bill Stramm asked about Cheriton's boundary adjustment. Rob Testerman stated that he had spoken with Peter Stith who informed him that the issue was still in executive session and not public knowledge; iv) Bill Stramm suggested adding language to include the proposed Bicycle Trail. Joan Natali stated that the County was aware of the Bicycle Trail plan and recommended including a reference to the trail in the cover letter when the proposed ordinance was submitted to the County. Joan Natali brought out her copy of the VDOT/ANPDC 2035 Transportation Plan which included language regarding the Bicycle Trail. Dennis McCoy added that this showed the County's commitment to the plan; v) Rob Testerman stated that "wastewater treatment plant" and "waste related" were added as prohibited uses in the HTE; vi) Rob Testerman stated that in item 8.b.1., language was added that in the event of conflicting regulations with VDOT, VDOT's minimum requirements would supersede the standards in the section; vii) Joan Natali requested that under 9.e. dark sky compliance be suggested.

Motion made by Bill Stramm, seconded by Dan Burke, to alert Town Council of the revised Historic Town Entrance Corridor Overlay District ordinance by email prior to the Town Council meeting. The motion was unanimously approved.

B. *Comprehensive Plan Review - §§ 3.5 through 3.B.6*

Rob Testerman stated that Town Council approved using the Accomack-Northampton Planning District Commission (ANPDC) for the Comprehensive Plan update and he and Heather Arcos

would meet with Elaine Meil of the ANPDC on January 15 to discuss the process. The Commission would work with Curtis Smith and Barbara Schwenk on the update.

The Commissioners reviewed §§ 3.5 through 3.B.6 and noted the areas needing to be updated.

In § 3.5, the following were noted: i) Under the Uses for Harbor Mixed Use (Harbor), “residential” needed to be added; ii) “Now known as Bay Creek” would be removed from all references to the Accawmacke Plantation PUD; iii) References to “STIP” and “PD-STIP” would be updated accordingly as noted last month; and iv) “Town Edge” would be updated to keep the terminology consistent with the County.

In § 3.6, Under “Long Term or Strategic,” the work “must” was changed to “will.”

In § 3.6.1, the reference to “Corridor Overlay” in the last bullet was changed to “Historic Town Entrance Corridor Overlay” for consistency with the County.

In § 3.6.2, a bullet was added to show “Continue to improve protection of the Port of Cape Charles.”

In § 3.A.5, the reference to “STIP” and “PD-STIP” would be updated under Business & Industry.

In § 3.A.5.1, the following changes were made to the Table: i) Under 1, Description, “Randolph Avenue” was added to the second bullet, the fourth bullet was changed to show “Continue sidewalk improvements,” and the fifth bullet was changed to “Maintain Central Park ...;” ii) Under 3, Applies to Neighborhoods, “now known as Bay Creek” was removed from the reference to Accawmacke Plantation PUD; iii) Under 4, Applies to Neighborhoods, “Bay Creek Marina on King’s Creek” was changed to “Kings Creek Marina;” iv) Under 4, Description, a bullet was added to show “enhance protection of the Port of Cape Charles (reduce wave action, reduce coastal erosion, increase safe harborage);” v) Under 5, 7 and 8, Applies to Neighborhoods, “now known as Bay Creek” was removed; vi) Under 8, Description, in the bullet referring to golf carts, “(designated Golf Cart Paths only)” was added, and a new bullet for “personal transportation vehicles” was added; and vii) Under 9, Description, in the first bullet under “The Town should,” reference to the Parson’s Circle connection to Route 13 was deleted in preparation for the planned Harbor Access Road, and in the third bullet, the language was changed to show “Enhance landscaping and signage at Route 184 and Route 642 and at Route 13.”

In § 3.A.5.2, “Cape Harbor” was deleted and “Town Marina” was changed to “Town Harbor.”

In § 3.B.4, the following changes were made: i) In the first bullet, “on the Chesapeake Bay and part of the intracoastal waterway” was added at the end of the first sentence; ii) Under “Great amenities,” the capitalization was changed for consistency, “sports facilities” was moved to a separate bullet, new bullets were added for “watersports,” “recreational fishing and crabbing,” and “waterfront and fine dining;” iii) The fourth main bullet was changed to show “An existing industrial/commercial infrastructure,” “and sport” was deleted from the second bullet, and a new bullet was added for “Yacht center;” and iv) The last main bullet deleted “and wastewater” since the new wastewater plant had been built.

In § 3.B.5, the last bullet was changed from “Create a web portal...” to “Maintain a web portal...”

In § 3.B.5.1, reference to “a corridor overlay” in the third bullet was changed to show the “Historic Town Entrance Corridor Overlay” for consistence with the County.

In § 3.B.5.3, under “Promote tax incentives such as,” new bullets were added for “Technology Zone” and “Tourism Zone.”

In § 3.B.5.4, it was suggested to check with the Finance or Building Departments regarding the number of vacation rentals in the Town.

In § 3.B.5.6, it was suggested that the Town check with its new website hosting company regarding key words to improve the Town’s position on all search engines.

Dennis McCoy suggested that a context statement be included at the beginning of the Comprehensive Plan to define what a Comprehensive Plan was. Joan Natali stated that it would be ideal in the Executive Summary if it wasn’t already included.

For the February meeting, the Commissioners would review pages 38-51.

NEW BUSINESS

B. *2013 Annual Report*

Rob Testerman stated that after receiving the email from Bill Stramm, he had drafted a Staff Report putting together information regarding the annual report to the Town Council and added that he would prepare a report documenting the various tasks performed by the Commission in 2013.

Bill Stramm recommended the Commissioners to review the annual report from Peterburg which was included in the handouts last month.

Rob Testerman stated that he would provide a draft report for review by the Commissioners at the February meeting.

A. *Backyard Chickens*

Rob Testerman stated that he would review various ordinances regarding backyard chickens and added that he had spoken to someone who had researched a multitude of issues and she forwarded a lot of information to him to review. After the Commissioners begin their review, public input meetings would be scheduled to obtain feedback from the residents. The City of Chesapeake approved an ordinance for a 1-year test period and recently adopted the ordinance permanently.

Joan Natali stated that she found a website that listed all the states with localities that slowed chickens and brought up the following questions:

- Would permits be required?
- If permitted, in which districts?
- For single-family residences only?
- Must the property be owner-occupied?
- What would be the setbacks from the lot line and alley for a coop?
- Would a coop be required?
- Would clean water be required on a regular basis?
- How often should the coop and yard be cleaned?
- Can the owner sell eggs? Are permits or licenses required?
- How many chickens could an individual have? Based on square feet?
- Would there be a minimum lot size?
- Would there be restrictions on slaughtering?
- Would fencing be required to restrict the chickens to the owner’s yard?

OTHER

Bill Stramm asked whether the Town's sign at the Harbor and the one planned for Strawberry Street were legal. Joan Natali looked up the new sign regulations which stated that directional and way-finding signs were exempt from the chapter.

ANNOUNCEMENTS

There were no announcements.

Motion made by Andy Buchholz, seconded by Joan Natali, to adjourn the Planning Commission meeting. The motion was unanimously approved.

Chairman Dennis McCoy

Town Clerk

DRAFT

Planning Commission Staff Report

From: Rob Testerman
Date: January 28, 2014
Item: 4C – Reports
Attachments: None

1. The Historic Review Board met on January 21 to review two proposals. One was for the addition of a double door entrance way into the commercial store-front at 207 Mason, the other for a handicap ramp, and side entrance to 500 Tazewell, the former library building. Both applications were approved.
1. With the new website up, I am resuming work to update planning application forms (Zoning Clearance, CUP, Rezoning, etc.) and informational sheets to inform property owners of what each of these processes are, what they involve, and when/why they may need to apply for any of them. Once completed, the forms will be available online.
2. The Harbor Area Review Board met Thursday January 2, 2014 to review an application from The Shanty for proposed additions. The Board also reviewed a proposal from the Friends of Virginia Waterman's Memorial to place a waterman's memorial in the harbor area. The Board recommended Council approval of both applications.
2. Some time back, the Town began working with Eastern Shore Healthy Communities, whose mission is to "create a healthier Eastern Shore." Specifically, the Town was contacted by their Town Walking Trail group regarding demarcating a walking trail around town. Over a year ago, Cape Charles, along with three other Eastern Shore towns were selected by ESHC to receive six signs to demarcate the walking trail (signs and installation paid for by ESHC). These signs have now been placed in town.
3. I have been in correspondence with Elaine Meil of the AN-PDC. She is beginning to draft a recommendation of the topics to be covered at each public session. Once complete she will submit the recommendation to the Planning Commission for approval.
4. At its January meeting, Town Council approved the Harbor Development Certificates for both the Shanty improvements and the proposed Waterman's Memorial
5. Town Council has directed the Planning Commission and staff to move forward with researching and producing a draft "chicken ordinance." This item will be discussed further in Old Business.

Planning Commission Staff Report

From: Rob Testerman
Date: January 28, 2014
Item: 5A - Town Council Annual Report
Attachments: Draft Town Council Annual Report

Background

Virginia State Code § 15.2-2221.5, under duties of commissions states that the local planning commission shall “make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction.”

To accomplish this task, staff will prepare a report documenting the various tasks that the commission completed, made recommendations on, or started working on during 2013. After reviewed by the Planning Commission, and edited as needed, staff will forward the report to Town Council for their information.

Recommendations

Review the draft Town Council Annual Report.

Planning Commission Staff Report

From: Rob Testerman
Date: January 28, 2014
Item: 5B – Backyard Chickens
Attachments: None

Background

At the December 19, 2013 Town Council meeting, Council voted in favor of the Planning Commission and staff researching and developing a draft ordinance to regulate backyard chickens and a recommendation to Council as well.

In conducting research and preparing this report I have referenced sources including “Illegal Fowl: A Survey of Municipal Laws Relating to Backyard Poultry and a Model Ordinance for Regulating City Chickens” by Jamie Bouvier; “Residential Urban Chicken Keeping: An Examination of 25 Cities” by KT LaBadie; the Code of Virginia sections related to poultry, Spotsylvania County, Virginia; and the City of Fredericksburg, Virginia.

Below, we will outline the benefits, as well as concerns regarding backyard chicken keeping.

Item Specifics

Benefits of backyard chickens:

- Source of fresh eggs
 - More nutritious than store bought eggs. Backyard chickens tend to have a healthier diet than confined hens, and are less stressed because they are kept in a more natural environment.
 - Some tests have shown that the eggs taste better as well.
- Chickens provide companionship as pets
 - Many people who own small numbers of chickens consider their chickens to be pets, just as they would a dog or cat.
 - Some cities actually regulate chickens as pets, placing no further burden on owners than it would on dog and cat owners (Dallas, Indianapolis, Jacksonville, New Orleans, Plano, Raleigh and Spokane).
- Chicken manure is a valuable fertilizer.
 - Chicken waste provides necessary nutrients for plants and works well as an addition to compost.
- Chickens eat insects
 - Chickens eat insects such as ants, spiders, ticks, fleas, slugs, roaches and beetles. Chickens also occasionally eat worms, small snakes, and small mice.
 - Small numbers of chickens are also a recommended method to eliminate weeds.
 - This reduces the need to apply chemical weed killer or other insecticides in the owners yard.
- Chickens help build community
 - Several studies have found that urban agriculture can increase social connections and civic engagement in the community.

Concerns regarding backyard chickens:

- Noise
 - Roosters are noisy, while we work on this, it would be my recommendation that the Town does not allow roosters.

- Hens on the other hand, are not known to be particularly noisy. Hens will cluck rather excitedly after laying eggs, but it is not generally sustained more than a few minutes.
- Hen clucking is commonly compared to human conversation, around 65 decibels. A single barking dog registers decibels over 100.
- Odor
 - The odor most associated with poultry is ammonia. This is actually a product of a poorly ventilated and moist coop.
 - In *The Backyard Homestead Guide to Raising Farm Animals*, Gail Damerow states that “a chicken coop that smells like manure or has the pungent odor of ammonia is mismanaged. These problems are easily avoided by keeping litter dry, adding fresh litter as needed to absorb droppings, and periodically removing the old litter and replacing it with a fresh batch.”
- Disease
 - According to a recent study by the City of Fredericksburg, information provided by Dr. Brooke Rossheim of the Rappahannock Area Health District states that the primary risk associated with poultry is salmonella, a type of bacteria present in the bird’s intestines and fecal matter. These risks are to the people handling the chickens and not the public at large. There was no evidence found of avian influenza or other diseases.
- Property values
 - According to Bouvier, several studies have shown that agricultural uses within a city actually increase property values.
 - Of the 2013 Forbes Top 10 Healthiest Housing Markets, 9 allow urban chickens.
- Slaughter
 - According to Bouvier’s report, most egg-laying breeds do not make for tasty meat.
 - Legalizing backyard chickens does not require the legalization of backyard slaughtering. I would recommend not allowing slaughtering.
- Chickens running wild
 - Although a chicken could escape from time to time, just as a dog can, regulations can and should be written to ensure that the hens are kept in an enclosure at all times.
- Predators
 - Predators such as raccoons, foxes, snakes, cats and dogs may be attracted to the hens. These predators already live in the area, and are already attracted to open spaces (such as golf courses) with rabbits, ducks and geese. They are also already attracted by bird feeders, pet food, gardens, fish ponds, bird baths, and trash waiting to be collected.
 - With proper shelter requirements, the risk of the chickens attracting predators should be reduced.

In developing a draft ordinance to present to council, we should look at a few critical questions:

- What type of chicken would be permitted?
- Where would they be allowed?
- How many would be allowed?
- What are appropriate setbacks and structure standards?
- How will they be permitted and who is responsible for enforcement?

What type of chicken would be permitted?

Based on research recently conducted in the City of Fredericksburg, the term “*domestic laying hens*” does not specify any one variety of chicken, however it would remove the ability to keep roosters and other game birds that the term “chicken” might be interpreted to include.

Where would they be allowed?

Staff recommends that domestic laying hens would be allowed at single family homes in the R-1, R-2, and R-E districts. Some localities also allow backyard chickens at multi-family dwellings, with written consent of all owners and tenants within the structure.

Site specific, staff would recommend that coops and runs be restricted to the rear yard.

How many would be allowed?

Chickens are flock animals, and will not do well with too small of a flock. However, in an urban setting, a large flock would not be logistical. Most reports and ordinances read seem to show that for backyard chicken flocks, at least four chickens should be allowed. Given the lot sizes in Cape Charles, staff would recommend allowing between four and six (as a maximum) hens.

What are appropriate setbacks and structure standards?

Localities setback requirements vary greatly. Some use property line setbacks, while others use setbacks from other dwellings, and the distances range from 10 feet to over 100 feet. Madison, WI, which is reportedly has a successful regulation of urban chicken keeping, uses a setback of 25 feet from any residential structure on an adjacent lot. Other localities regulate a setback from any door or window on an adjacent residential structure.

A setback could be imposed that would set a distance from both the property line, and the adjacent structure, allowing the owner to use whichever one places the coop furthest from the nearest adjacent structure (not owned by the applicant).

An ordinance should require that the coop and outdoor enclosure be kept in a sanitary condition and free from offensive odors. It should also require the structures to be cleaned on a regular basis to prevent waste build up.

Feed should be stored in a rodent-proof container to reduce the attraction of pests.

The draft ordinance should state that hens will remain in the coop or outdoor run at all times, except when an adult is directly supervising them.

How will they be permitted and who will be responsible for enforcement?

Staff would recommend that a permit be required for the raising of chickens in town. The applicant would be required to submit an application stating the amount of chickens desired, description of coops and outdoor runs, etc., a sketch of the proposed structures in relation to property lines, adjacent residential structures, etc. in order to determine setbacks. Typically, fees are involved, however, if the Town were to implement a fee for the permit, staff would recommend it be a relatively small fee, as to not price out lower income families who may wish to partake in backyard chicken keeping. Some localities also treat it as a yearly permit, requiring the chicken keeper to renew each year.

If the proposed ordinance were to be included in the zoning ordinance, it would be the responsibility of the Zoning Administrator to enforce. After issuance of a permit, the Zoning Administrator would be authorized to periodically inspect the coop and run to assure that the standards continue to be met. Also, in the event of a neighbor complaint, an inspection would be conducted to determine if any aspect of the regulations are in violation.

Planning Commission Staff Report

From: Rob Testerman

Date: January 28, 2014

Item: 5C – Comprehensive Plan Review

Attachments: Sections 3.5 through 3.B.6 of the Comprehensive Plan

Background

The Accomack-Northampton Planning District Commission has been approved by their board to assist the Cape Charles in the 2013-2014 Comprehensive Plan update. At its December 19 meeting, Town Council approved the request for assistance from the ANPDC for its assistance in the Comprehensive Plan update. Prior to, and during, the assistance we will continue to identify areas in need of revision in the Comprehensive Plan, in an effort to get a head start on the process.

Item Specifics

In previous months, we have reviewed sections 1 through 3.B.6. This month, we will be reviewing the remainder of the plan, as with previous discussions we will simply be identifying those areas in need of revision.

Recommendations

Identify areas of the remainder of the Comprehensive Plan that are in need of updating.

Section III-C - Transportation and Utilities

Cape Charles was in the transportation business for most of its early life. Train, ferry and automobile transportation were the reasons for the Town's existence. More than 230,000 railcars moved through Cape Charles per year in the 1920s. That equates to about one barge load each hour of the day every day of the year. During the height of the auto and passenger ferry business, Cape Charles had about 30 ferry dockings per day and each carried about 100 cars plus people.

The core of Cape Charles is a part of town that is five blocks by six blocks laid out about 1885 before automobiles. The streets are distinctive to that time period. An addition of eleven blocks from Pine to the Bay, called the Sea Cottage Addition, was constructed about 1909. This addition took into consideration autos and added alleys between the backs of the lots. Another small addition from Fig to Fulcher, made later, also had alleys. The original design and layout of the town was adjacent to and just north of the Railroad and its property, around which Cape Charles came into being.

The recent revival of Cape Charles and the current and planned future development focused serious attention to this infrastructure. A recent (2008) traffic study of future development shows that the Fig and Randolph intersection is the most vulnerable. Study and elementary design of a roundabout has shown it to be a possible solution for this intersection. Land is available and technical design should be done very soon.

The "hump" has been a signature feature of Town for years but is another problem area. An at-grade crossing alternative has been proposed and should be designed to straighten out Old Cape Charles Road from Mason Avenue to Bay Creek. The "hump" should be maintained as an alternate emergency vehicular route.

New developments around the Harbor have sparked interest in a new, more direct road, from the industrial area near Bayshore Concrete to Old Cape Charles Road. This is under consideration by private land owners and has had favorable reviews.

III-C.1 Golf Carts

Cape Charles is a golf cart community. Each year more are seen on the streets and their use should be encouraged as an alternative mode of local transportation. There are a few roadways on which golf carts are currently prohibited because of speed limits greater than 25 mph. All of the roadways in Cape Charles should have the speed reduced to 25 mph or less to allow the use of golf carts on all streets in the Town. Some new developers have volunteered to provide golf carts to guests to help reduce auto traffic in town.

III-C.2 Community Trail

The size of Cape Charles lends itself to walking and bike riding. A new Community Trail Master Plan was adopted by the Town Council in 2007. The goal of this trail is to connect the entire town

by a transportation means other than automobiles. The master plan is complete and the first phases are underway.

The Town's Harbor District requires land owners to allow and encourage pedestrian access to the waterfront. Each development will be reviewed for this aspect of planning. The Town was laid out in a grid pattern and the continuation of the grid is important to the transportation system while providing easy access to all parts of Town.

III-C.3 STAR Transit

Star Transit has a bus route that connects major towns, including Cape Charles, and the commercial areas of Northampton and Accomack counties. This is a publicly funded program that fills a need for those people lacking reliable transportation. This service is limited to the two counties and does not extend across the Bay or north into Maryland.

III-C.4 Community Facilities

Cape Charles has a wide array of community facilities including:

- a park
- a public library
- public beachfront
- a public fishing pier
- Virginia Clean Marinas with fuel facilities at the Town Harbor and at Bay Creek
- free public boat launching ramps
- charter fishing operations
- commercial fishing operations
- a business district
- restaurants
- museums
- signature golf courses
- public water and sewer services

Cape Charles has its own police force and volunteer fire department which work closely with the county sheriff's office and the US Coast Guard Station located at Cape Charles harbor. A hospital and rural health facilities are available.

III-C.5 Water, Wastewater and Storm Water

The Town is in the engineering phase of a Water Treatment Plant (WTP) and Wastewater Treatment Plant (WWTP) expansion and replacement. This process will expand the systems to carry the Town through the projected growth to 2040. The WWTP project is required to meet the projected growth but also to meet State and Federal guidelines by 2011.

Cape Charles provides its citizens with clean water and with the addition of its two new wells will have a capacity of 500,000 gallons per day of production. Additional wells and filtering equipment at the same site will carry production to over 1 million gallons per day when needed.

Cape Charles provides a wastewater treatment facility now capable of treating 250,000 gallons per day. This plant is being replaced to surpass the State quality requirements of the effluent. Future additions to this plant could increase its capacities of future growth. Active collaboration with Bay Creek Resort & Club to achieve the provision of essential public utilities.

The Eastern Shore of Virginia relies on a "sole source" aquifer which means that the aquifer from which we draw all the drinking water recharges from one source - the rain. Historically the towns on the Shore were settled near the waters' edge to take advantage of water transportation. However, water distribution in the aquifer is such that the deepest, most plentiful water is near the middle of the peninsula which is also the best area for recharge. The edge area of the peninsula, where the towns are located and where future county development will take place, doesn't recharge as fast. Current and future projects are necessary to protect the existing groundwater stocks, the Chesapeake Bay and its resources.

III-C.6 Broadband Communications

The Town of Cape Charles is part of the Eastern Shore Broadband Network Project and has applied for grant funding to be connected to the backbone fiber being planned for the Eastern Shore. This will bring the highest volume of Internet access to businesses and homes in the area and aid in economic development.

Section III-D Amenities

The Town of Cape Charles is experiencing a revitalization of its philosophical as well as its physical foundation. It is of ultimate importance that guidance is provided to the participants in this revitalization to establish a balance allowing for growth opportunities while maintaining the 'friendly small town' feel that residents and visitors so admire. It is the challenge of Cape Charles to improve its image as a business and recreational place of opportunity. In response to that need, the Town must continue its focus on creating a quality overall environment that is sustainable, memorable, comfortable and convenient for its citizens and visitors.

The Comprehensive Plan includes the following key elements to achieve the desired environment:

III-D.1 Cape Charles Harbor

Cape Charles Harbor is unique and vital to the future of the Town. It currently serves the Bay Coast Railroad, Bay Shore Concrete, United States Coast Guard, Mid-Atlantic Maritime Academy, commercial fishermen and recreational boaters. The harbor was upgraded in 2002 with the installation of new docks, fuel tanks and other facilities but has seen much increased activity since then. New development has been proposed on private parcels around the harbor as well. In response to increased usage and interest in the harbor, in 2007 Town Council approved the Harbor Historical District, the Harbor Zone, the Harbor Master Plan and Design Guidelines, and the Cape Charles Harbor Redevelopment Plan (see Appendices). To encourage sustainable marketability and growth of the harbor, the Town will:

- Develop and implement a plan with Bay Coast Railroad for public crossings at Fig Street and at the waterfront
- Fully implement the plan for construction of breakwaters to allow for greater protection of the harbor for use by all types of boaters
- Support the Harbor Redevelopment Plan to increase funding for new facilities and greater dockage as well as dockside spaces for retail and recreation
- Work with private developers to encourage employment opportunities for residents
- Coordinate plans with the various stakeholders around the Harbor to connect the proposed multi-modal trail with the Historic District
- Adopt a Harbor Historical District Pattern Book to ensure cohesive and appropriate development around the Harbor
- Create a public recreational meeting area at the harbor for use by all fishermen, boaters, Cape Charles citizens and visitors
- Maintain Virginia Clean Marina Standards at all marinas and the Harbor.

III-D.2 Cape Charles Beach

Since it is the only public Chesapeake Bay beach on the Eastern Shore of Virginia, the recreational and tourism value of Cape Charles' public beach cannot be under estimated.

The views of the beach and harbor are so integrated into the physical aesthetics of the town that their presence identifies Cape Charles as a special place. Whether viewing the spectacular sunsets, strolling on it, or investigating the variety of flora and fauna presented daily with the flow of tide, the beach influences everyone who observes or visits it. The beauty and tranquility it contributes to the Town is enjoyed by residents and visitors alike whether or not they partake of its recreational opportunities.

However, the beach provides other functions which are also of vital importance to the Town. Most of the historic area of Cape Charles is in the 100 year flood plain with the beach identified as the VE Zone (zone of high velocity waters). The wide shallow water area, the development of the dunes, and the breakwaters are necessary to provide a storm buffer between the Chesapeake Bay and the historic housing area. Natural erosion of the shoreline must be abated to maintain the safety of the residents' homes, welfare and recreational opportunities.

The recent installation of the breakwater at the beach has enhanced that habitat as evidenced by the variety of birds during the winter months. Easy access to the beach allows birders and other visitors such as kayakers a good opportunity to enjoy their hobbies. The beach also provides a convenient on-site area for educational opportunities to study marine life important to the welfare of all, and protected areas established at the beach allow for release of rehabilitated marine life into the Chesapeake Bay.

It is of utmost importance that Cape Charles maintain its beach for the future safety and benefit of its citizens by:

- Establishing a plan for funding continual maintenance and sand replenishment of the beach
- Encouraging educational programs in cooperation with the Eastern Shore Birding Festival, the Virginia Marine Science Museum, county schools and other educational venues
- Rehabilitating the breakwaters
- Protecting and preserving the coastal dunes

III-D.3 Resort Lifestyles

The Bay Creek Resort & Club is the largest single residential and mixed use development in the Town. As a prime residential and business community and tourism destination, it is significantly important to the economic vitality of the Town and a major contributor to the economy of the Region. It provides for a variety of housing options ranging from estate homes to condominiums to beach cottages and miles of neighborhood beach along the Chesapeake Bay. Residents, guests and visitors to Town can enjoy golfing on two Signature courses designed by golf legends Arnold Palmer and Jack Nicklaus. The marina village at the north end of Town serves residents and tourists with a world class marina and harbor for recreational boaters, trendy shops, overnight accommodations and fine dining facilities. The resort rental homes available at Bay Creek accommodate thousands of visitors each year that support the local businesses and tourism in general, all of which complement the goal of sustainability for the Historic District. The

emergency of this resort and residential amenity has also served as the stimulus for rail experiences on the Bay Creek Railway which offers a variety of dining and sightseeing excursions.

III-D.4 The Streetscape

During the last decade, bicycling, walking for pleasure and exercise, bird watching and general concern for the environment have become a prime consideration to many residents and visitors to Cape Charles. The grid plan of the Historic District affords Cape Charles with clear patterns of access and movement to its commercial, residential and public spaces. New development occurring in areas outside the historical town grid needs to have access as well. And by virtue of its location, Cape Charles is also a focus in three regional plans: the Eastern Shore of Virginia Bicycle Plan, the Eastern Shore of Virginia Heritage Trail and the Virginia Birding and Wildlife Trail.

Increased interest in recreational opportunities, renovation of the Historic District, in-fill building, easy access to natural areas and connectors with new parts of Town has prompted assessment of the quality of the Town's environment. The aesthetics of the streetscape and ease of circulation, especially between the Harbor and the Historic District, were found to be less than optimum. In response, the Town has adopted a Master Tree Plan, a tree ordinance, and the Cape Charles Community Trail Master Plan. It is imperative to establish aesthetically pleasurable as well as easy, safe and interesting movement around town for residents and visitors. Open space with inviting areas in which to sit and relax, stroll, bicycle or skate connected by trails and safe sidewalks is necessary to promote the small town friendly atmosphere desired. Coordinated landscaping, lighting and street furniture throughout Town will enhance the sense of Cape Charles as a special place. To achieve this, the Town will:

- Actively work with VDOT and ANEC to repair streets, sidewalks, lighting and landscaping in easement areas
- Develop and implement a Streetscape Planting Plan
- Encourage citizens to participate in stewardship programs to help maintain the streetscape
- Support construction of the Cape Charles Community Trail
- Coordinate with Northampton County to develop a corridor overlay district for Routes 184 and 642 which will include architectural and landscape guidelines
- Develop a gateway plan for the entrance to Town at Route 13/184 for a more welcoming arrival
- Coordinate with Northampton County to develop shared use paths to connect with the Bicycle Plan, the Virginia Heritage Trail and the Virginia Birding and Wildlife Trail
- Move or radically modify the pump station at Mason and Bay Avenues to reduce odors and visual impact on the beach environs
- Establish a recycling program/drop off site in town
- Work with the landowners to complete a connecting trail between the harbor and the Coastal Dune Natural Area Preserve
- Acquire land to increase future potential park, waterfront and trail areas

- Develop story boards of Town history and environmental features for installation along the Trail

III-D.5 Public Services and Programs

Public services and facilities supporting growth in Town is a major concern for all its present and potential citizens. Newcomers, businesses and visitors alike have an expectation that the Town has in place all the required facilities and services to accommodate them. These include physical facilities such as water and waste water systems, police, as well as amenities such as a library, recreational programs and town events. The State requirements supporting its citizens in the Town must also be met. The Comprehensive Plan serves to guide continued improvement in the various systems and put in place new programs to achieve a greater level of comfort and convenience.

Presently, Cape Charles has the basic services required for the safety and convenience of its citizens. The Cape Charles Police Department works in conjunction with county and state resources to provide for a safe community. The Cape Charles Volunteer Fire Company and the Cape Charles Rescue Service, Inc. also work cooperatively with other local fire companies and rescue squads to provide fire protection and emergency medical services. It is important for the Town to continually provide support to the police and volunteer fire companies to upgrade the technology and equipment and education needed for them to do their jobs successfully.

Other community services and facilities available include the town offices, the library, a community college and museum. Several of these facilities are housed in inadequate buildings. Growth of the Town will require an increase in space for community services, therefore, the Town plans include:

- The restoration of the Cape Charles School as an adaptive reuse to preserve this structure
- Establishing a Community Center
- Relocating the Library to a larger space with adequate provision for increased patronage, meeting rooms and technology
- Relocating the Town offices including space for archives and the police department
- Developing educational programs with the community college to support town endeavors such as a tree stewardship program
- Acquiring strategic undeveloped properties (e.g., the Rosenwald School, Schlegel property)

III-D.6 Recreational, Cultural and Youth Activities

The Town of Cape Charles offers a variety of recreational and cultural opportunities which attract its citizens, tourists, visitors and sportsmen. Boaters enjoy access to the Chesapeake Bay and Atlantic Ocean from the Town's harbor and Bay Creek Marina and fishermen make excellent use of the newly extended Fun Pier. Cape Charles offers the only public beach on the Chesapeake Bay along the Eastern Shore, and it is a very popular spot for visitors to swim, bird watch, kiteboard, water ski, etc. While water oriented activities are certainly the most visible, Cape

Charles also offers a skateboard park, a basketball court, a children's playground, a museum, a library, community college, a historical theater and Central Park. The Town has partnered with various organizations to host events such as the Christmas Progressive Dinner, art shows, music fests, and a 4th of July parade and fireworks. Golfers have access to two world class courses in the Bay Creek development. Birders can enjoy the sights at the beachfront, the Coastal Dune Preservation Area as well as at Kiptopeke State Park and The Eastern Shore of Virginia National Wildlife Refuge which are within easy travel distance of Town. In fiscal year 2007-08 the Town hired a recreational program director and established a citizens' committee to develop youth activities in Town. It is necessary that the Town continue to provide and enhance these facilities and activities by:

- Supporting the Master Trail Plan for use as a connector between the various recreational, cultural, and work facilities
- Supporting partnerships with organizations to increase and improve cultural and art programs
- Developing a maintenance plan for the beach and Fun Pier
- Continuing to pay for the Fun Pier fishing license
- Supporting construction of a dune crossover at the north end of the beach for access by kayakers and others with non-motorized recreational watercraft
- Continuing to develop recreational programs for youth and seniors
- Supporting the relocation of the ball fields in cooperation with Little League and Northampton County
- Encouraging cooperation between the Town and event sponsors
- Maintaining support of the Library

Section III-E - Active and Engaged Partnerships

The Town of Cape Charles has numerous major initiatives and partnerships underway as town projects, county projects and private initiatives. These will shape the future of Cape Charles and this section provides a guide through these initiatives.

III-E.1 Northampton County Comprehensive Plan and Rezoning

The County Comprehensive Plan has several elements that will impact the systems of Cape Charles. The first element is the movement of county residential development from the rural parts of the county to the edges of the towns. This is a new concept for the county as it rewrites the zoning ordinances to implement these concepts. The second element in the county plan is an emphasis on affordable housing. Town Edge plans are proposed to be drafted suggesting cooperative plans for systems and services such as regional water and sewer systems.

III-E.2 Water and Wastewater Partners

Cape Charles is actively working with other political subdivisions and private partners to study the potential for regional WTP and WWTP projects. The protection of the environment and the natural resources are important and a regional approach may allow more service with less impact.

III-E.3 Broadband Communications

The Eastern Shore Broadband Authority has been formed to develop and manage the shore-wide project to deploy high speed Internet service backbone fiber network through the shore. This backbone will connect to Maryland Broadband Cooperative in the north with high speed network centers in Norfolk. This connection would allow communities to form local open networks and receive high speed services at a lower cost. The Towns and Counties of the Eastern Shore are participating in this venture. Cape Charles has been awarded a grant to connect to the backbone and deploy a fiber optic ring around Town.

III-E.4 Civic Partnerships

III-E.4.1 Citizens for Central Park (CCP)

This is a cooperative volunteer body formed to support the development of the Cape Charles Central Park. The Town is listed on the National Register of Historic Places and has been placed there for several contributing factors, one of which is the Park and layout of the adjoining streets. The park is the center of the "compass rose" and the four streets radiate from it following the four lines of the compass. The CCP has raised thousands of dollars to restore and beautify the park by planting trees, building the pergola, funding the construction of the gazebo, installing watering systems, park benches, volunteer maintenance of planting each year and many other items. The volunteer group provides a fundraising event each year. This organization is a vital

resource to the Town as it provides funds and energy to the beautification of a major feature in Cape Charles.

III-E.4.2 Cape Charles Renewal Program

This volunteer program works to revitalize the commercial areas of Cape Charles. This action is in addition to the work of the Northampton County Chamber of Commerce. This is similar to downtown revitalization programs in other small towns and provides input to the Town on ways to improve and develop the downtown business area.

A newly organized subsidiary of the Cape Charles Renewal Program is the Cape Charles Business Association.....

III-E.4.3 Historical Society and Museum

Cape Charles Historical Society is a volunteer organization that owns and operates the Cape Charles Museum and has made major investments into the preservation of the history of Cape Charles. The Society has two major fundraisers each year and works on grants for additional funds. The funds provide for the protection of buildings and documents that preserve the heritage of the Town of Cape Charles. These volunteer organizations provide the energy, funding and people power to preserve and enhance the character of the Town.

III-E.4.4 Friends of the Cape Charles Memorial Library

The library is the oldest memorial library in the state. While the Town and regional library system provide basic funding for the operation of the library, the Friends organization is a volunteer organization that raises extra funds to allow the library to provide programs over and above the regular operation of the facility. Volunteer organizations, such as the Friends of the Library, are the fabric that makes small towns like Cape Charles exceptional places.

III-E.4.5 Youth, Recreation and Churches

Cape Charles also has volunteer organizations to support youth activities and to help supplement the beginning of a Recreation Department. Cape Charles has a large number of churches, a few of which have active youth programs. No one group alone has the resources to provide all kinds of activities, but as a group, these organizations provide a wide range of activities for the young people of the Town and surrounding area. Other organizations like the Northampton Anglers Club provide annual programs for the youth.

III-E.4.6 The Northampton County Chamber of Commerce

This organization is made up of businesses in and around the County. This is a business to business organization that provides help to local merchants and business people. They provide volunteers to manage civic functions for fundraising purposes. The Town of Cape Charles is a dues paying member of the Chamber.

III-E.4.7 Eastern Shore Tourism Commission

This organization is not strictly a volunteer organization, but it provides a function larger than the Town is able to provide and a majority of its funding is from Accomack and Northampton Counties. Its function is to market the Eastern Shore on a larger geographic scale than the Town would be able to do on its own. The Tourism group has developed an Eastern Shore Brand and the Town is part of that project.

III-E.4.8 Concerned Citizens of Cape Charles (CCCC)

CCCC is an organization of local citizens whose mission is to improve the lives and living conditions of low-income residents through human development and the creation of a sustainable community. Homebuyers and home sellers clubs have been formed for the purpose of helping local residents with this process. This work is done through community newsletters, collaboration with other groups, festival organizations, and community youth work.

III-E.4.9 Cape Charles Volunteer Fire Company

The Fire Company is located in the Historic District of Cape Charles in a building adjoining the Town Hall. The volunteer group provides the firefighting power for the Town and Lower Shore area. Members come from the Town and surrounding area.

III-E.4.10 Arts Enter

The Town of Cape Charles supports this group to provide access to the arts on the Shore. Arts Enter brings music, drama and dance entertainment to Town in a restored 1940 Art Deco Historic Palace Theater. A wide range of musical and art classes are available as well as access to local artists through the Stage Door Gallery.

III-E.4.11 Cape Charles Committee on Children and Youth (CCCCY)

The CCCCY supports the youth of Cape Charles through mentoring programs, youth athletic programs and by providing youth advocacy.

III-E.4.12 Cape Charles Food Pantry

The Cape Charles Food Pantry is operated by Trinity United Methodist Church. It is the local distribution center serving the needy in our Town. It is the authorized extension of the FDA Food Bank and gets some of its items from them along with local donations of cash and food.

Section IV - Implementation

Tom to do intro paragraph (per Steve's recommendation)

IV.1 Town Council Priorities

1. Prepare and maintain a rolling 5 year CIP
2. WTP and WWTP Improvements
3. Business Development. Create Economic Development Committee
4. Future Land Use Plan - Boundary Adjustment
5. Establish a Corridor Overlay for Routes 184 and 642
6. Continue Alley Easement and Ownership Project
7. Explore Public Works locations
8. Work to eliminate substandard housing in Town
9. Work with non-profits to aid property owners who cannot repair their homes
10. Comprehensive Review of Town Code
11. Continue development of a Recreation Program
12. Continue Support of Chamber of Commerce and Tourism
13. Establish a Town Community Center
14. Develop Town Parking Solutions
15. Promote water and energy conservation
16. Research Chesapeake Bay Meteor Impact interpretive center
17. Research more cooperative agreement with County Sheriff and more flexible Police Schedule

IV.2 Harbor Conceptual Master Plan

1. Inventory historic sites in the Harbor area and encourage rehabilitation
2. Commemorate historic sites such as the Meteor Site
3. Establish an Architecture Plan for the Harbor
4. Encourage rail development for commuter and scenic routes
5. At-grade railroad crossings should be encouraged where feasible
6. Integrate a pedestrian network from town to harbor
7. Develop additional docking facilities at the Harbor
8. Keep parking areas green by using means such as pervious material
9. New parking structures, if used, should be compatible with adjacent structures
10. Incorporate traffic calming features to slow traffic in the Historic Core
11. Maintain the harbor as a multi-modal transportation hub
12. Minimize dependence on private auto transportation
13. Preservation and restoration of the Rosenwald School
14. Enhance Jetty Maintenance
15. Create a public recreational meeting area
16. Raise the level of the channel jetty to above mean high water

IV.3 Cape Charles Community Trail Master Plan

1. Continue the trail plan in the Historic District
2. Establish major nodes and gateways around town in accordance with the trail plan
3. Establish the Fig and Randolph intersection as a roundabout
4. Create a linear park along Washington Ave
5. Improve the Bay Avenue boardwalk
6. Provide plazas on the north and south ends of Bay Avenue
7. Improve the south side of Mason Avenue with the trail
8. Restore the Peach Street Corridor
9. Improve Central Park as part of the trail
10. Create a harbor linkage with the trail
11. Strawberry Street Pedestrian Way
12. North End Beach access and protection

IV.4 Master Tree Plan

1. Design a planting plan for the future
2. Create a long term and short term funding plan
3. Provide an update of the Tree Inventory every five years
4. Improve landscapes and streetscapes

IV.5 Current Comprehensive Plan

1. Promote water and energy conservation
2. Work to eliminate substandard housing in Town
3. Work with non-profits to aid property owners who cannot repair their homes
4. Prepare and maintain a rolling 5 year CIP

Section V - Appendices

- V.1 Preservation Plan for the Town of Cape Charles (1996)**
- V.2 2020 Transportation Plan (1999)**
- V.3 Historic District Guidelines (December 2001)**
- V.4 Master Tree Plan (2006)**
- V.5 Accessory Unit Study (July 2006)**
- V.6 Sidewalk and Curb Assessment (July 2006)**
- V.7 Harbor Area Conceptual Master Plan & Design Guidelines (August 4, 2006) [*Historic Harbor Architectural Guidelines will go here once completed*]**
- V.8 Public Workshop – Vision for the Future (September 19, 2006)**
- V.9 Land Use Policy Framework – Guiding Decisions for Coming Decades (November 9, 2006)**
- V.10 Cape Charles Comprehensive Plan Draft Existing Conditions (May 25, 2007)**
- V.11 Cape Charles Comprehensive Plan Update – Draft Land Use, Community Design & Future Development Chapter (May 25, 2007)**
- V.12 Cape Charles Community Trail Master Plan (October 1, 2007)**
- V.13 Water and Wastewater Utility Plan (November 2008)**